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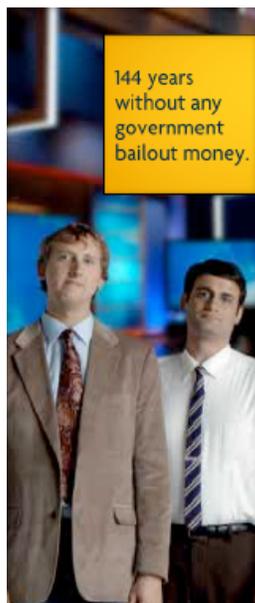
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U.S. system to find, help victims of trafficking is broken

THE KANSAS CITY STAR, MO. | BY MIKE MCGRAW AND LAURA BAUER | Mon, Dec 28, 3:16 AM



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Elisa Lopez lived in Postville, Iowa, through the sixth grade, but returned with her family to San Jose Calderas, Guatemala, before the Agriprocessors raid in 2008. In her small highland village, she has had no school to attend. Lopez stands in a shed behind the family's home where water is heated over an open fire. (Keith Myers/Kansas City Star/MCT)

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"Neither slavery nor involuntary servitude ... shall exist within the United States, or any place subject to their jurisdiction." -- 13th Amendment to the U.S. Constitution, ratified Dec. 6, 1865

KANSAS CITY, Mo. -- Sebastian Pereria told a friend last year about his life in America.

How he wanted to see his wife and children in India, but his boss kept his identification papers and wouldn't let him go.

Other waiters who worked with him at a Topeka, Kan., restaurant told of how they were forced to work 13-hour days, six days a week. They talked of how the boss underpaid them and pocketed their tips.

In the end, Pereria, 46, got his wish. He finally arrived home last year.

In a coffin.

The U.S. government could not help Pereria, even though they said he fit the criteria for being a human trafficking victim. Other waiters he worked with got help and were rescued from the Globe Indian Restaurant. But for Pereria, even in death, a judge remained unconvinced.

America declared war on human trafficking nearly a decade ago. With a new law and much fanfare, the government pledged to end such human rights abuses at home and prodded the rest of the

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With different approach, Kiwi farmers boost

world to follow its example.

But an investigation by The Kansas City Star found that, in spite of all the rhetoric from the Bush and Obama administrations, the [United States](#) is failing to find and help tens of thousands of human trafficking victims in America.

The Star also found that the government is doing little to stop the flow of trafficking along the porous U.S.-Mexico border and that when victims are identified, many are denied assistance.

The United States also has violated its own policies by deporting countless victims who should be offered sanctuary, but sometimes end up back in the hands of traffickers.

After spending millions of taxpayer dollars, [America](#) appears to be losing the war in its own backyard.

Even some top federal anti-trafficking authorities in the Bush and Obama administrations acknowledged serious problems.

"The current system is not yet picking up all the victims of human trafficking crimes," Janet Napolitano, secretary of the Department of Homeland Security, told The Star just weeks ago. "It has been a growing problem and in a world of growing problems, it's time for the nations of the world to take it on."

America's failure to live up to its own high standards isn't for lack of will or good intentions or even money. The Star's investigation pointed to problems that are more systemic: an uncoordinated, inconsistent approach to finding victims; politically charged arguments over how to define trafficking; and a continuing disbelief among some in local law enforcement that it even exists.

The issue is further complicated by the heated debate over illegal immigration. The willing participation initially of some victims is blurring the lines and testing the law.

"People feel if you come in illegally, anything that happens to you is your fault," said Lisette Arsuaga, with the Los Angeles-based Coalition to Abolish Slavery & Trafficking. "Slavery is not an immigration issue. It's a civil rights issue. There's no justification for making someone a slave."

It may be hard to imagine that slavery exists in America, but trafficking victims are all around us. The Midwest, in particular, seems to be an emerging hub.

Although trafficking usually is considered a coastal phenomenon, more alleged traffickers -- 36 in the past three years -- have been prosecuted by federal authorities in western Missouri than anywhere in the nation.

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One Kansas City case, involving Giant Labor Solutions, is believed to be the largest labor trafficking ring uncovered in U.S. history.

Around the country, some victims exemplify the more exotic definitions of trafficking -- those sold into the sex trade or into forced labor. But many, like Pereria, find themselves in mundane jobs. Incurring heavy debts while trying to find a better life, they become financially chained to their traffickers and work for low pay or in dangerous conditions.

They toil in factories and massage parlors, on fruit and vegetable farms, and inside homes, hotels and restaurants from [California](#) to Maine. Stripped of their humanity, they're often threatened with their lives, or their families' lives, if they don't submit to the traffickers' demands.

The victims are not unlike Dareyam, a 42-year-old Indonesian woman held captive for 18 years, half of those in the United States.

Kept as a housekeeper on the West Coast, she was forced to clean house naked and to sleep on the floor. She could not use the indoor bathroom, forced to go in a plastic bag outside.

