Uncovering Latino Sex Trafficking in a New Destination Area: A Case Study

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DEDICATION

To those whose stories have been ‘recognized,’ those whose stories have not, and those who do not need them to be.

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ABSTRACT

The phenomenon of sex trafficking has gained significant public attention in the past few decades. The *Trafficking Victims Protection Act of 2000* was passed by the United States' Congress to provide increased federal penalties and victim services to address what was perceived as a growing social and crime problem. Research has shown that law informs the way that sex trafficking is dealt with in the criminal justice and social service systems and the ways that the crime, victims, and offenders are constructed in these processes. We know very little about how sex trafficking works on the ground in specific cases, specifically in regards to Latino sex trafficking. This research addresses these issues by examining how sex traffickers, victims, legal actors, and other stakeholders conceptualize sex trafficking and construct it as a social problem; how Latino sex trafficking is investigated and prosecuted; and how Latino sex trafficking is connected to the vulnerabilities of Latina women.

The federal prosecution of a Latino sex trafficking case in East Tennessee provided the opportunity for a multi-method case study of a specific Latino sex trafficking network operating in new (immigrant) destination areas. Data for this project was collected through direct observations, interviews with 12 legal and social service actors, and secondary data analysis of legal records. Findings from this research suggest the concepts of force, fraud, coercion, and agency are central to constructing sex trafficking, with the law recognizing only specific definitions of these concepts. The variability in the ways that victims, offenders, legal and social service actors conceptualize the victimization involved in sex trafficking highlight the constructed nature of the concepts of force, fraud, coercion, and agency. Further, law and strict legal definitions regarding sex trafficking constrain the recognition of the variability of victim experiences, specifically those of undocumented immigrant victims. Finally, legal actors'

construction of the crime of sex trafficking and victimhood influence case processing, the representation of victims and crime in court, case outcomes, and services available to victims. As a result of these findings, policy recommendations and directions for future research are suggested.

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CHAPTER 1- INTRODUCTION

In early January 2011, a Latina woman named Sonia[1] walked into a Metropolitan Nashville Police Department precinct to report her victimization at the hands of a network of Latino sex traffickers. She stepped forward after meeting a man who wanted to marry her and encouraged her to tell the police about her trafficking and experiences in the prostitution business (*Doc. No. 112-1*). Upon learning about her experiences, the Metropolitan Nashville Police Department reached out to the Federal Bureau of Investigation to report the crimes against Sonia (*Doc. No. 122-1*). On January 13, 2011, Sonia was interviewed by a federal law enforcement official to give a statement about her victimization and trafficking experience (*Doc. No. 112-1*).[2]

She stated that she had entered the United States from Mexico without documentation to find work. Upon entering the United States, she traveled to Memphis, Tennessee where she found work in a restaurant. There, a woman she encountered offered to help her find more lucrative work to send larger remittances home to support her three children in Mexico, one of whom had significant medical issues. The woman offered to drive Sonia to a job she had found for her as a maid in motel in Birmingham, Alabama. Once Sonia accepted the offer, the woman drove her to a Birmingham motel and gave her makeup and a box of condoms when they arrived. After being told to wait in a room for clients to arrive, Sonia realized that she had been brought there to work as a prostitute and told the women that she was unwilling to do this kind of work (*Doc. No 112-1*).

[1] Name has been changed to protect identity. The names of all victims in this case have been changed to also protect their identities.
[2] References for all legal publications, statutes, legislation, and legal documents can be found in Appendix C.

In response to Sonia's refusal, the woman intimidated her by threatening to expose her undocumented immigrant status and hurt her children if she did not work for her. The woman punctuated her threat by presenting Sonia with a picture of her own children. To protect her children, she submitted to sexual intercourse with several men that night[3] (*Doc. No. 112-1*). She continued to be prostituted for more than three years after being sold by her initial trafficker to other handlers.[4] While under their control, she was moved weekly throughout a large loosely-affiliated Latino trafficking network spanning Alabama, Georgia, and Tennessee to service as many as 30 men daily (*Doc. No. 112-1*).

Sonia's experiences are indicative of migration patterns in new destination areas in the South where coercion and commercial sex enterprises intersect with new categories of victims and perpetrators and efforts by law enforcement, legal actors, and social service actors to employ the law to define and respond to sexual harm. This dissertation is a case study of the investigation and prosecution of nine Latino sex traffickers, many of whom had been involved in the victimization of Sonia. They operated prostitution businesses in new destination areas throughout East and Middle Tennessee and Middle Kentucky. This case study is an exemplar case of how law constrains the recognition of certain types of harm and victims along with how these legal constraints affect criminal case processing, case outcomes, and services available to victims.

[3] Another law enforcement affidavit included additional details regarding Sonia's initial trafficking. In this statement, there were two men who met Sonia and the woman in Birmingham. These men assisted the woman in confiscating Sonia's identification, cash, and cell phone and threatening Sonia (*Doc. No. 104-1*), thus two versions of Sonia's story were recorded in official documents. The silencing of Sonia and the victims in this case, through their stories only being presented to the court in the writings of others and their physical absence in the prosecution, will be discussed later in further detail in Chapter 5.

[4] This is the term used throughout the investigation and prosecution to refer to those who 'handle' prostitutes (more commonly known as pimps).

As this dissertation will highlight, the social problem of sex trafficking has also been defined as a specific type of crime problem, which has shaped and constrained the way it is handled under the law. The concepts of force, fraud, coercion, and agency are at the center of the construction of the crime of sex trafficking, with the law recognizing only specific definitions of these concepts. Yet, the variability in the ways that victims, offenders, legal and social service actors define victimization involved in sex trafficking highlights the constructed nature of the concepts of force, fraud, coercion, and agency. Next, I begin the examination of these issues and answering my secondary research question of how Latino sex trafficking is investigated and prosecuted in this specific criminal case.

Case Investigation

Shortly before Sonia stepped forward, the Federal Bureau of Investigation received information concerning "alien handlers [who operated] a loosely affiliated network of prostitutes" in Morristown, Johnson City, and Knoxville, Tennessee, in part from information from confidential informants in the area (*Doc. No. 112-1*, p. 2). The combination of the information gathered from these confidential informants and Sonia led to a federal law enforcement investigation of nine Latino sex traffickers operating prostitution businesses and trafficking undocumented immigrant Latina women throughout East and Middle Tennessee and Middle Kentucky for the purposes of prostitution. The subsequent criminal prosecution of the nine traffickers was the first federal case of its kind to be tried in the Eastern District of Tennessee's Northeastern Division.

Sonia and other Latino confidential informants were key to this investigation. In her debriefings with the Federal Bureau of Investigation, Sonia provided detailed information on the handlers and prostitution businesses she had worked for during her more than three years in prostitution. Based on information gathered from physical surveillance, local law enforcement operations, and the statements of Sonia and the other confidential informants, federal law enforcement centered their investigation on nine handlers operating eight brothels and prostitution delivery businesses in Morristown, Knoxville, Goodlettsville, and Madison, Tennessee, and Louisville, Kentucky.

During the investigation, law enforcement determined that Rubio Trinidad Narciso and his romantic partner Rosa Garcia Menendez operated two brothels in Morristown, Tennessee and employed Raymundo Sanchez Torres to assist in transporting the women working for them. Two competing prostitution business were operated in Knoxville, Tennessee. There, Elda Dorali Moreno Ramirez maintained a brothel and Reyna Rodriguez Rios ran a delivery service employing Elda's former driver Eusebio Flores Martinez. Freddy Lopez Torres operated two brothels, one in Goodlettsville, Tennessee and one in Madison, Tennessee. Finally, in Louisville, Kentucky, Obdulio Comacho Morales and his romantic partner Esthela Silfa Vasquez operated two brothels[5] (*Doc. No. 112-1; Doc. No 98-1; Doc. No. 102-1; Doc. No. 110-1; Doc. No. 121-1; Doc. No. 122-1; Doc. No. 108-1; Doc. No. 115-1; Doc. No. 116-1; Doc. No. 106-1; Doc. No.*

[5] Most individuals involved in prostitution and trafficking in the Latino community went by nicknames. For the sake of clarity, they will be referred to throughout this project by their legal names.
For informational purposes though, below are the nicknames used by the nine traffickers in this case-
Rosa Garcia Menendez went by the name Carmensita or 'La Flacca' which means 'the skinny one'; Rubio Trinidad Narciso was known as Jose Rubio; Elda Dorali Moreno Ramirez was known as Edith; Reyna Rodriguez Rios was known was Areli/Aracelli; Freddy Lopez Torres went by the name Julian; Obdulio Comacho Morales was known as Yuyo; and Esthela Silfa Vasquez went by Juli (*Doc. No. 121-1; Doc. No. 115-1*).

104-1). These handlers were all familiar acquaintances[6] who traded women within this small network of brothels and other associated brothels throughout the eastern United States.[7]

Federal investigation utilized five confidential informants (including Sonia) to gather evidence on the criminal conspiracy and operation of the trafficking and prostitution network. The statements made by the confidential informants about the operation of the network highlighted the coercive means used to traffic women and covertly transport them within the network. For example, one male informant stated that he had learned about Rubio Trinidad Narciso's prostitution business from his friends who frequented it. According to this informant, most of the Latina women prostituted in the network had been deceived into migrating to work in prostitution as they believed they would be working in other employment opportunities or forcibly prostituted to pay off smuggling debts. He stated that Rubio charged $30 for fifteen minutes with the women who worked for him Monday through Saturday. They worked servicing men after the traditional work day ends until early morning. Rubio and the other handlers traded women weekly on Sunday to ensure a variety of women in their brothels within their network (*Doc. No. 112-1*).

Sonia's statements corroborated the information regarding the price of sexual services, weekly rotation schedule, and the coercive and exploitive relationships between many handlers and women they prostitute. She claimed the women are not given any part of payment for their services, but live on gratuities given to them by customers which vary between ten and fifty dollars (*Doc. No. 116-1*). She also claimed that handlers referred to as 'padrotes' use intimidation, threats, and/or force to get women into prostitution and maintain control over the

[6] Two sets of romantic partners were involved in this prostitution network and each couple operated brothel(s) jointly.
[7] See Appendix F for a graphic representation of the relationships between various actors in the trafficking network. Appendix G contains a map of the city locations of the brothels within the trafficking network.

payments for the women's work, while other handlers work with women who have voluntarily entered prostitution and arrange monetary agreements with them. In addition, she stated that the network only served the Latino ethnic community and the brothel and outcall[8] prostitution businesses were marketed through fake business cards left at placed frequented by Latino men and customer recommendations (*Doc. No. 112-1, Doc. No. 116-1*).[9]

To build upon the information provided in the statements of the confidential informants, federal law enforcement, with the assistance of local law enforcement, employed numerous investigative techniques to gather additional evidence of sex trafficking and prostitution businesses in the area. The law enforcement investigation relied upon physical surveillance, trash pulls,[10] residential 'knock and talk' interviews,[11] telephone pen register/trap and trace orders,[12] state Department of Motor Vehicle information database checks, vehicle tracking devices, pre-textual traffic stops, and search warrants to produce evidence to support a probable cause claim for a federal criminal indictment.[13]

Many of the confidential informants used in this investigation, Sonia in particular, went undercover as prospective handlers or prostitutes looking to join the network to provide audio and/or visual recordings of the statements and actions of the offenders (*Doc. No. 98-1*). Through physical surveillance of the suspects and their interactions with the confidential informants, pen registers, and the use of vehicle tracking devices, law enforcement was able to document the handlers' interstate and local transportation of women for the purposes of prostitution and the

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[8] In this type of prostitution business, services are rendered at a customer's residence or a place of their choosing.
[9] Appendix H contains a map of the delivery area serviced by a prostitution business related to the case. This representation highlights the significant land area covered by a single prostitution business.
[10] By using this law enforcement investigative technique, officers can collect evidence from trash left on the curb as it is legal to search without a warrant.
[11] In these information gathering scenarios, officers approach a residence, knock on the door, and request to speak to those inside.
[12] These orders allow for the recording of the phone numbers of incoming and outgoing phone calls.
[13] For a detailed chronology of the criminal investigation, see Appendix D.

communication between them in furtherance of their crimes (*Doc. No. 122-1*; *Doc. No. 108-1*; *Doc. No. 102-1; Doc. No. 112-1; Doc. No. 110-1*). As the handlers were known only by their nicknames, law enforcement conducted pre-textual traffic stops, a 'knock and talk' at a suspected brothel, and checks of state vehicle records to determine the handlers' true identities and residence information. In addition, law enforcement also used trash pulls to gather evidence of prostitution (condoms, other sexual items, ledgers, and other documents) from the suspected brothels. The evidence from these investigative techniques was used to construct law enforcement's case against the sex trafficking network and formed the basis for the affidavits required for the search warrant applications of the handlers' brothels (*Doc. No. 122-1*; *Doc. No. 108-1*; *Doc. No. 102-1; Doc. No. 98-1; Doc. No. 104-1; Doc. No. 110-1*).

In their affidavits, federal law enforcement officers argued that the findings from their investigations provided enough evidence for probable cause to charge the handlers with a number of federal crimes related to criminal conspiracy, interstate transportation for the purposes of prostitution, operation of brothels using undocumented immigrants, forced labor, trafficking for forced labor, transportation and harboring of undocumented immigrants, money laundering, crimes involving false identification, and drug trafficking (*Doc. No. 112-1; Doc. No 98-1; Doc. No. 102-1; Doc. No. 110-1; Doc. No. 121-1; Doc. No. 122-1; Doc. No. 108-1; Doc. No. 115-1; Doc. No. 116-1; Doc. No. 106-1; Doc. No. 104-1*). The investigation culminated with the searches of the eight suspected brothels almost simultaneously on May 4, 2011 to gather evidence of any items pertaining to the maintenance of a brothel and prostitution business.[14] Law enforcement was searching for evidence such as identification documents, mail, receipts, customer lists, bank records, cell phones, computers, electronic storage devices, business cards,

[14] Again for further detail, see Appendix D.

tokens, weapons, contraband, and US currency (*Doc. No. 110-1; Doc. No. 121-1; Doc. No. 122-1; Doc. No. 108-1; Doc. No. 115-1; Doc. No. 116-1; Doc. No. 106-1; Doc. No. 104-1*).

The searches of the brothels and residences recovered significant amounts of evidence that the handlers in this trafficking network were engaged in the prostitution of undocumented immigrant women, including a number of victims who were found in the brothels during the searches. Law enforcement seized dozens of cell phones, several journals and notebooks, ledgers, numerous money order and money transfer receipts, condoms, sexual items, credit cards, laptops, business cards, cameras, video cameras, a large number of identification documents, bank statements, tokens used to track the number of sexual services sold, and large amounts of cash (*Doc. No. 110-1; Doc. No. 121-1; Doc. No. 122-1; Doc. No. 108-1; Doc. No. 115-1; Doc. No. 116-1; Doc. No. 106-1; Doc. No. 104-1*).

The evidence regarding the handlers' criminal conspiracy to traffic undocumented immigrant women for prostitution gathered throughout the law enforcement investigation was used as the basis for a thirteen count federal criminal indictment against the nine Latino handlers. Upon the arrests of all of the nine handlers, the federal prosecutor assigned to the case began the criminal case prosecuting them as defendants accused of a crime. The next section analyzes these legal proceedings to examine the constraining effects of law and legal definitions on case processing, the treatment of victims, and the ways offenders and legal actors constructed the crimes being prosecuted in this case.

Legal Proceedings

On May 3, 2011, a sealed thirteen count grand jury indictment was returned in the United States District Court for the Eastern District of Tennessee's Northeastern Division against the nine handlers involved in this prostitution network- Reyna Rodriguez Rios, Eusebio Flores Martinez, Rosa Garcia Menendez, Obdulio Comacho Morales, Rubio Trinidad Narciso, Elda Dorali Moreno Ramirez, Raymundo Sanchez Torres, Freddy Lopez Torres, and Esthela Silfa Vasquez (see Table 1 below).

Table 1: Grand Jury Indictment[15]

Count	Charge	Defendants Indicted
Count 1	Conspiracy to Transport Prostitutes in Interstate Commerce	All
Count 2	Conspiracy to Induce Interstate Travel for Prostitution	All
Count 3	Conspiracy to Operate Brothel with Illegal Aliens	All
Count 4	Inducing Travel to Engage in Prostitution	Reyna Rodriguez Rios
Count 5	Transporting Individual in Interstate Commerce for Prostitution	Eusebio Flores Martinez
Count 6	Inducing Travel to Engage in Prostitution	Rosa Garcia Menendez
Count 7	Inducing Travel to Engage in Prostitution	Obdulio Comacho Morales
Count 8	Inducing Travel to Engage in Prostitution	Rubio Trinidad Narciso
Count 9	Transporting Individual in Interstate Commerce for Prostitution	Elda Dorali Moreno Ramirez
Count 10	Inducing Travel to Engage in Prostitution	Freddy Lopez Torres
Count 11	Inducing Travel to Engage in Prostitution	Esthela Silfa Vasquez
Count 12	Conspiracy to Transport Illegal Aliens	All
Count 13	Conspiracy to Harbor Illegal Aliens	All

[15] Taken from *Doc. No. 118*.

The indictment alleged that the defendants "knowingly and willfully conspired and agreed with each other, and other persons known and unknown…to commit offenses against the United States"[16] and additional violations of 18 U.S.C. § 2421, 2422(a), and 2424, 18 U.S.C. § 371, and 8 U.S.C. § 1324(a)(1)(A)(ii-iii)[17] (*Doc. No. 7*, p. 1). A superseding indictment was filed on July 6, 2011 alleging additional "overt acts in furtherance of the conspiracy" not included in the initial indictment (*Doc. No. 118*, p. 5). The individual cases against all nine defendants were consolidated under one case number and transferred to the Eastern District Court of Tennessee for prosecution (*Doc. No. 5; Doc. No. 117*).

The defendants were prosecuted under sections of Title 18 of the US Code in Chapter 177 titled *Transportation for Illegal Sexual Activity and Related Crimes* (commonly known as the *Mann Act*) and related immigration and conspiracy violations.[18] There are two main pieces of federal legislation with which to try trafficking cases in federal courts- the *Mann Act* (1910) and the *Trafficking Victims Protection Act of 2000* (*TVPA*) (Cianciarulo, 2008). The choice of whether to try cases under the older *Mann Act* legislation or the newer *TVPA* has significant impacts on the length of sentences available to punish offenders, the treatment of victims and services available to them, and the potential to construct the criminal offenses as prostitution in legal arguments. The specific ramifications of this choice and the ability for the crimes in this

[16] Under 18 U.S.C. § 371.
[17] 18 U.S.C. § 2421 prohibits transporting (or an attempt to) an individual for prostitution or criminal sex act.
18 U.S.C. § 2422(a) prohibits persuading, inducing, enticing, or coercing an individual to travel in interstate commerce for purposes of prostitution or criminal sex act.
18 U.S.C. § 2424 criminalizes not informing the Commissioner of Immigration and Naturalization about aliens working in brothel for commercial sex.
18 U.S.C. § 371 prohibits conspiring to commit offense against or defraud the federal government and committing an act to further the conspiracy.
8 U.S.C. § 1324(a)(1)(A)(ii-iii) prohibits transporting, attempting to transport, or moving aliens and concealing, harboring, or shielding from detection (or an attempt to) any alien.
[18] As Nelson (2002) highlights, the congressional "power to regulate interstate and foreign commerce" is the basis for the federal regulations regarding interstate prostitution and sex trafficking (p. 571).

case to be recognized under the *TVPA* will be discussed throughout this dissertation to expand our understanding of the effects of the constraints law and legal constructs on the treatment of specific individuals involved in Latino sex trafficking networks.

Both pieces of federal legislation under which trafficking cases can be tried have been influenced by concerns over the proliferation of sexual slavery in the United States.[19] The *Mann Act* was passed on June 25, 1910 under the title, *The White Slave Traffic Act.* Progressive Era reformers pushed for the creation of the bill to criminalize transporting women for prostitution, debauchery, or other immoral reasons. They believed this legislation would help combat commercial vice organizations and what they considered a growing 'white slave trade' (Beckman, 1984). In the late 1990s, the sexual slavery debate reemerged in national prominence, which led to the modern federal legislation known as the *Trafficking Victims Protection Act of 2000* (*TVPA*). The *TVPA* includes more punitive sentencing opportunities and provides assistance to victims not available under the *Mann Act*. Yet, the *TVPA*'s strict definition of 'severe forms of trafficking' requiring the existence of force, fraud, or coercion in trafficking to activate many victim services and protections has been critiqued as overly restrictive and inadequate in its practicality for many sex trafficking cases (Raymond, 2013; Neuwirth, 2008; Chapkis, 2005).

For this case involving the nine handlers, *United States v. Reyna Rodriguez Rios et al.*, the federal prosecutor stated that the evidence did not meet the criteria set forward in the Department of Justice guidelines for trying federal cases under the *TVPA.* As a result and in order to punish the offenders and secure a prosecution, the case was tried under the *Mann Act*, despite its small punitive allowances and lack of associated victim services. As will be shown

[19] This issue will be discussed in further detail in Chapter 4.

throughout this research, the strict definition of 'severe forms of trafficking' involving force, fraud, and coercion under the *TVPA* brackets the crime of 'severe forms of trafficking' from prostitution and non-criminal sex trafficking. Despite its goal to protect victims of trafficking, the *TVPA* provides additional victim services and immigration visa assistance only to victims of 'severe forms of trafficking' who can prove their victimization to the US Citizenship and Immigration Service or have been certified as a victim by the US Department of Health and Human Services. A victim's ability to gain these protections is conditional their assistance to law enforcement and the prosecution of their trafficker(s) (Rieger, 2007; Cianciarulo, 2008).

Trying the case under the *Mann Act* limited the legal protections and services available to victims in this case and left a space for the defense attorneys and offenders to construct the crime in terms of prostitution and illegal immigration. The victims were not afforded the status of a victim of a 'severe form of trafficking.' Thus, as the prosecutor stated, the case was not "sex trafficking in the newer sense of the word." The line between sex trafficking and prostitution becomes blurred when using the *Mann Act* as it refers to crimes related to prostitution and not trafficking. As many of the debates surrounding sex trafficking center on a differentiation between prostitution and sex trafficking based on the use of force, coercion, and agency, the use of the *Mann Act* allows for the denial of victim status to victims in cases where the use of physical force, fraud, or coercion cannot be proven. The failure to acknowledge the variety of forms of non-physical force, fraud, and coercion under the law further constrains the recognition of crimes against trafficked women as methods of trafficking.

One way to see the importance of these issues and the malleability of concepts of force, fraud, and coercion is to give attention to the role of sentence enhancements in this criminal case. The prosecutor used specific legal strategies to increase the sentences of the defendants in this

case because of the lower sentence ranges of the *Mann Act*, her assertions of the seriousness of the case, and the decision of the defendants to plead guilty to only a fraction of the charges against them (See Table 2 below).

Table 2: Defendant Plea Agreements[20]

Defendant	**Guilty Pleas**	**Offense**
Freddy Lopez Torres	Count 2, Count 10	Conspiracy to Induce Interstate Travel for Prostitution; Inducing Travel to Engage in Prostitution
Eusebio Flores Martinez	Count 2, Count 5	Conspiracy to Induce Interstate Travel for Prostitution; Transporting Individual in Interstate Commerce for Prostitution
Rosa Garcia Menendez	Count 6	Inducing Travel to Engage in Prostitution
Obdulio Comacho Morales	Count 2, Count 7	Conspiracy to Induce Interstate Travel for Prostitution; Inducing Travel to Engage in Prostitution
Rubio Trinidad Narciso	Count 2, Count 8	Conspiracy to Induce Interstate Travel for Prostitution; Inducing Travel to Engage in Prostitution
Elda Dorali Moreno Ramirez	Count 2, Count 9	Conspiracy to Induce Interstate Travel for Prostitution; Transporting Individual in Interstate Commerce for Prostitution
Reyna Rodriguez Rios	Count 1, Count 2	Conspiracy to Transport Prostitutes in Interstate Commerce; Conspiracy to Induce Interstate Travel for Prostitution
Raymundo Sanchez Torres	Count 13	Conspiracy to Harbor Illegal Aliens
Esthela Silfa Vasquez	Count 2, Count 11	Conspiracy to Induce Interstate Travel for Prostitution; Inducing Travel to Engage in Prostitution

Thus, to negotiate the constraints of law, insulate the case from legal arguments, and increase the overall offense levels of the defendants, the prosecutor included a section in many of the defendants' plea agreements that they agreed to facts necessary for certain sentence enhancements. By signing the plea agreements, many of the defendants legally agreed to be subject to sentence enhancements for using coercion in their offenses, being in a leadership role

[20] Taken from *Doc. No. 129; Doc. No. 132; Doc. No. 135; Doc. No. 141; Doc. No. 152; Doc. No. 153; Doc. No. 169; Doc. No. 179; Doc. No. 182*.

in the commission of a crime, and for being involved in crimes involving more than ten victims. Now, the US Probation Office could use these enhancements in calculating the defendants' overall offense levels and the prosecutor could overcome objections to their inclusion at the sentencing hearings.[21] At the culmination of the case, all of the defendants were sentenced to terms of incarceration for their involvement in this case. (See Table 3 below).

Table 3- Case Sentencing Outcomes

Defendant	**Sentence of Incarceration (in months)**	**Release Date[22]**
Freddy Lopez Torres	50	12/18/2014
Eusebio Flores Martinez	46	9/17/2014
Rosa Garcia Menendez	14	5/4/2012
Obdulio Comacho Morales	50	Could not be located
Rubio Trinidad Narciso	64	12/24/2015
Elda Dorali Moreno Ramirez	16	6/29/2012
Reyna Rodriguez Rios	33	9/26/2013
Raymundo Sanchez Torres	24	1/28/2013
Esthela Silfa Vasquez	50	12/17/2015

Research Questions, Method, and Theoretical Perspectives

Research Methodology

My central goal for this dissertation study was to determine how sex traffickers, victims, legal actors, and other stakeholders conceptualize sex trafficking and construct it as a social problem. The secondary research questions for this project also sought to examine how Latino sex trafficking is investigated and prosecuted in addition to how Latino sex trafficking is

[21] See Appendix E for a detailed analysis of the legal arguments and use of sentence enhancements in this criminal case.
[22] Obtained from Federal Bureau of Prisons website's Inmate Locator on June 14, 2014.

connected to the vulnerabilities of Latina women. The fact that the criminal case under study in this project was tried in Eastern Tennessee, near my home, afforded me the opportunity to research the emerging crime of Latino sex trafficking in new destination areas and how local actors are responding to this phenomenon.

I believe a multi-method approach was both necessary for this research project and strengthened it as triangulation of various data sources allow for a 'thicker' description of the phenomenon of Latino sex trafficking and the case under study. As Silverman (1993) asserts, triangulation allows for the examination of the situated nature of stories. Qualitative triangulation can also be used to explore the variety of viewpoints and conceptualizations surrounding a topic (Seale, 1999). For these reasons, I chose to include direct observations, stakeholder interviews, and secondary data analysis in this case study. These varied methods provided me the opportunity to examine how victims, offenders, along with legal and social service actors construct the crime of sex trafficking and the circumstances of this case while operating within the constraints of law. I conducted field research to gather observation data at a local training session on addressing the crime of human trafficking, and court hearings. I also employed a semi-structured interview methodology to obtain data from legal and social service actors regarding their role in dealing with sex trafficking, the issues they face in dealing with the crime, and their constructions of sex trafficking and the criminal case under study.

Examining how legal actors construct and conceptualize sex trafficking is of importance as they hold the power to determine punishment and justice in criminal proceedings. How these actors operate within the confines of law and legal definitions is also of interest to this case, along with how these constraints influence their constructions. I also seek to highlight the role of social service actors in the creation and maintenance of the social construction of sex trafficking.

Social service actors operate within both the confines of the legal system and the dominant discourse on trafficking and undocumented immigration to assist victims and migrants, which influences the amount and type of assistance they are able to provide. Finally, I analyzed court records to gather data on the criminal investigation and prosecution of the sex trafficking network under study.

Each of these methods provided a different, invaluable set of data on Latino sex trafficking, the social construction of sex trafficking, and the criminal case under study. I sought to not only observe the actions and interactions between legal actors and the defendants within the context of the legal system, but also to gather data on these individuals' social constructions of the crime and those involved. In order to get a fuller picture and thick description of the case and how sex trafficking is socially constructed, no single research methodology would have provided more than a glimpse into this case of sex trafficking. In the words of Price-Glynn (2010), "each [method] provided a way of seeing and not seeing" (p. 26). I wanted to supplement observations with data that was not easily observable, thus I felt the need to gather interview data regarding legal and social service actors' social constructions of sex trafficking. By gathering this data and being able to triangulate it with observation data, I can contextualize actions and stories.

Theoretical Perspectives

This study is informed by a number of criminological and sociological theoretical perspectives, but draws most significantly from social constructionism. Additional components of the theoretical perspectives of feminist theory and socio-legal stories are drawn upon in this project. While these perspectives may not seem interrelated at first glance, each contributes

significantly to understanding the issues surrounding the social construction of sex trafficking and how gender, prostitution, and victimhood are conceived of in dominant discourse and socio-legal contexts. As a gendered crime involving predominantly female victims, constructions of sex trafficking are shaped by the discourses that surround sex acts, those involved in commercial sex, and gender relations. Thus, my project falls squarely within the framework of the study of gender and crime, expanded into a gendered study of crime and migration. As this research is at its core a sociological case study of a criminal case, it also aligns with the law and society paradigm to concentrate on the convergence of gender, crime, and law.

The case under study in this project, like many arguments surrounding sex trafficking and prostitution, is centered on the ideas of choice, agency, coercion, and force. These complex concepts are the crux of the study of prostitution and sex crimes, but are often characterized in simplistic dichotomous terms. I maintain that this case highlights the complex nature of power, agency, and choice as the actions of Latina migrant women are informed and shaped by a number of factors which complicate dichotomous assumptions of agency and choice. This work will build upon on Agustín's (2007) assertions that global dynamics inform and complicate migrant women's choices and search for employment, particularly in prostitution.

A critical feminist lens aimed at uncovering the intricate factors affecting choice, agency, and the use of force, fraud, and coercion for both the offenders and victims in this crime is needed. Without delving into these issues, I would not be doing the case justice. In order to further our understanding of sex trafficking, we must abandon the ideological constraints placed on these issues and examine statements made by those involved in the crime and how they conceptualize their actions and choices, regardless of whether they fit with current understandings.

I also wish to highlight the effects of context on action. Individual behavior is an expression of social context. As Owen (1998) emphasizes, the context of an action is as significant to understanding it as the action itself and stories told about it. The statements of victims, offenders, and legal actors in this study were constrained by the fact they were given within the context of the criminal justice system. The criminal justice system has significant influences on how victims and offenders represent themselves, what information they share with legal actors, and how they want others to understand their situation and actions. Due to this restriction, this study does not provide a large picture of the lives the victims and offenders in this case, but does provide a glimpse into their lives within the sex trafficking network as presented in the criminal investigation and prosecution.

Cultural frames are paramount to analyzing the social construction of crime. I wish to theoretically analyze the influence of the roles and cultural frames from which actors operate on their stories and actions. All of the actors in this case operated within their own cultural frames, which were also influenced by their roles in the case. The offenders' and victims' cultural frames were influenced by their status as migrants seeking economic freedom within the constraints of gender norms, undocumented immigration status, and race. The legal actors operated from within a legal frame centered on the pursuit of punishment and justice. Yet as individuals not in the precarious position of an offender or victim, they made their decisions as cultural outsiders with their own ideological understandings. The social service actors also viewed the case as cultural outsiders with the goal of assisting those affected by crime and attaining their conception of justice.

Of particular interest in this project is the intricacies of the agency and choice exercised by the women in the case, both handler and prostitute, to bring them into commercial

prostitution. I feel that previous theoretical analyses of sex trafficking and prostitution have not fully parsed out the details of the complicated nature of choice and agency for those involved in working as prostitutes. More recently, scholars are beginning to highlight this oversight and I agree with Pearce (2010), Agustín (2007), and Matthews (2008) that the concepts of coercion, force, and agency is being conceptualized in overly simplified ways and there is more to the debate over how these concepts can be understood than is being discussed.

The *TVPA* defines the means used to criminally traffic individuals in terms of physical use of force (violence), fraud (deception), and coercion (threats of serious harm, physical restraint, making someone believe they would be subject to serious harm or restraint if they did not act, or the abuse (or threat of abuse) of the legal process).[23] Thus, throughout this dissertation when I discuss force, fraud, or coercion in reference to trafficking, these are the definitions to which I refer.[24]

I do not agree that these restrictive definitions appropriately encompass the variety of ways individuals are victimized in trafficking and agree with the feminist critiques of the restrictive definitions of force and coercion as solely involving physical harm.[25] I believe there are a variety of ways that can individual can be coerced through psychological methods and the restriction of movement and freedom, and ability to choose. I define sex trafficking similarly ways mentioned by Cameron and Newman (2008), in which individuals who consent to migration, even migration to work in prostitution, when they are deceived about the nature or

[23] Sec. 103, 22 U.S.C. 7102

[24] Throughout this dissertation, I recognize the problematic nature of legal definitions in describing behavior and acknowledging the complexity of victimization. I rely on legal terminology to highlight these issues and because it is necessary to understand the implications of law.

[25] See Chapter 2 for a fuller discussion of these critiques and a discussion of the TVPA definitions of trafficking.

circumstances of their work or are coerced, forced, or exploited into working are considered victims.

Addressing Gaps in Knowledge

As will be shown throughout this dissertation, law informs the way that sex trafficking is dealt with in the criminal justice and social service systems and the ways crime, victims, and offenders are constructed in these processes. We know very little about how sex trafficking operates on the ground in specific cases. Thus, this project seeks to address the neglect of attention in the fields of criminology and sociology regarding:

1. The lack of knowledge of on the ground conceptualizations of the problem of sex trafficking by legal and social service actors as pointed to by Hoyle, Bosworth, and Dempsey (2011).
2. How offenders and victims conceptualize what occurs in specific instances of Latino sex trafficking.
3. Specific ways that legal and social service actors are constrained by law and legal definitions in dealing with the crime of sex trafficking and undocumented immigrant sex trafficking victims, along with how these actors operate within these constraints.

This case study will move beyond current research to expand our understanding of the effects of law and dominant social constructions on criminal case processing, outcomes, and treatment of victims. As current federal legislation stands, the legal definition of 'severe forms of trafficking' places many victims in a space where they do not qualify for many federal protection and services as their cases cannot be prosecuted under the *TVPA*. Research has shown that the 'ideal' construction of trafficking victims codified in law does not represent the lived

experiences of many victims of sex trafficking nor legally recognize their victimization (Hoyle et al., 2011; O'Connell Davidson, 2010; Weitzer, 2012; Berman, 2003).

This dissertation allows for the advancement in knowledge of the following:

1. How regional Latino sex trafficking networks operate.
2. The socio-legal response to emergent Latino sex trafficking in new destination areas.
3. Specific instances of the social construction of sex trafficking as a social and crime control problem.
4. The centrality of the concepts of force, fraud, coercion, and agency in the social construction of sex trafficking.
5. The malleability of the concepts of force, fraud, coercion, and agency.
6. The specific ways victims, offenders, legal, and social service actors construct the victimization involved sex trafficking.
7. How sex trafficking of marginalized groups is conceptualized by those who have a direct impact on case processing, case outcomes, and provision of victim services.

This dissertation is arranged so that Chapter 2 provides further examination of the theoretical perspectives influencing this work. Chapter 3 describes in further detail the methodology used in this research project. Chapter 4 includes a dual analysis of the influence of dominant ideologies regarding prostitution, sexual slavery, and undocumented immigration on the creation of federal legislation criminalizing trafficking and the law's constraints on the services and protections afforded to victims as explained by social service actors. Chapter 5 and 6 analyze how victims, offenders, and legal actors construct victimization in the criminal case under study. Chapter 5 examines how conceptualizations of victimization in Latino sex trafficking are employed in the stories of the victims and offenders involved in the criminal case

under study. In Chapter 6, legal actors' constructions of the criminal case are examined along with how the malleability of legal definitions can be used to both assert and refute victimization. Chapter 7 provides the findings of this research project, its contributions to the literature, policy implications drawn from the findings, and suggestions for future research.

CHAPTER 2- THEORETICAL PERSPECTIVES: SOCIAL CONSTRUCTIONISM, FEMINIST ANALYSES, AND LEGAL STORYTELLING

This research project's central aim is to examine how sex traffickers, victims, legal actors, and other stakeholders conceptualize sex trafficking and construct it as a social problem. Thus, the social constructionist perspective within sociology and criminology is its main theoretical guide. This project draws from a number of other theoretical perspectives to complement its analysis of the social construction of sex trafficking and how legal definitions impact case processing and the treatment of victims in the criminal justice system. These complementary theoretical perspectives include elements drawn from the feminist theoretical literature and the field of socio-legal studies, which are informative for examining this project's secondary research questions which sought to determine how Latino sex trafficking is investigated and prosecuted along with how Latino sex trafficking is connected to the vulnerabilities of Latina women. These complementary perspectives also serve the additional purpose of highlighting the social construction of sexual harm against women in the context of dominant discourses and the criminal justice system.

Thus, studies of the crime of sex trafficking informed by feminist perspectives like mine offer an important opportunity to examine how constructions of crime and 'ideal victims' operate throughout the criminal justice process. In addition, this type of research can highlight how these constructions mask the complexity of victimization experiences and impact the lives of those affected by the crime and pursuits for justice. As women can exercise a measure of agency in efforts to survive and overcome oppressive circumstances in which they may find themselves, it is crucial to complicate the restrictive constructions of victimization to piece out the intricacies

of sex trafficking for use in the legal setting. Agustín (2006) calls for further research using this type of theoretical analysis of sex trafficking to examine the complex nature of victimization, agency, and self-concepts, which have not been adequately parsed out in the literature or law.

The three parts of this chapter build upon each other to examine how crime (particularly sex trafficking) and victims are conceptualized, problematized, and presented in court. The first section describes the theoretical perspective of social constructionism and the impact of social construction on criminal justice practice. The second section outlines feminist analyses and their critiques of socially constructed definitions and simplistic understandings of women's experiences and intersectional vulnerabilities. The last section highlights how legal actors define crime and victimization to build legal cases and represent their conceptualizations in court.

Social Constructionism in Theory and Criminal Justice

Social constructionism is interested in examining how human beings understand their world and the meanings created and assigned to things within that world (Loseke, 1999). The social constructionist paradigm hinges on a contention that "human beings collaborate… to come to a shared understanding of what the world is like, what is important in that world, and how to respond to what 'really' matters" (Dunn, 2010, p. 8). To come to shared understandings, we construct categories to attach meanings and direct our behavior (Quinney, 1970; Loseke, 1999). These categorizations are employed to conceptualize and make sense of the world and social interaction. In making sense of our world, we define crime, social problems, groups, and individuals in specific ways to determine what we seek to remedy in social life and how we respond to others. According to Loseke (1992), "within the complexities, heterogeneity, and

ambiguities of lived realities, events and persons do not come to us prelabeled" and thus must be interpreted and socially constructed through 'social problems work' (p. 3). While many 'problems' in the world seem to have objective characteristics, it is important to the social constructionist perspective to acknowledge they are constructed by social actors (Loseke, 1999).

Criminology

Within the field of criminology, the constructionist theoretical perspectives of Quinney (1970) and Henry and Milovanovic (1996) are particularly informative for this project. Quinney's (1970) main theoretical contention is that no action is intrinsically criminal, but crime is socially constructed in how certain behavior are defined by legal actors. These definitions, supported by official legitimation, are disseminated throughout the larger culture to inform, shape, and reinforce prevalent attitudes about crime and offenders. Dominant social constructions of crime often depend on simplified understandings of crime put forward for particular purposes and structured in specific ways. Quinney (1970) refers to way certain definitions of crime are constructed and legitimized though policy or law as *the politics of reality*.

The theoretical concept of the *politics of reality* is of importance to my project as trafficking is very specifically defined in federal anti-trafficking legislation. As mentioned in Chapter 1, the *Trafficking Victims Protection Act of 2000,* criminalizes 'severe forms of trafficking' involving force, fraud, or coercion. As will be explored in Chapter 4, this particular social construction of the criminal forms of trafficking was strategically created to serve particular interests by feminist reformers, religious groups, and government actors who all sought to codify their conceptualization of what constitutes trafficking (Warren, 2012; Raymond,

2013; Hoyle et al., 2011; Chapkis, 2003; Peach, 2011). The legal definition of the crime of 'severe forms of trafficking' as the official conceptualization of a criminal and social problem constrains how the criminal justice and social service systems respond to suspected instances of trafficking.

Extending Quinney (1970), Henry and Milovanovic's (1996) pioneering work in the theoretical paradigm of constitutive criminology problematizes the socially constructed nature of crime and meanings attributed to criminal behavior. Within this perspective, crime is discursively constructed and recursively constituted in social interaction to produce particular meanings and images. Even though crime is a socially constructed category, its social power influences individuals' behavior and understandings as if it has a concrete, objective nature. As Loseke (1999) highlights, "what we call something, the label on the category, is important" (p. 176). Socially constructed categorizations have profound impacts on how crime, victims, and offenders are perceived by the general public and institutionally.

Constructionism in Criminal Justice Practice

Research has begun to examine the role of socially constructed categorizations on the criminal justice process. These projects find the entire criminal justice system to be influenced by the social construction of crime, victims, and offenders by legal and social service actors (Stewart, Dobbin, & Gatowski, 1996; Loseke, 1992; Brock, 2009; Gaarder, Rodriguez, & Zatz, 2004; Ferraro, 2006). Feminist scholars Stewart, Dobbin, and Gatowski (1996), in their analysis of the effects of socially constructed stereotypes on sexual assault cases, find that understandings of how victims fit with the construction of 'real victims' influences their treatment by criminal justice officials and how they and their experiences are presented in court. For example,

Loseke's (1992) research on battered women's shelters highlights the impact of domestic violence shelter workers' opinions of women's victimization on the ability of victims to receive assistance. In addition, the research of Gaarder, Rodriguez, and Zatz (1994) examines the role of probation officers' opinions of juvenile females in their construction of the girls and the treatment options afforded to them.

In addition, Dunn (2010) contends that often social movements employ very particular victim constructions which can have very real impacts on victims, the larger discourse, and the social construction of crime. With respect to sex trafficking, Maeda (2011) highlights how the *Trafficking in Persons Report* issued yearly to describe the current trends in trafficking and prevention efforts evokes a very particular construction of sex trafficking. She finds that the *Report* published by the US State Department depends on "narrative and pictorial representations of trafficking victims to show them as abject, deserving of pity, and needing rescue by those who embody agency" (Maeda, 2011, p. 53). The trafficking victims are exemplified via "depictions of destitution, shame, fear, or extreme vulnerability, through downcast eyes, gestures that hide faces, or proximity to potentially threatening persons" (Maeda, 2011, p. 53). Yet, the photographs are not of actual victims, but stock photos employed to present a very particular construction of 'ideal' agentless trafficking victims (Maeda, 2011).

These research projects highlight how social constructed categorizations of behavior and victimhood are utilized institutionally and affect the treatment and portrayal of victims and offenders. As Hoyle et al. (2011) state, "the status as victim is determined, not only by the experiences of those harmed, but also by the perceptions of those who come into contact with them and have the power to affix or reject such a label" (p. 315). Thus, there is variability to the ascription of victim status. As Bergoffen, Gilbert, and Harvey (2011) highlight, there is a

"difference between being targeted as a victim and being defined as a victim" (p. 5). Ferraro (2006), in her study of female victim-perpetrators who had experienced domestic violence, theorizes that the dichotomies separating victims and offenders are not sophisticated enough to accommodate how the lived experiences of women traverse and 'blur' legal boundaries.[26]

As Miller and Holstein (1997b) state, victim descriptions work reflexively to define situationally specific meanings of victimhood. The construction of victimhood and crime by legal and social service actors creates a space in which to discredit harm stemming from actions not meeting official definitions of a crime or not corresponding to social expectations (Loseke, 1992). As will be shown in this project, there are many ways to conceptualize actions, circumstances, and individuals based on context, historical influences, and the role of individuals defining these categories. Often, the social constructions created and employed within the criminal justice system do not reflect the complexities of experience and only serve as stereotypical definitions of individuals and actions.. As O'Connell-Davidson (1998) highlights, dominant constructions of a crime are often expected to objectively represent experience but often do not, as in the case under study. As policymakers construct institutional identities, they become crystallized in legislation and broader social circulation, regardless of whether they accurately reflect lived experience (Loseke, 2007).

As will be shown in this dissertation, the self-described lived experiences of the victims in the criminal case under study did not match the legal definitions for 'severe forms of trafficking' under the *TVPA*, which had profound impacts on their treatment as victims, how the case was processed, and how their victimization was argued in court. The law constrains the

[26] While I found the language of victim and offender necessary for this project in terms of clarity on who I am speaking about, I do recognize the complicated and problematic nature of these terms. Chapters 5 and 6 specifically highlight the 'blurred lines' between victim and offender in describing the crimes which occurred in this case and the life experiences of those involved.

construction of cases and victims in specific ways and legal actors must operate within these constraints. As Loseke (1992) highlights, the use of social constructions in the criminal justice system becomes complicated "within the messiness of lived reality and within organizationally imposed limitations" and may result in "transforming heterogeneity into homogeneity" (p. 5).

As law and the criminal justice system attempt to respond to crime, target populations are constructed as the subjects of remedial and disciplinary actions (Schneider and Ingram, 1993). The social construction of specific populations can be important to the study of legislation and policy creation and its effects on case processing and treatment of those involved in or affected by crime. Naffine (1997) highlights how conceptual frameworks can be advantageous for certain groups, hence part of the reason for feminist analyses to examine accepted frameworks for the repression and exclusion of certain groups, experiences, and individuals. An important feminist project is reflexivity in the production and use of meaning.

Feminist Analytical Perspectives

This case study will examine the social construction of what constitutes criminal trafficking and who can be considered victims of that crime as a result of the legislative process and on the ground practice. As mentioned above, meaning is integral to social construction. Feminist approaches to the study of social life and human interaction can be particularly useful in the reflexive analysis of how conceptualizations of crime and those victimized by crime shape how we perceive the meaning behind criminal actions. The meanings and definitions attached to sex trafficking, a gendered crime with predominantly female victims, are shaped by discourses that surround the acts, actors, and gender relations.

Using a feminist theoretical perspective in research also allows for an examination of the complexity of women's lives, their choices (or lack thereof), how they are socially constructed as actors and victims, and the crimes committed against them. Further, it draws attention to the ways women are oppressed and vulnerable to crime, including trafficking. Importantly, the feminist perspective problematizes the dominant definitions used to describe and conceptualize crime and women's (victimization) experiences. It provides a framework for understanding how the law is limited in its recognition of women's (victimization) experiences or viewpoints.

Feminist Critiques of Restrictive Constructions of Victimization

Essential to determining what constitutes 'severe forms of trafficking' is the means through which individuals are victimized, which is centered on the concepts of choice, agency, coercion, and force. To distinguish between voluntary prostitution and criminal sex trafficking (constructed as forced prostitution), legislators determined that the criminal act of trafficking must involve means employed by the trafficker to negate the choice of individuals in engaging in prostitution (Cianciarulo, 2008). The *TVPA* defines the means used to criminally traffic individuals in terms of physical use of force (violence), fraud (deception), and coercion (threats of serious harm, physical restraint, making someone believe they would be subject to serious harm or restraint if they did not act, or the abuse (or threat of abuse) of the legal process).[27] These are particular constructions of the concepts of force, fraud, or coercion intended to limit recognition of the crime of trafficking to its most severe forms based on stereotypical understandings of the means used by traffickers.

[27] Sec. 103, 22 U.S.C. 7102

Many feminist (and legal) scholars have critiqued the legal definitions of these concepts as overly restrictive and not recognizing the multiplicity of ways force, fraud, and coercion can be exercised (Haynes, 2004; Cianciarulo, 2008; Munro, 2008; Doezema, 2002; Samarasinghe, 2008; Pollock & Hollier, 2010). They seek to have the complexity of lived experience, the variability in how these concepts can be defined, and the impact of social forces recognized in the law. As Smith (1990) highlights, the apparatus of ruling and the relations of ruling limit the way women are able to speak about their experiences. Thus, Smith (1990) called for a feminist standpoint epistemology to provide women the opportunity to speak from their perspective and recognize the intricacies of women's social lives.

For these reasons, I examined how victims and offenders (many of whom were women) conceptualized their experiences and actions, despite the imperfections in the data as the statements of victims and offenders were mediated through the written records of law enforcement personnel. Without examining the stories of victims and offenders along with the law's limitations in recognizing the complexity of victimization experiences, we can "participate in…silencing, marginalization, and control" (Brock, 2009, p. 13). The female victims in this case were silenced in a number of ways: the effects of the stigma of being involved in prostitution, a cultural reluctance to speak about sexual experiences, the mediation of their statements by law enforcement, and the presentation of their experiences in court by legal actors. Obtaining data on personal constructions of crime and experiences is central to a full understanding of criminal behavior and the criminal justice process, in addition to the stories told by legal and social service actors. These legal and social service actors' conceptualizations of the case under study and sex trafficking in general are influenced by the *politics of reality* which shape the legal

definition of crime and constrain their ability to remedy victimizations which do not fit within codified dominant constructions.

'Ideal' type victims who exercise minimal agency in their victimization is key in arguments over what it means to be a victim of sex trafficking, but victim experiences with coercion, agency, and exploitation are often much more contingent, nuanced, and problematic. In particular, Chapkis (2003) asserts that the experiences of trafficking victims "do not reduce to simple morality tales; instead, in all of their complexity, they effectively challenge easy distinctions between innocence and knowing, between mere exploitation and severe abuse" (p. 934-935). Unfortunately, the construction of 'ideal' victims perpetuates categories of 'deserving' and 'undeserving' victims (Munro, 2008). A lack of attention to the gendered cultural, social, and contextual factors which influence many women's complicated choices has limited the ability of official efforts to combat the crime of sex trafficking (Hoyle et al., 2011).

Due to the lack of 'fit' between dominant constructions of crime and the experience of many victims, several feminist scholars contest the dominant constructions of consent, coercion, and choice in popular discourse to examine how constraint (in its many manifestations) shapes an individuals' actions, how they understand their circumstances, and their capacity to act with 'free will' (Mahoney, 1994; Bletzer & Koss, 2004; Hoyle et al., 2011; Hirschmann, 1989; Cianciarulo, 2008; Ferraro, 2006). Despite assertions in the dominant discourse that individuals can act in a self-governing manner (Mahoney, 1994), many scholars draw attention to what it means to make a choice in one's life. Cianciarulo (2008) highlights how forces of economic hardships and social inequalities have significant influence over life choices and limit one's ability to consent. Hirschmann (1989) theorizes how the ability to make a choice is often contextually dependent and "deeply embedded in contexts of relationship, emotion, value, and

taught beliefs" which renders the dominant "construal of choice difficult to fit into a realistic picture of human life" (p. 1241). Thus, the contingencies which limit choice (and act coercively in individuals' lives) also constrain the ability to consent to any action.

As these theoretical insights show, legal definitions of coercion cannot recognize the number of factors influencing one's choices and ability to consent through simplistic conceptualizations. The *TVPA*'s definitions of the legally recognized means of trafficking which limit the victims ability to choose to engage in prostitution is an example of how restrictive definitions limit the official acknowledgement of the variety of ways one can be victimized by force, fraud, or coercion without physical force. As Mahoney (1994) highlights, "law especially emphasizes acts of physical violence, and this emphasis in turn hides broader patterns of social power, patterns of power in a given relationship, and complexity in the woman's life, needs, and struggles" (p. 60). In addition, by not acknowledging different manifestations of force and coercive influence, law "creates a gulf between power and force" (Estrich, 1986, p. 1112). Traffickers in particular, as research has shown, can exercise a number of psychological and financial control techniques to maintain power over their victims (Cianciarulo, 2008). Many of these methods may not meet the statutory requirements for force, fraud, or coercion under the *TVPA.*

Interestingly, language within the US Sentencing Guidelines does acknowledge the multiplicity of forms of coercion. Under U.S.S.G. § 2G1.1(b), coercion is defined as any behavior which contravenes the voluntariness of a victim's actions. As highlighted by the definition of coercion in this section of the US Sentencing Guidelines, certain section of the law acknowledge the variety of forms of coercion by codifying broad definitions. Yet, as will be shown in throughout this dissertation, the *TVPA*'s definition of trafficking is based on

stereotypical constructions of the crime and constrains the recognition of individuals victimized by traffickers in non-physical ways. Tomkinson (2012) finds that "the construction of human trafficking based on gender and racial stereotypes…denies women's agency, [and] establishes a single framework for victimhood" (p. 52). Yet, the discursive ways in which victims and offenders construct their crimes, victimization, and personal agency is also of importance. The theoretical analysis of their stories, particularly in the context of immigrant Latino sex trafficking, can allow for a criminological critique of hegemonic social constructions of sex trafficking and victims.

Hoyle et al. (2011) highlight how dominant constructions of what it means to be an agent are complicated in light of the 'push/pull' factors associated with sex trafficking. The decision of undocumented migrants to be illegally smuggled into the United States due to financial constraints, violent life histories, and the desire for a better life is often used to construct migrants who are later trafficked as criminals and agents in their own victimization. For these reasons, Luibheid (2002) calls for feminist scholarship to "examine how public discourses on sexuality legitimate the exclusion, condemnation, or acceptance of particular migrants" (p. 144).

The connection between trafficking and immigration complicates the definition of victimhood in the crime of sex trafficking and who will be recognized by law. The need to distinguish between individuals who have engaged in smuggling to cross international borders and those who have been trafficked across them for the purposes of sexual exploitation is tantamount to the Western discourse. Those who are smuggled are deemed guilty of a crime, while trafficking victims are ascribed victim status (Maeda, 2011). As Chapkis (2003) emphasizes, the *Trafficking Victims Protection Act of 2000* "works to neatly divide 'violated innocents' from 'illegal immigrants' along the line of sex and gender…the law justifies offering

protection to the former and punishment to the latter" (p. 924). Thus, the ways in which what it means to be a victim are defined can be used to disqualify an individual from legal assistance and limit the acknowledgement of the variety of ways agency can be exercised (Abrams, 1995).

Under the law and in dominant constructions, victims have become "caricatures" and not representative of victim experiences which are infinitely more complex and often contradictory (Lamb, 1999). By conceptualizing trafficking in terms of simplistic concepts, trafficking victims become seen as a discrete, distinguishable group, which is generally not the case (Tomkinson, 2012). As Lamb (1999) critiques, dominant constructions of victims seek to portray them as "pure, innocent, blameless, and free of problems" in order to contrast them with offenders as "evil monster[s]" (p. 108). Women's ability to assert a victim status in trafficking cases is often complicated by how many go on to prostitute others as a survival and protection strategy (as in this case). The fluidity of these roles challenges the construction of 'pure victims' without agency as some trafficked women go on to 'handle' other trafficked victims.

Thus, Ferraro's (2006) feminist examination of the 'complicated' lives of victimized women who exercise a measure of agency in victimizing others is particularly informative here as the socially constructed dichotomy of victim and offender may not represent trafficked women's experiences. Often trafficking victims' life experiences 'blur' legal and social constructions and the dichotomy of 'good' and 'bad' individuals (victims and offenders). This is key to understanding how victims negotiate compliance and resistance while being exploited by others; how society and the criminal justice system reproduces and perpetuates victimization; and how the boundaries between social constructions and lived actions are not always clear. Of importance to examining the constraining influences on an individual's life choices and ability to

consent in addition to how crime and victimhood is socially constructed in particular ways is the theoretical perspective of intersectionality.

Intersectionality

The theoretical concept of intersectionality was coined by Crenshaw (1989) to examine the multidimensionality of women's experiences. Feminist scholars have often sought to recognize the differences between women due to disparities in power, advantages, opportunity, and privilege (Davis, 2008). Central to feminist arguments is the subordination (and oppression) of women in social life (Collins, 1990; Daly & Chesney-Lind, 1988). Intersectionality filled that gap by acknowledging that subordination and oppression are affected by structural hierarchies. Based on the intersection of a woman's socially constructed categorizations such as race, gender, and sexual orientation, each woman occupies a specific social space of inequality (Zinn & Dill, 1994; Collins, 1990).

As Phoenix (2006) highlights, the concept of intersectionality "aims to make visible the multiple positioning that constitutes everyday life and the power relations that are central to it" (p. 187). Davis (2008) points to how intersectional analyses can be useful in examining how race, class, and gender inform women's identities and experiences. In addition, "with the additional of each category of inequality, the individual becomes more vulnerable, more marginalized, and more subordinate" (Davis, 2008, p. 71). Collins (1990) theorizes that the social categorizations of race, class, gender, age, sexual orientation, religion, and ethnicity (among others) function as "interlocking systems of oppression" in an individual's life (p. 225). The larger matrix of domination in social life serves to organize experience and inequality as they are faced in personal, local, and societal spheres.

Thus, an intersectional theoretical framework can be key to examining various social problems (Collins, 2009). A framework like is essential to draw attention to the racial, ethnic, age, and gender disparities in those who are victims of sex trafficking along with the crime's cultural underpinnings, as often prostituted individuals have little ability and chances to dispute the constructions used to describe them (Hallgrimsdottir, Phillips, & Benoit, 2006).

The intersection of gender, ethnicity, immigration status, class, and poverty in the lives of women increases their vulnerability to victimization by sex traffickers. Traffickers often recruit individuals from marginalized and impoverished populations, including many racial and ethnic minorities (Hoyle et al., 2011; Munro, 2008; Todres, 2006; Kane, 1998; Kara, 2009; Long, 2004; Samarasinghe, 2008). As will be shown in this dissertation, the traffickers in this case exploited the undocumented immigration status, desire to financially provide for their families, trust of other Latinos, and limited life options to traffic them for prostitution.

Thus, the intersectional vulnerabilities of sex trafficking victims points towards an inclusion of the intersectional and broader feminist perspective in the study of sex trafficking and this dissertation project. To further parse out these complexities, research should determine:

1. How larger social contexts and intersecting vulnerabilities influence the crime of sex trafficking.
2. How legal constructions of the concepts of force, fraud, coercion, and what it means to be an agent limit the recognition of women's intersectional vulnerabilities and victimization.
3. How these vulnerabilities and social constructions affect criminal case processing and treatment of offenders and victims.

Legal actors' constructions of sex trafficking, trafficking victims' experiences, and offenders' actions shed light on the ways legal definitions are strategically used and refuted in court and influence criminal cases.

Socio-legal Stories

Sherwin (2009) theorizes that legal actors actively contribute to the construction of meaning through purposely developing and knowingly considering their stances and producing imagery to construct their legal cases. Many legal arguments center on a dispute over what it means to be a victim and the ascription of victim status (Miller & Holstein, 1997b), including those put forward in the criminal case under study. This criminal case was argued mainly through the differing ways that victimization and victimhood were defined by defense attorneys and the prosecutor. Bennett and Feldman (1981) explain that court actors, such as prosecutors and defense attorneys, construct their own interpretations of crimes and those involved in crime to determine the relationship between actions, actors, and contexts. "Framing the story of a case is the stage of the lawyering process where the moral values of the client, the community, and the lawyer are forged in to a conception of justice" (Hurder, 2002, p. 177). When lawyer and client first meet, they create a coherent and compelling construction of the case, which may be influenced by the client's (cultural) representation of the crime (Donato, 2011). Donovan and Barnes-Brus (2011) conceptualize "courtroom stories as a vantage point from which to analyze both the verbal tactics used in the courtroom and the overarching cultural frameworks that give those tactics meaning and social force" (p. 604). Attorneys use their stories to create particular

constructions of the crime and those involved in ways beneficial to their client and use uncertainty and ambiguity to plant legal doubts and win their case (McCaul, 2011).

Thus, legal stories presented in court are created by legal actors and their clients to highlight key legal issues and social constructions in support of their argument. Due to the adversarial nature of the legal system in the United States, there two constructions of the crime in question presented to the court by opposing sides and the most persuasive version will prevail (Kadoch, 2001). The criminal justice system informs the stories told within its boundaries to construct crimes and victimization experiences as they are subject to the "ways that institutional conventions constrain, promote, and otherwise shape the conversations, stories, and related selves that emerge under institutional auspices" (Holstein and Gubrium, 2000, p. 156). Thus, there is a "situated nature" to stories (Gubrium & Holstein, 2009, p. 11), which is especially apparent within the context of the criminal justice system. Institutional context shapes the presentation of self and stories, which is especially important to socio-legal studies of criminal investigations and prosecutions. As Gubrium and Holstein (2009) state-

> An account may be formulated in a particular way for one audience, and notable altered for another. Practical purposes come into play. Bracketing the hows of narrative work helps reveal the contingent understandings and communicative conditions of storytelling- or the whats of narrative terrain. This is the situational terrain (p. 32).

As such, a case presented in court is constructed in "a world of representational strategies, socially mediated knowledge production, and truth claims" (Warren, 2012, p. 119). Institutional actors draw from their own systemic functions, positions, interests, and dominant discourses to construct their interpretations of crime and legal stories (Miller, 1997). In addition, suspects, defendants, and victims have their own moral goals which influence their stories as means of self-representation. Their stories represent the understandings and meanings they give to their actions in response to larger socio-historical backgrounds (Riessman, 1993). This follows

Goffman's (1959) conception of the staged self, which describes how actors consider the circumstances of their interactions in how they present themselves and the impressions they wish to make. Bumiller (1988) brings this theoretical argument into the context of the criminal justice system by pointing to how legal settings, including court, informs how individuals represent themselves, their roles, and level of involvement in a crime. Individuals telling stories in institutional settings may also be aware of how to tell the 'right' story to achieve their desired outcome (Loseke, 2007).

During the course of the investigation, many of the offenders in this case were surreptitiously recorded by undercover confidential informants. Thus, their statements to these informants were not constrained in this instance by how they wished to be viewed by the criminal justice system, but were given within a context of an ongoing criminal enterprise and how they wished to be perceived in those situations. In comparing stories the offenders told to undercover informants and those made to law enforcement, their attorneys, and the court, the ways they constructed their actions and the actions of others involved in the case varied significantly according to the work they aimed to accomplish. As Loseke (2007) highlights, "modern social actors in plural and heterogeneous social environments often tell their stories to different audiences for very different reasons (p. 675).

Looking Forward

As shown throughout this chapter, crime, criminal behavior, the ascription of victim status, and the responses of individuals to them is socially constructed. This fact lies at the heart of this dissertation project as it seeks to determine how sex trafficking is conceptualized by those

involved and those who deal with the crime in the legal and social services systems. The ways these actors' conceptualize the crime under study and those involved has significant impacts on case processing, case outcome, and provision of services to victims. This, coupled with the constraining nature of laws and legal definitions, again highlight the importance of social construction within the criminal justice system and its impact on how cases and victims are handled, particularly sex crimes against women.

The next chapter details the methodology used to gather the data used in this dissertation, why this methodology and research site were chosen, and how this research project uses these methods and data to analyze the above theoretical questions. Chapters 4-6 put forward an analysis of this data to show how the crime of sex trafficking is social constructed by various actors and the implications of these constructions for case processing, case outcomes, and the treatment of victims in general. Specifically, Chapter 4 analyzes the historical and ideological influences on the social construction of sex trafficking and how they continue to shape and constrain current efforts to raise awareness of the crime of sex trafficking and provide services to victims. Chapters 5 and 6 determine how victims, offenders, and legal actors construct the crime committed and those involved in the case under study. Chapter 5 examines how conceptualizations of victimization in Latino sex trafficking are employed in the stories of the victims and offenders involved in the criminal case under study. In Chapter 6, the centrality of the concepts of coercion, force, and agency as the building blocks of legal actors' constructions of this case and the crime of sex trafficking is examined.

CHAPTER 3- RESEARCH METHODS

This chapter details the various qualitative research methods used in this case study of Latino sex trafficking occurring in new destination areas in Middle and East Tennessee and Middle Kentucky. The federal criminal case under study, *United States v. Reyna Rodriguez Rios et al.*, was the first criminal case to be tried in the US District Court in the Eastern District of Tennessee's Northeastern Division. I chose this case as basis for my dissertation project because it provided me the opportunity to study an emerging criminal enterprise during its first movement through the legal system and examine how local actors conceptualized and responded to the crime.

The close proximity of the federal court in which the criminal case under study was tried afforded me the opportunity to use a multi-method case study design for my research. I was able to directly observe court hearings, attend a local training on addressing the crime of human trafficking, and interview legal actors involved in the case and social service actors in the area. I also analyzed court and law enforcement records.

To highlight the importance of the field site to this case of Latino sex trafficking and the actors involved, I believe an abbreviated examination of the history of geo and socio-political influences on Latino migration into the United States is necessary. With the dramatically increasing Latino populations in new destination areas in Tennessee and Kentucky, Latino sex trafficking networks have emerged to serve male Latino migrants as in the criminal case under study. These traffickers exploit the intersectional vulnerabilities of Latina migrants which compel their migration into the United States seeking a better life and to financially support their families to traffic them and profit from their work sexually servicing large numbers of Latino

men. In this way, the new destination field site (and its background context) was central to my research methodology.

New Destination Field Site

The emergence of Latino sex trafficking enterprises in new destination areas of the United States has been influenced by specific economic policies encouraging Latino migration into the United States to provide low-wage labor for certain industries. These policies bolster the US economy to the detriment of many Central American economies and citizens as increasing numbers of Latinos migrate from their homelands in search of work (Delgado Wise, & Márquez Covarrubias, 2009; Shefner & Kirkpatrick, 2009). The convergence of these economic policies, the global economic dependence on low wage labor, illegal employment practices, deindustrialization, social and economic inequality, and rampant Latin American poverty have increased Latino immigration to the United States and expanded internal migration to new destination areas within the United States. Almost one quarter of the world's migrants immigrate to the United States, making it the largest immigration destination in the world. On the other side of the migration spectrum, the largest number of emigrants come from Mexico (Delgado Wise, & Márquez Covarrubias, 2009), most leaving for the United States. Latinos are now the largest minority population in the United States, surpassing 35 million in 2000 (Winders, 2009).

Various US economic policies throughout history have depended on migrant labor to increase economic output, address labor needs, and improve trade. Two policies in particular, the Bracero Program and the North American Free Trade Agreement, have been influential on increasing Latino migration into the United States. The Bracero Program, formally known as the

Mexican Farm Labor Program, was established in 1942 to assuage labor shortages brought on by WWII and was extended until 1967 (Frederickson, 2011). As a result of the continual influx of migrant workers, the agricultural, meat processing, and other industries in the United States became dependent on low wage Mexican migrant labor (Portes, 2009).

Migration scholars have also pointed to the importance of the North American Free Trade Agreement on continued Latino migration to the United States and the internal migration diaspora to new destination areas (Odem & Lacy, 2009; Frazier & Reisinger, 2006). On January 1, 1994, the North American Free Trade Agreement (NAFTA) was created to foster economic growth and free trade between Mexico, the United States, and Canada (Office of the United States Trade Representative, n.d.). Policies associated with the agreement led to a restructuring of Mexico's economy so that it became centered on export and maquiladora industries (Delgado Wise & Márquez Covarrubias, 2009), which provide little economic benefit to the populace and nation (Cypher & Delgado Wise, 2008). Mexico's limited structural capabilities, high unemployment, and poverty have been exacerbated by the economic changes brought on by NAFTA, increasing Mexico-US migration as more Latino began to seek work outside of their homeland (Delgado Wise & Márquez Covarrubias, 2009; Bean & Cushing, 2006). This mass migration has reduced Mexico's labor force, increased reliance on remittances, and amplified social disparities in the country (Delgado Wise & Márquez Covarrubias, 2009).

Within the increasingly deindustrialized United States, demand for low wage Latino migrant workers has grown recently in the poultry, agricultural, construction, service, and landscaping industries (Frederickson, 2011) to enhance competitiveness and profitability (Delgado Wise & Márquez Covarrubias, 2009). In the agricultural sector alone, about 1.5 million Latinos work as seasonal farm labor (Ribando, 2008).

The congruence of the effects of the labor polices mentioned above, increasing immigration restrictions, growing poverty, and political and social upheaval in Latin America have contributed to the recent permanent settlement of many Latino migrants in the United States (Portes, 2009). In addition, Latino migrant settlement patterns within the United States began to transition away from traditional urban gateway communities, like Los Angeles, Houston, and Chicago, to new immigrant destinations throughout the country in the late 1990s. Many of these new destinations are located in southern states with agricultural and manufacturing industries utilizing migrant labor (Goździak, 2005; Shefner & Kirkpatrick, 2009; Winders, 2009). Various food processing and manufacturing factories in these areas recruit Latino migrant workers for an adaptable, low cost labor force (Stull & Broadway, 2004; Drevel, 2009). Vulnerable and often desperate undocumented Latino workers are easily recruited during high demand seasonal periods and released during low demand times (Kandel, 2006).

Recent census data highlights the massive influx of Latino migration into the southern United States (See Table 4 below for growth numbers in select states which the traffickers in this criminal case operated brothels in or transported women through). By 2006, 1.6 million Central American immigrants had settled in new destination communities in throughout the south, including: Arkansas, Alabama, North Carolina, South Carolina, Tennessee, and Georgia (Frederickson, 2011). In Tennessee, the initial waves of Latino migration consisted of young Mexican males leaving urban gateway communities seeking work in construction, landscaping, food processing, agricultural, and manufacturing industries (Winders, 2006; Drever, 2006). The hospitality, food, and other low-wage industries in Nashville, Tennessee has attracted a diverse and growing Latino immigrant community (Winders, 2006).

Table 4: Increases in Latino Populations in Select Southern US States, from 2000 to 2010[28]

State	Percentage Change in Latino Population	Growth in Total Latino Population
Tennessee	134.2	123,838 to 290,059
Kentucky	121.6	59,939 to 132,836
Georgia	96.1	435,227 to 853,689

The Koch Foods poultry processing plant in Morristown, Tennessee, serves as a large recruiter of Latino migrant labor, drawing thousands of Latinos to the area. The 2000 Census data estimated that slightly over ten percent of the population in Morristown was Latino (Drever, 2006). Kentucky has a young male Latino population working in agriculture, such as tobacco and manufacturing, with one of the largest Latino growth areas centered on Louisville (Barcus, 2006). As these data suggest, in choosing to open their prostitution businesses in specific towns in East and Middle Tennessee and Middle Kentucky, the defendants had significant Latino migrant populations from which to draw male clients.

The same vulnerabilities that fuel Latino migration to the United States for employment opportunities also fuel sex trafficking. The impact of the global economic hierarchy, extreme poverty, and lack of employment opportunities in Central and South America increase Latina women's vulnerability to exploitive Latino sex traffickers seeking to gain their own financial independence. Often, women migrate and consent to being smuggled into the United States, because of inadequate employment and income opportunities throughout Latin America (Sanghera, 2005; Ralph, 2000). Cabezas, Ortiz, and Valencia (2009) highlight the significant impact of free trade agreements, limited Latin American employment opportunities, prohibitive

[28] Source: Ennis, S.R., Ríos-Vargas, M., & Albert, N.G. (2011). *The Hispanic population: 2010*. United States Census Bureau. Retrieved from: http://www.census.gov/prod/cen2010/briefs/c2010br-04.pdf

immigration practices, and expanding global disparities on increasing the vulnerability of Latina women.

The existence of large populations of unaccompanied migrant Latino men and vulnerable females converges with specific cultural norms increase sex trafficking and the creation of prostitution businesses in new destination areas. Several studies have found high rates of prostitution use by Latino men living in the United States due to self-described feelings of loneliness, the small number of women in their communities, and freedom from significant others left behind in Latin America (Shedlin, Decena, and Oliver-Velez, 2005; Viadro & Earp, 2000; Organista, Organista, Garcia de Alba, Morán, & Carrillo, 1997; Marin, Gomez, and Hearst, 1993). Mexican immigrant men in North Carolina who migrated without a partner who were interviewed for one study described themselves as "single here and married there" which allowed them to feel able to purchase sexual services (Viadro & Earp, 2000, p. 731). Latinas in these same communities attributed the use of prostitutes and multiple sexual partners by Latino men to a 'machismo' culture and cultural sexual double standards (Viadro & Earp, 2000).

As shown in this short review, Latino sex trafficking networks have emerged in new destination areas at the intersection of a number of influences, including: economic policies, labor migration, increasing poverty, the intersectional vulnerabilities of Latina women, and openness to prostitution in Latino immigrant communities. The confluence of these issues provides a context for the victimization of migrant Latina women by traffickers who exploit their desire for employment and financial stability for their own personal financial gain. The distinctive way in which Latino sex trafficking is connected to undocumented immigration by both Latino men and Latina women is both central to how the crime is constructed by legal actors as criminal and this case study. By choosing this field site for my dissertation, I was able

to examine the phenomenon of Latino sex trafficking and the responses to it as the crime emerges in new destination areas to provide sexual services to growing Latino immigrant populations.

Multi-method Case Study

The qualitative research methods employed in this research were informed by the research questions posed. I felt that a multi-method case study of the investigation and prosecution of a specific instance of Latino sex trafficking would allow for the opportunity to answer the central research question of my dissertation, along with the secondary research questions. Through this research, I sought to determine how Latino sex trafficking is socially constructed by traffickers, victims, legal actors, and other stakeholders, along with how Latino sex trafficking is investigated and prosecuted and how Latino sex trafficking is connected to the vulnerabilities of Latino women.

According to a constructionist viewpoint, multi-method case study research allows for the triangulation of various data sources to highlight the constructed nature of social problems and crime. As this research will show, numerous constructions can be employed to describe one set of events. I agree with Haraway (1988) that, from the constructionist perspective, all forms of ‘knowledge claims’ are worthy of study. I feel that this frame is important to my research project and the larger constructionist paradigm as it highlights the importance of examining the meanings behind social constructions to determine the plurality of forces involved in constraining and shaping how a phenomenon is defined.

I collected data in this multi-method research project from field research, semi-structured interviews, and secondary data analysis. These data sources provided information regarding the investigation and prosecution of the criminal case at the heart of this project along with data on how this specific crime and sex trafficking in general are conceptualized by various actors. I obtained Institutional Review Board approval at the University of Tennessee for this project in two phases. On February 13, 2012, I was approved for observation research at the local training session on addressing the crime of human trafficking. The full multi-method research project was approved on March 22, 2012. The rest of this chapter will provide comprehensive descriptions of the methodology used in this dissertation research project. It will detail my data collection methods, the observational field sites, the limitations of this research project and use of secondary data, data analysis procedures, and major themes that emerged in the data and informed the structure of this written work.

Field Research: Observations

I conducted observation research for this project at two separate field sites, a local training session on addressing the crime of human trafficking and the federal courthouse in Greeneville, Tennessee. Through observing at these sites, I was also able to gather primary data on how the criminal case under study was argued in court, how the larger criminal justice and social service systems frame the issue of sex trafficking, and interactions between individuals involved in dealing with the crime of sex trafficking and those who advocate for and serve victims.

Field Research: Training

In 2010, the Tennessee state legislature enacted a law[29] requiring a state-wide study of the "impact of human sex trafficking on children and youth in the state."[30] The resulting study found that over three-quarters (85%) of Tennessee counties had at least one case of human trafficking within their boundaries, despite the fact that many of these crimes had not been reported to the criminal justice system (Tennessee Bureau of Investigation, 2011). The amount of trafficking occurring in the state and the lack of reporting of crimes to law enforcement shocked many individuals throughout the state. After these findings were published, interest in the crime of trafficking increased significantly among legal and social service actors who wished to improve the identification and prosecution of these offenses and address the gaps in service available victims. To effect these changes, trainings were conducted across the state to raise awareness about the issue along with providing information on how to identify victims and ways to best 'combat' the crime.

My attention was drawn to these trainings after a colleague at the University of Tennessee showed me a flyer advertisement. Based on the information on the flyer, I contacted an individual listed on the flyer and was connected to another individual involved in leading the trainings to gain permission to attend the first half of one of the trainings. I was informed by this individual, though, that I could not attend the later portions of the training session deemed "law enforcement sensitive" and closed to individuals outside the criminal justice, social service, or legal systems. Thus, on March 13, 2012, I attended a local one day training session with a mission of assisting to "identify, protect, and restore victims of human trafficking" as described on the flyer. The trainings sought to provide individuals working in the criminal justice and

[29] Public Chapter No. 1023, Senate Bill 1751 (2010)
[30] Public Chapter No 1023, §1(a), Senate Bill 1751 (2010)

social service fields with information about the crime of human trafficking, state and federal laws, investigative strategies, and case studies. The training was offered in the large auditorium of a social service agency in Knoxville, TN. Through a rough count of attendees and agencies represented, I estimate that over seventy-five individuals from law enforcement agencies and social service providers around the state came to attend this training, despite the number of trainings being conducted throughout the state. Many of the attendees were female social service actors. Those in attendance engaged in lively discussions and debates on how best balance the needs of victims with the desire to punish those involved in trafficking.

Field Research: Court Hearings

The federal courthouse in which the criminal case under study, *United States v. Reyna Rodriguez Rios et al*, was tried also served as a field research site for this project. Due to the close proximity of the federal courthouse in Greeneville, Tennessee to my home, I was able to attend sentencing hearings for six of the nine defendants in the case. This particular field site allowed for direct observation of court proceedings, sentencing outcomes, legal arguments, offender statements, and interactions between legal actors involved in the case. Through observing individuals in the court from a bench in the foyer outside the courtroom and the visitor seating at the back of the courtroom, I was able to physically witness the ways legal actors negotiate the constraints of law and base legal arguments on their constructions of a criminal case and those involved.

The federal courthouse in which the case was tried is a monolithic brick structure placed squarely in the middle of a very small rural town. Its imposing presence in the town can be felt immediately upon entering the downtown area. It continues to create a punitive impression on

those who enter to building. In the marble entrance foyer, US Marshals sit behind a plastic-shielded guard station and screen entrants to prevent cell phones, digital recording devices, and weapons from coming into the building. The security resembles that of a modern airport as all metal and bags must pass through an x-ray machine and individuals must walk through a metal detector to enter the building.

On entering the building at each visit, I was questioned as to my reasons for being in the courthouse. The questions posed by the US Marshals about my intentions, combined with the fact that I rarely witnessed non-legal actors in the courthouse, gave me the feeling that the courthouse did not receive many visitors. After stating that I was there to conduct research on a court case, the Marshals ushered me through the security checkpoint and pointed me to the elevators. The experience of entering the courthouse represented for me the imposing nature of the criminal justice system and its influence on all of those who come in contact with it. The court's influence can be physically felt and shapes the interactions which occur within its doors, similarly to the entirety of the criminal justice system.

The large courtroom I visited is set up very similarly to those commonly represented in the *Law & Order* television series. The judge's bench is set in the middle of the back wall of the room at its highest point, slightly above the witness stand to its left. The area just below contains the court clerk and court reporter's desks. The well of the courtroom contains the prosecution and defense tables along with the podium used to address the court. Visitor seating is at the back of the courtroom, broken into two sections of wooden pew benches. The layout of the courtroom heightened the visitor's sense that they were not only in a place of importance, but of authority.

The courthouse is clean with little wear or deterioration and I only came across a few people during my numerous visits. In fact, I only came across three sets of individuals not

working in the courthouse during my visits: one was the family of an individual in an unrelated case, the family of one of the defendants, Esthela Silfa Vasquez, and one woman who attended the sentencing hearing of Rubio Trinidad Narciso, another defendant. By the slightly suspicious yet interested looks I received, I felt that my presence in the courthouse was initially met with apprehension. This was particularly salient to me as I sat waiting on the wooden benches outside of the courtroom with my notebook prior to the court hearings beginning. I took handwritten notes of the court interactions and proceeding as recording devices are not allowed in the courthouse. Again, many of the defense attorneys seemed suspicious of my appearance in the courtroom and asked me why I was present for the hearings, often wondering if I was a reporter. Many of the defense attorneys became supportive of my research, despite a measure of surprise at my interest in the case.

My first visit to a hearing drew incredulous glances from the prosecutor, who was obviously interested in my presence. After explaining how I was conducting research on this particular legal case and sex trafficking in the area for my dissertation, I was greeted with a smile and welcoming conversation. The prosecutor expressed gratitude that someone was conducting research to bring attention to sex trafficking. The prosecutor became a key gatekeeper in my research project as she provided me access to an interview with a federal law enforcement official and shared her copies of exhibit documents entered into evidence for the court with me as they were part of public record. These documents proved invaluable to my research, as they provided my only documented glimpse into the lives and experiences of the victims in the case.

Semi-Structured Interviews

The structure of the interview guides for this research project included questions to uncover how local legal and social service actors conceive of the local sex trafficking phenomenon and the criminal case under study, the legal and criminal justice response to these cases, and issues facing immigrant communities in new destination areas.[31] I used convenience and snowball sampling for obtaining interviewees, using internet searches and court documents to initially locate key actors in the criminal case and local social service community, most of whom were contacted to participate via electronic mail. The electronic contact information for the prosecutor and defense attorneys was gained from public record court documents.[32] One law enforcement official was contacted on my behalf by the prosecutor, while the other was recruited via a phone call as no email address for this individual could be located. A total of eight legal actors associated with the case agreed to be interviewed for this project, including five defense attorneys, the prosecutor, and two law enforcement officials.

Additional internet searches were used to locate social service agencies, organizations, and coalitions which serve immigrant populations in the area or advocate about the problem of sex trafficking in Tennessee. I was able to obtain interviews with four social service actors- two who work to provide legal assistance to immigrants and immigrant crime victims, one who works to provide housing and counseling services to female crime victims, and one who works as advocate to raise awareness about the issue of sex trafficking. The field research sites used in this research also provided a number of possible interviewees and snowball sampling was used to locate additional stakeholders for possible interviews. Unfortunately, it turned out to be difficult to obtain interviews with these individuals.

[31] See Appendix B for the text of the interview guides used in this research.
[32] One of the defense attorneys was inadvertently not contacted.

I conducted twelve open-ended interviews with legal and social service actors between June 8, 2012 and September 6, 2012. I sought to complete my interviews with legal actors as soon as possible after the legal case concluded, so that their knowledge and feelings about the case were as fresh as possible in their minds. In order to make participation in the interviews as simple and unobtrusive as possible, I offered to conduct the interviews either in person or via telephone as some of the participants worked/lived in areas not within close driving distance. As a result, half of the interviews were conducted in person, while the other half were conducted via telephone. I conducted the in-person interviews in participants' offices, conference rooms, or an empty room on the University of Tennessee campus. All but two interviews were done individually. The interview with the prosecutor and federal law enforcement official was conducted jointly as the prosecutor invited the federal law enforcement official to be interviewed at the same time of their interview.

All but two of the interview participants agreed to allow me to use their true identities in my research after reviewing the informed consent document.[33] In addition, all but one participant agreed to have their interview audio-recorded to ensure accurate transcription. I took handwritten notes during the interviews to record respondent answers, their demeanor (if the interview was done in person), and other environmental factors. The interviews ranged in time from approximately seventeen minutes to approximately one hour and forty minutes for the joint interview. The average time for the interviews was a little over thirty minutes. The length of each interview depended on the respondent's willingness to share detailed responses and the additional stories they shared with me. Some individuals were guarded in their responses and

[33] Due to the sensitive nature of the case and a feeling of discomfort using the true names of my interview participants, I chose to use pseudonyms or job descriptions of interview participants' job title to reference them throughout this dissertation.

only provided minimal, short answers, while others were more than willing to elaborate on their responses and issues they deemed important.

Limitations of Interview Research

While I acknowledge the small interview sample size of this project, I feel that I reached a saturation level with participants and was able to gain a detailed understanding of how the crime of sex trafficking and those involved are socially constructed. I was able to interview a number of major actors involved with the criminal case under study and gain a picture of the social services available to local victims. At the time of the interview portion of this research project, the victims in the case had been removed from their continuing presence immigration status as they were no longer required as material witnesses for a possible trial and the offenders were being transferred into the custody of the Federal Bureau of Prisons. Therefore, the victims and defendants in the case were unavailable for interview. Despite this limitation, the victims' statements made to law enforcement and statements of the offenders in court, court documents, and to law enforcement shed light on their constructions of the crimes committed in the case. I plan on future projects which include interviews with offenders and victims to fully allow them to have their own voice.

Secondary Data Analysis

Secondary data analysis was used in this research project to gather official data on the criminal investigation and prosecution of the case under study. These documents provided information on how the crime was investigated, legal constructions of the crimes committed in this case, statements made to law enforcement by victims and offenders, criminal defenses

employed in the case, and defendant statements to the court. The secondary data was used to supplement the information gathered from direct observations and stakeholder interviews.

I requested the transcripts of three sentencing hearings from court reporters, two of which I was unable to attend and one to have a full record of the proceedings. All other court documents were retrieved from the federal court system's *Public Access to Court Electronic Records* (PACER) or via the prosecutor. The PACER document repository contains non-sealed documents filed in federal courts throughout the country. I obtained around 300 documents related to the law enforcement investigation and prosecution of the criminal case under study from the PACER database.

In early 2012, I filed three freedom of information requests with federal law enforcement agencies- the Federal Bureau of Investigation, the United States Marshal's Service, and Immigration and Customs Enforcement, under the *Freedom of Information and Privacy Act (FOIA)*, 5 U.S.C. § 552 to obtain data not accessible through PACER. I requested all of the law enforcement records pertaining to the case under study, including: post-arrest offender interviews, victim interviews, informant interview reports, presentence investigation reports, evidence reports, surveillance notes, arrest records, investigation reports, and the correctional system transfer records for of the defendants between February to July of 2011.

On January 18, 2012, I submitted an information request to the Federal Bureau of Investigation via postal mail, which was denied on March 13, 2012 according to the 7(A) *FOIA* exemption for the release of information which could interfere with current or potential law enforcement investigations. On March 28, 2012, I filed an appeal arguing that the law enforcement investigation in question had ceased and the legal case had been transferred to federal court. On August 21, 2012, my FOIA request was remanded back to the FBI for

processing, because it was determined that the exemption asserted was no longer applicable at the time of my request. Thus far, I have received one disc of 397 redacted pages of information from the FBI in response to my request and am awaiting the processing of additional files for their release.

On January 28, 2012, I submitted a records request to the United States Marshal's Services via postal mail. On February 6, this request was denied according to the (7)(C) *FOIA* exemption that a release of these records would constitute an invasion of privacy. I appealed this decision by arguing that this exemption is intended to protect individuals from being associated with alleged criminal activity. Thus, the exemption did not apply to my request as all of the defendants in this case had plead guilty in federal court. In addition, I argued that personal identifiers be redacted in lieu of a full denial of my request. This appeal was received by the *DOJ Office of Information Policy* on April 16. The denial of my request was upheld on September 13, 2012, which I chose not to appeal further.

My information request to Immigration and Customs Enforcement (ICE) was sent via postal mail on March 9, 2012. My initial request was approved on September 11, 2012, and I received a total of twenty-seven pages of printed documents via postal mail. The agency's search for the records I requested actually produced thirty-five pages of documents, but eight pages were withheld from release and the remaining twenty-seven pages were heavily redacted based on the following *FOIA* exemptions: subsections (6) to protect personnel and medical files from an unwarranted invasion of personal privacy; (7)(C) to protect law enforcement record from an invasion of personal privacy; and (7)(E) to protect law enforcement techniques and procedures from public knowledge. Unfortunately, the information I received from both the FBI and ICE was subject to such heavy redaction that it was virtually unusable for the purposes of this project.

Limitations of Secondary Data

All but one of the documents I used in this project contained only law enforcement officials' descriptions of interviews or conversations (one document was a verbatim transcript of a conversation between a confidential informant and an offender). These limitations of the available secondary data in this case are important to acknowledge, as much of what is known about the crime, offenders, and victims in this case is informed and constrained by the institution of the criminal justice system and the legal actors who documented the case.

While I would have liked to be able to gather interview data with the victims and offenders in this case, I could not do so within the confines of this study. As such, the secondary data for this project gives a specific understanding of the victims and offenders in how they presented themselves to law enforcement and court actors which provides evidence of how sex trafficking is understood, constructed, and presented within the criminal justice system by those involved in the crime. The ability to examine these issues is a step towards addressing the understudied area of active, on the ground constructions of sex trafficking by offenders, victims, and legal actors.

Data Analysis

In total, this multi-method research project netted around three hundred court documents of various lengths and around two hundred pages of interview transcripts and field and analysis notes. I relied on Fetterman (2010) and Emerson, Fretz, and Shaw (1995) as guides for my data analysis. I began my data analysis of the criminal case by creating an outline of the criminal investigation and prosecution drawn from court documents to examine the way it was investigated, prosecuted, and defended. For analysis of themes within the criminal case and

interview data, I adapted the coding techniques of Emerson, Fretz, and Shaw (1995). After the interview and field research data was gathered, the audio recordings of the interviews were transcribed and analyzed with my ethnographic fieldnotes. Next, I immersed myself in reading and re-reading the data. In these readings, I began to apply open coding my notes and transcripts to determine categories (codes) to identify "analytical dimensions" in the data (Emerson, Fretz, & Shaw, 1995, p. 150).

Themes began to emerge regarding the impact of the legal definition of 'severe forms of trafficking;' social constructions employed in the case; the centrality of the concepts of force, fraud, and coercion to the crime of sex trafficking; the constraints of law; and how victim status is ascribed. Using these themes as guides, I continued with focused coding of the data to discover further subthemes and to "identify patterns and variations in relationships and in the ways that members understand and respond to conditions and contingencies" (Emerson, Fretz, & Shaw, 1995, p. 162). Finally, I examined the connections between themes and subthemes that emerged in the data to create theoretical arguments. At this stage, "events and actions become meaningful in light if an emerging meaningful whole" (Emerson, Fretz, & Shaw, 1995, p. 168) and I began to divide the data and analysis into dissertation chapters aimed at addressing how these themes operated in the social constructions of different groups of actors. I chose to break the analysis portion of this research into separate examinations of the following:

1. How legal definitions of trafficking crimes historically came to be codified; the consequences of specific codifications' on the provision of victims services' and protections; and how social service actors perceived these issues and operated within the constraints of law.

2. How having to ‘think like legal actors’ informs how sex trafficking victims and offenders construct their experiences and speak of their actions in addition to the centrality of the concepts of force, fraud, coercion, and agency in their conceptualizations of the victimization which occurred in this case.
3. How legal actors employ specific constructions of the concepts of force, fraud, coercion, and agency to define this criminal Latino sex trafficking case (and trafficking in general) and assert or refute the victimization of the women prostituted by the offenders.

These separate, yet interrelated examinations of this criminal case and the ways sex trafficking is socially constructed form the basis for the structure of next three chapters of this dissertation. The next chapter will examine how specific groups impacted the legislative processes and the creation of new federal anti-trafficking legislation and how this legislation determines the provision of trafficking victim protections and services. Chapter 5 provides an examination of how victims and offenders conceptualize their experiences and actions within the constraints of law and the legal system. Chapter 6 examines the ways that the criminal case under study was conceptualized by legal actors.

CHAPTER 4- THE OFFICIAL CONSTRUCTION OF TRAFFICKING AND ITS EFFECTS

This chapter addresses how sex trafficking has been constructed as a social and crime control problem by analyzing the process through which the crime of trafficking was conceptualized in the legislative process, the discourses which influenced these constructions, and the effects of these restrictive definitions of trafficking on criminal case processing and treatment of victims.[34] I assert that it is important to examine how particular social constructions of crime, offenders, and victims influence the legislative process to codify specific legal definitions of a crime. The official definitions of trafficking offenses have far reaching ramifications on the criminal justice system and those involved in trafficking. An understanding of how these definitions came into being and who operated as claims-makers in creating these legal definitions is key to examining the ways that law works in action. Thus, this chapter examines the way in which feminist reform efforts, religious actors, and legislative processes were used to create a dominant discourse of sex trafficking and the ramifications of this discourse and legal definitions for the provision of victims' services and protections.

Social Constructionist Perspectives and Sex Trafficking as a Social Problem

As this chapter aims to analyze how sex trafficking is defined as a social problem and the effects of that definition on criminal case processing and provision of victim services, it is useful to begin by reminding ourselves of relevant work in the social constructionism literature. As

[34] DeStefano (2007) and Raymond (2013) were particularly informative for my analysis in this chapter and served as historical guides and research sources.

Holstein and Miller (1997a) state, the construction of an official definition of any crime phenomenon is an interpretive process, involving multiple perspectives. In the construction of social and crime problems, there are a variety of definitions which can be assigned to "potentially troubling conditions" (Harris, 2013, p. 3) as "different groups tend to make competing arguments about the extent, causes, and solutions to the problem" (p. 5). The ability to control the dominant discourse allows an individual or group great power over the construction of a problem and the disciplinary mechanisms used to remedy it (Berman, 2003). I, like Doezema (2010), seek to examine how "certain definitions become dominant, with whose knowledge is accepted and whose is sidelined, and with the social practices involved in constructing and legitimating knowledge" specific to sex trafficking (p. 9-10). Throughout this chapter, we will see how ideological discourses function in constructing legal definitions of sex trafficking and the effects of those definitions on the construction of specific victims, offenders, and criminal acts.

As a discourse becomes dominant, it provides the general public with a way to make sense of a social problem and the larger world, especially those supported by those in power (Baxter, 2003; Robertson & Sgoutas, 2012). Bruckert and Parent (2013) highlight how dominant discourses force sex workers to "confront intersecting stigmas that further exacerbate their marginalization, social judgment, and exclusion" (p. 72). The women victimized in this particular criminal case faced intersecting stigmas associated with being impoverished undocumented Latina immigrant women working in prostitution, which significantly affected how individuals, even legal actors, perceived them.

This chapter examines how the dominant discourse surrounding sex trafficking came into being and who operated as claims-makers to determine which conception of the 'problem' would

become the official legal definition. In the creation of federal anti-trafficking legislation in the United States, the legal definition of sex trafficking was constructed through a struggle between feminist reformers, involvement of religious groups, and legislative actors. These groups presented their conceptualizations of the problem of sex trafficking and associated ideological "facts" in the national forum to affect legislation according to their interests and points of view. To begin this analysis, the next two sections of this chapter provide a brief introduction to the dominant constructions of sex trafficking victims drawn from the literature and the ideological stances of the feminist reformers which were influential in the legislative process for defining trafficking and creating legislation to punish traffickers.

Dominant Constructions of Sex Trafficking Victims

The representation of sex trafficking in the dominant discourse has essentially dichotomized victims into binary categories: deserving/undeserving, trafficking victim/criminal prostitute, and trafficking victim/willing migrant (Munro, 2008; Chapkis, 2005; Maeda, 2011; Chuang, 2010; Doezema, 2010; O'Connell Davidson, 2010). Simplified distinctions between victim and complicit agents are common to constructions of many sexual crimes. Yet, these simplifications mask the complexity of women's victimization experiences in trafficking and overlook the impact of global and transnational migration flows, dominant views on women's moral and cultural 'roles,' and restrictive conceptions of agency on the construction of their victimhood. These overly simplistic understandings of victimization and what it means to be a victim of trafficking serve to easily demarcate those who have been subject to the worst forms of

trafficking. Yet, they can also be employed to deny an existence of victimization in many instances.

As Agustín (2006) highlights:

> it is these worst cases that have prompted not only an appropriate public outcry but also a moral panic that erases all shades of meaning in other testimonies…the purpose of showing diversity of forms migration can take is not to deny that some forms are worse that others but rather to avoid homogenizing hundreds of thousands of women's experiences (p. 125)

The nuances in victimization experiences are masked when stereotypes are employed to distinguish instances of victimhood. As Doezema (2010) highlights, "policies to eradicate trafficking and reintegrate victims into society continue to be based on the notion of the 'innocent,' unwilling victim" (p. 17). Those who are deemed to have willingly entered prostitution are not afforded victim status in the dominant discourse on sex trafficking (Chuang, 2010) as trafficking has been limited to forced prostitution (Chapkis, 2005). In the complexity of lived experience, the expression of an individual's unwillingness is often not as clearly defined or straightforward as these stereotypes allow, making the distinction between forced prostitution (trafficking) and voluntary prostitution difficult. The sexual nature of the crime also places it within the dominant discourses of how to regulate sexual conduct to maintain societal morality. Peach (2011) describes the dominant discourse on prostitution and sex trafficking as "reflect[ing] a particular hegemonic and culturally imperialistic perspective on the sexual body that is rooted in conservative Christian understandings of sexuality and prostitution as sinful, and the prostitute as either an 'innocent victim' or a 'sinful whore'" (p. 66).

Thus, it becomes more efficient to base the dominant constructions of trafficking victims on an 'ideal' victim as this diminishes the need to draw attention to the ambiguity and complexity of the phenomenon. Further, it also deflects attention from the role of gender, class,

race, and immigration status on the crime. With regard to immigrant trafficking victims, the complicity of those prostituted by traffickers is further questioned because of the individual's previous immigrant offenses. Their previous involvement with the crime of smuggling throws a shadow over their current claims of victimization.

These constructions and the legal definitions reciprocally related to them shape the way legal actors to deal with the crime of sex trafficking and their ability to address other criminal issues, punish offenders, and provide services to victims. Thus, in order to adequately examine how legal definitions of sex trafficking operate on the ground, an examination of how these definitions came into being is necessary. The final portion of this chapter analyzes how social service actors I interviewed perceive the effects of sex trafficking legislation and discourse on the provision of victim services and complicate the dominant construction of sex trafficking and government interventions into trafficking and immigration.

As this analysis will show, I found that dominant constructions were both problematized and reinforced by social service actors who often wished to address sex trafficking as something more than a crime or target of law enforcement. Often, they instead saw sex trafficking through the lenses of immigrant women's lived experience. Nonetheless, dominant definitions have had significant legal effects on lived experience as they are disseminated into the general public to inform the way actors view the phenomenon of sex trafficking. As can be seen through this analysis, the struggle in determining what it means to be a trafficking victim often involves how to differentiate them from voluntary migrants or sex workers. These tensions are apparent, in fact, in feminist debates that seek to define sex work and sex trafficking as a social problem.

Feminist Reformer Discourses

Many scholars highlight the role of prominent feminist groups in the construction of prostitution and sex trafficking as social problems (Samarasinghe, 2008; Srikantiah, 2007; Berman, 2006; Chuang, 2010; DeStefano, 2007). Two opposing feminist reforms groups adhering to very different ideological stances have come to the national forefront in the last forty years to voice their conceptualizations of the 'harms' of prostitution and influence legislation. Their conflicting approaches to prostitution legal reform center on whether prostitution can be voluntarily entered into as labor or whether it is intrinsically oppressive. As Chuang (2010) states, "these debates are rooted in deeply conflicting views about gender roles, sexuality, and the proper role of criminal law in responding to societal harms" (p. 1664).

Samarasinghe (2008) conceptualizes the opposing feminist reform groups as the abolitionists and the pro-prostitutionists.[35] The abolitionists' key ideological argument maintains that prostitution is intrinsically oppressive because of the harms of patriarchal and cultural-normative restrictions on women. Chuang (2010) highlights how this group has also been influential in constructing sex trafficking as a modern form of sexual slavery. The pro-prostitutionists' ideological stance privileges the woman's right to choose her labor (Samarasinghe, 2008). In the feminist arguments over the influences of structure and agency on women's lives, these opposing groups concentrate on the capacity of individuals to make choices about their lives within social and economic pressures as "both movements are

[35] They are referred to in these terms as one group seeks to abolish all practices of prostitution due to the inherent exploitation they believe is involved in the practice, while the other seeks to protect the right for individuals to choose prostitution as a form of labor.

concerned with the welfare of prostitutes, although they have different perspectives" (Simmons, 1999, p. 127).

Yet, as is shown in the feminist arguments over choice and agency, these concepts do not have clear, agreed-upon definitions. As Hirschmann (1989) points out, "choices exist in contexts" (p. 1241). The complexity of lived experience which influences an individual's exercise of agency complicates the identification of forced prostitution to determine what constitutes trafficking (Samarasinghe, 2008). These dominant feminist reform groups have been instrumental in the framing of the federally codified definitions of crimes of prostitution and trafficking, as they have lobbied for their points of view to be acknowledged and included in legislation (Samarasinghe, 2008; Srikantiah, 2007; Berman, 2006; Chuang, 2010; DeStefano, 2007). The ideological frames present in anti-trafficking legislation, which led to the restrictive definition of criminal 'severe forms of trafficking' to acts involving force, fraud, and coercion, have lasting ramifications on case processing and the treatment of victims.

The Creation of a US-based Definition of Trafficking

In the early 1900s, Christian and feminist groups banded together to bring awareness to the 'growing' issue of white slavery (Berman, 2006). The moral panic over white slavery at the time was centered on concerns over the proliferation of urban prostitution, the increasing feminization of rural to urban migration, and Progressive constructions of a morality crisis in the nation. As the fervor grew, a push for federal legislation came to protect young women from being forced into prostitution by 'white slavers' (Connelly, 1980).

The influence of this rhetoric was apparent in the legislative hearings for anti-slavery bills at the time. A Congressman from Tennessee stated in a subcommittee hearing on the subject of white slavery, occurring in 1910, that "whenever I think of a beautiful girl taken from one State to another…and drugged, debauched, and ruined…I can not bring myself to vote against this bill or any similar measure" (as cited in Connelly, 1980, p. 128). In response to these concerns and the 'growing' problem of sexual slavery in the United States, the *Mann Act* was enacted in 1910 to "further regulate interstate and foreign commerce by prohibiting the transportation therein for immoral purposes of women and girls."[36] The law, pushed forward by the abolitionist-leaning Progressives, has been critiqued as unduly narrow and not able to adequately address the issues it set out to remedy. As Connelly (1980) highlights,

> The portrayal of the white slave as a child-woman reduced the complexities of urban prostitution to the problem of a victimized children, a drastic oversimplification highly effective in terms of melodramatic and sentimental appeal but of little worth as a contribution toward a rational understanding of a serious social problem (p. 127).

Despite these critiques, the *Mann Act* continued as one of the prominent pieces of legislation used in the United States to combat trafficking (transporting) of individuals for sexual exploitation until the very early years of the twenty-first century. In the twilight years of the twentieth century, a number of high-profile trafficking cases caught the public's attention and renewed the national interest in modern forms of slavery. In one case investigated in 1997, the Cardena-Sosa family trafficked young Mexican women to work in their brothels throughout the United States (DeStefano, 2007). Two other cases involved other immigrant groups trafficked for labor. One case involved Thai immigrants being held in involuntary servitude and forced to work long hours. In another approximately sixty deaf-mute Mexican men were forced to sell baubles throughout the United States (Joshi, 2002). As these cases struck an emotional chord with the

[36] Statutes at Large, Vol. 36 Chapter 385, 825

public and converged with the increasing fervor over undocumented immigration into the United States, the Christian right began to form a powerful alliance with feminist abolitionist groups to bring awareness to the issue of trafficking and modern slavery (DeStefano, 2007).

In 1998, Senator Paul Wellstone introduced a Senate resolution condemning the practice of international sex trafficking, beginning the process for new legislative inquiries into the issue. A year later, Senator Wellstone introduced a congressional anti-trafficking bill, which did not leave the Congressional committee in which it had been introduced. Senator Wellstone driven by a conviction to addressing trafficking and secure human rights introduced another anti-trafficking bill in April 2000 with the support of Senators Sam Brownback and Diane Feinstein (DeStefano, 2007).

In opposition to Wellstone's proposed legislation, the abolitionist coalition lobbied conservative Republican Representative Christopher Smith to sponsor another anti-trafficking bill, which was critiqued by some as overly restrictive and centered on the assertion that sexual slavery was a moral problem (DeStefano, 2007). The final version of the compromised anti-trafficking bills became the *Trafficking Victims Protection Act of 2000* (Chuang, 2010; Berman, 2006; DeStefano, 2007). The abolitionists and their allies found the legislature a sympathetic audience to their pleas as many Congressman shared their ideological stances: the fundamentally exploitive nature of prostitution and the association of trafficking with 'slavery.' As Senator Gejdenson of Connecticut noted, this coalition of advocates had significant impacts on bringing the issue of human trafficking to the national stage and having the United States' statute serve as model for the world (*Conference Report*, 2000). This renewed interest in combatting trafficking, particularly in regards to sexual exploitation, revived the discourse of trafficking as sexual slavery harkening back to the *Mann Act*.

On February 22 and April 4, 2000, the *Senate Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations* chaired by Senator Brownback conducted a hearing to discuss the growing international issue of sex trafficking. In these hearings the issue was referred to as the "degrading institution of slavery [which] continues throughout the world" (*International Trafficking*, 2000, p. 1). The testimony given in this hearing (and other similar hearings) came from abolitionist human rights leaders, government actors, and victims specifically invited by members of Congress. They shared their conceptualizations of sex trafficking by telling sensational, racialized stories of instances of branding, forced abductions, AIDS epidemics, and police corruption in Asia and Eastern Europe. Some of the stories shared were product of combining numerous instances of trafficking into a single 'horror' story. By framing the issue in this way, the speakers and Congress cemented the dominant discourse on the problem as one of modern slavery to create what Chapkis (2005) calls a "moral outrage of enormous proportions" (p. 56).

Within these hearings, the stories also constructed sex trafficking as only involving the use of two means of obtaining victims- force or fraud (*International Trafficking*, 2000). The types of force involved in trafficking were characterized in horrific terms: "where a girl is physically abducted, beaten, and held against her will, sometimes in chains" (*International Trafficking*, 2000, p. 2). A minority group of Congressmen challenged these constructions and argued that the problem of sex trafficking had yet to be resolved by previous legislative actions which did not address systemic issues. Specifically, they supported the inclusion of a federal visa program in the legislation to assist law enforcement in investigating trafficking which they felt had been hampered by undocumented victims' hesitancy to cooperate and fear of deportation. The existence of a lack of cooperation by victims in trafficking cases was not acknowledged by

other Congressmen leading the charge for the anti-trafficking legislation. Specifically, Senator Wellstone responded that the fact that victims would be worried about deportation seemed ironic to him in light of the seriousness of what had already happened to them (*International Trafficking*, 2000). His statement highlighted a lack of understanding of cultural and legal barriers to reporting crime in immigrant communities.

The statements of Congressman and other presenters during these legislative hearings highlight their lack of a nuanced understanding of the complexity of sex trafficking beyond an emotional, moral indignation at the existence of what they deemed to be a modern form of slavery. By framing the issue in terms of atrocity, the legislature could focus on punishing those who committed the worst, yet often most easily visible, crimes against those they trafficked. They could use then this particular construction of the crime problem to restrict legal protections to 'ideal' victims. As Leidholdt (2003) states:

> [The] more paradigmatic approach was to focus on the most brutal and extreme practices of the sex industry- transporting women from poor countries to rich countries using tactics of debt bondage and overt force- while legitimizing other activities in the name of worker's rights. The old dichotomy of Madonna-whore was replaced by a new dichotomy: sex worker-trafficked women" (p. 176).

It appears as if many of the Congressman debating how to deal with the crime of trafficking at the national level were not seeking to analyze the complex problem in a meaningful way to curb the crime, but sought to support their ideological constructions of the crime. As Chuang (2010) states, "one of the key drawbacks of moral crusades is that ideology comes to substitute for evidence, with moral certainty precluding critical self-assessment" (p. 1721). Their simplistic, emotion-laden construction of trafficking as a modern form of slavery provided them with persuasive claims to influence the public view of the problem rather than addressing larger systemic issues (Chuang, 2010).

Before continuing to analyze the implications of the restrictive definitions of the *TVPA*, it is important to explain what the codified version of the *TVPA* defines as criminal trafficking. This allows for the foundation an analysis of what is not recognized under the law and the specific ways that these restrictive definitions and statutory provisions affect access to services and protections for trafficking victims.

Trafficking Victims Protection Act of 2000 **and Victim Provisions**

The final version of the *Trafficking Victims Protection Act of 2000* was enacted into law on October 28, 2000 under *Public Law 106-386, 22 U.S.C 7101*. Within this legislation, two separate 'types' of trafficking are defined: sex trafficking and 'severe forms of trafficking.' Only 'severe forms of trafficking' are punishable under the act and have associated victim protections and services. The main point of difference between the two types centers on the use of force, fraud, or coercion as a means to traffic individuals. Sex trafficking is defined as "the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act" (114 Stat. 1470), but does not have associated penalties. In contrast, 'severe forms of trafficking' is defined as:

> (a) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or (b) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purposes of subjection to involuntary servitude, peonage, debt bondage, or slavery (114 Stat. 1470)

The legislation contains a very restrictive definition of coercion centered on the use or threat of physical harm as one of the main components differentiating the act of sex trafficking from the crime of 'severe forms of trafficking.' Coercion, for the purposes of this legislation, is defined as:

> (a) threats of serious harm to or physical restrain against any person; (b) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or (c) the abuse or threatened abuse of the legal processes (114 Stat. 1469).

Trafficking by means of physical force (or forceful coercion) is the basis for the federal crime of 'severe forms of trafficking.' This limited definition restricts what is recognized as trafficking that can be prosecuted under the *TVPA*. Victims are only eligible to be federally certified as a victim by the Department of Health and Human Services and receive federal services if they are "willing to assist in every reasonable way in the investigation and prosecution," have made an immigrant visa application, or are under a continuing presence for the purposes of prosecution (114 Stat. 1476). This protected class of victims is afforded the right not to be detained in custody while also being able to receive medical care, other social services, and federal protection from legal reprisals and public identification.

A new T visa program was created within the legislation to provide immigrant victims of 'severe forms of trafficking' and immediate family members temporary legal immigrant presence for four years if they are only unlawfully present in the United States due to trafficking, have fulfilled "any reasonable request for assistance in the investigation of prosecution," or are under age fifteen, and "would suffer extreme hardship involving unusual and severe harm upon removal" (114 Stat. 1478). Five thousand visas were made available annually for this purpose. After three years of being a person "of good moral character" under a T visa status, who again "complied with any reasonable request for assistance in the investigation or prosecution," and with the same repatriation hardship may apply to have their temporary immigration status adjusted to that of a permanent resident alien (114 Stat. 1479).

These additional restrictions limiting the ability of undocumented immigrant victims to receive assistance further limits who can be recognized as victims. Not only are the crimes

against the victims subject to the law, but immigrant victims also become subjects of the law in determining their eligibility for assistance. The nexus between regulatory immigration law and trafficking law is used to determine who is a 'true' and productive immigrant victim as opposed to an undocumented immigrant who later became involved in prostitution. The way trafficking is legally defined is important to acknowledge as it shapes how legal and social service actors deal with the crime and their ability to address criminal issues, punish offenders, and provide services for victims within the constraints of law.

On November 29, 2001, the *Committee on International Relations* met to discuss the impact of the *Trafficking Victims Protection Act of 2000* and advancement occurring in the "war against human trafficking" (*Implementation*, 2001, p. 7). Interestingly, the government actors involved in this hearing specifically highlighted the influence of the abolitionist ideology on their legislative decisions. Representative Henry Hyde of Illinois specifically highlighted the role of feminist ideology on the creation of the *TVPA*, as he stated the legislature had to "choose between two dramatically different views of the commercial sex trade and its contribution to the problem of human trafficking" (*Implementation*, 2001, p. 7). Representative Hyde further stated that Congress chose to adopt the view of "a broad coalition of religious leaders, women's organizations, and human rights advocates" that "prostitution is inherently a form of degradation- and that enticement into prostitution is invariable characterized by force, fraud, or extreme desperation" (*Implementation*, 2001, p. 8). Thus, the Act "squarely rejects any effort to legitimize prostitution by treating it as just another kind of work" (*Implementation*, 2001, p. 8). By choosing this ideological frame for the legislation, Congress specifically defined trafficking to bracket it off from other issues which they did not seek to address with the legislation.

Representative Hyde also stated that the legislation was aimed to resist:

> efforts to define 'trafficking' so broadly that it would dilute and diminish the effort to attack the core problem. We know there are a wide range of related offenses such as immigrant smuggling and unfair labor practices which require just and effective remedies. But these remedies are better provided in the context of labor law or immigration law than in an antislavery bill (*Implementation*, 2001, p. 8).

The slavery rhetoric espoused here and in the earlier hearing continues on in government documents, policies, and directives creating an official government stance on trafficking equating it with slavery and legitimizing the abolitionists' ideology. Congress only sought to address modern forms of slavery within the *TVPA*, thus the law limited criminalization and most victims protections to 'severe forms of trafficking.' President George W. Bush's 2002 Presidential Directive highlights the continued role of the abolitionist-leaning ideology and discourse of slavery in the official government stance on prostitution and trafficking. This directive explicitly stated that the official government policy is:

> based on an abolitionist approach to trafficking in persons, and our efforts must involve a comprehensive attack on such trafficking, which is a modern day form of slavery…the United States government opposes prostitution and any related activities, including pimping, pandering, or maintaining brothels, as contributing to the phenomenon of trafficking in persons. These activities are inherently harmful and dehumanizing. The United States Government's position is that these activities should not be regulated as a legitimate form of work for any human being (Bush, 2002, p. 4-5).

Despite stating that this policy and associated legislation is meant "to treat trafficked people as victims" and "support initiatives that provide education and employment opportunities to victims of trafficking, as well as shelter and services as these victims rebuild their lives" (Bush, 2002, p. 5), many government protections and services are limited to trafficking victims who are not certified or have their cases tries under the *TVPA*. The federal government also seeks to have other countries and non-government agencies adopt an abolitionist stance on prostitution and sex trafficking. The 2003 Reauthorization of the *TVPA* included a provision prohibiting the

release of federal anti-trafficking funding to organizations which had "not stated in either a grant application, a grant agreement, or both, that it does not promote, support, or advocate the legalization or practice of prostitution" (*H.R. 2620*, Sec. 7, p. 12). By restricting the ability of certain groups to receive funding and provide services, training, and advocacy regarding trafficking, the government further solidifies the legitimacy of the abolitionist ideology and frames the national and international discourse on the phenomenon.

The provision has been widely criticized for its hegemonic moral stance and probable negative impact on prevention and assistance efforts with stigmatized individuals who are wary of condemnation (Chuang 2010). Various social service and advocacy groups throughout the United States with abolitionist leanings have received large grants from the federal government to awareness campaigns on the issue of sex trafficking and to conduct research on the topic (Berman, 2006). The confluence of the various restrictions on victim status ascription and funding restrictions to groups who provide services, training, and advocacy regarding sex trafficking points back to the conflagration of trafficking with slavery and the restrictive definition of 'severe forms of trafficking.' Again, by framing the social problem of trafficking in terms of the slavery and forced prostitution, the legislature was able to justify their particular definition of trafficking centered on those victimized through physical force to create the impression of 'innocent' victims who can be assisted by the *TVPA*.

The restrictive legal definition of 'severe forms of trafficking' under the *TVPA*, as will be discussed throughout the rest of this chapter and the dissertation as a whole, has particular ramifications for case processing, provision of victim services, and treatment of victims as the legislature sought to protect against overbroad applications of the law. In actuality, Congress created a criminal definition of 'severe forms of trafficking' which does not match the lived

experiences of many victims or legally recognize their exploitation. The definitional gap between 'ideal' victims of 'severe forms of trafficking and other trafficking victims not only leaves many victims ineligible for assistance but allows their victim status to be refuted in both court and in public opinion as will be shown in this project.

In order to examine how these legal definitions and restrictions operate on the ground, I interviewed four local social service actors[37] (two immigrant legal advocates, one victim advocate, and one trafficking advocate) involved in assisting and advocating on behalf of victims. I sought to examine how these individuals conceptualize the effects of dominant discourses of trafficking, constructions of immigrant victims, and government interventions into trafficking and immigration on their ability to serve victims and address trafficking.

Dominant Discourse on the Ground

The dominant descriptions and characterizations of sex trafficking as a modern form of slavery inform the ways that social service actors involved in helping victims conceptualize the crime, offenders, and victims.[38] A local victim advocate I interviewed described many of the human trafficking victims that come forward to the bilingual victim advocates she works with as being "brought here as domestic slaves." In another interview, a legal advocate from Middle Tennessee expressed her understanding of the crime of sex trafficking and its importance in terms of the historical dominant discourse of sexual slavery. She stated:

> Well, I think that sex trafficking exists everywhere in the United States. They say that the number of slaves in the United States is greater than there were during the Mid-Atlantic

[37] The small number of advocates interviewed for this project is reflective of the lack of services available to victims of sex trafficking, particularly in smaller new destination areas.
[38] The discourse and associated legal definitions also similarly influence the conceptualizations of victims and offenders, which will be analyzed in Chapter 5 and legal actors which will be analyzed in Chapter 6.

> slave trades…So I just think that mostly women and children are being trafficked, and it goes back to this thought of women being property and children being property.

In response to a question about why sex trafficking was occurring in new destination areas within the Latino community, the same legal advocate stated that it occurs for the same reasons that the slave trade does, because "it's all part of vulnerable groups being exploited." She further added:

> Traffickers from the home country, two of our cases were people recruited in their home country, convinced that if they did this it would be a better life…That's just like asking why does slavery exist…with the slave trade it's the same question.

In describing what she conceptualized as the multi-faceted foundation of the problem of sex trafficking, a sex trafficking advocate also from Middle Tennessee expressed an abolitionist-leaning stance. She stated that she believed "pornography was the number one root cause" of sex trafficking in addition to "poverty issues" and the "fatherless issue" which make women and runaways vulnerable to trafficking and sexual exploitation. In addition, she felt that sex trafficking was also caused by sexual abuse of male children who grow up to abuse others and traffic women out of "anger" and "hatred." Her assertions that the media is "still portraying women as objects" highlighted her belief that the commodification of women's bodies and a "hypersexualized culture" are also at the core of the problem of sex trafficking.

In her advocacy, she sought to address sexual demand "to help men become whole themselves and help them understand their worth that they don't have to result to pornography to feel like a man." She also worked with other sex trafficking advocates to lobby the state of Tennessee to institute a state-sponsored sex trafficking awareness week. They were also successful in getting the State Assembly to designate May as the state's "Human Trafficking Awareness Month," the first of its kind in the nation.

As shown in her influential advocacy campaigns, the framing of the problem of trafficking at the state level is being influenced abolitionist views on prostitution and trafficking similar to that occurring at the national level. The 2011 study conducted by Vanderbilt University in conjunction with the Tennessee Bureau of Investigation (TBI) further highlight the influence of the abolitionist discourse and conceptualization of trafficking as a form of slavery at the state level. The letter from the Director of the TBI introducing the study describes the crime of human sex trafficking as "the slavery of children and women forced to perform sex acts for money" (Tennessee Bureau of Investigation [TBI], 2011, para. 1). The text of the study also referred to the problem of trafficking in terms of "modern day slavery" involving force or coercion (TBI, 2011, p. 5), mirroring federal legislation.

In order to increase awareness of the issue of trafficking, many of the social service actors I interviewed mentioned they believed there needed to be additional training for the public, legal actors, and social services on the specifics of the federal trafficking law, services available for victims, the rights and protections of individuals under the law, and the phenomenon of trafficking in general. The organizations the legal and victim advocates are a part of dedicate significant amounts of time educating others on these topics and conducting community outreach to provide direct services and collaboration to assist victims.

The trafficking advocate I interviewed stated that she spent considerable time on awareness campaigns to educate others on the "who, what, where, why, and when of human trafficking." She stated that she often gets invited to present to schools, churches, law enforcement, social workers, and airport workers in her attempts to reach out anywhere where individuals may see victims and be able to "save" them. She also targets high school age youth to raise awareness in this at-risk population through a program called "I Promise to Do My Part."

As shown above, the framing of social problems is important to how discourse and law operate 'on the ground.' The dominant discourses which framed the creation of the *TVPA* have informed the way that social service actors working 'on the ground' conceptualize trafficking. Yet, the restrictive nature of the law and legal definitions of trafficking also inform how they must deal with victims and how they are able to provide services. Many of the social service actors I interviewed acknowledged the effects of the increasing fervor over 'the immigration problem' and the provisions of victim services under the *TVPA* on their work assisting victims. Many commented that they felt the intersection of immigration law and trafficking laws restrict women from getting the help and services they often need.

Restrictions on Immigrant Victims' Services and Protection Issues with the Trafficking Victims Protection Act

The *TVPA* initially authorized a $10 million grant program to provide funds for State and local governments, Indian tribes and nonprofit, nongovernmental victim service organizations to develop and expand programs for trafficking victims (*Implementation*, 2001, p. 67). Despite growth in the amount of federal funding for these purposes, the importance of this money in funding victim services by non-governmental agencies, and the assertion that the *TVPA* is meant to be 'victim centered,' such funding is still inadequate. Thus, non-governmental organizations, advocacy groups, law enforcement, and prosecution must work together to provide the highest level of assistance possible within the confines of the *TVPA* legislative restrictions (Maeda, 2011).

As previously mentioned, many forms of assistance reserved for victims of 'severe forms of trafficking' are limited for other victims despite a legal need for their continued presence in the United States for the purposes of prosecution. This denial of service has been described as inequitable and a human rights abuse. As Rieger (2007) states, "it would be unheard of for a rape victim to be denied assistance such as safe housing and medical treatment simply because she chose not to testify against her rapists. Yet this is precisely what happens if that rape victim is an illegal immigrant engaged in forced sex work" (p. 250). Many of the social service actors I interviewed criticized the restrictions placed on them in assisting undocumented immigrants. They were concerned about the intersection of limited funding opportunities and increasingly restrictive immigrations laws which they felt hindered their work and frightened victims. With the limited availability of funding for victim services, many social service groups turn to volunteers to address needs. As one local East Tennessee legal advocate stated, "funding is extremely difficult to get for this type of program, obviously immigration is not the sexiest politically right now."

A local women's organization turned to training volunteers to serve as bilingual victim advocates for outreach to the immigrant populations in the area. In order to serve the local Latino immigrant community, these advocates spend significant amounts of time building ties with community members to gain a measure of trust. They feel this outreach and trust it builds allows victims to feel more willing to come forward, report crimes, seek out services, and overcome their fear of government actors and social services. The victim advocate I interviewed there stated this type of outreach is particularly important to assist victims in immigrant communities, because without an outlet to report illegal activities "a lot of criminal activity, and violence, family and street violence will go unchecked." Thus, the dominant discourse about the nexus

between crime and immigration had particular impacts on their abilities to provide services and assist victims as individuals in immigrant communities have become more fearful of the repercussions of their undocumented status.

This group was concerned that the introduction of new 287G programs used to train local law enforcement to act as ICE agents would harm their relationship with immigrant communities and keep them from reaching out for assistance. The victim advocate working there stated:

> That's really frustrating for us. We are of course concerned that it will harm our advocates' relationships with those communities also, you know. We certainly don't want them to see us as part of that even though we work with law enforcement.

In relation to this issue, she also stated that one of the largest challenges faced by immigrants "is that they are isolated…they tend not to know their rights, to not know what community services are available and how to access them." She felt the agency's victim advocates "help the victim understand what's really going on, what their rights are, what's gonna happen, and again build up that relationship of trust that they're very unlikely to have with law enforcement at the beginning." Thus, the trust this group builds with local immigrant communities is key to their assistance of victims and is something they believe must be continually cultivated to address needs.

She specifically highlighted how one of their main victim advocates depends on this trust to help trafficking victims come forward and report their victimization:

> She kinda has to wait for them to open up but that can take a while because they are really scared and they really have to build up trust and sometimes they'll tell her even if they're working and…sometimes she's the first person to find that they are a victim of trafficking because they've built up this relationship of trust with her.

The legal advocate from East Tennessee also shared this concern over new restrictive immigration laws, because she felt that they "cause immigrants and refugees to become more fearful of cooperating or even calling the police when there is a need for them because they're

worried that now their status was going to impact them more than being a victim of a crime." Thus, the legal restriction on victim services and the focus on deporting those who cannot assert a victim status under the law has the effect of stifling reports of crime. Immigrant victims' fear of deportation and close family and ethnic ties serve to reinforce this barrier to service. As the legal advocate from East Tennessee also pointed out, "they don't make it [laws] immigrant or refugee friendly then expect everyone to want to collaborate together and cooperate to get crime off the streets." The barrier in communication between immigrant communities and official organizations is further exacerbated by the legislative restrictions placed on the provision of social services to victims under the *TVPA*.

Housing Restrictions

Very few safe houses exist for immediate placement of trafficking victims and even fewer options are available for non-certified victims. Two of the social service actors I interviewed mentioned that the lack of housing options available provide safe shelter for victims was one of the largest issues they faced in serving victims. To highlight this issue, a local legal advocate from East Tennessee stated:

> You want them to be in a safe place where they're are not going to be found and everything is confidential. And like you said, domestic violence shelters, I mean they've already got their own issues with their own clients so they have to bring in something more sensitive like a trafficking victim to be placed somewhere…we just call around- do you got openings…Sometimes there's just not an answer, you know. You might end up having to get that person a hotel room for a few nights or a nice church parishioner who is willing to take somebody in for a couple of nights.

As shown here, funding restrictions and a lack of available safe houses for victims leads social services to seek out alternative housing opportunities. The victim advocate from East Tennessee stated that her organization, which provides housing assistance to women, wants to

set aside two rooms in their transitional housing area to be used solely for immediate placement of trafficking victims.

In the case under study in this project, the victims, whose traffickers were being prosecuted under the *Mann Act*, did not qualify for some federal social services and were given a temporary continuing presence immigrant status in case they were needed as material witnesses for a possible trial. In the words of the prosecutor:

> We actually could have held them in detention until the trial but we chose obviously not to do that. But we kept tabs on them…They are material witnesses so we have to have them here until the need for a trial goes away.

At different points the women were moved between hotels, domestic violence shelters, and religious shelters to provide housing. Their situations highlight the difficulty locating adequate housing for trafficking victims, particularly those who are not certified and ineligible for a T visa, but are considered necessary tools for prosecution of traffickers by the government.

Certification of Victims and T Visas

Another layer to the denial of services to trafficking victims is that their victim 'certification' is tied to their participation in the prosecution of those who victimized them or their ability to prove their victimization to the federal government. This certification and its associated protections and services is particularly important for immigrant victims of trafficking as it allows them to apply for a T visa granting them temporary lawful immigrant status and federally funded social services. Trafficking victims without government certification or endorsement are legally subject to immigration law and deportation.

The restriction of assistance to victims based on their ability to prove their victimization to the standards of a government official or through assisting in the prosecution of those who victimized them has been critiqued as inequitable and a hindrance (Rieger, 2007). Chapkis

(2005) argues that the *TVPA* restrictions on assistance to immigrant victims was intended to limit its applicability to those who have committed prior immigration crimes.

This practice has even been critiqued by the UN High Commissioner for Human Rights in their statement:

> Victims of trafficking would appear to gain very little from cooperating with national authorities in the prosecution of traffickers. Assistance and protection provisions must, at a minimum, meet basic international human rights standards. From this perspective, specific reference should be made to adequate housing, appropriate health care and other necessary support facilities" (UN General Assembly, 1999, p. 4)

In addition, the practice of requiring victim participation in criminal prosecution has been critiqued as possibly psychologically harmful. Research on sexual assault prosecutions has shown that having to testify is often described by victims as a further victimization (Rieger, 2007). The practice is in opposition to the assertion that anti-trafficking legislation is mean to be "victim-centered." The need for a T visa is tantamount for undocumented immigrant victims of trafficking, as otherwise they will be deported and possibly subject to further victimization in their home country. Yet, the T-visa requirement for proving a hardship upon removal is more stringent than that required for asylum seekers (Rieger, 2007).

I agree with Hartsough (2002) that "the Act's emphasis on protecting only those subjected to 'severe' forms of trafficking and facing 'extreme hardship' upon removal, as well as its crime-fighting requirements, compromise the protection that should be afforded all people trafficked into the United States" (p. 102). During the Congressional debates regarding the federal trafficking legislation, there was some disagreement over the function of the T visa: whether its main purpose was to improve efforts to combat trafficking or to assist victims of trafficking. Representative Tom Lantos of California showed concern for promoting the visa as a law enforcement tool by stating, "this visa should be in the first instance a humanitarian visa, not

one used only as a club to obtain the law enforcement cooperation from frightened and abused victims who often are not only traumatized but suspicious of all government authorities" (*Implementation*, 2001, p. 14). Representative Melvin Watt of North Carolina felt that the cap of 5,000 T visas per year was not enough to accommodate large numbers of victims. He stated that "it is beneath our dignity as a nation to use an arbitrary cap to shut our doors to victims of slavery and sex trafficking" (*Appointment of Conferees*, 2000, p. H7628). He also rebuffed those who felt that immigrants would use the visa program to "fraudulently obtain a lawful status by claiming that they were a victim of sex trafficking or involuntary servitude" (*Appointment of Conferees*, 2000, p. H7628).

On the opposite end of the argument, Representative Charles Canady of Florida stated that he believed the need to prevent fraud was a more important concern and that the number of victims eligible to receive a visa would never reach the cap. His concern with visa fraud stemmed from the idea that:

> Whenever a new form of immigration relief is created, many aliens apply for that relief. Too often, those applications do not contain bona fide claims of relief. We need tools to prevent this form of relief from being abused and jeopardizing relief for valid and legitimate claimants (*Appointment of Conferees*, 2000, p. H7629).

Despite initial predictions that a 'flood' of immigrants would attempt to use the T visa as a route to citizenship, very few visas have been awarded. Relph (2011) highlights the abysmally small numbers of T-visas granted. As of 2010, a little more than 2,300 total T-visas has been granted to trafficking victims. As of the fourth quarter of 2014, the United States Citizenship and Immigration Services had awarded 4,444 T visas to trafficking victims since the first visas were approved in 2002 (US Citizenship and Immigration Services, 2012; US Citizenship and Immigration Services, 2014). Therefore, the number of total T visas granted has not yet reached the number available yearly. Numerous scholars theorize that the low number of approved T

visas is due to restrictive legal definitions concerning trafficking and legal actors' discretionary decisions (Rieger, 2007; Srikantiah, 2007; Raymond, 2013; Segrave, Milivojevic, & Pickering, 2009).

Segrave et al. (2009) highlight how the 'ideal' victim constructions limits the ability of many victims to be seen as legitimately victimized in light of these prejudicial constructions. Their research shows that often "gendered narratives of 'real' victimization" influence "the decision-making process authorities draw upon women's performance of victimization, which may also be understood as a performance of desired/accepted femininity" (Segrave et al., 2009, p. 51). The study emphasizes how Thai, Serbian, and Australian legal actors more easily identified traumatized women who presented with bruises or other physical effects of violence, but were often skeptical of women who could have left their exploitive situations or had cell phones. Thus, they relied on the 'ideal' image of "innocent and passive victim" in their identifications of victims of trafficking (Segrave et al., 2009, p. 51). In addition, Srikantiah (2007) highlights that prosecutors' need for successful prosecutions has created a situation in which only those victims deemed good prosecution witnesses, who were victimized via force, fraud, and coercion, and appeared to be completely controlled by their trafficker will be given an endorsement. Thus, the stereotypical, 'iconic' forced victim conceptualization has influenced the way law enforcement and prosecutors' perceive and evaluate victims to argue offender guilt and culpability in court.

As shown here, the legal restrictions placed on the recognition of victimhood under the *TVPA* based on those victimized in sexual slavery through the means of force, fraud, and coercion and the additional restrictions placed on immigrant victims as interpreted by legal and social service actors affects the protection and services rendered to victims. Thus, trafficking

victims' treatment within the criminal justice system has been shaped by the law and policy provisions and further reshaped by actors' interpretation of the law on the ground.

All three of the individuals I interviewed who provided direct services to victims called for continued training of law enforcement on how to identify victims and the purposes of the T and U visa programs. Social service actors depend on local, state, and federal law enforcement for documentation of crimes to be able to file visa petitions for victims. The victim advocacy attorney in Middle Tennessee I interviewed seemed to accept that there were caps on the availability of visas as she stated "everything that is available in the United States has a cap, there's only a certain number available a year." She stated that her organization had assisted fifteen to twenty trafficking victims, which may "not seem high to somebody, but it is, because trafficking is hard to prosecute." She did acknowledge that she often had difficulty obtaining endorsements for victims and sometimes "you have to fight a battle" to get the endorsement. She attributed the struggle to get endorsement for her victims to "the philosophy around the police department."

She also stated:

> If you are seeking the U…it depends on the facts of the case, it depends on if the victim was indeed cooperative, it depends on if their record's available…I had one U that I couldn't get signed even though this particular county had a philosophy that they would sign but there were just no records that she was in court.

As shown in her statements, the legal advocate both acknowledged the constraints of restrictive anti-trafficking legislation on her ability to obtain visas for victims and contested the ways that the law operated on the ground to allow law enforcement agencies to restrict endorsements of trafficking victims. The local victim advocate I interviewed stated that she remembered a lot of "conservative criticism" after the reauthorization of VAWA (the *Violence against Women Act*) "that people are going to make stuff up…just to get the visas. We see that

very rarely and we know from the beginning, you know." She attributed these concerns to a lack of understanding of the wants and feelings of victims along with the restrictive nature of victim visa programs:

> I think they don't understand how intense the process is and how absolutely harrowing it is and the fact that by doing this, you are putting somebody else in jail and getting them deported, which is a very big deal.

She was also concerned that visas are often contingent upon the willingness of a victim to cooperate with law enforcement and the prosecution in light of what she had seen in her work with domestic violence victims. She stated that there is often a "constant back and forth" with victims as they change their mind about reporting their victimization, which influences victim's decisions to apply for visas. Further, she highlighted that while she understood the legal situation "of not being able to give visas to women who do not cooperate," it was a "shame that there is really no alternative." In regards to this issue she stated:

> I think you know the U and T visas are really good. I mean, I'm so grateful that we have them but then that's where the problem is that you can't force someone to participate umm, and it's really difficult for people who've been victimized in such a horrific way to participate in prosecution I mean.

In her work with immigrant victims of sexual assault, domestic violence, and trafficking and women who had been involved in the sex trades, she found that often the situations in which victims live are more complicated that the law allows. To highlight the ways victims' behavior often defies simplistic understandings of their victimization and allegiance to those who victimize them, she pointed to how victims may:

> develop relationships with these people [their traffickers]. I mean they're living with them and that's all they have and that's all they know…Most of the time they are extremely isolated. They're not getting to go out and make friends...I think that a lot of the time those people do become their family.

She also problematized the feminist arguments surrounding the exploitive nature of prostitution and the existence of forced prostitution. She seemed to feel that prostitution was a complex phenomenon involving larger systemic issues which influence an individual's involvement in prostitution. She highlighted the importance of understanding the contextual situation in which many of those involved in prostitution live in her statement:

> I think forced prostitution is definitely a problem and I think you know it's kind of a tricky term…Although there would certainly be a lot of benefits to legalizing prostitution or at least decriminalizing it for the prostitutes, I think that people say 'that it's their bodies and they can do whatever they want' as though it is just their free will. The fact is, if you are working on the street in Knox County, you are not doing it because it was something you really wanted to do. You are doing it because you have a drug problem or you're doing it because it is all you have ever known because you were forced into it as a young person, as a child and it is all you have ever known.

She found that women working in the sex trades are greatly affected by their experiences and may be resistant to leaving or reporting crimes because they "get something emotional out of it, you know there is something it in for them because that's the only kind of intimacy they have in their lives…so I think that's really, really for a lot of women to shake that lifestyle." These issues complicate the recognition of the complexity of the lived experiences of many trafficking victims under the law. Their descriptions of their victimization and traffickers may not be constructed in ways which will allow them to be prosecuted under the *TVPA* as occurred in the case under study.

Conclusion

The construction of sex trafficking in the United States as a social problem began as a human rights issue, but shifted to a crime control problem. In the creation of federal anti-trafficking legislation in the United States, the legal definition of sex trafficking was constructed

through a struggle between feminist reformers, involvement of religious groups, and legislative actors. These groups presented their constructions of the problem of sex trafficking and associated ideological "facts" in the national forum to affect legislation according to their interests and points of view. The social construction of sex trafficking in the dominant discourse has essentially dichotomized victims into binary categories- deserving/undeserving, trafficking victim/criminal prostitute, and trafficking victim/willing migrant (Munro, 2008; Chapkis, 2005; Maeda, 2011; Chuang, 2010; Doezema, 2010). Framing sex trafficking as a crime problem and associating it with larger crime issues (such as undocumented immigration) limits the ability to assist trafficking victims under the *TVPA*.

As shown through the statements of social service actors, the way that the *TVPA* is written does not address, but rather exacerbates, the issues involved in assisting immigrant trafficking victims. The *TVPA*, as shown through this analysis, has progressed little beyond the *Mann Act* in its ability to significantly protect and serve victims. Despite the existence of the *TVPA* and federal programs to assist victims, preferred service and protection outcomes for some of these social service actors are still not occurring. The victim advocate I interviewed stated that she wanted to see "really effective prosecution of johns and traffickers and a real understanding of the situation that…prostitutes and trafficking victims are in." In her opinion, the ability to accomplish her desired outcomes would require attention to the "nuances and how we may be harming people more than helping them."

The restrictive legal definitions and provisions included in the *TVPA* constrain how victims will be recognized under the law and how social services actors are able to assist them (immigrant victims in particular). By asserting that trafficking is a modern forms of slavery and limiting the ability for 'undeserving' undocumented immigrant victims to obtain T visas under

the *TVPA*, legislators were able to create a narrow definition of 'severe forms of trafficking' to criminalize the worst forms of trafficking. This definition does not match the lived experiences of most trafficking victims who are not victimized through physical force or coercion as defined by the law, which leaves them ineligible for assistance and legal recognition of their victimization under the *TVPA.* Thus, the intersections of the dominant discourses used to create the *TVPA* and other federal legislation and policy has important implications for how law operates on the ground.

As Chapkis (2005) eloquently states, "a closer study of the law reveals that rather than being a significant departure from past practice on migration, poverty, and commercial sex, the new law actually serves as a soft glove covering a still punishing fist" (p. 51). The *TVPA* does not live up to its stated purpose to protect victims and combat trafficking in persons as it is currently constructed. The next chapter continues to examine these themes in the ways victims and offenders construct their experiences and actions in the criminal case under study. Their stories highlight the centrality and malleability of the concepts of force, fraud, coercion, and agency in the descriptions of their involvement in sex trafficking as they are made to 'think like legal actors' in representing themselves to be recognized by the law.

CHAPTER 5- STORIES OF VICTIMS AND OFFENDERS

Trafficking victims and those who victimize them have been the subject of very little research, specifically within criminology. There is little known about the viewpoints of these individuals and how they conceptualize their experiences and involvement in trafficking (see Hoyle et al., 2011 and Brunovskis & Surtees, 2008 for examples of research involving interviews with victims). The analyses in this dissertation aim to address this gap and provide what Hoyle et al. (2011) refer to as a "more textured analysis" of sex trafficking centered on the individuals involved in the crime and those who deal with the problem on the ground (p. 314). With this research, I wanted to bring the study of sex trafficking to a ground level and examine the implications of dominant constructions of sex trafficking within the criminal justice process and on the conceptualizations of victims, offenders, and individuals working in the criminal justice and social service systems.

This chapter seeks to provide an analysis of how the individuals implicated in sex trafficking (both victim and offender) talk about victimhood, offending, and responsibility. There is evidence in the ways they presented their experiences to legal actors that the victimization involved in this case did in fact involve forms of force, fraud, and coercion, and how the offenders conceptualized of their actions and the actions of others involved in the trafficking scheme. Further, the contingent nature of social constructions, the complexity of self-described lived experience, and the offenders' interpretations of what constitute force, fraud, coercion and agency are highlighted in the ways the offenders conceptualize their culpability, the crimes committed in this conspiracy, and the victimization of the women they prostituted.

It is important to acknowledge that the data for this chapter were drawn from law enforcement records, legal documents and offender statements to the court. Institutional records provide the main source of information regarding the victims' and offenders' statements that I was able to access for this project. Similar circumstances of institutionally-mediated data and lack of access to victims and traffickers exist for much of the research into sex trafficking (see Breuil, Siegel, van Reenan, Beijer, & Roos, 2011 and Harrington, 2005). Thus, the stories and conceptualizations of the victims and offenders in this case can only be understood through the prism of the documents written by legal actors, which are imperfect representations, but an important piece of the puzzle. In a way, the lack of data on the victims and offenders mirrors the way they were silenced in the case and how they and their experiences were primarily represented by legal actors in court.

The context of the criminal case in which the victims and offenders gave statements is also important for understanding their stories and conceptualizations of their experiences. As will be discussed in this chapter, the institutional constraint of the criminal justice system, law enforcement investigation, and criminal prosecution shaped their statements and how they represented themselves to legal actors to both protect themselves and ensure the best possible outcomes for themselves. The victims, discussed first, were fearful of the consequences of their involvement in criminal actions which lead many of them to initially deny involvement in prostitution and lie to investigators. The offenders in this case chose to conceptualize themselves and their actions in particular ways in legal documents and before the court to limit their culpability and responsibility in the criminal conspiracy and victimization of the women they prostituted.

Victims' Stories

I was able to obtain documented statements of four women victimized by the offenders in this case[39] provided to law enforcement during the course of the investigation. Their histories, culture, and victimization place them in specific legal and social spaces, which influenced the stories they told. They were undocumented Latina immigrants with histories of violence, financial hardship, and familial strife making them vulnerable to trafficking and the influences of those who victimized them. Further, these intersectional vulnerabilities converged with the stigma of prostitution and cultural proscriptions to limit the willingness of the women recovered from the offender's brothels to cooperate with law enforcement.

As noted by one of the defense attorneys and the prosecutor in this case, providing information to the government is looked down upon in Latino culture. One defense attorney. Mr. Masterson stated that "there's not a huge level of support for people in that community to rat out their brothers." He also wondered if the female defendants involved in the case who did cooperate "got the same cultural memo everyone else got" as they chose to give information to the government. The prosecutor similarly stated that "they don't squeal" on one another, but she was unsure of the reason why: whether it was out of fear or a cultural proscription. The victims' unwillingness to assist in the prosecution of their traffickers was further compounded by the stigma of sexual victimization. As Rodríguez Pizzaro (2008) highlights, there is a taboo in Latino culture regarding speaking about "private" sexual issues and crimes (p. 221).

The federal law enforcement official and the prosecutor both agreed that the victims recovered from the brothels in this case were initially "less than cooperative" and overall did not

[39] Including Sonia, there were a total of six victims associated with this case.

wish to participate in the prosecution. The federal law enforcement official described the women as wanting to "disappear and fall off the face of the earth" and "pretend this never happened." The prosecutor said that "initially some of them denied being a prostitute and then you just kinda sat there and look at them. And then it would come out…and then they would cry" and tell their stories. The women's concern over the implications of speaking to law enforcement and being involved in the investigation stemmed both from wishing to keep their families and children from finding out what they had been involved in and worries over the consequences of their undocumented immigrant status. The federal law enforcement official mentioned that "they're coached before they come over here of what to say when law enforcement approaches them" which was "very frustrating" because they were not "being forthright with what the situation really was." Further, she felt that "all they cared about was being deported."

Despite the reluctance of many of the victims in the case to provide information about their experiences, the stories they told law enforcement do give insight into their lives, the operation of the trafficking/prostitution network, the offenders, and their experiences while working within the network. The women's stories should not be taken as constituting a cohesive, flowing single recollection of events. Many of the women were interviewed multiple times by various legal actors to gather evidence and information and clear up inconsistencies in their stories. Further, the victims' descriptions of their experiences were also impacted by their attempts to make sense of what happened to them each time they were interviewed. Sonia, Luisa, and Lilia each revealed more details about their experiences and shifted their stories with each statement to law enforcement. Lilia admitted to initially lying about how she came to be involved with Reyna Rodriguez Rios and continued to change details concerning her involvement in the case, her migration history, and her victimization experiences throughout her statements (*US v.*

Reyna Rodriguez Rios, Gov. Ex. No. 4; *US v. Reyna Rodriguez Rios, Gov. Ex. No. 5*). She admitted to law enforcement that she had concealed things from them out of fear for her children who were not with her (*US v. Reyna Rodriguez Rios, Gov. Ex. No. 5*).

The victims were actively choosing what to share, how much to share, and how to portray their experiences to not only to 'flesh out' what had happened to them, but also to relate their experiences to law enforcement. Their attempts at storytelling are similar to Espinoza's (1997) findings that victimized women often find it difficult to form a cohesive, unvarying account of their experiences as they must "make choices about what is important, who is important, and why… the interactions between story, understanding, and lived experience is dynamic and dialectic" (p. 913). With this in mind, their stories examined in this analysis are snapshots of the women's experiences, but do provide a glimpse into their conceptualizations of these experiences. Their stories contain statements of their familial and migration histories, how they came to be involved in the prostitution network, and their victimization experiences. This analysis will begin with an examination of the role of the women's intersectional vulnerabilities in their trafficking and their ability to leave the trafficking network, followed by an examination of their victimization experiences.

Role of Intersectional Vulnerabilities in Victims' Lives and Victimization

Research has shown that economic hardship, limited education, insufficient employment opportunities, gender disparities, and other structural problems "exacerbate the vulnerabilities of marginalized and disadvantaged groups and render them increasingly more susceptible to a variety of harms" (Sanghera, 2005, p. 7). The victims in this case faced numerous gender, ethnic, and immigrant issues. The women had all of the risk factors for trafficking outlined by the

International Human Rights Law Institute (2005) including: an inability to obtain necessities; a lack of suitable employment; the need to provide for their families; little formal or vocational education; and past violent mistreatment. They were all undocumented Latina immigrants seeking a better life for themselves, their families, and in the case of most, their children.

All of the women came to the United States without documentation looking for work or to reunite with their families. Sonia, a native Mexican and single mother, stated that she had come to the United States to find work to support her three children still living in Mexico (*Doc. No. 108-1*). Luisa, a thirty-six year old Mexican woman with an elementary education, stated that she had come to the United States two months prior with the assistance of 'coyotes,' who charged between $2,500 and $2,600, to reunite with her mother after the death of her father (*US v. Esthela Silfa Vasquez, Gov. Ex. No. 7*). Maria, a forty year old Salvadoran married mother of one, told law enforcement that she had borrowed $7,000 from her sisters to pay smugglers to bring her into the United States. She sought to find work in the United States to financially support her family after the loss of their family business because of an inability to pay a $300 monthly extortion tax to a local Mara Salvatrucha gang (*US v. Esthela Silfa Vasquez, Gov. Ex. No. 6*). Lilia, a thirty-one year old Mexican single mother of two with a ninth grade education, had crossed into the United States numerous times before finally permanently settling in the United States. After her husband was deported two years previously for an immigration violation, she became a single parent to her two young children, aged four and six (*US v. Reyna Rodriguez Rios, Gov. Ex. No. 4*).

The women's undocumented immigrant status limited their ability to obtain legal work in the United States which, combined with their economic desperation exacerbated by smuggling debts, led them to search for employment opportunities by contacting other Latino migrants.

Informal work opportunities found through these contacts are often the only means of employment available to undocumented migrants (Agustín, 2006). As Rodríguez Pizzaro (2008) highlights, the intersection of migrants' undocumented status and need for employment increases their risk for trafficking and exploitive work situations. For the victims in this case, the Latino acquaintances they depended on to assist them in finding work were actually working for trafficking and prostitution networks to bring in new women. These individuals exploited the women's need for work along with their undocumented status, lack of options, and family situations to convince the women to travel to new areas for work which they would later find was prostitution.

As mentioned in Chapter 1, Sonia told law enforcement that once in the United States, she found work in a restaurant in Memphis, Tennessee. There, she met a woman who offered to assist her in finding more lucrative work after Sonia expressed a need to send money home for her children. Upon accepting the offer of assistance, the woman drove Sonia to a Birmingham, Alabama hotel for what Sonia believed was work as a hotel maid. After arriving, she was handed condoms and makeup and told to service the men there. Only then did she understand that the work there was in prostitution (*Doc. No. 108-1*). Similarly, Luisa met a woman in Dallas shortly after entering the United States who provided her with a phone number of someone she knew who had work in Louisville, Kentucky. The number belonged to the defendant Obdulio Comacho Morales, who instructed Luisa to purchase a bus ticket to Louisville and come work for him. As with Sonia, only after arriving at her destination did she discover that the work was in prostitution (*US v. Esthela Silfa Vasquez, Gov. Ex. No. 7*).

Maria sought assistance in obtaining employment in the United States from one of her sisters' boyfriends. He offered to take her to Cincinnati, Ohio to work, which she accepted. Like

the other two women, she only discovered the work was in prostitution after she arrived (*US v. Esthela Silfa Vasquez, Gov. Ex. No. 6*). Lilia met a woman in a Mexican market in South Carolina who offered to help her find work because she was unemployed. The woman connected her to Reyna Rodriguez Rios' boyfriend who offered her a job with his girlfriend. She assumed she would be working cleaning houses as she mentioned multiple times this was the type of work she was interested in. After being brought to Knoxville, Tennessee, she initially did not understand why they had provided her with a bag of clothes, but later discovered that they were 'sexy' clothes for prostitution (*US v. Reyna Rodriguez Rios, Gov. Ex. No. 5*).

As can be seen in the women's descriptions of how they were led to believe they would be working in traditional jobs, they did not know prior to agreeing to the employment that they would be working in prostitution. King (2008) calls these situations classic 'bait and switch' schemes. In these scenarios, individuals are offered one type of work opportunity which they agree to, only to discover that the work is actually in prostitution. Understanding the women's situations in this way highlights how they were compelled to work in prostitution, in part, through fraudulent work offers.

Once the women traveled to new locations for work, they were away from their homes (whether that be their residences inside the United States or in Latin America) without transportation and in situations where others held a measure of power over them. At this point, the traffickers continued to exploit the women's need for work, lack of options, family situations, and the power differential to keep them in prostitution. Many of the traffickers also employed further victimization of the women to maintain power over them and exploit them in prostitution. Their experiences align with Hoyle et al.'s (2011) finding that situations in which trafficking victims live in can limit their freedom, ability to choose, and deny them support, monetary

independence, and feelings of safety. Thus, the victims were in fact influenced into prostitution by coercive forces.

Sonia's identification, cell phone, and money were taken away by the woman who brought her to Birmingham, Alabama and two men they met at the motel. When she told them that she did not wish to work as a prostitute and was going to report them, they snickered and displayed a picture of her children. They stated that they knew where her children were and threatened to harm them if she did not comply. Out of fear for her children, she went inside the motel and was prostituted to thirty men that first day. She remained in the prostitution business for a little over three years after her initial trafficking and being 'sold' to two other handlers who prostituted her throughout the eastern United States (*Doc. No. 108-1*). Sonia also told law enforcement that while working at a brothel run by Eusebio Flores Martinez, he abused the women who worked there and sexually assaulted her (*US v. Eusebio Flores Martinez, Gov. Ex. No. 1*). She only left the prostitution business and her handlers after meeting a man interested in marrying her who encouraged her go to the police (*Doc. No. 108-1*).

From Sonia we also learn of details of the often exploitive relationships between women and their handlers. 'Padrotes' force or threaten women to become involved in and remain in prostitution in addition to controlling the compensation, schedule, and working conditions of the women who work for them. She also stated that the women in these Latino prostitution networks did not receive any part of the payments for their work, but relied on gratuities for removing their tops and other undergarments (*Doc. No. 108-1*). Each of these techniques used by 'padrotes' and other handlers serve to further their control over the women they prostitute by limiting their monetary resources and continuously moving them to minimize their familiarity with any one area.

To get Luisa to acquiesce to working in prostitution after refusing, Obdulio Comacho Morales told her that if she worked for him he would send her to her mother whom she sought to be reunited with. Luisa told law enforcement that she did not try to escape while working for Obdulio and Esthela Silfa Vasquez out of fear. While working, she was told not to speak to the other women living in the brothel and believed the Latino male staying with them would have stopped her. She also said she had been threatened with physical violence and withholding of food by Esthela at one point when she asked when she would be allowed to leave (*US v. Esthela Silfa Vasquez, Gov. Ex. No. 7*). Her fear limited her desire and ability to leave this exploitive situation in which she received none of the $40 charged to the approximately fifty men per week who paid for fifteen minutes of sex with her (*US v. Esthela Silfa Vasquez, Gov. Ex. No. 7*).

Maria described her reason for agreeing to work as a prostitute as being driven by a need to pay back her significant $7,000 smuggling debt. She was also further coerced to remain in prostitution by her significant other who controlled her work schedule, who she could work for, and took her earnings. She described that although she had attempted to leave him multiple times, she had been unsuccessful due to his threats to kill himself or anyone who assisted her if she left him (*US v. Esthela Silfa Vasquez, Gov. Ex. No. 6).*

Lilia described to law enforcement how she had told Reyna Rodriguez Rios she was not interested in working in prostitution after her first experience even though she was poor. After realizing that she had no money to pay someone to take her home, she resigned herself to working for Reyna and staying in the locked room in Reyna's trailer and after Reyna refused to take her home until her boyfriend returned in a week (*US v. Reyna Rodriguez Rios, Gov. Ex. No. 5*). Lilia also described how she was violently sexually assaulted by one of the men who had paid Reyna to have sex with her and how Reyna did not assist her in ending her assault or getting

medical care. Upon returning to Reyna's trailer after her assault, the night before the police searches, Lilia felt that she could not tell anyone where she was in Knoxville if she was to call for help because she did not know the area (*US v. Reyna Rodriguez Rios, Gov. Ex. No. 5*).

The four women's stories highlighted how they, and others like them, were subjected to various forms of fraud, coercion, force, and violence at the hands of their handlers and during their work in prostitution. Their descriptions of the crimes against them are grounds for arguments asserting that they were coerced into working in prostitution. The coercive forces of extreme poverty, debt, and fraudulent work offers influenced the women's choice to travel for work. Threats of violence and physical barriers to their movement and freedom were used against all four women to coerce them into engaging in prostitution.

The intersection of the women's needs to provide for and protect their families, keep themselves safe, and survive significantly influenced their participation in prostitution. As Hoyle et al. (2011) find, the choices of trafficking victims are significantly constrained by 'push' and 'pull' factors which limit their ability to choose, but often do not leave them completely passive. The varied forms of coercion used in this case highlight the numerous ways coercion and force can be wielded, even if the case cannot be tried under the *TVPA*. The lack of legal recognition of the plurality of lived experiences in which agency and choice can be mitigated by larger social forces, intersectional vulnerabilities, and actions of others begs the question of why restrictive definitions of the concepts of force, fraud, coercion, and agency perpetuate in law.

These issues perpetuate the lack of understanding and legal recognition of the complexity of lived experience and the victimization faced by many trafficking victims, as it did in this case. Despite any explicit assertions of the words 'victim' or 'victimization' in the reports of the women's stories, there is significant evidence, as shown in this analysis, that they faced specific

instances of coercive influences, force, fraud, and a limitation of their autonomous agency and freedom. The experiences of the women victimized in this case not only highlight the limited capacity for current legislation to acknowledge the crimes against them, but also points to the variability in the ways that trafficking and its central legal concepts can be conceptualized. An example of this phenomenon was examined in chapter four in regards to the reasons why the *Trafficking Victims Protection Act* was formulated the way it was. The next portion of this analysis will examine how this malleability was exploited by the offenders in this case to define their actions and the actions of the victims to limit their responsibility and culpability in the eyes of the court in mitigation of their sentences.

Offender Constructions of the Crime, their Actions, and Victims

As previously mentioned, the institutional context of the offender's stories and their constructions of their actions, responsibility, and culpability in this criminal case is of importance. Similar to the victims, the data on the offenders was limited. Their constructions could only be drawn from a small number of statements they made to law enforcement, court documents submitted on their behalf by their attorneys, and their short statements before the court. Despite this limitation, the available data does provide a window into how the offenders constructed their actions; the actions of their co-defendants and victims in the case; and what it means to be a victim to limit their responsibility and culpability in mitigation of their sentence. To accomplish this goal, the offenders used the malleability of legal definitions, the ascription of victim status, and what it means to be an agent to define themselves in specific ways.

The following analysis will show that the offenders in this case portrayed themselves in two different ways and maintained their identity dependent on context. While speaking to undercover informants, they portrayed themselves with agency in their criminal enterprises. Yet, after their arrests and during their prosecution, these same individuals highlighted structural and historical forces which influenced their behavior. These discrepancies emphasize the varied roles an individual occupies during their lives, how they choose to present themselves to others in varying situations, and the ways individuals characterize the actions they take. Of importance to this analysis is not the 'truth' of any one of the defendants' conceptualizations of the case, crime, or victims, but how they expose the complexity of social life and question the homogeneous nature of social and legal categories in describing experience (see Sandberg, 2010 for a similar argument).

Representing Selves with Agency in the Criminal Conspiracy

While speaking to undercover informants during the investigation, many of the offenders in this case spoke of their involvement in prostitution to show pride in their business, despite knowing their actions were illegal. During the investigation, Rubio Trinidad Narciso in one instance mentioned to an undercover informant that he wanted to begin selling lucrative cocaine out of his brothels for financial benefit (*Doc. No. 104-1*). In a meeting in Johnson City, Tennessee with a confidential informant posing as a potential handler, Rubio stated that he had taken over the responsibility for providing prostitution services in the area after a colleague's arrest and was actively looking for someone to take over the business (*Doc. No 112-1*). Also, in an interaction with Sonia while she was posing as a potential prostitute interested in working for him, Rubio stated he did not fear getting caught and had many years of experience managing

prostitution business. He also prostituted minors and obtained false documentation for them (*US v. Reyna Rodriguez Rios, Gov. Ex. No. 1*).

Rubio Trinidad Narciso's significant other, Rosa Garcia Menendez also boasted to confidential informants about their shared prostitution business. In one phone conversation with Sonia while she was working undercover, Rosa stated that the new prostitute working for her was "very good and had already generated 80-100 tickets by Thursday" (*Doc. No. 106-1*, p. 14). She highlighted to another confidential informant during a recorded phone call that Rubio had been very successful in his eight years as a brothel manager (*Doc. No. 98-1*). In another instance, she stated to Sonia in a phone conversation that she and Rubio had begun to rent the house next to their brothel to keep "non-Hispanics from occupying the home" and because Rubio no longer wanted to deliver prostitutes and operate a brothel out of each house (*Doc. No. 104-1*, p. 13).

Similar to Rubio Trinidad Narciso and Rosa Garcia Menendez, Reyna Rodriguez Rios and Elda Dorali Moreno Ramirez also bragged about their businesses to Sonia while she was working as an undercover confidential informant during the investigation. Reyna described how she had stolen away some of Elda's clients and employed her former driver for her business which sold "60 to 80 tickets" weekly (*Doc. No. 110-1*, p. 12). In one phone conversation with Sonia, Elda mentioned that she had bought her prostitution business from her boyfriend when he fled to Mexico following the arrest of another handler. She also mentioned how she only sold sexual services to clients she knew and employed numerous techniques to avoid having their activities discovered by law enforcement, such as: having a family stay in the same residence and making it appear as if she worked as a vendor by placing videos or makeup in her car (*Doc. No. 98-1*).

These traffickers sought to be perceived as successful businesspeople who knew how to run profitable criminal prostitution businesses by those they believed to also be involved in prostitution. They spoke of their businesses not in terms of selling others' sexual labor, but in terms of the number of 'tickets' they sold in a given week.[40] They conceptualized themselves with agency as savvy entrepreneurs. Their representation of themselves in this way is in stark contrast to the way they presented themselves to the court and legal actors. Once arrested, they sought to conceptualize their actions and circumstances in ways to minimize their culpability and responsibility in the crimes they were implicated in committing.

The offenders used the sentencing memorandums submitted to the court on their behalf to outline their arguments for their limited culpability and responsibility in the crimes they were accused of committing. Also evident in these documents is their conceptualizations of how force, fraud, coercion, and agency and how they employed specific definitions of these concepts to refute the assertions that they personally trafficked the women working for them and to define the victims as active participants. Others defined their own agency and role in the victimization of the women to limit their culpability in the overall crime.

Refuting a Personal Role in Victimizing

None of the offenders in their sentencing memorandums denied involvement in prostitution, but they refuted any accusations of instances of 'forced prostitution' or trafficking in their crimes. Many of them defined their victims in specific ways to construct them as willing and active prostitutes who were not forced, coerced, or defrauded into working in their

[40] A ticket (or token) was given to each male client after they paid for sexual services. They were to give the ticket to the woman they were to have sex with as proof of payment. The number of tickets a woman turned in to her handler(s) each night was a gauge of her profitability as a prostitute.

prostitution businesses. In the sentencing memorandum submitted on behalf of Elda Dorali Moreno Ramirez, she refuted having victimized anyone "in the traditional meaning of the word" (*Doc. No. 191,* p. 5). She further argued that what "constitutes a victim" for the purposes of the crime she plead to was "not necessarily what comes to mind when we hear or see the word 'victim'" (*Doc. No. 191,* p. 4). She refuted that someone could be victimized by being induced to travel in interstate commerce for the purposes of prostitution (*Doc. No. 191*). Thus, the language of the law the case was tried under (the *Mann Act*) allowed for a refutation of victimhood in the case of the women she prostituted. By only having to agree she 'induced' women to travel for prostitution, she could deny any physical harm and victimization in her actions.

Other offenders framed their statements to the court to highlight their misunderstandings of US law and their lack of knowledge that their actions were illegal. They sought to deny any knowledge that what they were doing was victimization. In his statement to the court in mitigation of his sentence, Freddy Lopez Torres stated: "I didn't understand very well how grave the things I was doing were" (*Transcript of Sentencing, United States v. Freddy Lopez Torres*, p. 7). The sentencing memorandum submitted by Rubio Trinidad Narciso's first attorney highlighted the legality of prostitution in his home country of Mexico, which "is much more lenient is [sic] such things involving sex" and how Rubio "has tried to understand the severity of the crime in the United States" (*Doc. No. 259,* p. 3).

Many of the offenders also chose to construct the women they prostituted as individuals who exercised agency by choosing to travel for the purposes of prostitution. By defining the women's actions this way, the offenders could define them as 'active' prostitutes and argue against assertions they had personally victimized them. Rubio Trinidad Narciso, Obdulio Comacho Morales, and Elda Dorali Moreno Ramirez all constructed their victims as willing,

active participants in their prostitution businesses to highlight their agency in the crime and deny them victim status. Rubio Trinidad Narciso's sentencing memorandum highlighted how the only woman the presentence report mentioned "took a Greyhound bus from New York to Knoxville on her own" (*Doc. No. 298*, p. 9). Similarly, Obdulio Comacho Morales's sentencing memorandum described the women working for his prostitution business as active participants who "traveled from Mexico and Latin America for the purposes of providing sexual companionship" (*Doc. No. 300*, p. 2). Elda Dorali Moreno Ramirez's sentencing memorandum stated that "many of these prostitutes contacted [her]…and many transported themselves part of the way, if not all of the way" and that she only "answered their calls and put them to work" (*Doc. No. 191*, p. 5).

Defining the women as willing and active participants also allowed many of the defendants to refute the use of coercion or force in their involvement in the prostitution business. Raymundo Sanchez Torres denied that the women he transported for the purposes of prostitution "were coerced or restrained from freedom" (*Doc. No. 245*, p. 6). Elda Dorali Moreno Ramirez's sentencing memorandum highlighted she was "proactive in developing her business, calling to obtain workers and customers, but she did not use coercion or fraud to employ her prostitutes" (*Doc. No. 191*, p. 5).

After laying the groundwork for both denying the women they prostituted a victim status and the existence of force or coercion in their actions, the offenders could limit their culpability in the criminal conspiracy. Some asserted they only were assisting the women in their pursuit of employment, limiting their own responsibility in bringing them into the prostitution business, while others limited their involvement to only part-time work. Raymundo Sanchez Torres claimed to only be involved in conspiracy in being allowed "to make extra money by

occasionally transporting prostitutes around East Tennessee" (*Doc. No. 245*, p. 2). Obdulio Comacho Morales claimed to having only "aided" the women in obtaining work they already sought out (*Doc. No. 300*, p. 2).

Elda Dorali Moreno Ramirez claimed to only have made the women "available to customers" (*Doc. No. 191*, p. 5). She further asserted that because of her experiences in prostitution, she "positioned herself such that she could allow women to work without experiencing the abuse that is so commonly experienced by women working for others in the industry" (*Doc. No. 191*, p. 6). Thus, Elda constructed her involvement in prostitution as one aimed to help the women gain employment and providing them a 'safe' environment in which to work.

In addition to defining their own actions and those of the women they prostituted in particular ways, the offenders also conceptualized the actions of others involved in the conspiracy as more egregious to minimize their own culpability and responsibility. They highlighted the violent and coercive actions their co-conspirators used against the women they prostituted to minimize the severity of their own actions and involvement. Evident in their statements are the instances of physical force and coercion used against the women victimized in this case. These offenders defined the victimization of the women by their co-conspirators in terms of physical force, physical coercion, and physical violence.

Limiting Personal Culpability in Comparison to Co-Defendants

Many of the offenders also chose to compare themselves to their co-defendants to minimize their culpability in the crime. By emphasizing the severity of the actions of their co-defendants, they could define their actions as relatively less important and harmful. In particular,

Rubio Trinidad Narciso's final sentencing memorandum highlighted how some of his co-defendants had been involved in actually physically victimizing women. He specifically pointed to how Esthela Silfa Vasquez "actually transported women across state lines, held them against their will, and threatened at least one who asked when she could go home with beating and denial of food" and how Reyna Rodriguez Rios "forced [victim's name removed] into prostitution which lead to an assault…requiring medical attention" (*Doc. No. 298*, p. 9).

Raymundo Sanchez Torres' sentencing memorandum asserted "while the underlying conspiracy is rife with allegations of abuses of liberty, concealment, and other conduct violating the human rights of numerous victims," he was not involved in these victimizations which his sentence should reflect (*Doc. No. 245*, p. 7). As Elda Dorali Moreno Ramirez maintained that she had not victimized any of the women, she asserted that "the codefendants who victimized these women through violence and abuse or by coercing them into the illegal sex industry should be punished more severely than those who did not actively victimize the women" (*Doc. No. 191*, p. 6).

During the investigation and in his sentencing memorandum, Eusebio Flores Martinez described his involvement in the criminal conspiracy as minimal and driven by his relationships with romantic partners and acquaintances. In his interview with law enforcement after his arrest, he described his involvement with co-defendant Elda Moreno Dorali Ramirez as 'helping out a friend' and that he had only casual acquaintanceships with Freddy Lopez Torres and Reyna Rodriguez Rios. He stated that he had received a phone call from his ex-girlfriend's sister, Elda Dorali Moreno Ramirez, a few weeks prior to his arrest asking for his assistance because she was ill with cancer (*United States v. Eusebio Flores Martinez*, Gov. Ex. No. 2). In the sentencing memorandum submitted on his behalf, he claimed to having only "stayed at the brothel for about

five months" in Nashville after being hired to run it, because he "did not like working at the brothel" (*Doc. No. 279*, p. 2). After leaving the brothel, he stated that he regained legitimate employment in restaurants throughout the last year and only worked as a driver for Elda Dorali Moreno Ramirez occasionally as he was "determined to remove himself from the people with whom he had become entangled" (*Doc. No. 279*, p. 3).

In his sentencing memorandum, Eusebio Flores Martinez also specifically asked the court to "consider the nature of his participation in this conspiracy when compared to the culpability of his co-defendants who organized, planned, and profited substantially from the business for several years" (*Doc. No. 279*, p. 5). By framing his involvement in these ways, Eusebio was trying to highlight his attempts to leave the prostitution business prior to his arrest and portray himself as having reformed his life to lead a law-abiding existence. Similarly, Esthela Silfa Vasquez asked the court in her sentencing memorandum to consider that she "was allowed to remain free on bond and demonstrate to the Court her true characteristics as a mother and hard worker" in reducing her sentence below that of Freddy Lopez Torres who was convicted of "similar conduct" (*Doc. No. 257*, p. 11). Esthela's attorney also submitted letters from her two most recent employers and her children to highlight her "ability in being a contributing member of society and the workforce" and portray her in the best possible light before the court.

In addition to the above arguments of their limited culpability in the crime before the court, the female offenders in this case also chose to highlight their prior victimizations and personal histories in their sentencing memorandums as mitigating factors in their offenses. They sought to have the coercive forces of their personal histories of motherhood, poverty, violent victimization, sexual and physical abuse, and medical problems considered as influential factors in their involvement in prostitution.

Asserting a Victim Status

In their sentencing memorandums, many of the female defendants highlighted the role of their intersectional vulnerabilities in influencing their work in the prostitution business to provide financially for themselves and their families. They wished to show the court that they while they broke the law, they were also victimized individuals. The concepts of victim and offender do not effectively represent their self-described lived experience as their complicated histories and experiences 'blur' these conceptual boundaries. Their stories highlight that they perceived their involvement in prostitution and role as prostitute handlers as a 'survival strategy' used to provide for themselves and their families.

Reyna's sentence memorandum highlighted her history of childhood sexual assault, abuse by an alcoholic father, medical issues, involvement in prostitution, and status as a single mother to frame her as a "victim whether by bad choices or by her circumstances" (*Doc. No. 283*, p. 2). When she was questioned by law enforcement after her arrest, she initially claimed that she was eluding her estranged husband and denied any involvement in prostitution. After being pressured, she admitted to working in prostitution in Kentucky for a brief time to pay for her mother's cancer treatments (*US v. Reyna Rodriguez Rios, Gov. Ex. No. 2*). As evident in Reyna's construction of the influences on her involvement in prostitution, the intersection of numerous vulnerabilities in her life limited her options to support herself as a single, undocumented immigrant mother seeking to provide for her children. For her, prostitution provided a survival strategy to overcome these issues and reach her goals.

Similar to Reyna, Elda Dorali Moreno Ramirez sought to have her extensive victimization history considered in mitigation of her sentence. To accomplish this, a detailed life history statement was submitted with her sentencing memorandum to highlight the significant

effects of her life experiences on her involvement in prostitution. She stated that her extremely impoverished childhood led her to leave her family at the age of nine to ease their financial strain. Not long after this, she was sexually assaulted on a trip home to see her family, which compromised her sense of self-worth as "her every thought after that incident was that she no longer had any value because she was no longer a virgin" (*Doc. No. 191-1*, p. 2).

Throughout the following years after that incident, she claimed to have experienced various instances of sexual harassment, attempted kidnappings, and attempted sexual assaults. After leaving her husband due to his extensive drinking and gambling, she placed her children with family members to seek work in the United States to support her family. After entering the United States without documentation, she was tricked by an acquaintance into traveling to Knoxville, Tennessee for possible work only to find out it was in prostitution. When she refused to work as a prostitute for the woman who tricked her, she was threatened that "if she didn't work she wouldn't have money to eat and send to her little children" and she "couldn't get out of this because this was like the mafia" (*Doc. No. 191-1*, p. 8).

As evident in Elda's life history, her vulnerability to trafficking and her work in prostitution was influenced by the intersection of her victimization history, motherhood, and undocumented immigrant status. She was subjected to various forms of victimization in her life which led her migrate to the United States looking for work to support her family. Like the victims in this case, she was fraudulently coerced into prostitution through a 'bait and switch' scheme. The circumstances of her trafficking submitted to the court in mitigation her involvement in a criminal conspiracy were strikingly similar to those used to compel the victims in this case into prostitution.

Rosa Garcia Menendez's sentencing memorandum highlighted that her impoverished childhood, inability to financially support her family in Mexico, and her son's fight with leukemia influenced her decision to come to the United States with the assistance of 'coyotes.' The illness of her son was argued as the main impetus for her migration and involvement in prostitution as "she desperately sought to save his life by coming to the United States to send money home for his medical expenses" (*Doc. No. 217*, p. 4). Rosa stated that she had not been "forced into prostitution" but after not making enough money working as a maid and store clerk, she started working in prostitution because "she knew she could make more money" that way (*Doc. No. 217*, p. 4). Thus, the coercive forces of poverty and the need to provide for her family influenced her decision to enter prostitution. She did acknowledge the danger and victimization that occurred in the prostitution business as she had been "victimized herself on more than one occasion, even having her teeth knocked out while working" (*Doc. No. 217*, p. 3).

The last female offender, Esthela Silfa Vasquez, presented her personal history and experiences in mitigation of her sentence in much the same way. The sentencing memorandum submitted on her behalf highlighted how losing her father at a young age had significant negative financial impacts on her family leading her to migrate to Puerto Rico and later the United States to financially assist her family in renovating their home destroyed by fire and support her two children as a single mother (*Doc. No. 257*). As can be seen in the women's stories, their agency in entering prostitution or remaining in prostitution and moving up in the business structure to handle other women working in prostitution was limited by their life circumstances, the actions of others, and their status as mothers.

As Banwell (2011) highlights, the life options facing women who engage in the victimization of others limit their culpability and ability to control their lives. The female

offenders in this case were attempting to control their lives in circumstances in which they were being controlled. In this way, their lives blur the boundaries between victim and offender. The stories of their involvement in prostitution as the result of their intersectional vulnerabilities mirror those of the victims in this case.

Conclusion

Those who come before the criminal justice and legal systems must think like 'legal actors' to find ways to represent themselves to protect themselves and share their experiences in meaningful ways. The ways law and the legal system constrain the recognition of the complexity of human experience limit the ways that victims and defendants can express how they conceptualize their actions and experiences. Thus, female and male offenders constructed the case, victims, and their personal histories in specific ways to draw attention to how they perceived their responsibility and culpability in the criminal conspiracy within a larger social context.

Despite the fact that the case did not meet the strict legal requirements of being tried under the *Trafficking Victims Protection Act of 2000*, the victims' stories did highlight the existence of force, fraud, and coercion in their victimization at the hands of their traffickers. The forms of force, fraud, and coercion that they were subject to highlights the malleable nature of these concepts and how they can be exercised in ways other than those that are legally recognized. The manner in which the offenders in this case used the strict legal definitions of physical force, fraud, and coercion to anchor their stories again highlights the centrality of these concepts in constructing sex trafficking. Yet, at the same time, their stories highlight the

malleability of these concepts which can be both used to deny the existence of trafficking in this case and construct the women they prostituted as willing prostitutes who chose to engage in prostitution. This malleability was also used by the legal actors in the case in similar ways to either refute or assert the existence of victimization in this trafficking case.

CHAPTER 6- LEGAL ACTORS' CONSTRUCTIONS OF CRIME AND VICTIMS

Within the context of the criminal justice system, legal actors actively contribute to the construction of the meaning of crime, offending, and victimization. The ways legal actors construct cases and criminal acts are of particular importance to socio-legal studies as they provide insight into the "interpretive frameworks" used by legal actors and how they influence representations and legal decisions (Sherwin, 2009, p. 19). Due to the adversarial nature of the legal system in the United States, law enforcement, defense attorneys, and prosecutors approach crime from very different practical angles which influence how they construct criminal behavior, offenders, and victims according to the outcomes they seek in a criminal case, either the acquittal of the defendant or obtaining a prosecution. Thus, the outcomes sought by legal actors are informative lenses through which to understand their specific constructions of a case and those involved. For these reasons, this chapter seeks to examine how legal actors conceptualized sex trafficking and victimization in this criminal case.

In many criminal cases of violence or harm against a person, legal arguments center on what it means to be a victim and the ascription of victim status (Miller & Holstein, 1997b). In the criminal case under study here, many of the arguments espoused by legal actors centered on what it meant to be a trafficking victim as opposed to an agent of one's own involvement in prostitution. This analysis will begin with an examination of the role of dominant discourses surrounding sex trafficking, undocumented immigration, and federal anti-trafficking legislation in informing the legal actors' constructions of the crimes perpetrated in this case. Many of the defense attorneys I interviewed used these restrictive discourses to create a space in which they could construct the offenses in question in terms of prostitution and not trafficking. Following

that, I analyze how various legal actors constructed the women prostituted by the offenders and the means used to compel them into prostitution in specific ways to determine their victim status. The chapter ends with an examination of how some of the legal actors acknowledged a 'blurring of lines' between victim and offender status in the complex interplay between personal history, intersectional vulnerabilities, and victimization in the lives of the female offenders in this case.

Discourse in Legal Actor Constructions

As shown in Chapter 4, the dominant discourses constructing trafficking in terms of slavery, undocumented immigration, and feminist ideology had significant impacts on the creation of federal anti-trafficking legislation, the strict legal definitions of criminal trafficking, and the provision of victim services. The ramifications of these discourses do not end there and continue to affect how the general populace conceives the crime of trafficking and trafficking victims. Legal actors are not immune to these influences and often base their legal arguments and cases on dominant, political depictions (Skilbrei, 2010). The impact of these dominant constructions on the ways that legal actors conceptualize trafficking as a general phenomenon is evident in the stories of the legal actors involved in this criminal case and highlights how trafficking is understood and defined in particular ways. These legal actors employed these discourses to 'other' the crime of sex trafficking, refute the existence of trafficking in this case, and construct the victims as willing undocumented migrant prostitute-agents.

The Othering of Trafficking

Three of the five defense attorneys I interviewed employed what Weitzer (2007) calls "horror stories and 'atrocity tales' about victims in which the most shocking exemplars of victimization are described and typified" (p. 449) to define 'true' human trafficking, refute the existence of trafficking in this case, and simultaneously minimize the severity of their client's crimes. These types of 'iconic' stories of sex trafficking strikingly similar to those used by government actors to garner support for their 'war on human trafficking' (as described in Chapter 4). Often 'atrocity tales' also serve to racialize the construction of trafficking (Maeda, 2011; Uy, 2011). By constructing 'true' crimes of trafficking in this way, the legal actors were able to bracket the phenomenon off from events occurring in this country which, in their opinion, do not rise to the level of severity of the issue in other countries.

One attorney, Mr. Mount, shaped his construction of how sex trafficking "usually works" by describing it to reflect the highly-publicized problems in former Soviet States and a case he was familiar with. He stated that:

> You bring a women here under false pretenses. It especially happened after the collapse of the Soviet Union in the Eastern Bloc and you bring them here to be nannies, you know, to be cleaners, and so on and so forth. You take their passports and you force them into prostitution immediately…they're afraid to go anywhere, because they think, that's a very Eastern European thing that that piece of paper, the document is everything and if they are in control of your passport then…they are in control of your life.

Three more defense attorneys also "othered" the crime in their constructions of what qualifies as sex trafficking. They employed the stereotypes of trafficking victims as a "racialized, cultural other" (Maeda, 2011, p. 56). Popular representations of trafficking victims depict them as a "'third world,' if not primarily Asian, woman or a child in deplorable conditions, being brought across borders, and being forced into commercial sex acts" (Uy, 2011, p. 205). The

defense attorneys strategically conceptualized the crime of trafficking in terms of hostage-taking, slavery, and racialized 'others.'

One attorney, Mr. Kingston, acknowledged that while trafficking does occur here, "the US does not have such a problem with it [trafficking]…like some of these like south Asian countries like Thailand and stuff where like people are basically born into it." Two other attorneys also highlighted the 'atrocity' and seriousness of trafficking occurring in other parts of the world, which deserve attention and remedying in contrast to the case at hand. Mr. Jones described this criminal case as not like a lethal one with a Conex box full of Chinese. They came on their own then were trafficked. He furthered described that holding people hostage is a bit worse than what happened in this case as driving to Atlanta is not human trafficking.

Mr. Masterson shared a similar 'othered' construction of what constitutes serious cases of trafficking, which he limited to children:

> When you start incorporating human trafficking into it, people start to think of things like slavery and people start to think of things like…the MSNBC stuff on people in Cambodia…the people…in Thailand and stuff like that. You start thinking, you know, of 11 year old girls with duct tape on them…in the back of a boat, you know, or something like that. This case just wasn't like that to me, these women were adults, um, they could never prove the involvement of a minor as far as I found.

Through relying on gender, racial, and cultural stereotypes, dominant discourses on trafficking also allow for the creation of a framework for understanding trafficking as only occurring in cases involving victims who are completely passive and fully at the mercy of their traffickers. This refutes the existence of any measure of agency on the part of victims of trafficking, which is not representative of the variety of trafficking and victimization circumstances (Tomkinson, 2012; Wolken, 2006). By framing the problem as a significant moral and crime issue existent in specific parts of the world and involving only certain ethnic and racial

groups subjected to the worst forms of degradation, this discourse further limits recognition of the crime domestically and the importance of cases which do not fit this construction.

Two of the defense attorneys used this space to further minimize the importance of this case by defining it as concerning voluntary prostitution. Mr. Masterson felt that this case was "horribly exaggerated" by the government and that prostitution cases are not taken "extraordinarily serious in the courts." He did not consider the case to be one of trafficking, but did assert that if a case is deemed to be trafficking "people take it a bit more seriously." Mr. Sterling described that the charges his client faced "in the great scheme of things" are not "all that important." He further supported his conceptualization through cultural stereotypes by pointing to how he understood other countries' view on prostitution. He felt that prostitution is "not seen as a big deal in most…in South America or Central America or Mexico."

As can be shown by these statements, the defense attorneys constructed the crime in this case as prostitution, not trafficking which opens the door for them to lay a foundation to deny the women prostituted in this case a victim status because they were active, willing participants. The illegality of prostitution and the agency attributed to adult prostitutes converged with the undocumented immigrant status of women prostituted in this case to further the ability of the defense attorneys to construct the women in a way to deny them a victim status.

Constructed Connection between Trafficking and Undocumented Immigration

Maeda (2011) argues that the dominant Western discourse surrounding sex trafficking centers on the agency of the prostitute to distinguish between trafficking victims and individuals associated with smuggling. The determination of the victimization of undocumented migrant trafficking victims is impacted by the "shroud of illegality" which covers much of their lives and

experiences (Sanghera, 2005, p. 8). The previous immigration violations of the female undocumented migrant victims in this case allowed for them to be viewed as offenders themselves and active agents by the defense attorneys and other legal actors.

Two defense attorneys also depended on negative cultural stereotypes of Latino immigrants to construct the case in terms of undocumented migrants who came to the United States of their own volition to work and objected the usefulness of laws and prosecutions aimed at preventing the crime. Mr. Jones stated that you really accomplish nothing by locking people up. Mexicans will still become prostitutes and come here illegally. Mr. Mount seemed opposed to allowing the undocumented migrant victims in this case to receive a legal immigration status after assisting with prosecutions as he stated: "the girls were all promised immunity…because you are a victim of, uh, something like that, the United States gives you… visas, u visas, so they all received green cards." His statements seem to point to a belief that because the women had previously committed an immigration offense, they should not be afforded services and protection under the law.

A few of the statements made by the prosecutor in her interview also highlighted how anti-immigrant sentiment in this country, particularly aimed at undocumented Latino immigrants, can affect case processing. She highlighted how she had been asked: "Why are we wasting time on these Mexicans? Why don't we just ship them off?" In addition, she also stated how "a lot of judges feel like you shouldn't waste any jail resources on Hispanics who are here illegally, that they should just be deported and they don't impose jail time." She believed any crime which decreases a community's safe level is important, but did highlight "public health risk" brought on by the medical diseases undocumented immigrants can have. Anti-immigrant (especially undocumented immigrant) sentiment is a significant political (and social) concern in this country

as it has limited concern for addressing crime and victimization in immigrant communities. As shown in the above statements, anti-immigrant sentiments and negative cultural stereotypes and assumptions about Latino immigrants not only influence the general public's concern for crimes against them, but also affect how legal actors perceive the right of immigrant victims to be afforded protection, have their victimization acknowledged, and have crimes against them investigated and punished. Legislators are also subject to these influences in determining how federal legislation should address the needs of undocumented immigrants of crime.

As shown in Chapter 4, "legislation dictates how victims and perpetrators are treated" (Raymond, 2013, p. 28). As a consequence of the case not meeting the definition of 'severe forms of trafficking,' none of the victims but Sonia were afforded visa protections. As the prosecutor described:

> All of these women were considered to be material witnesses…we actually could have held them in detention until to the trial but we chose obviously not to do that. But we kept tabs on them…They are material witnesses and we have to have them here until the need for a trial goes away and after that time…local law enforcement authorities could have charged them with prostitution offenses but they didn't.

Thus, the women were not afforded many victim protections under the law, but rather a quasi-offender status brought on, in part, by their undocumented status. The federal law enforcement official I interviewed stated the other victims who had assisted throughout the investigation and "did covert stuff" met the criteria for a T visa and certification because they had significantly assisted the government and "will continue to do so."

As shown throughout the first part of this chapter, the way the victims and crime involved in this case were constructed was influenced by a number of factors, including: dominant constructions of trafficking, legal constraints on the recognition of victimhood, the involvement of prostitution in the crime, and the immigration status of those involved. The legal definition of

what constitutes ‘severe forms of trafficking’ under the *TVPA* also allowed the defense attorneys to further refute the existence of trafficking and force, fraud, and coercion in the case under study.

Effects of Strict Legal Definitions on Criminal Case

The evidentiary standards of proving force, fraud, or coercion occurred in a trafficking case has been critiqued by many scholars as being a significant hindrance to using the *TVPA* in prosecuting offenders (Leidholdt, 2003; Neuwirth, 2008; Raymond, 2013). Both the prosecutor in this case and a federal law enforcement official shared a similar critique of the *TVPA* as it limited their ability to try cases of trafficking in federal court. In their statements, the legislation was described as being “hard to prove” and “hard to work.” The prosecutor laughingly asserted that it “actually shows the disconnect between the legislature and, you know, reality.” The federal law enforcement official echoed this sentiment in her statement that the law is “more cumbersome than helpful.”

The prosecutor specifically highlighted that in deciding how to charge a crime of trafficking, prosecutors must rely on “DOJ standards and protocol” to determine if the case meets the criteria for the *TVPA* and the “burden of what we would have had to prove.” After consulting with others outside of the district to determine how to charge and try this specific case (as it was the first time such a case had come through the district), the prosecutor decided the case “didn’t have the criteria” for the *TVPA*. The prosecutor expressed that she would have liked to “have charged some of them [the defendants] with the actual trafficking violation,” but was concerned about her ability to prove the case because “you don’t want to lose one of these.” The prosecutor was concerned with trying a case under a statute in which she could secure a

prosecution. Her statements mirror other research which shows how the decision-making of legal actors and constructions of crime intersect to determine the processing and outcome of cases (Segrave et al., 2009; Rieger, 2007; Srikantiah, 2007). Within the constraints of law, legal actors' discretion in how to prosecute and defend a case are significant influences not only on case processing, but also on how the case and those involved are constructed and presented to the court.

In opposition to the strict limitations in trying adult trafficking cases under the *TVPA* is the lower evidentiary standard for proving trafficking of children. The federal government considers the trafficking of children as especially grave, since they are deemed unable to choose to enter prostitution or other exploitive work situations. Thus, the *TVPA* criminalizes the involvement of others in the commercial sex acts of a minor as 'severe forms of trafficking' (Raymond, 2013). The Tennessee Bureau of Investigation (2011) study into human trafficking takes a similar stance on child prostitution as "their age alone makes them victims of trafficking" (p. 5).

Both the prosecutor and the federal law enforcement official involved in this case highlighted the government's increased interest on prosecuting child sex trafficking and the lower evidentiary threshold for those cases. The existence of a minor whom they could prove was prostituted in the case would have increased her ability to prosecute the case under the *TVPA*.[41] In highlighting the point, the prosecutor stated that "if we had found a child, someone we could prove was a child prostitute…we would have been able to dip into the new law." The restrictive definitions placed on adult trafficking (as opposed to child trafficking) based on assumptions about an adult's exercise of agency and choice over whether to become involved in

[41] Under 18 U.S.C. 1591

prostitution significantly influenced the processing of this case and how the victims were constructed by legal actors. By asserting that adults not compelled into prostitution through force, fraud, or coercion are not victims of criminal trafficking, the individuals victimized in by other means of trafficking can be denied an ascription of victim status under the *TVPA*.

Denial of Victim Status

An ascription of victim status is not only based on an individual's victimization, but also "the perceptions of those who come into contact with them and have the power to affix or reject such a label" (Hoyle et al., 2011, p. 315). Typically within the criminal justice system, individuals involved in prostitution are considered a "victimized class [which] consists of persons who have traditionally been viewed as unworthy of social protection" (Heiges, 2009, p. 456). Due to stereotypes regarding individuals working in prostitution and the criminal nature of the act, individuals selling sex are also subject to questions regarding their exploitive or coercive experiences and may be perceived as complicit in the crimes committed against them (Heiges, 2009). Agustín (2007) shares a similar concern for the often disparaging treatment of those who sell sex when she highlights, "doubt is always planted about the condition of the sex worker's state of mind, if not her soul" (p. 35).

By constructing the victims in this case as active prostitutes, the defense attorneys were able to draw upon the criminality associated with prostitution to deny the women a victim status. Specifically one of the defense attorneys, Mr. Mount referred to the prostituted women as "so-called victims" who were "willing participants…and assisting them [the defendants] in their performance." He further described the women as complicit agents who were lying to authorities

in his statement that “the victims, you know, told the stories.” Mr. Sterling said that he felt that the prostitution business in this case was “mutual aid” where “they were all very happy to have anything to make money with, to make a living with. They were just trying to get by.” He also argued that the government’s construction of the case which “all the male subjects were exporting women” was inaccurate “at least from my take on it.”

Another defense attorney, Mr. Sterling described the sentencing guidelines as “stilted” and the opposite of chauvinistic. He objected to the inclusion of the prostituted women as victims for the purposes of sentence enhancements under the US Sentencing Guidelines which significantly increased his client’s sentence. He did not seem to believe that the women should be considered victims and laughed at the way that the government calls “all the prostitutes victims and the handlers you know victimizers.” He further stated that this description of the case “went off…in the other direction from the reality of the situation where all these people, they were doing it because…that’s how they survive, that’s how they made a living.”

Often a refusal to grant an ascription of victim status to those harmed in a criminal case could entail dehumanization and denigration. Mr. Sterling stated that for the purposes of the Sentencing Guidelines “victims” in the case operated as what the government calls “units” used in determining the offense levels of the offenders. Thus, “in his [clients] particular case, there were a total of 10 units. That increased the offense level by 5.” As shown in his statements, the law and legal determinations can lead to human beings being considered as numbers used in the consideration of punishment.

Another defense attorney, Mr. Mount, framed the crime of prostitution in terms a business driven by the fact “there’s always going to be horny men.” In describing that business he also removed the human element of the commodity being sold. He stated:

> There's going to be a demand and someone's gonna pay for it…that happens if you have a structure of, uh, either call it criminal…If we deliver tomato juice it's considered a business, if you deliver women, it's criminal.

Mr. Masterson similarly dehumanized the prostitution involved in the case by referring to it as "service out there for the men, like getting your oil changed." In addition to dehumanizing the act of prostitution, Mr. Masterson also degraded the women prostituted in the case when he explained his understandings of the case and prostitution network by referring to them as "hideous" and making a disgusted noise when describing them. He stated that "this wasn't like what you think about *Pretty Woman*, umm, this wasn't like Julia Roberts or something."

As shown here, the stigmas associated with prostitution, undocumented immigrant status, and involvement with criminal activity limited the ascription of victim status to the women prostituted by the offenders in this case by many of the defense attorneys. This is consistent with Bruckert and Parent's (2013) assertion "intersecting stigmas…further exacerbate the marginalization, social judgment, and exclusion" of women involved in prostitution (p. 72). These defense attorneys constructed the case specifically to accomplish their goal of having the women prostituted in this case seen as not needing protection under the law, which perpetuated the marginalization and judgment of the women in their representation to the court. Their victimization is often the subject of more speculation and rejection than other crimes, as has been shown here. In addition, restrictive legal definitions regarding trafficking further contribute to the refutation of certain types of victimization which do not meet the standards of 'severe forms of trafficking.'

Constructions of Key Elements of Trafficking

As has been shown throughout this dissertation, the concepts of force, fraud, coercion, and agency are at heart of how the crime of trafficking is constructed. Legal actors in particular recognize and employ specific constructions of these concepts in trafficking cases to form the basis for their legal arguments depending on their desired outcome of a case. Many of the defense attorneys depended on the requirement of physical force, fraud, and coercion needed to constitute a crime of 'severe forms of trafficking' to refute the existence of trafficking in this case and construct it in terms of prostitution. Both Mr. Jones and Mr. Masterson stated that the case did not warrant a label of sex trafficking, because it did not meet the force or coercion standards under the law. Mr. Jones believed his client was not coercive in her prostitution business. Similarly, Mr. Masterson used the fact that some of the women in the case traveled alone "exclusively by Greyhound bus" between brothels to construct them as willing agents in a prostitution business. He refuted the assertion that the women could have been subject to coercion, because they traveled unaccompanied and without supervision. Further solidifying his assertion that the case was not one of trafficking, because he "didn't come across anybody that was forced against their will."

Two of the other attorneys conceded that while there may have been force, fraud, and coercion in the case at the hands of other defendants, their clients did not victimize the women in this way. Their descriptions of prostitution highlight their denigration of the practice, but stop short of constructing it as harmful in the case of their clients. Mr. Sterling asserted that while prostitution is "not very nice," his client was not involved in trafficking. "Some of them obviously were tricked into it, there wasn't any evidence that my guy ever tricked anybody or forced anybody to do anything" but this occurred in "some other cases, involving other

individuals." Mr. Mount was not as confident in his assertion of a lack of force or coercion in the case, but maintained the women prostituted by his client "were all willing participants" in spite of the fact that he "did not speak to any of the girls and maybe they were forced and confused."

The prosecutor and federal law enforcement official's descriptions of the case and the use of force, fraud, and coercion by the offenders were in opposition to those of the defense attorneys mentioned above. They problematized the restrictive legal definition of coercion and force under the *TVPA* in determining instances of victimization in trafficking cases by highlighting the variability in the ways these concepts can be defined. The prosecutor's assertion that "there is all sorts of coercion" is consistent with feminist critiques of strict interpretations of choice and agency on limiting the recognition of women's victimization (Mahoney, 1994; Bletzer & Koss, 2004; Hoyle et al., 2011; Hirschmann, 1989; Cianciarulo, 2008; Ferraro, 2006).

The prosecutor and federal law enforcement official conceptualized force, fraud, and coercion in ways other than recognized by the law in their statements to me. When I asked the prosecutor and federal law enforcement official if the women were still being coerced at the point they were being allowed to travel by themselves, the federal law enforcement official responded: "that's the million dollar question." Both the prosecutor and the federal law enforcement official were fascinated by the process of what they referred to as "seasoning" which they believe impacted the actions of the women working in the prostitution network. This process of gaining control over someone through psychological manipulation (Alejano-Steele, 2013) has been likened to "systemic methods of brainwashing, [and] indoctrination (Farley, 2006, p. 125). Its coercive forces have been recognized as highly influential for keeping women working in prostitution (Farley, 2006).

The federal law enforcement official acknowledged the role of this process in this case by stating:

> It is interesting how they start off…they're chauffeured or else they are escorted on a bus. They buy tickets for them to, to go from place to place. When they start off they are very protective of them they keep an eye on them. They are in a certain location and as they are trusted over time then they have more freedom to ride the bus.

The handlers felt a sense of control over the women who worked for them, which objectively manifested itself in their relationship. Their control was almost absolute in the sense that they were able to coerce the women into working for them without their supervision. The federal law enforcement official also pointed to other coercive measures the handlers used in combination with the 'seasoning' process to traffic the women, keep the women in prostitution, and control the actions of the women in their absence by stating:

> And that's always the big…question is [sic] well, they had their freedom. They are traveling, at any point they could have gotten away or done something different. Why didn't they? Well, when you see how they're brainwashed and how they started off. And, you know, pictures are being sent to their family in Mexico so they know whoever they work for has a contact there. You know they worry about what would happened to their kids if they do break away…there's a lot of different situations and circumstances here and not all of them are the same.

Her statement not only highlights the coercive techniques used to control the actions of the women in this case, but the varied ways that coercion can be exerted without physical force. Further, her constructions acknowledge the complexity of the victimization in this case. The women were subjected to more than one form of coercion to control their behavior. The prosecutor also shared a similar construction of the victimization in the case by stating that in her opinion "coercion can take many forms" and "can be non-forceful." She further pointed to the lack of options for many of the women even if they decided reach out for help:

> You think about it…you might have a cell phone. They might give you the cell phone. Let's say you did decide to run away, where are you gonna go? You know, you're gonna

> go with some stranger or are you going to call your pimp who is supposed to protect you and who usually does?

The federal law enforcement official added: “I mean...you don’t have any money and you won’t eat.” Thus, the coercive nature of the victimization in the case was not limited to psychological control, but also exercised through isolation and an exploitation of the women’s lack of options to provide for their basic necessities. The women’s undocumented immigrant status exacerbated this issue as they feared deportation by law enforcement throughout their daily lives. The federal law enforcement official highlighted that their fears of deportation continued after their recovery from the brothels. She stated, “that’s all they [the victims] cared about” during their interviews.

As can be seen in the legal actors’ stories, there is variability in the way the concepts of force, fraud, coercion, and agency are constructed. In their statements, the prosecutor and federal law enforcement official contested the strict legal interpretations of these concepts for defining what constitutes sex trafficking and highlighted how coercion and force can manifest in non-physical forms yet still have immense influence over the actions of the women prostituted in this case. Yet, their contesting of dominant constructions of trafficking did not end with their critiques of the legal definitions of force and fraud. They also wrestled with how to conceptualize female handlers who occupied both a victim and offender status in their eyes.

Blurred Lines of Victim/Offender Status

The female handlers’ experiences of victimization and how they also victimized others point to a space through which to challenge the often-asserted dichotomous ways a person can assigned a victim or offender status. They sought to be considered as occupying a dual status. As Ferraro (2006) highlights, the ‘blurred boundaries’ between victim and offender status point to

how lived experiences of victims and victim-offenders defy easy classification. In this particular case, the defense attorneys who represented the female handlers had been exposed to the existence of this 'blurring' in their clients cases after discovering their "hellish" lives. They chose to base their legal arguments in mitigation of their clients' responsibility and culpability in the case on this 'blurring.'

Two of the defense attorneys who represented male defendants in the case did not recognize a dual victim/offender status on behalf of the female defendants. They refuted any assertions of a victim status by the female defendants. In their conceptualizations, the female defendants were offenders just like their male clients and should be subject to the same punishment because of their high levels of involvement in the conspiracy and histories of participation in prostitution. One of the defense attorneys, Mr. Sterling, expressed his displeasure at the sentences given to the female defendants because they had "longer histories of prostitution than their involvement in this thing and who were handlers themselves that were no longer in the role of being a prostitutes." He further stated that he felt because they were "in the role of being a handler" and "similarly situated to my client," they should not have received shorter sentences.

Another defense attorney, Mr. Masterson, similarly expressed his displeasure with the women who provided evidence against others in the crime because they defied cultural proscriptions against providing assistance to the government and received "the victim treatment." He described that it "was kinda strange" how these female handlers were treated in the case, because if "you spill your heart out on the table" for the prosecution, they will file "a sealed motion and you'll get a few months and go home." As shown here, these defense attorneys wanted the women to adhere to the same cultural norms as their clients to receive similar

sentences. They constructed the female offenders as being as culpable as their clients and sought to deny their assertions of victim status.

Yet, in this case, and many like it, women can shift between being prostituted and prostituting others as Warren (2012) finds in her study of Colombian trafficking cases. “The distinction between sex worker and supervisor turns out to be a relatively fluid one, and individual women may pass back and forth between these statuses” (p. 114). All four of the female defendants in this case had been prostituted by others prior to their involvement in the prostitution business as handlers. They have been victimized at the hands of others in prostitution only to progress vertically through the business to victimize others. The complexity of their experiences and how these experiences shaped the women’s agency and life choices was the basis for their attorneys’ assertion that they occupied a dual status as a victim and offenders.

One of the defense attorneys, Mr. Jones, stated that his client "was a victim in her own right" due to the violent victimization she had experienced in the past which had a “huge impact” on her. These experiences led her to be "trapped into it at a young age." He also asserted that many of the women involved in prostitution have "been victims" and that their experiences affected them significantly to the point that "they had a dog's chance in hell from the beginning."

His descriptions of his client’s victimization and involvement in prostitution gave her a measure of agency at certain points while almost simultaneously denying her agency. While stating that she became a prostitute "only at the tail end" of her time in the United States and had prostitution recommended to her by a friend. He also claimed that her continued involvement in prostitution was influenced by her romantic relationships. She became “trapped into the business” after getting married and then rose through the ranks to managing other women.

His further comments about the use of prostitution as a form of labor by many women further problematizes a victim/offender dichotomy within a pro-prostitutionist frame. He claimed that everyone says that prostitution had to end, but the women have to work. They "repatriate" as much of these funds as possible, as most immigrants do. To him, the women were desperate and needed to support their families any way possible. Thus, no one wants to be there, but they are making the best of the situation.

Another attorney, Mr. Kingston also described his client in terms of the 'blurred boundaries' between victim and offender. He laughingly stated that for "a pimp, she was a good client." Throughout his entire interview, Mr. Kingston attempted to negotiate his client's dual identity as both a "respectful Hispanic lady" and a female handler who prostituted women. He stated that "being on the other side as a defense attorney, I always see the human side of it." He conceptualized that it was his job "to see that she [his client] was treated fairly" and thus he presented her past history and 'respectable' identity in mitigation of her sentence.

He described his client as growing "up in hell" and at some point becoming "involved in the sex trade" after coming to the United States. He felt that she "worked her way up" in the prostitution business after becoming involved, which he stated was what he "suspected" "happened with a lot of the leader women." He described his client as having two distinct identities which were in opposition to one another in this statement:

> I saw my client as this very nice, respectful Hispanic lady. Umm, but I'm sure that had we gone to trial, proof would have dictated otherwise. You know, like the forceful trafficking of these women, taking their identities away, uh, maybe not at gun point forcing them to have sex with these guys for 15, 30 bucks a pop, but I imagine that the side of her I saw wasn't the only side that's out there.

This quote also highlights another way that Mr. Kingston's construction of the crime and the victimization of the women prostituted in this case differed from the other defense attorneys.

He described the case in terms of trafficking and described that the defendants used a form of force to prostitute the women for their own personal gain. He at one point asserted that he tried "his best not to have an opinion" on the case against his client because it "clouds your judgment." Yet, he stated during the interview: "had I been the prosecutor or the judge I would see like somebody who forced these women to do very intimate things for money which is one of the worst things in the world really." He used his position as an attorney to ensure that the court saw "the human side" of his client in mitigation of her sentence.

The prosecutor and federal law enforcement official also acknowledged this 'blurring' of lines in the lives of the female handlers and the profound effect involvement in prostitution had on the women. The law enforcement official mentioned that the women's lives were surrounded by violence as all of the victims and the two female defendants who debriefed with the government "reported being raped at knifepoint or gunpoint within the prior six months." The prosecutor described prostitution as "inherently degrading to women and children" and "dehumanizing."[42][43] She also stated that the women's experiences had profound negative effects on their self-images because "they do not consider themselves to be human beings in the same

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[42] Many of the sentencing memoranda submitted on behalf of the United States by the prosecutor also mentioned these constructions of the crime. One such quote was:

> Prostitution is a pernicious social evil which has been illegal in the United States since before the Declaration of Independence; every state except one has made illegal and even Nevada, the sole state which allows prostitution, strictly regulates the practice. As early as the early twentieth century, Congress had expressed its concern with the negative results of prostitution and has addressed it by prohibiting interstate travel for purposes of prostitution (by enacting the Mann Act). As recently as 2000, when Congress enacted the *Trafficking Victims Protection Act*, Congress has reiterated its concern that prostitution is a serious offense (*Doc. No. 216*, p. 2).

[43] In court, the judge stated that these sentence enhancements were appropriate because there is "no doubt in the court's mind that there were more than ten females that were duped into joining this conspiracy and participated in it, and they were victims…the report also indicates that there was physical abuse, there were threats of violence, there was violence. Everything that civilized society knows was violated in this crime. As far as the court is concerned, the guidelines are too low for this offense" (*Transcript of Sentencing, United States v. Rosa Garcia Menendez*, p. 7-8 at 18-3).

sense that you and I do, and I just wish we could change that, but we can't." Here the prosecutor was again highlighting her conceptualization of the deleterious effects of prostitution and trafficking on the women's psychological states which limited their agency to leave the prostitution business.

The federal law enforcement official stated she wished the women's lives were different and "if they don't come over to the US, they don't have to do that [prostitution]." She felt that they would still be poor, but would not be as vulnerable to trafficking in their home countries as they are as undocumented migrants in the United States. She highlighted:

> They'll be poor but they'll do other jobs that don't degrade them…Seriously, I mean, when I say not come on here, I don't mean it in a mean way, I just mean, cause when they come over here, they…suscept themselves to so much more cruelty. And like you say, degrading, and it becomes a way of life and it's, you know, it doesn't have to…It's sad.

Her descriptions of the women's actions gives them a measure of agency for coming to the United States and becoming vulnerable to exploitation which supports Agustín's (2007) assertion that many believe that "poorer women are better off staying at home than leaving and possibly getting into trouble" (p. 39). Yet, the women were seeking a better financial situation for themselves and their families and were willing to migrate to do so due to limited opportunities in their home countries.

The federal law enforcement official also characterized the women as able to obtain other employment and was interested "that they would choose that over some of the other jobs." Both the prosecutor and federal law enforcement official highlighted how the "training" and the way the women had been "programmed" affected how they felt about working in prostitution. They further stated that some of the women felt "helpless" while others used prostitution as a way to make money. The federal law enforcement official felt that "a big percentage [will] go back to

what they were doing" because as the prosecutor stated "it's all they know." In addition, she stated "it didn't seem like a big deal to them because they only had to take off their pants and underwear."

The prosecutor also further described how she had trouble understanding the mindset of the women who prostituted others by stating:

> Well, all of the women, this is just the data…Ramirez she took over the boyfriend's job, Vasquez, Menendez, and Rios were all prostitutes who moved vertically, I guess. Yeah, I mean, it is hard to understand that mentality because you know how grinding that experience is. I don't, I don't think they think about things too much. I don't think they are very contemplative.

These legal actors struggled to determine specifically how and when these forces limited the women's agency and when they were capable actors in a criminal enterprise. Yet, the acknowledgement of these complex factors influencing the ascription of a dual victim/offender status had profound ramifications on the case processing and outcomes as these legal actors argued for its recognition under law.

Conclusion

The legal actors' descriptions of the crime, offenders, and victims in this case point to the ways legal definitions and concepts can be differentially conceptualized despite being drawn from the same evidence and discovery materials in a criminal case. The variability in their constructions highlights the malleable nature of legal definitions and ascription of victim status and their significant on the ground impact on case processing, legal arguments, and case outcomes. The legal actors in this case both used and challenged the restrictions imposed by law

on the legal recognition of specific types of victimization and victim status to construct the case according to their desired outcomes.

By denying the victim status of the women prostituted by the offenders, the defense attorneys I interviewed who represented male defendants were able to shape their presentation of the case to minimize their clients' culpability and responsibility. The defense attorneys who represented female defendants in the case centered their constructions of the case on more complex and nuanced constructions of victimhood and victimization. They sought to highlight the possibility of being both a victim and offender to place their clients' actions within a broader context to limit their culpability. In order to secure a measure of victim status for the women prostituted in this case, including those operating also as handlers, the prosecutor and law enforcement officials challenged the strict legal definitions for 'severe forms of trafficking' to recognize the complexity and nuance of various forms of coercion on the lives of the victims in this case in an effort to give a measure of justice to their experiences.

CHAPTER 7- CONCLUSIONS AND IMPLICATIONS

My principal aim for this dissertation study was to examine how sex traffickers, victims, legal actors, and other stakeholders conceptualize sex trafficking and construct it as a social problem. The secondary, related goals were to determine how Latino sex trafficking is investigated and prosecuted along with how Latino sex trafficking is connected to the vulnerabilities of Latina women. The federal prosecution of members of a Latino sex trafficking network occurring in a court near my home allowed me the opportunity to answer my research questions by conducting case study research on the emerging crime of Latino sex trafficking in new destination areas and how local actors are responding to this emerging phenomenon.

By selecting this research site, I was able to conduct a multi-method case study research project to gather multiple sources of data regarding the law enforcement investigation of this trafficking network and criminal prosecution of the offenders while also determining how victims, offenders, legal and social service actors conceptualize sex trafficking in new destination immigration areas. I felt a multi-method approach for this research would allow for the triangulation of various data sources and for a 'thicker' description of the phenomenon of Latino sex trafficking, the case under study, and how the crime is socially constructed. No single research methodology would have provided more than a glimpse into this case of sex trafficking or allowed me to contextualize the actions and stories of those involved in the case.

To gather data on a diversity of perspectives on the phenomenon of Latino sex trafficking, how the crime is socially constructed, and the influence of social constructions on legal case processing and treatment of victims, I conducted a multi-method case study of a specific criminal case of Latino sex traffickers through the use of direct observations, stakeholder

interviews, and secondary data analysis. I conducted field research to gather observation data at a local training session on addressing the crime of human trafficking and court hearings. In addition, I employed a semi-structured interview method to obtain data from eight legal actors and four social service actors regarding their role in dealing with sex trafficking, issues involved in dealing with the crime, and their personal constructions of sex trafficking and the criminal case under study. Secondary data from court and law enforcement records was also analyzed for information on the criminal investigation and prosecution of the Latino sex trafficking network and statements of victims and offenders. Each of these methods provided a different, invaluable set of data on the broad topic of sex trafficking, Latino sex trafficking, social constructions of sex trafficking, and the criminal case under study. As this research has shown, there were, in fact, various constructions of the set of events which occurred in the criminal case (expressed by victims, offenders, and legal actors), all of which deserve to be acknowledged and examined.

Research Findings

As a result of this research, I found the concepts of force, fraud, coercion, and agency to be central in the social construction of sex trafficking and have significant impacts on criminal case processing and the provision of victim services. The following are the core findings of this research:

1. Sex trafficking is socially constructed as a social problem that came to be a crime control problem.
2. The concepts of force, fraud, coercion, and agency are at the center of the construction of the crime of sex trafficking.

3. The variability in the ways that victims, offenders, legal and social service actors conceptualize the victimization involved in sex trafficking highlight the constructed nature of the concepts of force, fraud, coercion, and agency.
4. Law and strict legal definitions regarding sex trafficking constrain the recognition of the variability of victim experiences, specifically those of undocumented immigrant victims. This prevents us from better understanding the everyday realities of sex trafficking.
5. Legal actors' construction of the crime of sex trafficking and victimhood influence case processing, the representation of victims and crime in court, case outcomes, and services available to victims.
6. All of this restricts better notions of social justice.

My research contributes to the literature in six ways: (1) by examining the understudied phenomenon of Latino sex trafficking; (2) by exploring the implications of the social construction of sex trafficking within the context of a specific criminal case; (3) by analyzing how central concepts used in defining sex trafficking can be employed to both ascribe and deny victim status in a criminal case; (4) by describing the constraining effects of *TVPA* definitions and policies on criminal case processing of immigrant Latino sex trafficking crimes; (5) by highlighting the ways in which the complexity of self-described lived experiences of Latina sex trafficking victims and female handlers are not recognized by the law; and (6) how victims and offenders conceptualize what occurs in specific instances of sex trafficking.

Study Limitations

The case study methodology and small sample size of the interview portion of this project limit its generalizability. Generalizability, though, was not the aim of this exploratory research project, as it sought to provide thick descriptions of a Latino sex trafficking network operating in new destination areas, the criminal case under study, and the ways that those involved in the crime and those who deal with the issue socially construct sex trafficking. Generalizations beyond the specific context of this case study will be limited and based on the theoretical considerations that led to the selection of the field site. However, the detailed descriptions of the Latino sex trafficking network, the local exemplar case of the phenomenon, and the influence of dominant discourses on the construction of sex trafficking (both of the larger phenomenon and what occurred in the case under study) will be useful for examining the socio-legal implications of sex trafficking in other Latino new destination communities.

My research was further limited by the lack of access to the victims and offenders involved in the case under study. While I analyzed legal documents containing their statements as mediated through law enforcement and attorneys, I was unable to examine transcripts of their statements or interview them within the confines of this project. At the time of the interview portion of this project, the women victimized in this case had been released by the government from their status as material witnesses and returned to the community. Where the women went after their release is unknown, limiting my access to them for interviews. In addition, the offenders in the case were in the process of being transferred into the custody of various federal Bureau of Prisons facilities at the beginning of my research, limiting my access to them for possible interviews. As such (and unfortunately), interviews with victims and offenders was

outside of the scope of this research project. Thus, the data used for this research regarding how those implicated in the case under study constructed their experiences and involvement in the crime was imperfect and offered only a limited, mediated view on their stories. Yet, my research is one of only a few projects which examine the stories of trafficking victims and those who victimized them (see Breuil et al., 2011 and Hoyle et al., 2011 as examples).

Addressing These Limitations

The criminal justice system has often been critiqued for its inattention to the needs of victims and for silencing victims throughout the legal process. These issues manifested in the criminal case under study as the victims were only represented in court through the statements of various legal actors, were given a continuing presence immigration status to serve as material witnesses for a possible trial and were ineligible for some federal victim services and protections. Many of the women victimized in the case did not wish to participate in the prosecution of those that harmed them, but only wanted to be returned to their communities and families.

The desires and voices of victims deserve to be acknowledged and recognized both in the literature and in criminal justice practice. Their viewpoints and experiences are central to understanding criminal acts and responses to crime. Without an examination of how victims (and offenders) conceptualize of their experiences, the literature cannot have a complete picture of crime or social control. The constructions of crime, victimization, and victimhood by all individuals in crime and responding to it are key to a full understanding of the complexities of social life and lived experience. As Brock (2009) states, through continuing to "treat prostitution simply as a social problem, relying uncritically on knowledge derived from 'authoritative' sources like the police, the courts, and the media, we unwittingly participate in the silencing,

marginalization, and control of these sex workers" (p. 13). Analysis of all forms of knowledge on a subject are paramount for 'grounded' sociological and criminological research.

As such, this research project is a step towards augmenting our limited knowledge regarding sex trafficking and the social construction of crime. Further exploratory research, centered on victims' and offenders' actual stories and additional case studies of other criminal investigations/prosecutions, is needed to determine how other sex trafficking networks operate, how those involved with the crime conceptualize their experiences, and how the crime and associated victimization are constructed by institutional actors. I believe additional case studies would lay the foundation for a deeper 'grounded' understanding of sex trafficking and assist in challenging dominant constructions of the crime which constrict the pursuit of justice. We must move past anecdotal 'ideal' constructions of trafficking to build the literature on actual cases (and not just those prosecuted under the *Trafficking Victims Protection Act of 2000*) and lived experiences of those involved in the trade. This rich literature could inform future policy for improving the criminal justice response to sex trafficking and assistance to victims.

Policy Implications and Recommendations

By examining Latino sex trafficking through the frame of social constructionism, this research highlighted how the problem of sex trafficking has been defined in specific ways to achieve desired ends. Within the United States, the *Trafficking Victims Protection Act* contains the legally recognized definition of criminal trafficking, known as 'severe forms of trafficking.' The legal definition of 'severe forms of trafficking,' like all official definitions of crime, influences case processing and the treatment of victims by providing a framework for how the

United States delineates the actions involved in trafficking, the punishment of offenders, and protections afforded to victims.

The strict interpretation of force, fraud, coercion, and agency used to define 'severe forms of trafficking' is limited in its ability to recognize the majority of the experiences of individuals harmed by sex trafficking and traffickers (Chapkis, 2005; Neuwirth, 2008; Srikantiah, 2007; Raymond, 2013; Rieger, 2007). Thus, most victims, especially undocumented immigrant women, receive fewer protections and services under the law and their traffickers are subject to significantly less punitive sentences. These restrictive interpretations create a space for many victims of trafficking to be denied a victim status and have their experiences and identities reshaped by others (including offenders and legal actors) in the courtroom and public sphere with a limited ability to refute the constructions.

As Desyllas (2007) states, "while this law seeks to 'protect' and 'prosecute,' it places the burden of proof on the migrant to 'prove her innocence' and 'coercion'…this stipulation appears to be counterintuitive to what this policy supposedly stands for, to primarily 'protect victims,' as stated in its title" (p. 67-8). The case under study in this research provides a concrete example of this critique's realization on the ground. The victimization experiences of the women prostituted by the offenders in this case did not meet the DOJ guidelines for prosecution under the *TVPA*, despite being subjected to forms of force, fraud, and coercion. They were the subjects of legislative acts and a legal system while being denied the legally recognized victim status and associated protections and services afforded to victims of 'severe forms of trafficking.'

In response to situations such as these, Desyllas (2007) states that:

> requiring women to participate in a criminal justice model aimed at 'catching the bad guy' traffickers calls into question whether this policy is another way of regulating and possessing control over a women's body through the withholding of services unless women can assist in the 'war against trafficking' (p. 72).

In essence, victimized women can be silenced and denied a victim status, yet still be deemed necessary in the fight against crime asked to testify to provide evidence for the prosecution of a crime in return for the provision of service and protections (Goodey, 2003; Pearson, 2002). After no longer being needed as possible material witnesses, most of the victims in this case were released back into the community without further contact. They women remained impoverished, poorly educated undocumented immigrants stigmatized by their work in prostitution and responsible for financially supporting their families. The legal system did little to remedy many of their situations and improve their lives.

For the above reasons, I agree with Hartsough's (2002) contention that the

> emphasis on protecting only those subjected to 'severe' forms of trafficking and facing 'extreme hardship' upon removal, as well as its crime-fighting requirements, compromises the protection that should be afforded all people trafficked into the United States (p. 102).

The complexities in the victimization experiences of trafficking victims is often not recognized under the law. The intersection of these issues leaves them denied an ascription of victim status and constructed as complicit agents undeserving of assistance. Thus, their pursuit of justice is limited and contingent, but it need not be. Through expanding the 'official' definition of trafficking to encompass the complexity of trafficking experiences, removing the participation requirements for victims to receive services, and removing visa restrictions for undocumented immigrant victims, the needs and wants of victims can be better served.

Definition of Sex Trafficking

Throughout this work I have intentionally referred to this case as one of trafficking despite the fact that it was not tried under modern anti-trafficking legislation and was not deemed a case of 'severe forms of trafficking.' I did so in part because I disagree with the determination

that the case did not meet the definition, but also because I work under a more expansive definition of trafficking. The definition of sex trafficking that I subscribe to is similar to that described by Cameron and Newman (2008) which ascribes a victim status to individuals who consent to migration, even migration to work in prostitution, when they are deceived about the nature or circumstances of their work or are coerced, forced, or exploited into working.

As shown in this research, exploitation, coercion, and force take many forms and often cannot be captured by narrow legal definitions. While some of the women in this case were subjected to threats of physical violence to themselves or others, some of the women felt powerless against their traffickers due to a confluence of factors such as: a lack of knowledge of their whereabouts, stigma, large debts, poverty, a fear of the consequences of leaving, power differentials in romantic relationships, and violence experienced at the hands of clients. Each of these factors represent a measure of coercion used against the women to keep them working in prostitution for the financial benefit of others.

Without acknowledging the complexity the ways exploitation, coercion, and force operate in sex trafficking, the law has rekindled the victim-blaming scenarios of early sexual assault legislation requiring 'utmost resistance.' As Estrich (1986) highlights in her analysis of 'utmost resistance' era sexual assault legislation, there are two versions of force- that of physical violence and that in which "power can also be exercised without violence" (Estrich, 1986, p. 1105). By not acknowledging these different manifestations of force and coercive influence, the law "creates a gulf between power and force" (Estrich, 1986, p. 1112). I believe these very same legal issues are again at work in the social construction of sex trafficking. The limited definitional allotments in the *TVPA* allow for victims to be viewed as agents and have their

victimization questioned just as occurred previously in sexual assault cases (and can be argued to still be occurring).

I believe that exploitation is a better framework with which to acknowledge the complexity of victimization experiences in trafficking. Other countries and legislative bodies have begun to shape their anti-trafficking legislation to encompass exploitation as a means of compelling others into prostitution (Breuil et al., 2011). I find that the UN definition of trafficking is particularly useful for acknowledging the complexity in forms of coercion and exploitation which exist in the multiplicity of trafficking experiences.

The *UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons* within the *UN Convention against Transnational Organized Crime and the Protocols Thereto* defines trafficking in persons as-

> the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (United Nations, 2004, Article 3(a), p. 42).

The more inclusive construction of trafficking and the concepts of coercion and exploitation contained within the UN definition allows for the recognition of methods used to compel someone to engage in prostitution outside of physical means (force and coercion), which acknowledges the complexity of circumstances in which trafficking arises. Through a framework focused on exploitation and inclusive of a multitude of means for trafficking, the issue of excluding large numbers of victims from legal recognition and remedy of their experiences could be addressed.

Remove Requirement of Victim Participation for Receiving Services and Restrictions to T Visas

As shown in this project, sex trafficking is still considered in terms of undocumented immigration. The right for those who are undocumented in this country to be afforded protections and services under the law, even if they are victims of crime, is highly contested in the current political climate. Again, despite the assertion the government and *TVPA* are focused on protecting and serving victims of trafficking, the immigration status of a victim limits what assistance they may receive. Both individuals who entered the country as undocumented immigrants and were later trafficked and individuals who were trafficked across international borders are subject to deportation if they cannot be certified as a victim, will not assist the government, or cannot otherwise receive a T visa (Desyllas, 2007).

Numerous scholars and activists have critiqued the government policies limiting many victim services to individuals who participate in the prosecution of their traffickers or are only in the United States as undocumented migrants because of trafficking (Chapkis, 2005; Rieger, 2007; Cianciarulo, 2008; Desyllas, 2007). Trafficking is one of the only crimes in which victims can be denied services based on their unwillingness to assist the government. The treatment of a trafficking victim and the requirements placed in them to receive assistance, as shown here, varies significantly based on their immigration status. Undocumented immigrant victims of trafficking have limited access to services and protections based on the stigmas associated with their immigration status. I believe that immigrant victims of all forms of trafficking under current US law, not just 'severe forms of trafficking,' should be permitted to apply for a T visa. Restricting protections to certified victims or individuals who can prove they have been a victim of 'severe forms of trafficking' maintains the notion that there are 'deserving' and 'undeserving'

victims of crime. In addition, restricting many victims of sex trafficking and their families from receiving T visas and a legal immigration status in the United States has the potential to place a large number of individuals in harm's way as retribution for the prosecution of traffickers does occur. I believe no victim, regardless of their immigration status should be denied medical, housing, employment, or another other type of social services, nor should their eligibility to receive these services be reliant on their assistance to law enforcement or participation in the prosecution of those who harmed them. The criminal justice system should seek to limit the additional harm it inflicts upon those already victimized.

Sociological and Criminological Implications

My research provides another example of how the complexity of the lives of women determined to be victims or offenders are not adequately reflected in dominant discourses and legal definitions. The criminal justice system is ill equipped to address these issues under current legislation, policies, and research agendas. The fields of sociology and criminology (and for that sake criminal justice) must move forward to delve into these complexities and highlight their effects on lives, crime, law, and society in order to better address social issues. Despite the growing critical literature critiquing legal constructions and their impacts on victims, communities, and the prison system, there is still work to be done. My research builds on one particular section of this literature centered on the effects of an 'ideal' victim typology on legislation, crime processing, and victim treatment.[44] Strides have been made to draw attention to

[44] Parts of this research project are included in an article that is currently under review for publication.

these issues, but in order to affect change at the level of official constructions of crime, offenders, and victims, further research is needed.

Conclusions: A Step Forward

I hope that my dissertation research and others centered on critiquing the social construction of sex trafficking in the United States (and globally) are steps towards addressing the issues that still remain in addressing trafficking, providing justice for victims, and recognizing their victimization experiences and informative for criminologists, socio-legal scholars, social service providers, legislators, and criminal justice professionals. I found hope in the acknowledgment by some of the legal and social service actors I interviewed in this study that current legislation and definitions surrounding sex trafficking are inadequate and actually hindering our abilities to assist victims and curtail the practice. There are scholars, activists, legal and social service actors who challenge and object to the way we are currently 'combatting' sex trafficking to the detriment of those we are supposed to be protecting. The critical legal scholarship regarding the *TVPA* also provides a glimmer of hope that change is possible and of concern for many in the legal field.

Individuals involved in this case both as victims and handlers, faced significant hardship in their lives, much of which would be inconceivable to most people. The 'problem' of sex trafficking is connected to much larger issues of vulnerability, leading many to harm, exploitation, and suffering. Latino migrant sex trafficking, as with all forms of trafficking, is only the tip of the iceberg of larger social justice issues. May this research be a step in the

direction of understanding these issues and of protecting and addressing the needs of trafficking victims.

REFERENCES

Abrams, K. (1995). Sex wars redux: Agency and coercion in feminist legal theory. *Columbia Law Review*, 95: 304-376.

Agustín, L. (2006). The conundrum of women's agency: Migrations and the sex industry. In R. Campbell and M. O'Neill (Eds.), *Sex work now* (pp. 116-140). Portland, OR: Willan.

Agustín, L. (2007). *Sex at the margins: Migration, labor markets, and the rescue industry*. New York: Zed Books.

Alejano-Steele, A. (2013). Friends and enemies in the crime of sex trafficking. In R. Harré and F.M. Moghaddam (Eds.), *The psychology of friendship and enmity relationships in love, work, politics, and war* (pp. 147-164). Santa Barbara, CA: Praeger.

Appointment of Conferees on H.R. 3244, Trafficking Victims Protection Act of 2000. Cong. Rec. H7628. (September 14, 2000).

Banwell, S. (2011). Women, violence, and gray zones: Resolving the paradox of the female victim-perpetrator. *Internet Journal of Criminology*, 1-19. Retrieved from: http://www.internetjournalofcriminology.com/Banwell_Women_Violence_and_Gray_Zones_IJC_September_2011.pdf

Barcus, H.R. (2006). New destinations for Hispanic migrants: An analysis of rural Kentucky. In H.A. Smith and O.J. Furuseth (Eds.), *Latinos in the new south: Transformations of place* (pp. 89-110). Burlington, VT: Ashgate.

Baxter, J. (2003). *Positioning gender in discourse: A feminist methodology*. New York: Palgrave MacMillan.

Bean, F.D. & Cushing, R.G. (2006). *The relationship between the Mexican economic crisis and illegal migration to the United States*. Retrieved from: http://lanic.utexas.edu/cswht/paper5.html

Beckman, M.D. (1984). White Slave Traffic Act: The historical impact of a criminal law policy on women. *Georgetown Law Journal*, 72(3), 1111-1142.

Bennett, W. & M.S. Feldman. (1981). *Reconstructing reality in the courtroom: Justice and judgment in American culture*. New Brunswick, NJ: Rutgers, University.

Bergoffen, D., Gilbert, P.R., & Harvey, T. (2011). Introduction: Women's lives, human rights. In D. Bergoffen, P.R. Gilbert, T. Harvey, & C.L. McNeely (Eds.), *Confronting global gender justice: Women's lives, human rights* (pp. 1-18). New York: Routledge.

Berman, J. (2003). (Un)popular strangers and crises (un)bounded: Discourses of sex trafficking, the European political community and the panicked state of the modern state. *European Journal of International Relations*, 9(1), 37-86.

Berman, J. (2006). The left, the right, and the prostitute: The making of U.S. antitrafficking in persons policy. *Tulane Journal of International and Comparative Law*, 14, 269-293.

Bletzer, K.V. & Koss, M.P. (2004). Narrative constructions of sexual violence as told by female rape survivors in three populations of the Southwestern United States: Scripts of coercion, scripts of consent. *Medical Anthropology: Cross-Cultural Studies in Health and Illness*, 23(2), 113-156.

Breuil, B.C.O., Siegel, D., van Reenan, P., Beijer, A., & Roos, L. (2011). Human trafficking revisited: Legal, enforcement and ethnographic narratives on sex trafficking in Western Europe. *Trends in Organized Crime*, 14, 30-46.

Brock, D.R. (2009) *Making work, making trouble*. (2nd Ed.). Toronto: University of Toronto.

Bruckert, C. & Parent, C. (2013). The *work* of sex work. In C. Parent, C. Bruckert, P. Corriveau, M.N. Menseh, and L. Toupin (Eds.), *Sex work: Rethinking the job, rethinking the workers* (pp. 57-80). Vancouver: UBC.

Brunovskis, A. & Surtees, R. (2008). Agency or illness- The conceptualization of trafficking: Victim's choices and behaviors in the assistance system. *Gender, Technology, and Development*, 12(1), 53-76.

Bumiller, K. (1988). *The civil rights society: The social construction of victims*. Baltimore: Johns Hopkins.

Bush, G.W. (2002, December 16). *Combatting trafficking in persons*. National Security Presidential Directive/NSPD-22. Washington, DC: The White House. Retrieved from: http://www.combat-trafficking.army.mil/documents/policy/NSPD-22.pdf

Cabezas, A.L., Ortiz, D., & Valencia, S. (2009). Latinas, sex work, and trafficking in the United States. In M. Asencio (Ed.), *Latina/o sexualities: Probing powers, passions, practices, and policies.* New Brunswick, NJ: Rutgers University.

Cameron, S. & Newman, E. (2008). Trafficking in humans: Structural factors. In S. Cameron and E. Newman (Eds.), *Trafficking in humans: Social, cultural, and political dimensions* (pp. 21-57). New York: United Nations University.

Chapkis, W. (2003). Trafficking, migration, and the law: Protecting innocents, punishing immigrants. *Gender & Society*, 17(6), 923-937.

Chapkis, W. (2005). Soft glove, punishing fist: The Trafficking Victims Protection Act of 2000. In E. Bernstein and L. Schaffner (Eds.), *Regulating sex: The politics of intimacy and identity* (pp. 51-66). New York: Routledge.

Chuang, J.A. (2010). Rescuing trafficking from ideological capture: Prostitution reform and anti-trafficking law and policy. *University of Pennsylvania Law Review*, 158, 1655-1728.

Cianciarulo, M.S. (2008). What is choice? Examining sex trafficking legislation through the lenses of rape law and prostitution. *University of St. Thomas Law Journal*, 6(1), 54-76.

Collins, P.H. (1990). *Black feminist thought: Knowledge, consciousness, and the politics of empowerment.* Boston: Unwin Hyman.

Collins, P.H. (2009). Emerging intersections- Building knowledge and transforming institutions. In B.T. Hill and R.E. Zambrana (Eds.), *Emerging intersections: Race, class, and gender in theory, policy, and practice*. New Brunswick, NJ: Rutgers University.

Connelly, M.T. (1980). *The response to prostitution in the progressive era*. Chapel Hill, NC: University of North Carolina.

Conference Report on H.R. 3244, Victims of Trafficking and Violence Protection Act of 2000. Cong. Rec. H9029. (October 6, 2000).

Crenshaw, K. (1989). Demarginalizing the intersection of race and sex: A black feminist critique of antidiscrimination doctrine, feminist theory, and antiracist politics. *University of Chicago Legal Forum*, 139-167.

Cypher, J. & Delgado Wise, R. (2008). Mexico's reperipherization under NAFTA's labour export-led model. In P. Browles and R. Broomhill (Eds), *International Trade and Neoliberal Globalism: Towards Reperipherization in Australia, Canada, and Mexico?* New York: Routledge.

Daly, K. & Chesney-Lind, M. (1988). Feminism and criminology. *Justice Quarterly*, 5(4), 497-538.

Davis, K. (2008). Intersectionality as a buzzword: A sociology of science perspective on what makes a feminist theory successful. *Feminist Theory*, (9)67- 85.

Delgado Wise, R. & Márquez Covarrubias, H. (2009). A Mexican perspective on the role of mass labor migration under NAFTA. In F. Ansley and J. Shefner (Eds.), *Global*

connections and local receptions: New Latino immigration to the southeastern United States. Knoxville, TN: University of Tennessee.

DeStefano, A.M. (2007). *The war on human trafficking: U.S. policy assessed*. New Brunswick, NJ: Rutgers University.

Desyllas, M.C. (2007). A critique of the global trafficking discourse and U.S. policy. *Journal of Sociology and Social Welfare*, 34(4), 57-79.

Doezema, J. (2002). Who gets to choose? Coercion, consent, and the UN Trafficking Protocol. *Gender and Development*, 10(1), 20-27.

Doezema, J. (2010). *Sex slaves and discourse masters: The construction of trafficking*. New York: Zed Books.

Donato, F.D. (2011). Constructing legal narratives: Client-lawyer's stories. In A. Wagner and L. Cheng (Eds.), *Exploring courtroom discourse: The language of power and control* (pp. 111-127). Burlington, VT: Ashgate.

Donovan, B. & Barnes-Brus, T. (2011). Narratives of sexual consent and coercion: Forced prostitution trials in Progressive-era New York City. *Law & Social Inquiry*, 36(3), 597-619.

Drever, A.I. (2006). New neighbors in Dixie: The community impacts of Latino migration to Tennessee. In H.A. Smith and O.J. Furuseth (Eds.), *Latinos in the new south: Transformations of place* (pp. 19-36). Burlington, VT: Ashgate.

Dunn, J.L. (2010). *Judging victims: Why we stigmatize survivors, and how they can reclaim respect*. Boulder, CO: Lynne Reinner.

Ehrlich, S. (1998). The discursive reconstruction of sexual consent. *Discourse & Society*, 9(2), 149-171.

Emerson, R.M., Fretz, R.I., & Shaw, L.L. (1995). *Writing ethnographic fieldnotes*. Chicago: University of Chicago.

Ennis, S.R., Ríos-Vargas, M. & Albert, N.G. (2011). *The Hispanic population: 2010*. United States Census Bureau. Retrieved from: http://www.census.gov/prod/cen2010/briefs/c2010br-04.pdf

Espinoza, L.G. (1997). Legal narratives, therapeutic narratives: The invisibility and omnipresence of race and gender. *Michigan Law Review*, 95(4), 901-937.

Estrich, S. (1986). Rape. *The Yale Law Journal*, 95(6), 1087-1184.

Farley, M. (2006). Prostitution, trafficking, and cultural amnesia: What we must *not know* in order to keep the business of sexual exploitation running smoothly. *Yale Journal of Law and Feminism*, 18, 101-136.

Ferraro, K. J. (2006). *Neither angels nor demons: Women, crime, and victimization*. Boston: Northeastern University.

Fetterman, D.M. (2010). *Ethnography: Step-by-step*. (3rd Ed.). Los Angeles: Sage.

Frazier, J.W. & Reisinger, M.E. (2006). The new south in perspective: Observations and commentary. In H.A. Smith and O.J. Furuseth (Eds.), *Latinos in the new south: Transformations of place* (pp. 257-283). Burlington, VT: Ashgate.

Frederickson, M.E. (2011). *Looking south: Race, gender, and the transformation of labor from reconstruction to globalization.* Gainesville, FL: University of Florida.

Gaarder, E., Rodriguez, N., Zatz, M.S. (2004). Criers, liars, and manipulators: Probation officer's views of girls. *Justice Quarterly*, 21(3), 547-578.

Goździak, E.M. (2005). New immigrant communities and integration. In E.M. Goździak and S.F. Martin, *Beyond the gateway: Immigrants in a Changing America*. (p. 3-18). Lanham, MD: Lexington.

Goffman, E. (1959). *The presentation of self in everyday life*. Garden City, NY: Anchor.

Goodey, J. (2003). Migration, crime, and victimhood: Responses to sex trafficking in the EU. *Punishment & Society*, 5(4), 415-431,

Gubrium, J.F. & Holstein, J.A. (2009). *Analyzing narrative reality*. Los Angeles: Sage.

Hallgrimsdottir, H.G., Philips, R. & Benoit, C. (2006). Fallen women and rescued girls: Social stigma and media narratives of the sex industry in Victoria, B.C., from 1980-2005. *Canadian Review of Sociology*, 43(3), 265-280.

Haraway, D. (1988). Situated knowledges: The science question in feminism and the privilege of partial perspective. *Feminist Studies*, 14(3), 575-599.

Harrington, C. (2005). The politics of rescue: Peacekeeping and anti-trafficking programmes in Bosnia-Herzegovina and Kosovo. *International Feminist Journal of Politics*, 7(2), 175-206.

Harris, S.R. (2013). Studying the constructionism of social problems. In J. Best and S.R. Harris (Eds.), *Making sense of social problems: New images, new issues* (pp. 1-10). Boulder, CO: Lynne Rienner.

Hartsough, T. (2002). Asylum for trafficked women: Escape strategies beyond the T Visa. *Hasting's Women's Law Journal*, 13(1), 77-116.

Haynes, D.F. (2004). Used, abused, arrested, and deported: Extending immigration benefits to protect the victims of trafficking and to secure the prosecution of traffickers. *Human Rights Quarterly*, 26, 221-272.

Heiges, M. (2009). Note: From the inside out: Reforming state and local prostitution enforcement to combat sex trafficking in the United States and abroad. *Minnesota Law Review*, 94, 428-466.

Henry, S. & Milovanovic, D. (1996). *Constitutive criminology: Beyond postmodernism*. Thousand Oaks, CA: Sage.

Hirschmann, N.J. (1989). Freedom, recognition, and obligation: A feminist approach to political theory. *American Political Science Review*, 83(4), 127-1244.

Holstein, J.A. & Gubrium, J.F. (2000). *The self we live by: Narrative identity in a postmodern world*. New York: Oxford.

Holstein, J.A. & Miller, G. (1997). Introduction: Social problems as work. In G. Miller and J.A. Holstein (Eds.), *Social problems in everyday life: Studies of social problems work* (pp. ix-xxi). Greenwich, CT: JAI.

Holstein, J.A. & Miller, G. (1997). Rethinking victimization: An interactional approach to victimology. In G. Miller and J.A. Holstein (Eds.), *Social problems in everyday life: Studies of social problems work* (pp. 25-47). Greenwich, CT: JAI.

Hoyle, C., Bosworth, M. & Dempsey, M. (2011). Labelling the victims of sex trafficking: Exploring the borderland between rhetoric and reality. *Social & Legal Studies*, 20, 313-329.

Hurder, A.J. (2002). The pursuit of justice: New directions in scholarship about the practice of law. *Journal of Legal Education*, 52(1), 167-188.

Implementation of the Trafficking Victims Protection Act: Hearing before the Committee on International Relations, United States House of Representatives, 107th Cong. 1 (2001).

International Human Rights Law Institute. (2005). *In modern bondage: Sex trafficking in the Americas*. Chicago: DePaul University College of Law. Retrieved from: http://www.law.depaul.edu/centers_institutes/ihrli/downloads/modern_bondage_2_edition.pdf

International trafficking in women and children: Hearings before the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations, United States Senate, 106th Cong. 2 (2000).

Joshi, A. (2002). The face of human trafficking. *Hastings Women's Law Journal*, 13, 31-52.

Kadoch, L.C. (2001). Seduced by narrative: Persuasion in the courtroom. *Drake Law Review*, 49, 71-123.

Kandel, W. (2006). Meat-processing firms attract Latino workers to rural America. In US Department of Agriculture, *Amber waves: The economics of food, farming, natural resources, and rural America*. Retrieved from: http://www.ers.usda.gov/AmberWaves/June06/pdf/MeatProcessingFeatureJune06.pdf

Kane, J. (1998). *Sold for sex*. Brookfield, VT: Arena.

Kara, S.A. (2009). *Sex trafficking: Inside the business of modern slavery*. New York: Columbia University.

King, G. (2004). *Woman, child for sale: The new slave trade in the 21st century*. New York: Chamberlain Brothers.

Lamb, S. (1999). Constructing the victim: Popular images and lasting labels. In S. Lamb (Ed.), *New versions of victims: Feminists struggle with the concept* (pp. 108-138). New York: New York University.

Leidholdt, D.A. (2003). Prostitution and trafficking in women: An intimate relationship. *Journal of Trauma Practice*, 2(3/4), 167-183.

Long, L.D. (2004). Anthropological perspectives on the trafficking of women for sexual exploitation. *International Migration*, 42, 5-31.

Loseke, D. R. (1992). *Battered woman and shelters: The social construction of wife abuse*. Albany, NY: State University of New York.

Loseke, D.R. (1999). *Thinking about social problems*. Hawthorne, NY: Walter de Gruyter.

Loseke, D.R. (2007). The study of identity as cultural, institutional, organizational, and personal narratives: Theoretical and empirical integrations. *The Sociological Quarterly*, 48(4), 661-688.

Luibheid, E. (2002). *Entry denied: Controlling sexuality at the border*. Minneapolis: University of Minnesota.

Maeda, D.K. (2011). Transforming the representable: Asian women in anti-trafficking discourse. In D. Bergoffen, P.R. Gilbert, T. Harvey, & C.L. McNeely (Eds.), *Confronting global gender justice: Women's lives, human rights* (pp. 50-65). New York: Routledge.

Mahoney, M.R. (1994). Victimization or oppression? Women's lives, violence, and agency. In M.A. Fineman and R. Mykitiuk (Eds.), *The public nature of private violence: The discovery of domestic abuse*. New York: Routledge.

Marin, B.V.O., Gomez, C.A., & Hearst, N. (1993). Multiple heterosexual partners and condom use among Hispanics and non-Hispanic whites. *Family Planning Perspectives*, 25(4), 170-174.

Matthews, R. (2008). *Prostitution, politics, and policy*. New York: Routledge-Cavendish.

McCaul, K. (2011). Understanding courtroom communication through cultural scripts. In A. Wagner and L. Cheng (Eds.), *Exploring courtroom discourse: The language of power and control*. (pp. 11-28). Burlington, VT: Ashgate.

Miller, G. (1997). Contextualizing texts: Studying organizational texts. In G. Miller & R. Dingwall, *Context and method in qualitative research* (pp. 77-91). Thousand Oaks, CA: Sage.

Munro, V.E. (2008). Of rights and rhetoric: Discourses of degradation and exploitation in the context of sex trafficking. *Journal of Law and Society*, 35(2), 240-264.

Naffine, N. (1997). *Feminism and Criminology*. Cambridge: Polity.

Nelson, K.E. (2002). Sex trafficking and forced prostitution: Comprehensive new legal approaches. *Houston Journal of International Law*, 24(3), 551-578.

Neuwirth, J. (2008, June 11). *Testimony, New York City Council*. Equality Now. Retrieved from: http://www.equalitynow.org/node/954

O'Connell Davidson, J. (1998). *Prostitution, power, and freedom*. Cambridge, UK: Polity.

O'Connell Davidson, J. (2010). New slavery, old binaries: Human trafficking and the borders of 'freedom.' *Global Networks*, 10(2), 244-261.

Odem, M.E. & Lacy, E.C. (2009). Introduction. In M.E. Odem and E.C. Lacy (Eds.), *Latino immigrants and the transformation of the U.S. south* (pp. ix-xxvii). Athens, GA: University of Georgia.

Office of the United States Trade Representative. (n.d.) *North America free trade agreement*. Retrieved from http://www.ustr.gov/trade-agreements/free-trade-agreements/north-american-free-trade-agreement-nafta.

Organista, K.C., Organista, P.B., Garcia de Alba, J.E., Morán, M.A.C, & Carrillo, L.E.U. (1997). Survey of condom-related beliefs, behaviors, and perceived social norms in Mexican migrant laborers. *Journal of Community Health*, 22(3), 185-198.

Owen, B. (1998). *In the mix: Struggle and survival in a women's prison*. Albany, NY: State University of New York

Peach, L. (2011). Sin, salvation, or starvation? The problematic role of religious morality in U.S. anti-sex trafficking policy. In D. Bergoffen, P.R. Gilbert, T. Harvey, & C.L. McNeely (Eds.), *Confronting global gender justice: Women's lives, human rights* (pp. 65-82). New York: Routledge.

Pearce, J. (2010). Safeguarding young people from sexual exploitation and being trafficked: Tensions within contemporary policy and practice. *Youth and Policy*, 104, 1-11.

Pearson, E. (2002). Half-hearted protection: What does victim protection really mean for victims of trafficking in Europe? *Gender and Development*, 10(1), 56-59.

Phoenix, A. (1996). Editorial: Intersectionality. *European Journal of Women's Studies*, 13(3), 187-192.

Pollock, J.M. & Hollier, V. (2010). T visas: Prosecution tool or humanitarian response? *Women & Criminal Justice*, 20, 127-146.

Portes, A. (2009). The new Latin nation: Immigration and the Latino population of the United States. In F. Ansley and J. Shefner (Eds.), *Global connections and local receptions: New Latino immigration to the southeastern United States*. Knoxville, TN: University of Tennessee.

Price-Glynn, K. (2010). *Strip club: Gender, power, and sex work*. New York: New York University.

Quinney, R. (1970). *The social reality of crime*. Boston: Little, Brown.

Ralph, R.E. (2000, February 22). *International trafficking of women and children*. Testimony before the Senate Subcommittee on Foreign Relations Subcommittee on Near Eastern and South Asian Affairs. Retrieved from http://www.hrw.org.

Relph, A.J. (2011, July 11). *Potent weapon to stem sex slavery often left unused.* NBC News. Retrieved from: http://www.nbcnews.com/id/43611445/ns/us_news-enslaved_in_america/t/potent-weapon-stem-sex-slavery-often-left-unused/#.U20p1FePOjc

Raymond, J.G. (2013). *Not a choice, not a job: Exposing the myths about prostitution and the global sex trade.* Dulles, VA: Potomac.

Ribando, C.M. (2008). Trafficking in persons in Latin America and the Caribbean. In D.V. Stickle, *Women's Issues: Economic, Societal, and Personal*. Hauppauge, New York: Nova Science.

Riessman, C.K. (1993). *Narrative analysis*. Newbury Park, CA: Sage.

Rieger, A. (2007). Missing the mark: Why the *Trafficking Victims Protection Act* fails to protect sex trafficking victims in the United States. *Harvard Journal of Law & Gender*, 30, 231-256.

Robertson, M.A. & Sgoutas, A. (2012). Thinking beyond the category of sexual identity: At the intersection of sexuality and human trafficking policy. *Politics & Gender*, 8(3), 421-429.

Rodríguez Pizarro, G. (2008). Human trafficking in Latin America in the context of international migration. In S. Cameron and E. Newman (Eds.), *Trafficking in humans: Social, cultural, and political dimensions* (pp. 206-223). New York: United Nations University.

Samarasinghe, C. (2008). *Female sex trafficking in Asia: The resilience of patriarchy in a changing world.* New York: Routledge.

Sandberg, S. (2010). What can 'lies' tell us about life? Notes towards a framework of narrative criminology. *Journal of Criminal Justice Education*, 21(4), 447-465.

Sanghera, J. (2005). Unpacking the trafficking discourse. In K. Kempadoo, J. Sanghera, and B. Pattanaik (Eds.), *Trafficking and prostitution reconsidered: New perspectives on migration, sex work, and human rights* (pp. 3-24). Boulder, CO: Paradigm.

Schneider, A. & Ingram, H. (1993). Social construction of target populations: Implications for politics and policy. *American Political Science Review*, 87(2), 334-347.

Seale, C. F. (1999). *The quality of qualitative research*. London: Sage

Segrave, M., Milivojevic, S., & Pickering, S. (2009). *Sex trafficking: International context and response*. Portland, OR: Willan.

Shedlin, M.G., Decena, C.U., & Oliver-Velez, D. (2005). Initial acculturation and HIV risk among new Hispanic immigrants. *Journal of the National Medical Association*, 97(7), 32S-37S.

Shefner, J. & Kirkpatrick, K. (2009). Globalization and the new destination immigrant. In F. Ansley and J. Shefner (Eds.), *Global connections and local receptions: New Latino immigration to the southeastern United States*. Knoxville, TN: University of Tennessee.

Sherwin, R.K. (2009). The narrative construction of legal reality. *Journal of Association of Legal Writing Directors*, 6, 88-120.

Silverman, D. (1993). *Interpreting qualitative data: Methods for analysing talk, text and interaction*. London: Sage

Simmons, M. (1999). Theorizing prostitution: The question of agency. In B.M. Dank and R. Refinetti (Eds.), *Sex work & sex workers* (pp. 125-148). New Brunswick: NJ: Transaction.

Skilbrei, M. (2010). Taking trafficking to court. *Women & Criminal Justice*, 20, 40-56.

Smith, D. (1990). *Texts, facts, and femininity: Exploring the relations of ruling*. New York: Routledge.

Srikantiah, J. (2007). Perfect victims and real survivors: The iconic victim in domestic human trafficking law. *Boston University Law Journal*, 87, 157-211.

Stewart, M.W., Dobbin, S.A. & Gatowski, S.I. (1996). "Real" rapes and "real victims": The shared reliance on common cultural definitions of rape. Feminist Legal Studies, IV(2), 159-177.

Stull, D.D. & Broadway, M.J. (2004). *Slaughterhouse blues: The meat and poultry industry in North America*. Belmont, CA: Wadsworth.

Tennessee Bureau of Investigation. (2011). Tennessee human sex trafficking and its impact on children and youth. Retrieved from: http://www.tbi.tn.gov/documents/FINALTNHumanSexTraffickingStudyColorrev2.pdf

Todres, J. (2006). The importance of realizing 'other rights' to prevent sex trafficking. *New York University Public Law and Legal Theory Working Papers*, 12, 885-907.

Tomkinson, S. (2012). The multiplicity of truths about human trafficking: Beyond 'the sex slave' discourse. *CEU Political Science Journal*, 7(1), 50-67.

UN Convention against Transnational Organized Crime and the Protocols Thereto. (2004). Retrieved from:

http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf

UN General Assembly. (1999, June 1). *Informal note by the United Nations High Commissioner for Human Rights*. Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, 4th Session. UN Doc A/AC.254/16. Retrieved from: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/V99/845/67/PDF/V9984567.pdf?OpenElement

US Citizenship and Immigration Services. (2014). *Number of I-914 applications for T Nonimmigrant Status (victims of severe forms of trafficking and family members) by fiscal year, quarter, and case status 2008-2014*. Retrieved from: http://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/Victims/I914t_visastatistics_fy2014qtr2.pdf

Uy, R. (2011). Blinded by red lights: Why trafficking discourse should shift away from sex and the "perfect victim" paradigm. *Berkeley Journal of Gender, Law, & Justice*, 26, 204-219.

Viadro, C.I. & Earp, J.A.L. (2000). The sexual behavior of married Mexican immigrant men in North Carolina. *Social Science & Medicine*, 50, 723-735.

Warren, K. B. (2012). Troubling victim/trafficker dichotomy in efforts to combat human trafficking: The unintended consequences of moralizing labor migration. *Indiana Journal of Global Legal Studies*, 19(1), 105-120.

Weitzer, R. (2007). The social construction of sex trafficking: Ideology and institutionalization of a moral crusade. *Politics & Society*, 35(3), 447-475.

Weitzer, R. (2012). Sex trafficking and the sex industry: The need for evidence-based theory and legislation. *The Journal of Criminal Law and Criminology*, 101(4), 1337-1370.

Winders, J. (2006). Placing Latino/as in the music city: Latino migration and urban transformation in Nashville, Tennessee. In H.A. Smith and O.J. Furuseth (Eds.), *Latinos in the new south: Transformations of place* (pp. 167-190). Burlington, VT: Ashgate.

Winders, J. (2009). Placing Latino migration and migrant experiences in the U.S. south: The complexities of regional and local trends. In F. Ansley and J. Shefner (Eds.), *Global connections and local receptions: New Latino immigration to the southeastern United States*. Knoxville, TN: University of Tennessee.

Wolken, C.L. (2006). Feminist legal theory and human trafficking in the United States: Towards a new framework. *University of Maryland Law Journal of Race, Religion, and Class*, 6, 407-438.

Zinn, M.B. & Dill, B.T. (1994). *Women of color in U.S. society*. Philadelphia: Temple University.

APPENDICES

APPENDIX A- INFORMED CONSENT DOCUMENT

INFORMED CONSENT STATEMENT

A Case Study of Sex Trafficking in an Hispanic Immigrant Community

INTRODUCTION

You are invited to participate in a research study. Before you decide to participate in the study, it is important that you understand why the research is being conducted and what the project involves. Please take the time to read the following information carefully. Please ask the researcher if anything is unclear or you have any questions.
This project is designed to explore the sex trafficking trade spanning from Latin America into the United States, specifically within the context of the East Tennessee region. Of specific concern for this project is the local socio-legal response to sex trafficking.

This research will be based on legal records, observations of legal proceedings, interviews with local law enforcement and other criminal justice officials, defense attorneys, social service providers, and advocacy groups concerning their conceptions of the social and criminal problem of sex trafficking. This data will give insights into the experiences of victims of traffickers, those who traffic others, and the government actors and non-government actors who handle the crime and its consequences.

INFORMATION ABOUT PARTICIPANTS' INVOLVEMENT IN THE STUDY

The interview portion of this study will be based on individual in-person interviews with participants. Each interviews will last approximately less than two (2) hours. You will be asked to allow the researcher to audio tape the interview session. You may refuse to have the interview audio-taped if you wish and the researcher will take written notes of the interview instead of audio-taping the interview.

RISKS

The risks of participating in this study are minimal. Do not divulge any legally sensitive information or actual names of victims and maintain all attorney-client privilege.

CONFIDENTIALITY

All information from the interviews, audio files, notes from the interviews, and transcripts from the interviews will be kept confidential for participants that are not elected public officials. All interviews and data obtained from elected public officials will not be confidential and will be attributed specifically to that individual. All data from this study will be stored securely and will be made available only to persons conducting the study unless participants specifically give permission in writing to do otherwise.

_____ Participant's initials

Local notoriety and knowledge of the case could potentially allow other to ascertain of the identity of participants, but no actual names will be revealed without written consent from the participant that is not an elected public official.

EMERGENCY MEDICAL TREATMENT

The University of Tennessee does not "automatically" reimburse subjects for medical claims or other compensation. If physical injury is suffered in the course of research, or for more information, please notify the investigator in charge (Lauren Copley, 304-544-0770).

CONTACT INFORMATION

If you have questions at any time about the study or the procedures, (or you experience adverse effects as a result of participating in this study), you may contact the researcher, Lauren Copley, at Aconda Court 315E, and 304-544-0770. If you have questions about your rights as a participant, contact the Office of Research Compliance Officer at (865) 974-3466.

PARTICIPATION

Your participation in this study is voluntary; you may decline to participate without penalty. If you decide to participate, you may withdraw from the study at anytime without penalty. You may refuse to answer any or all questions posed to you. If you withdraw from the study before data collection is completed your data will be returned to you or destroyed.

AUDIO TAPING OF INTERVIEWS

For the purposes of collecting accurate transcribed data of the interviews from this study, the researcher wishes to audio record all interviews. You may decline to have your interview audio recorded, as this portion of the project is also voluntary. If the interview is not audio recorded, the researcher will record notes from the interview through written notes during the interview. The audio recordings of the interviews will be destroyed after they are transcribed and all identifying information will be removed in the transcription, unless you consent to be identified in the research project or are an elected public official.

_____ Participant's initials

CONSENT

I have read the above information. I have received a copy of this form. I agree to participate in this study.

Participant's signature _____ Date _____

Investigator's signature _____ Date _____

I agree to have my interview audio recorded.

Participant's signature _____ Date _____

I agree to be identified by my true identity in this research project.

Participant's signature _____ Date _____

APPENDIX B- INTERVIEW GUIDES

Interview Guide for Prosecutor and Law Enforcement

How many cases have you prosecuted or been involved in with Hispanic sex trafficking?

Do you know of any other Hispanic sex trafficking cases? (Is it a large problem in other places?)

Why do you think that Hispanic sex trafficking has emerged in East Tennessee? Do you think it will continue to be a problem?

How did the prosecution in this case unfold? (grand jury, moves away from trial)

What legal strategies did you pursue in these cases?

What was the process for determining the plea agreements in these cases?

Did any defendants participate in giving evidence against the others?

Did any victims participate in these prosecutions? (One spoke to police- did she give a lot of information?)

What was done for the victims in these cases? What kind of services did they receive?

What kind of services do victims typically receive in these cases?

What is the pervasive feeling in the legal system about the worth of these cases?

Has this feeling changed over time/or the aim of cases?

How did the investigation unfold? (How come across the confidential informants?)

What is involved in the investigation of sex trafficking (general or specific)? How long was this particular investigation?

What investigatory strategies have law enforcement pursued in these cases? (federal or state/local)

How did the federal and local/state law enforcement work together on these cases?

What role did the FBI play in the investigation of these crimes?

What would you like to see as outcomes from prosecuting sex trafficking cases?

Were you satisfied with the sentencing outcomes in these cases/the outcomes for the victims?

Do you have any idea of the judge's feelings towards the cases? Why do you think he sentenced the way he did?

Why do you think the defenses framed their cases the way they did?

What was involved in the presentence investigation? What did they find?

Is there really a lot known about these traffickers?

What do you think would be the ideal/most effective enforcement for this crime?

Do you believe there needs to be additional training for law enforcement regarding sex trafficking?

Why do you think it is important to investigate and prosecute sex trafficking?

What are your personal reactions to these cases?

How do you feel about these traffickers personally? Why do you believe they committed these crimes?

What rationales have the defendants/defense attorneys espoused for their involvement in these cases?

How go about getting the exhibits presented at the sentencings of Esthela Silfa Vasquez and Rubio Trinidad Narciso? Are the presentence reports available?

Why did you choose to submit evidence at the sentencings as you did? Why those defendants?

Anything else you would like to add?

Interview Guide for Defense Attorneys

How many sex trafficking (especially Hispanic) cases have you been involved in?

Do you have any previous experience working with immigrants?

What were the biggest obstacles that you faced defending your client?

What could have been done to address these problems (by the government/criminal justice system/other services)?

If you can comment, why did your client choose to plea instead of go to trial?

What types of advice did you give your client? (Don't need specifics necessarily from conversations just generalities)

Were you contacted about your client providing evidence for the government? Were you given a reason for why/why not?

What was the process for creating plea agreements for this case?

How many interactions with the prosecution did you have?

Did your client express a reason for their involvement in sex trafficking? Did they want this used in their defense? (Don't necessarily need any specifics from conversations- just to see if they did or did not espouse a reason)

How did you determine the framing of your client's defense?

Were you satisfied with the sentencing outcomes in these cases?

What do you think would have been the best outcome?

What do you think will happen to your client regarding Immigration and Customs Enforcement?

Do you have a sense of a pervasive feeling in the legal system about the worth of these cases?

What do you feel were the prosecution's feelings about this case? The judge?

What are your personal reactions to this case?

Why do you think that Hispanic sex trafficking has emerged in East Tennessee?

Interview Guide for Law Enforcement

How many cases of Hispanic sex trafficking have you investigated?

How did you learn about them?

Why do you think that Hispanic sex trafficking has emerged in East Tennessee? Do you think it will continue to be a problem?

How did the investigation in this case unfold?

What was involved in the investigation of this case?

Which of your officers were involved in this case?

Did they express reactions to this case?

Do you know much about what happened to the victims in this case?

What investigatory strategies have law enforcement pursued in these cases?

What part did federal law enforcement play in the case?

What part did your department play?

How did the federal and local law enforcement work together on these cases?

What is the pervasive feeling in law enforcement about these cases?

What is the most challenging aspect of investigating these types of cases?

Is there really a lot known about these traffickers?

What do you think would be the ideal/most effective enforcement for this crime?

Why do you think it is important to investigate and prosecute sex trafficking?

How do you feel about these traffickers personally? Why do you think these traffickers committed these crimes?

Were you able to discover any rationales for their involvement?

How has your department dealt with the influx of Hispanic immigrants to the area? Are there challenges there?

What would you like to see as outcomes from prosecuting sex trafficking cases?

Did you have a personal reaction to this case?

How did the community react to this case locally?

Anything else like to share?

Interview Guide for Advocate

How did you get involved in your advocacy work in sex trafficking?

What kind of advocacy do you engage in? What are your goals for your advocacy?

What types of advocacy groups are you a part of?

Do you work with law enforcement and prosecution in cases?

What kinds of events and trainings does your task force do? Any community outreach to at risk women? Immigrants?

What do you think are the greatest needs for combating sex trafficking in Tennessee? Hispanic sex trafficking in particular?

Do you believe sex trafficking/prostitution is an important issue in Tennessee? What is your organization's stance on this issue?

What kind of outcomes from prosecuting sex trafficking cases would you like to see?

What do you think is the best way to combat trafficking? Through a legal means?

Why do you think that immigrant sex trafficking has occurred in Tennessee?

Interview Guide for Social Services

What kind of services does your organization offer?

How many people a year does your organization assist?

What do you think are the largest needs of the immigrant community in Tennessee?

What are the largest challenges the individuals your organization serves face?

Does your organization work with law enforcement/prosecution in cases?

Has your organization assisted in any sex trafficking cases in TN? What kind of assistance did it offer?

How many Hispanic sex trafficking cases?

Do you personally have any previous experience working with immigrants?

What kinds of interactions did you have with those clients?

What kind of community outreach/advocacy does your organization do?

Where are the gaps in services that you see?

What are immigrants' most common reasons for interactions with the criminal justice system?

Does your organization assist victims of trafficking with obtaining T/U visas? Do you believe enough vises are being awarded/ victims being certified?

Does your organization offer assistance to TBI/FBI/local law enforcement in victim's cases?

Do you believe sex trafficking/prostitution is an important issue in Tennessee? What is your organization's stance on this issue?

Why do you believe sex trafficking exists in Tennessee? Hispanic sex trafficking in particular?

What are some of the most common reasons for immigration that you have encountered? Is it different for Hispanic immigrants?

Do you believe labor recruitment has influenced Hispanic migration into this area?

What kind of outcomes from prosecuting sex trafficking cases would you like to see?

APPENDIX C- LIST OF LEGAL PUBLICATIONS, STATUTES, LEGISLATION, AND LEGAL DOCUMENTS CITED

8 U.S.C. § 1324(a)(1)(A)(ii-iii)

18 U.S.C. § 371

18 U.S.C. § 2421

18 U.S.C. § 2422(a)

18 U.S.C. § 2424

Application and Affidavit for a Search Warrant Doc. No. 115-1, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. July 1, 2011).

Application and Affidavit for a Search Warrant Doc. No. 116-1, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. July 1, 2011).

Application for a Search Warrant Doc. No. 121-1, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. July 14, 2011).

Application for a Search Warrant Doc. No. 122-1, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. July 15, 2011).

Criminal Complaint Doc. No. 1, United States v. Selvin Salvador Perdomo, No. 3:10-cr-00097 (6th Cir. July 14, 2010).

Gov. Ex. No. 1, United States v. Eusebio Flores Martinez, No. 2:11-cr-00041-002 (6th Cir May 3, 2012).

Gov. Ex. No. 2, United States v. Eusebio Flores Martinez, No. 2:11-cr-00041-002 (6th Cir May 3, 2012).

Gov. Ex. No. 1, United States v. Reyna Rodriguez Rios, No. 2:11-cr-00041-001 (6th Cir May 3, 2012).

Gov. Ex. No. 2, United States v. Reyna Rodriguez Rios, No. 2:11-cr-00041-001 (6th Cir May 3, 2012).

Gov. Ex. No. 4, United States v. Reyna Rodriguez Rios, No. 2:11-cr-00041-001 (6th Cir May 3, 2012).

Gov. Ex. No. 5, United States v. Reyna Rodriguez Rios, No. 2:11-cr-00041-001 (6th Cir May 3, 2012).

Gov. Ex. No. 6, United States v. Esthela Silfa Vasquez, No. 2:11-cr-00041-005 (6th Cir. April 5, 2012).

Gov. Ex. No. 7, United States v. Esthela Silfa Vasquez, No. 2:11-cr-00041-005 (6th Cir. April 5, 2012).

Indictment Doc. No. 7 United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. May 3, 2011).

Life History of Elda Dorali Moreno Ramirez Doc. No. 191-1, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. April 30, 2012).

Motion for Variance and Sentencing Memorandum Doc. No. 283, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. April 30, 2012).

Motion to Seal Search Warrant Application and File Doc. No. 104-1, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. June 30, 2011).

Motion to Seal Search Warrant Application and File Doc. No. 106-1, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. July 1, 2011).

Motion to Seal Search Warrant Application and File Doc. No. 108-1, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. July 1, 2011).

Motion to Seal Search Warrant Application and File Doc. No. 110-1, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. July 1, 2011).

Motion to Transfer Doc. No. 5, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. May 3, 2011).

Order Doc. No. 286, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. May 1, 2012).

Plea Agreement Doc. No. 129, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. July 31, 2011).

Plea Agreement Doc. No. 132, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. August 1, 2011).

Plea Agreement Doc. No. 135, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. August 3, 2011).

Plea Agreement Doc. No. 141, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. August 9, 2011).

Plea Agreement Doc. No. 152, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. August 15, 2011).

Plea Agreement Doc. No. 153, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. August 15, 2011).

Plea Agreement Doc. No. 169, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. August 30, 2011).

Plea Agreement Doc. No. 179, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. September 22, 2011).

Plea Agreement Doc. No. 182, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. September 29, 2011).

Public Chapter No. 1023, Senate Bill No. 1751, TCA Title 39 & 40 (2010)

Sealing Order Doc. No. 98-1, United States v. Reyna Rodriguez Rios, No. 2:11-cr-00041 (6th Cir. June 30, 2011).

Sealing Order Doc. No. 102-1, United States v. Reyna Rodriguez Rios, No. 2:11-cr-00041 (6th Cir. June 30, 2011).

Sealing Order Doc. No. 112-1, United States v. Reyna Rodriguez Rios, No. 2:11-cr-00041 (6th Cir. July 1, 2011).

Sentencing Memorandum Doc. No. 191, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. December 29, 2011).

Sentencing Memorandum Doc. No. 217, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. January 25, 2012).

Sentencing Memorandum Doc. No. 229, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. February 9, 2012).

Sentencing Memorandum Doc. No. 245, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. March 12, 2012).

Sentencing Memorandum Doc. No. 279, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. April 12, 2012).

Sentencing Memorandum Doc. No. 298, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. May 21, 2012).

Sentencing Memorandum Doc. No. 300, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. March 30, 2012).

Sentencing Memorandum and Motion for Downward Variance Doc. No. 259, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. March 27, 2012).

Sentencing Memorandum and Request for Variance Doc. No. 217, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. January 25, 2012).

Sentencing Memorandum and Request for Variance of Defendant Esthela Silfa Vasquez Doc. No. 257, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. March 22, 2012).

Superseding Indictment Doc. No. 118, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. July 6, 2011).

Trafficking Victims Protection Act of 2000, Pub. L. 106-386, 114 Stat. 1464.

Trafficking Victims Protection Reauthorization Act of 2003, H.R. 2620. (2003, January, 7). 108th Cong 1st Ses.

Transcript of Sentencing, United States v. Freddy Lopez Torres, No. 2:11-cr-00041-008 (6th Cir. February 23, 2012).

Transcript of Sentencing, United States v. Rosa Garcia Menendez, No. 2:11-cr-00041-003 (6th Cir. January 26, 2012).

Transcript of Sentencing, United States v. Reyna Rodriguez Rios, No. 2:11-cr-00041-006 (6th Cir. February 9, 2012).

U.S.S.G. § 2G1.1(b)

U.S.S.G. § 2G1.3(b)(2)(A)

U.S.S.G. § 2G1.3(b)(4)(B)

U.S.S.G. § 2L1.1(b)(2)(A)

U.S.S.G. § 3B1.1(d)

United States' Motion for Continuance of Trial due to Unavailability of Essential Witness and Preparation of Translated Materials Doc. No. 177, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. September 22, 2011).

United States' Sentencing Memorandum Doc. No. 216, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. January 24, 2012).

United States' Sentencing Memorandum Doc. No. 228, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. February 6, 2012).

United States' Sentencing Memorandum Doc. No. 233, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. February 16, 2012).

United States' Sentencing Memorandum Doc. No. 252, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. March 22, 2012).

United States' Sentencing Memorandum Doc. No. 254, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. March 22, 2012).

United States' Sentencing Memorandum Doc. No. 256, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. March 22, 2012).

United States' Sentencing Memorandum Doc. No. 285, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. April 30, 2012).

United States' Sentencing Memorandum Doc. No. 301, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. May 31, 2012).

United States' Sentencing Memorandum Doc. No. 302, United States v. Reyna Rodriguez Rios et al., No. 2:11-cr-00041 (6th Cir. May 31, 2012).

White Slave Traffic (Mann) Act Ch. 395 36 Stat. 825 (1910).

APPENDIX D- CHRONOLOGY OF THE CRIMINAL INVESTIGATION

December 14, 2010- Confidential source 1 met with the FBI, shared information about local prostitution network with local brothels in Morristown and Johnson City, Tennessee with affiliated brothels throughout North Carolina, South Carolina, West Virginia, New York, Tennessee, and Georgia

January 4, 2011- FBI reached out to confidential source 3 to gain information on brothel in Morristown, Tennessee (*Doc. No. 102-1*)

January 5, 2011- Sonia showed FBI location of Freddy Lopez Torres' brothel on 8371 Old Springfield Pike, Goodlettsville, Tennessee (*Doc. No. 115-1*)

January 13, 2011- Confidential source 3 met with Rubio Trinidad Narciso at Shell gas station in Morristown, Tennessee to discuss his brothel business by pretending to be in need of prostitutes to service his employees

January 13, 2011- Sonia met with FBI to provide details of her trafficking and experiences in prostitution along with information on handlers she has come in contact with (*Doc. No. 102-1*)

January 18, 2011- FBI conducted surveillance of 8371 Old Springfield Pike, Goodlettsville, Tennessee and record license plate number of vehicles at residence (*Doc. No. 115-1*)

January 19, 2011- Confidential source 1 confirmed Rubio Trinidad Narciso as running a brothel in Morristown, Tennessee and provided the FBI with his phone number

January 25, 2011- Confidential source 4 confirmed Rubio Trinidad Narciso's phone number given by confidential source 1 and provided another phone number used by Narciso to FBI agent

January 25, 2011- Pen register/trap and trace order placed on one of Rubio Trinidad Narciso's cell phones

January 26, 2011- Pen register/trap and trace order placed on another cell phone used by Rubio Trinidad Narciso

January 31, 2011- Sonia met with FBI to provide greater details on the local trafficking ring, relationships between handler and prostitute, and personal information of handlers including their addresses and phone numbers

January 31, 2011- Selvin Salvador Perdomo interviewed by FBI concerning his involvement in operating a local prostitution business

February 1, 2011- Trash pull conducted at 3525 McClister Rd., Morristown, Tennessee (residence of Rubio Trinidad Narciso) which recovered multiple soiled condoms, empty condom boxes, and condom wrappers

February 9, 2011- Sonia met Elda Dorali Moreno Ramirez and woman working for her to gather evidence of her prostitution business, Elda's license plate number was recorded by law enforcement conducting surveillance of the meeting

February 9, 2011- Sonia contacted Rosa Garcia Menendez via telephone to gather information on her involvement with Rubio Trinidad Narciso and their joint prostitution business

February 11, 2011- Traffic stop of Rubio Trinidad Narciso, Rosa Garcia Menendez, and female passenger, photographs taken of all passengers for identification by confidential sources

February 11, 2011- Pen register/trap and trace order placed on two of Elda Dorali Moreno Ramirez's cell phones (*Doc. No. 102-1*)

February 11, 2011- TN Dept. of Motor Vehicles check on car located at 3525 McClister Rd., Morristown, Tennessee which was registered to Rubio Trinidad Narciso (*Doc. No. 106-1*)

February 15, 2011- Trash pull conducted at 3525 McClister Rd., Morristown, Tennessee which recovered over multiple condoms and condom boxes (40 count), numerous condom wrappers, and Wal-Mart receipt for purchase of condoms

February 15, 2011- Confidential source 1 met with Rubio Trinidad Narciso in Johnson City, Tennessee to gather evidence on his prostitution business

February 16, 2011- Confidential source 5 called Rosa Garcia Menendez to gather evidence on his prostitution business

February 16, 2011- Pen register/trap and trace order placed on one of Rosa Garcia Menendez's cell phones (*Doc. No. 102-1*)

February 17-18, 2011- Confidential source met with Raymundo Sanchez Torres to gather evidence on his involvement in the network and Narciso's brothel business (US v. Rubio Trinidad Narciso, *Gov. Exhibit No. 2*).

February 23, 2011- Confidential source 2 met with FBI in Louisville, Kentucky to identify Esthela Silfa Vasquez and Obdulio Comacho Morales as operating brothels there, describes their business operations and locations of brothels (*Doc. No. 122-1*)

February 25, 2011- FBI conducted physical surveillance of 8371 Old Springfield Pike, Goodlettsville, Tennessee and recorded license plate numbers of vehicles there (*Doc. No. 115-1*)

March 1, 2011- Trash pull at 3525 McClister Rd., Morristown, Tennessee in which a receipt for purchase of condoms, Western Union receipt from Rosa Garcia Menendez to Rubio Trinidad Narciso, and utility receipts in Rubio Trinidad Narciso's name were located (*Doc. No. 104-1*)

March 3, 2011- Sonia provided Freddy Lopez Torres' phone number to the FBI (*Doc. No. 115-1*)

March 4, 2011- Confidential source 1 called Rubio Trinidad Narciso who was seeking someone to replace him in running a prostitution business in Johnson City, Tennessee

March 14, 2011- Sonia called Rosa Garcia Menendez to gather evidence of her involvement in the prostitution business (*Doc. No. 104-1*)

March 14, 2011- Surveillance of confidential source 2 meeting to Esthela Silfa Vasquez and Obdulio Comacho Morales to gather evidence on their prostitution business (*Doc. No. 122-1*).

March 15, 2011- Trash pull conducted at 3525 McClister Rd., Morristown, Tennessee which uncovered Greyhound bus tickets, receipts for the purchase of condoms, torn condom boxes, and prepaid phone cards (*Doc. No. 104-1*)

March 15, 2011- Pen register/trap and trace order placed on another cell phone used by Rubio Trinidad Narciso (*Doc. No. 102-1*)

March 16, 2011- Kentucky DMV check for photo identification of Esthela Silfa Vasquez and Obdulio Comacho Morales (*Doc. No. 122-1*)

March 17, 2011- Sonia identified Freddy Lopez Torres in photo lineup (*Doc. No. 115-1*)

March 18, 2011- Application for tracking device on car used by Rubio Trinidad Narciso approved- not placed (*Doc. No 102-1*)

March 18, 2011- Sonia contacted Rosa Garcia Menendez via telephone to gathered evidence on her prostitution business, which was expanding to an additional nearby house (*Doc. No. 104-1*)

March 18, 2011- Tracking device approved for placement on car used by Elda Dorali Moreno Ramirez- placed March 25, 2011 (*Doc. No. 112-1*)

March 21, 2011- Local law enforcement conducted a traffic stop on car driven by Elda Dorali Moreno Ramirez

March 21, 2011- Trash pull conducted at 3618 Cunningham Rd., Knoxville, Tennessee (Elda's brothel) which recovered a receipt for condoms from Wal-Mart, electronic fund cards, prepaid cell phone cards, and Western Union Receipt (*Doc. No. 108-1*)

March 22, 2011- Trash pull conducted at 3525 McClister Rd., Morristown, Tennessee which recovered a prescription for Rubio Trinidad Narciso, mail for 3618 Cunningham Rd., Knoxville, Tennessee, ledger paper, money transfer receipts, condom boxes, condoms, and condom wrappers (*Doc. No. 104-1*)

March 22, 2011- Sonia engaged Elda Dorali Moreno Ramirez in recorded phone conversation to gather evidence on her involvement in prostitution business (*Doc. No. 115-1*)

March 28, 2011- Application for tracking device on car used by Rubio Trinidad Narciso approved second time- placed (*Doc. No. 102-1*)

March 29, 2011- Trash pull conducted at 3525 McClister Rd., Morristown, Tennessee which recovered identification documents from Mexico, electronic fund transfer receipts, a $10,000 cash wrapper, paperwork, used condoms, and condom wrappers

March 29, 2011- Sonia engaged Rosa Garcia Menendez in phone conversation to gather evidence of her involvement in prostitution (*Doc. No. 104-1*)

March 29, 2011- Sonia called Elda Dorali Moreno Ramirez via telephone, Elda gave her the phone number of another handler working in Knoxville, Tennessee

March 29, 2011- Sonia called Reyna Rodriguez Rios pretending to be looking for work (*Doc. No. 106-1*)

March 30, 2011- FBI determined apartment in Lexington, Kentucky leased to Freddy Lopez Torres, location Sonia described as had been used by Freddy's brother as a brothel (*Doc. No. 115-1*)

March 31, 2011- FBI conducted 'knock and talk' at 9910 Merioneth Dr., Louisville, Kentucky (brothel run by Esthela Silfa Vasquez and Obdulio Comacho Morales), Rosa Garcia Menendez came to the door (*Doc. No. 122-1*)

Early April 2011- FBI conducted trash pull at 923 Delaware Ave., Lexington, Kentucky (brothel related to network), receipt for condoms with Freddy's girlfriends name (Luisa) on it was discovered (*Doc. No. 115-1*)

April 1, 2011- Sonia called Rosa Garcia Menendez to gather additional evidence about her prostitution business with Rubio Trinidad Narciso (*Doc. No. 104-1*)

April 1, 2011- Surveillance of Rubio Trinidad Narciso's activities (*Doc. No. 102-1*)

April 1, 2011- Sonia called Reyna Rodriguez Rios and spoke to her about her prostitution business (*Doc. No. 110-1*)

April 3, 2011- Sonia contacted Elda Dorali Moreno Ramirez via telephone and they spoke about her recent interstate transportation of women for her prostitution business (*Doc. No. 108-1*)

April 5, 2011- Pen register/trap and trace order placed on another cell phone used by Rosa Garcia Menendez

April 5, 2011- Pen register/trap and trace order placed on cell phone used by Reyna Rodriguez Rios (*Doc. No. 102-1*)

April 5, 2011- Trash pull conducted at 3525 McClister Rd. and 3062 Springvale Rd., Morristown, Tennessee (both used as brothels by Rosa Garcia Menendez and Rubio Trinidad Narciso) which recovered numerous used condoms and condom wrappers (*Doc. No 104-1*)

April 7, 2011- Application for tracking device on second car used by Rubio Trinidad Narciso approved- placed April 12, 2011 (*Doc. No. 102-1*)

April 10, 2011- Local law enforcement conducted traffic stop of Rubio Trinidad Narciso with female passenger, picked up by another female because he did not have insurance or license (*Doc. No. 104-1*)

April 13, 2011- FBI conducted surveillance of activities of Esthela Silfa Vasquez and Obdulio Comacho Morales (*Doc. No. 122-1*)

April 15, 2011- Surveillance of audio-recorded meeting between Sonia, Rosa Garcia Menendez, and Freddy Lopez Torres while Rosa was working for Freddy Lopez Torres at 8371 Old Springfield Pike, Goodlettsville, Tennessee to gather evidence of their involvement in the prostitution business (*Doc. No. 115-1*)

April 19, 2011- Trash pull at both 3525 McClister Rd. and 3062 Springvale Rd., Morristown, Tennessee which recovered almost two dozen soiled condoms and wrappers, ledger, and empty condom boxes (*Doc. No. 104-1*)

April 25, 2011- Surveillance and audio recording of Sonia travelling with Rubio Trinidad Narciso and Rosa Garcia Menendez to Knoxville, Tennessee to drop off Rosa to work for Reyna Rodriguez Rios (US v. Reyna Rodriguez Rios, *Gov. Ex. No. 1*)

Aril 25, 2011- Surveillance of Reyna Rodriguez Rios after leaving meeting with Rubio Trinidad Narciso, Rosa Garcia Menendez, and Sonia (*Doc. No. 110-1*)

April 25, 2011- Check of FBI database for Freddy Lopez Torres' phone records, determined this number had been in contact with a phone used by Rosa Garcia Menendez forty-four times March 10-April 23, 2011 (*Doc. No. 115-1*)

April 26, 2011- FBI checked KY DMV for registration of vehicle seen at Elda Dorali Moreno Ramirez's brothel at 3618 Cunningham Rd., Knoxville, Tennessee, vehicle registered to Eusebio Flores Martinez

April 26, 2011- Sonia called Elda Dorali Moreno Ramirez and discussed her prostitution business

April 27, 2011- Sonia called Elda Dorali Moreno Ramirez and discussed the involvement of Eusebio Flores Martinez in her prostitution business (*Doc. No. 108-1*)

April 27, 2011- Surveillance conducted on Reyna Rodriguez Rios (*Doc. No. 110-1*)

April 28, 2011- FBI interviewed management at Old Hickory Estates in Madison, Tennessee and determined Freddy Lopez Torres leased 500 Cheyenne Blvd. Lot 158, Madison, Tennessee

April 28, 2011- FBI conducted surveillance at 8371 Old Springfield Pike, Goodlettsville, Tennessee

April 29, 2011- FBI conducted surveillance at 500 Cheyenne Blvd. Lot 158, Madison, Tennessee and witnessed Freddy Lopez Torres leave residence with female

May 2, 2011- FBI contacted Metro Nashville Police Dept. concerning a complaint from March 2, 2010 that Latino prostitution business was being operated out of 500 Cheyenne Blvd. Lot 158, Madison, Tennessee and transported women in car registered to Freddy Lopez Torres

May 4, 2011- Search warrant executed at 500 Cheyenne Blvd. Lot 158, Madison, Tennessee- brothel run by Freddy Lopez Torres (*Doc. No. 115-1*)

May 4, 2011- Search warrant executed at 8371 Old Springfield Pike, Goodlettsville, Tennessee- brothel run by Freddy Lopez Torres (*Doc. No. 116-1*)

May 4, 2011- Search warrant executed at 5514 Riata Dr., Louisville, Kentucky- brothel run by Obdulio Comacho Morales and Esthela Silfa Vasquez (*Doc. No. 122-1*)

May 4, 2011- Search warrant executed at 9910 Merioneth Dr., Louisville, Kentucky- brothel run by Obdulio Comacho Morales and Esthela Silfa Vasquez (*Doc. No. 121-1*)

May 4, 2011- Search warrant executed at 3525 McClister Rd., Morristown, Tennessee- brothel run by Rubio Trinidad Narciso and Rosa Garcia Menendez (*Doc. No. 104-1*)

May 4, 2011- Search warrant executed at 3062 Springvale Rd., Morristown, Tennessee- brothel run by Rubio Trinidad Narciso and Rosa Garcia Menendez (*Doc. No. 106-1*)

May 4, 2011- Search warrant executed at 3618 Cunningham Rd., Knoxville, Tennessee- brothel run by Elda Dorali Moreno Ramirez (*Doc. No. 108-1*)

May 4, 2011- Search warrant executed at 10019 Bob Gray Rd., Lot 34, West Knox Park, Knoxville, Tennessee- brothel run by Reyna Rodriguez Rios (*Doc. No. 110-1*)

APPENDIX E- LEGAL ARGUMENTS IN PLEA AGREEMENTS, SENTENCING MEMORANDUMS, AND COURT HEARINGS

The plea agreements for all the defendants except Rosa Garcia Menendez and Elda Dorali Moreno Ramirez, included an agreement that they used of coercion in their crimes according to a specific section of the Sentencing Guidelines, which increased their total offense level by four points.[45] As Raymundo Sanchez Torres plead to an immigration offense not a violation of the *Mann Act*, his coercion sentence enhancement was formulated under another section of the US Sentencing Guidelines.[46] The ability of the prosecutor to use the broader definition of coercion in the Sentencing Guidelines to penalize individuals for crimes which could not meet the strict interpretation of coercion under the *TVPA* highlights the variability in how the concept can be defined.

Reyna Rodriguez Rios contested the prosecution's assertion that she used fraud or coercion in her crimes and objected to the use of the sentencing enhancement in her sentencing memorandum (*Doc. No. 283*) and during her sentencing hearing. The judge overruled her objection because it was filed too late and denied her motion because of her agreement to the coercion enhancement by agreeing to the plea agreement (*Doc. No. 286*). Despite this, her defense attorney argued at her sentencing hearing that the "women knew what they doing" and that the woman found in her residence at the time of the police search "lied to the FBI" about what she had done "to minimize her involvement." The prosecutor responded that the police search of Reyna's brothel was "close to a rescue situation" because the woman found there

[45] Under U.S.S.G. §2G1.1(b) which includes the additional sentence penalty for promoting a commercial sex act using coercion. Coercion in this section is defined as any behavior which infringes on the voluntariness of another's actions.
[46] Under U.S.S.G. § 2L1.1(b)(8)(B)

reported to police that she had been sexually assaulted the night before and had not received assistance. After her recovery, the victim was taken to the hospital for a physical examination and a rape kit. As this interaction highlights, defendants' actions, the crime in question, and the victim status of the women they prostituted are continually constructed and refuted throughout the court case. The defendants and their attorneys sought to minimize responsibility and culpability in the eyes of the court, while the prosecution sought to highlight the severity of their actions to achieve the longest possible sentences.

The defendants deemed by the prosecution to have been in a leadership role within the sex trafficking network- Freddy Lopez Torres, Eusebio Flores Martinez, Eusebio Comacho Morales, Rubio Trinidad Narciso, and Esthela Silfa Vasquez were subject to another sentencing enhancement for being managers/supervisors in a crime with five or more individuals involved. This enhancement triggers a three level increase in their overall offense level.[47] In addition, the prosecution included another sentence enhancement for all of the defendants, except Raymundo Sanchez Torres, for promoting adult prostitution with multiple victims. An upward departure is allowed under this enhancement for crimes victimizing more than ten individuals.[48] Again as Raymundo Sanchez Torres plead guilty to conspiring to harbor illegal aliens under 8 USC § 1324(a)(1)(A)(iii) which is a section of immigration law, he was subject to different sentence enhancement for the large number of victims involved in the case (*Doc. No. 254*).[49]

Despite the inclusion of this particular sentence enhancement in the plea agreements, the prosecutor argued the Sentencing Guidelines provisions for the enhancement were flawed. She felt that this enhancement "has the general effect of understating the seriousness of this particular

[47] Under U.S.S.G. § 3B1.1(b)
[48] Under U.S.S.G. § 2G1.1(d)
[49] Under U.S.S.G. § 2L1.1(b)(2)(A)

type of offense, which is rooted in the long-term, wholesale degradation of women" as the crime involved well over one hundred women which could not be accounted for by the ten victim threshold allowed under the provision (*Doc. No. 233*, p. 5; *Doc. No. 252*, p. 6). In response to the inclusion of this sentence enhancement against his client, Rosa Garcia Menendez's attorney argued that the enhancement was originally proposed for use in crimes victimizing minors, but as it is now, it allows for an a significant increase in offense level because it treats the case as if there were separate counts in the indictment for each victim (*Doc. No. 217*). The judge denied this motion and stated that the five level increase was appropriate as there is "no doubt in the court's mind that there were more than ten females who were duped into joining this conspiracy" (*Sentencing Transcript in US v. Menendez*, p. 7). Thus, the prosecution was able to overcome all of the challenges to the use of the sentence enhancements she included in plea agreements. The court did side with Rubio Trinidad Narciso in his assertions that he was subject to additional sentence enhancements beyond that of his co-defendants, which if true should have applied to the defendants equally.

The pre-sentence investigation report submitted to the court by the US Probation Office asserted that Rubio Trinidad Narciso should be subject to two additional sentence enhancements based on comments he and Raymundo Sanchez Torres made about the use of minors in his prostitution business. These enhancements included a two-level increase for using misrepresentation to persuade, entice, coerce, or facilitate a minor in traveling for prohibited sexual conduct[50] and an additional two level increase in his overall offense level for an act involving a commercial sex act with a minor[51] (*Doc. No. 298*).

[50] Under U.S.S.G. § 2G1.3(b)(2)(A)
[51] Under U.S.S.G. § 2G1.3(b)(4)(B)

The use of these sentence enhancements was objected to in Rubio's sentencing memorandum (*Doc. No. 298*) and by his attorney at his sentencing hearing. Specifically, he objected to the misrepresentation enhancement, because he claimed that the presentence report did not provide evidence of the specific instance in which he misrepresented himself to a minor. In addition, his attorney objected to the inclusion of both of the enhancements by claiming it was "double-dipping" to add an enhancement for a commercial sex act to a prostitution charge (*Doc. No. 298*, p. 3) and because of the lack of admissible evidence of the use of a minor in this case other than a conversation between "a snitch and a co-defendant" (*Doc. No. 298*, p. 2). He further claimed there was no admissible evidence before the court regarding these enhancements which could have been used at trial (*Doc. No. 298*).

He argued that due to the lack of evidence of the involvement of minors, Rubio should be subject to the same sentence enhancements as his similarly situated co-defendants to avoid sentence disparities *(Doc. No. 298*). The prosecution brought one of the lead Federal Bureau of Investigation agents involved in investigating the crime to Rubio Trinidad Narciso's sentencing hearing to provide evidence on behalf of the government and rebut his objections. The verbatim transcript of the audio-recorded conversation where he stated he had used minors in his business was entered into evidence. In addition, photographs of the items discovered during the search of his residence were entered into evidence, and the FBI agent commented on how Rubio consistently used a false identity in his interactions. She did admit on the stand during cross examination that law enforcement had no proof of his use of minors in his prostitution business beyond what they were told.

Due to these issues, the sentencing memorandum submitted on behalf of Rubio Trinidad Narciso asserted that the government was not forthcoming with the evidence they were going to

use for this sentencing enhancement at the time of his plea agreement which he believed amounted to "sentence entrapment" (*Doc. No. 298*, p. 10). At Rubio's sentencing, his attorney again asserted his contention of entrapment and that the evidence they were using to assert the use of minors in his prostitution business would not be admissible at trial. He further claimed that he doubted that the probation office listened to all of the audio recordings to find the items the government was asserting. The prosecutor refuted the existence of sentencing entrapment in the case and was upset by his assertions.

At the sentencing hearing, the judge concluded that use of the sentencing enhancements in Rubio's case was proper, because he found the FBI agent's testimony "credible" and felt the enhancement was intended to "have broad application." The judge also disagreed with the defense's assertion of double-dipping, as he stated a sex act does not have to occur for the base offense level under the guideline. Despite overruling these objections, the judge stated that he was "troubled" the government knew facts, but did not apply them to other defendants as they "all utilized the same females."

As can be seen above, sentencing memorandums can be used to construct criminal acts, victims, and offenders in specific ways and formulate the legal arguments to be brought up in court. Those submitted in this case, both by the prosecutor and defense counsel, were used to construct the case in particular ways to persuade the court in its sentencing outcome using evidence in support of their view of what constitutes a sentence that is "sufficient but not greater than necessary."[52] The prosecutor used the government's sentencing memorandums to highlight the seriousness of the offenses committed by the defendants and their agency and culpability in the exploitation of the women they prostituted. The prosecutor framed the seriousness of the case

[52] Under 18 USC § 3553(a)(2)

by stating in all of the defendants' sentencing memorandums that "prostitution is a pernicious social evil" (*Doc. No. 228*, p. 2; *Doc. No. 254*, p. 2; *Doc. No. 252*, p. 3; *Doc. No. 233*, p. 2; *Doc. No. 285*, p. 2; *Doc. No. 302*, p. 3; *Doc. No. 216*, p. 2).

The government's sentencing memorandum for Eusebio Flores Martinez described the "victimization and transport [sic] of Hispanic women" as his "principal occupation for about two years" (*Doc. No. 285*, p. 2). Rubio Trinidad Narciso was described as the "single most culpable defendant" who "bragged about his success" and "deliberately chose to support himself by engaging in a horrific crime" (*Doc. No. 301*, p. 4-6). Raymundo's involvement in the conspiracy and crime was described as "neither minimal or [sic] harmless" (*Doc. No. 254*, p. 5). The prosecution's sentencing memorandums for Obdulio Comacho Morales and his significant other Esthela Silfa Vasquez highlighted how they were lawful permanent residents who could have legally worked, but "chose to pursue a criminal livelihood" (*Doc. No. 302*, p. 5; *Doc. No. 252*, p. 5). Freddy Lopez Torres's offenses were described as "very serious because of its relatively long duration and number of victims" (Doc. No. 233, p. 2). The government's sentencing memorandum for Reyna Rodriguez Rios highlighted her use of fraud by using a 'ruse' to get a women to come work for her, how she also "forced" this woman to have sex, and how she housed the women in "the same trailer as…[her] children" (*Doc. No. 256*, p. 1-2).

To counter the prosecution's assertions of agency on the part of their clients and the egregious nature of their crimes, the defense attorneys used their clients' sentencing memorandums to present mitigating factors to be considered at sentencing. Many of the memorandums were used to highlight the defendants' difficult upbringings, family lives, victimization histories, and financial situations. Many also included specific constructions of their crimes, co-defendants, and the women prostituted in the case to minimize their personal

culpability (*Doc. 298; Doc. No. 300; Doc. No. 217; Doc. No. 245; Doc. No. 257; Doc. No. 191; Doc. No. 283; Doc. No. 279; Doc. No. 229*).

Specifically, Reyna Rodriguez Rios' sentencing memorandum highlighted her childhood sexual abuse, life with an abusive father while growing up in Mexico, limited seventh grade education, medical conditions, and single mother status as mitigating factors that should be considered in her sentencing. She also asserted a victim status for herself by stating that she "worked as a prostitute in the USA and, in a manner of speaking, is therefore herself a victim whether by bad choices or by her bad circumstances" (*Doc. No. 283*, p. 2). At her sentencing, Rios' attorney again mentioned her psoriasis as a mitigating factor to be considered in her sentence to which the prosecutor replied incredulously that this medical condition was not "life-threatening" and would not "keep you from working."

To highlight Elda Dorali Moreno Ramirez's mitigating demographic characteristics, a typed life history describing her childhood poverty, history of sexual assault and violence, migration, and how she was deceived into travelling for work in the sex trade was submitted to the court along with her sentencing memorandum (*Doc. No. 191-1*). Elda also argued in her sentencing memorandum that she had yet to have a downward departure motion filed by the prosecution for her assistance to law enforcement (*Doc. No. 191*). After entering a guilty plea, Elda agreed to testify for the government in the impending trial of Reyna Rodriguez Rios and Esthela Silfa Vasquez (*Doc. No. 177*), which became unnecessary after they plead guilty. Following the filing of Elda's sentencing memorandum, a sealed motion was filed by the government to afford her a U.S.S.G. 5K1.1 downward departure for substantial assistance as mentioned in the government's sentencing memorandum (*Doc. No. 228*). Her assistance to the government was highlighted at her sentencing hearing when the prosecution stated that she did

provide "timely and complete cooperation…as recently as last week…there was a total of three debriefs" (*Transcript of Sentencing in US v. Elda Dorali Moreno Ramirez*, p. 4).

In mitigation of Rosa Garcia Menendez's sentence, the sentencing memorandum submitted on her behalf stated that she chose to enter prostitution willingly to provide financially for a son ill with leukemia, but "she is not proud of her decision" (*Doc. No. 217*, p. 4). Rosa Garcia Menendez was the only other defendant to give substantial assistance to the government (*Doc. No. 129*). At her sentencing, the prosecution supported a downward departure in her sentencing. There, the prosecutor stated, "this is a very high departure, and it would have been higher but for the fact that she, that Ms. Menendez was precluded by the nature of the investigation and the facts from going undercover" (*Sentencing Transcript in US v. Rosa Garcia Menendez*, p. 5). When asked to speak in mitigation of her sentence at her sentencing, Rosa asked for forgiveness from the court and stated "I am guilty of the crime, and I am very sorry and all I ask is to be able to go back to my children" (*Sentencing Transcript in US v. Rosa Garcia Menendez*, p. 8).

Rubio Trinidad Narciso addressed the court in mitigation of his sentence with his head down, stating that he accepted responsibility for his actions. He also gave thanks to God, asked for God's forgiveness, and stated "I had the opportunity to get to know God and get baptized" while incarcerated. Lastly, he stated that he would not do anything else wrong as he is trying to follow God's word now. In response to his statements, the judge stated that he felt that a sentence variance was appropriate and he believed Rubio was "sincere" and "sorry to God, Tennessee, and the United States." The prosecution objected to his sentence, but the judge said they "preserve the issue for appeal."

In his sentencing memorandum, Eusebio Flores Martinez asked the court to consider his minor role in the conspiracy in mitigation of his sentence. He felt his culpability was significantly less than his co-defendants who "organized, planned, and profited substantially from the business for several years until they were finally arrested" (*Doc. No. 279, p. 5*). At his sentencing, the prosecution highlighted the seriousness of his involvement in the trafficking network by having an FBI agent testify about the evidence found in his car (including condoms and a money order from a co-defendant) and a statement made by a co-defendant that he mistreated the women who worked for him. In his sentencing memorandum, Eusebio told the court that he was humiliated by his actions and wished to receive the shortest possible sentence so he could return to his family (*Doc. No. 279*).

Similar to Eusebio, the sentencing memorandum submitted on behalf of Raymundo Sanchez Torres also highlighted his minimal involvement and responsibility as a substitute driver in the network. He claimed to have come to the United States "looking for work and instead found trouble" (*Doc. No. 245, p. 6*). The prosecution responded to his desire for a ten month sentence in their sentencing memorandum by highlighting the lack of mitigating factors in his case and that a sentence below the guideline would "send the wrong message to others engaged in the sex industry and others who are illegally present in the United States" (*Doc. No. 254*, p. 5).

Esthela Silfa Vasquez's sentencing memorandum requested a variance to lower her sentence based on three factors: (1) because she was remorseful and had accepted responsibility for her actions, (2) the effect of being separated from her children, and (3) that she had been allowed out on pretrial release. Additionally, character letters from her children and two most recent employers were submitted to the court to highlight her ability to be a "contributing member of society and the workforce" (*Doc. No. 257*, p.11). At her sentencing hearing, the

prosecution addressed her motion for a downward sentence variance and her assertion that facts in the presentence report were untrue. An FBI official testified as a prosecution witness to highlight the seriousness of her crimes, including how Esthela tricked a woman into working for her as a prostitute and threatened her with violence if she tried to refuse working. During her sentencing, Esthela stated that she recognized that she "made a mistake and truly I'm sorry." She also asked for forgiveness, that she now realized "how serious" her acts were, and that "God has already forgiven me."

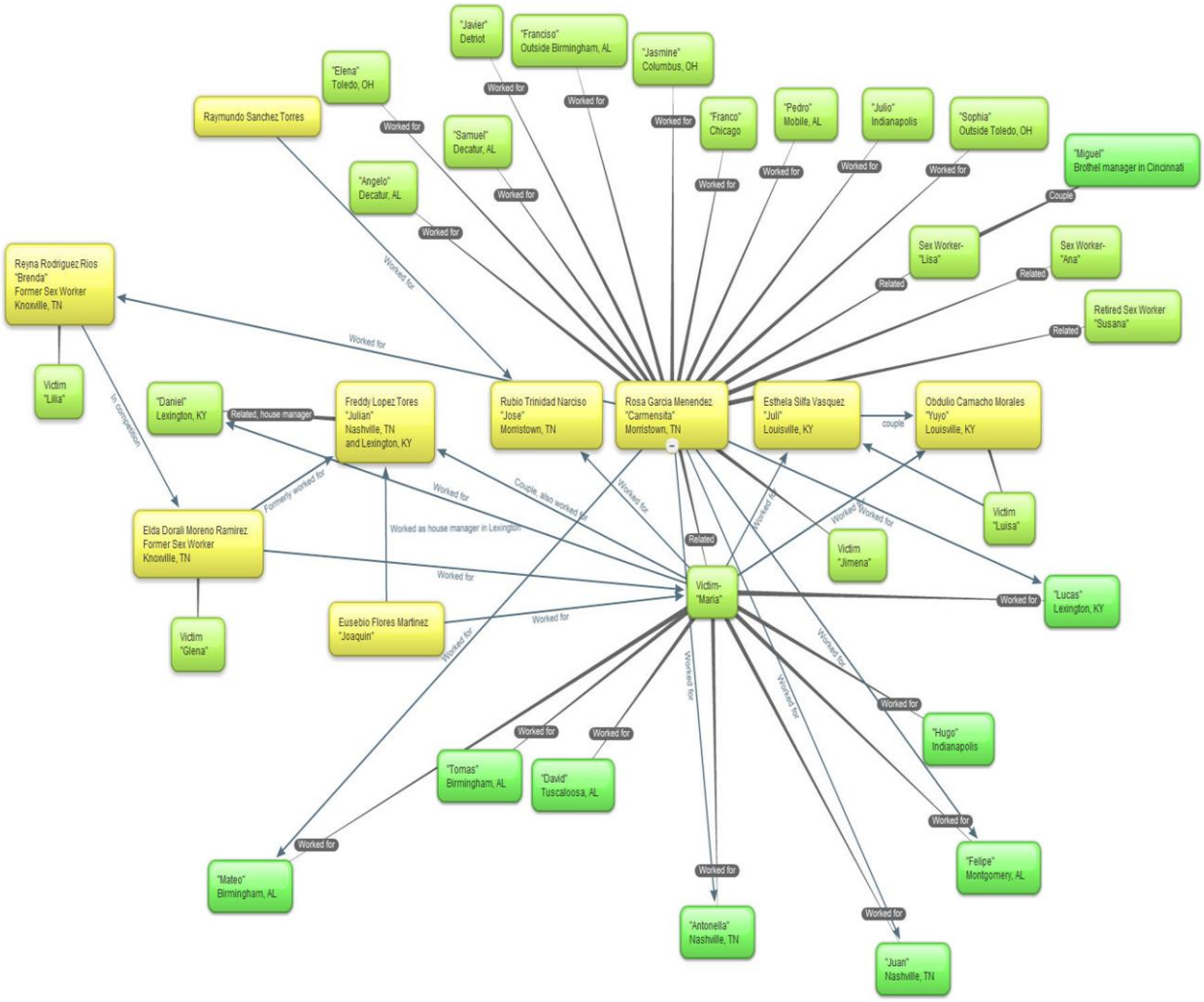
The role of undocumented immigration in these cases was also highlighted in many of the defendants' sentencing memorandums. Many argued that because the defendants were subject to deportation after incarceration, they would never again commit crimes in the United States and their sentences should be minimized for fiscal savings (*Doc. No. 300; Doc. No. 245; Doc. No 191*). A number of the defendants brought up the specific mitigating factor of the effects of an illegal immigration statuses on sentences, as undocumented individuals are ineligible for a stay in halfway house transiting for the last six months of their sentence and subject to additional detention by Immigration and Customs Enforcement during their removal proceedings (*Doc. No. 298; Doc. No. 257; Doc. No. 191*). The court rejected these pleas at the defendants' sentencings.

As shown in both the sentencing memorandums submitted to the court on behalf of the defendants and their own statements to the court, the defendants in this case sought to be viewed by the court as having limited personal agency and remorseful for their actions. To present themselves in this way, they constructed their actions in particular ways to minimize the seriousness of their involvement and to receive the smallest possible sentence. The prosecution on the other hand, presented the heinousness of the crimes and offenders with agency to the court to obtain the longest possible sentences for those defendants who were not eligible for a

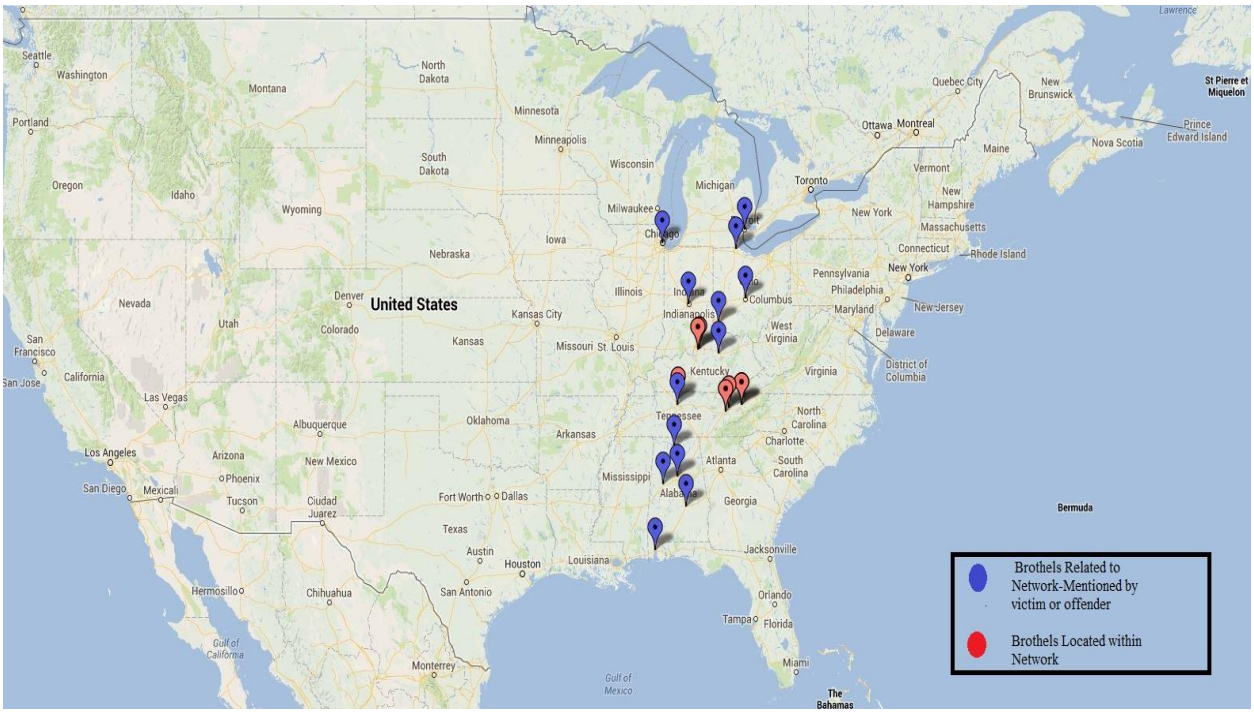
downward departure because of their substantial assistance to the government.[53] Thus, the ways crime, offenders, and victims are constructed by legal actors and the defendants themselves are central to criminal case processing and highlight the malleability of legal definitions and the social construction of sex trafficking which can be shaped to assert or refute victimization and culpability in a crime.

[53] This analysis is further detailed in chapter 6.

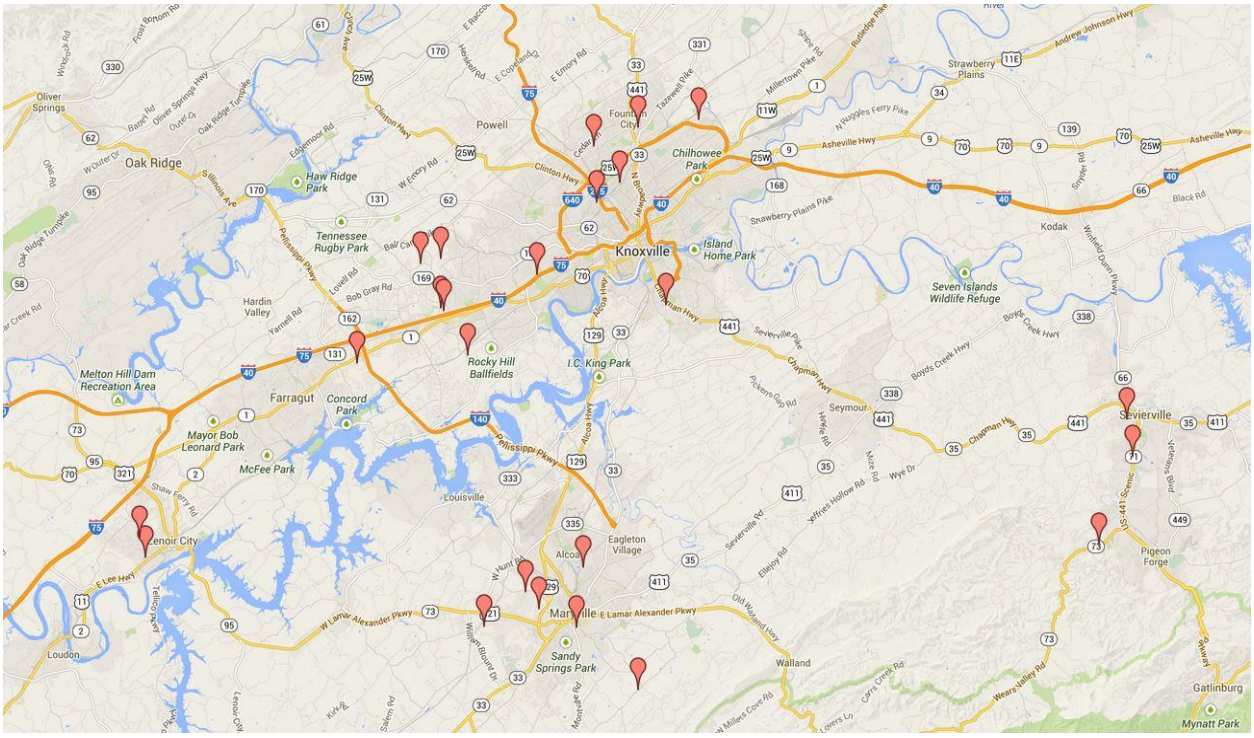
APPENDIX F- CONCEPT MAP OF RELATIONSHIPS BETWEEN THOSE INVOLVED IN TRAFFICKING NETWORK



APPENDIX G- MAP OF BROTHELS WITHIN AND ASSOCIATED WITH NETWORK



APPENDIX H- SAMPLE BROTHEL DELIVERY AREA*



*Actual delivery locations of Selvin Salvador Perdomo's prostitution business (associated with trafficking network in the case under study) as witnessed by law enforcement (*Doc. 1*, Case 3:10-cr-00097).

VITA

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