"My lady, she was mean, evil, crazy, you know," Dareyam told The Star.

Another Indonesian woman, Ima, 29, worked long hours caring for two children, cleaning a home on the West Coast and never making a dime. Verbally abusive, the woman who enslaved her once hit Ima so hard she needed stitches.

After three years, she wrote a note to a housekeeper next door. Please help me, I can't take it anymore. It took Ima hours to find the courage to write those eight words.

The physical and psychological toll on trafficking victims can trap them in a life of slavery for years.

"I trusted nobody," said Flor, a 37-year-old survivor living in California, who came to the United States to earn money to start a sewing business.

She'd already lost one child to starvation in Mexico. She swore none of her children would go hungry again. "But when I got here, everything went wrong," Flor said.

Her boss started abusing her, forcing Flor, who was in the United States illegally, to work 17 to 19 hours a day for no pay. After other workers went home, she labored through the night, toiling under a dim sewing machine bulb no bigger than a matchbook.

"I thought slaves were only in the past, just in history," Flor said. "It happens every day."

She still can't forget the words of her trafficker, a woman who told her she could kill her and no one would care. "If I kill a dog, I will get in trouble," Flor's trafficker told her. "If I kill you, I won't get in any trouble. No one knows you are here. You don't exist."

Six months after President [Barack Obama](#) was sworn in, Secretary of State Hillary Rodham Clinton declared human trafficking a top foreign policy priority. "Trafficking is a crime that involves every nation on earth and that includes our own," Clinton said in June as she presented the U.S. government's ninth annual global report on human trafficking.

But so far, little progress has been made in changing ineffective policies, The Star found.

Obama's incoming anti-trafficking czar, former federal prosecutor Luis CdeBaca, said many obstacles remain, including a lack of money, coordination and training. "We are doing a lot ... but continue to have a lot of learning to do," CdeBaca said.

America's human trafficking law requires the government to rate other nations every year and report on their efforts to rescue victims and punish traffickers.

In the best category: most of Europe and a few other countries. In the worst: North Korea, Malaysia and 15 other nations whose human trafficking records the United States finds unacceptable.

One country the State Department has never rated: the United States itself.

"That has been a criticism of the report from the outset ... countries around the world just hate this report," said Sen. Sam Brownback, a Kansas Republican who co-sponsored the original anti-trafficking legislation in 2000.

He added that it may be time for congressional oversight hearings on America's anti-trafficking efforts.

State Department officials have promised to rate the United States against other countries in their next report in June 2010. While the assumption is that America will be in the top category, some experts aren't so sure.

"It's not a slam dunk," said Mark Lagon, the Bush administration's human trafficking czar. "Too many people in government are not recognizing victims as victims," added Lagon, who now heads the

Polaris Project, a nonprofit anti-trafficking group.

Lagon and other experts say America first needs to do a better job of determining how many victims there are in the United States, and then try harder to find them.

Even officials with the Justice Department-funded Human Trafficking Reporting System acknowledge the shortcomings. "We are just not as good as we should be at being able to identify victims of trafficking," said Amy Farrell, who helps run the reporting system.

In fact, the government estimates that since 2002, up to 140,000 trafficking victims have been brought into the United States. But only 1 percent of them, about 1,600 people, ended up with visas meant for trafficking victims, The Star found.

The reasons for such low numbers are unclear. Many victims are afraid to come forward. Others just want to go home. Some do not cooperate with law enforcement and are deported.

But even if the U.S. had rescued all of them, congressional limits on so-called "T-visas" would have allowed only 40,000 people to get them.

"It's like the devil is running roughshod over these people who have already suffered so much," said Kent Felty, a Colorado attorney who has represented scores of suspected trafficking victims. "We shouldn't be doing this to these victims."

The Star found an unworkable bureaucracy also is partly to blame. The federal government's vast anti-human trafficking network suffers from turf wars and a lack of coordination.

In all, seven Cabinet-level departments are involved: Homeland Security and the State Department, the Justice Department, Health and Human Services, Defense and the departments of Education and Labor.

The enforcement effort is so widely dispersed that in 2003 officials set up the Senior Policy Operating Group to coordinate.

Federal watchdogs found it isn't working. A Government Accountability Office audit in 2006 noted that disagreements among the various agencies have hurt America's anti-trafficking activities at home and abroad.

All this is costing millions. Even the Congressional Research Service couldn't figure out exactly how much has been spent, concluding it was impossible.

A new report, however, found \$23 million spent on domestic

programs alone in fiscal 2008.

What's more, federally funded human trafficking task forces are clustered in coastal areas, leaving huge swaths of the country ill-equipped to find victims.

Audits found some agencies misused federal grant money or claimed victims who didn't qualify. Others spent the money, but found few if any victims.

Determining the effectiveness of the task forces is impossible, too. That's because the Justice Department is prohibited from releasing task force-level data without their consent, said Duren Banks, chief of the department's Prosecution and Adjudication Statistics Unit.

However, an audit by the Justice Department's inspector general concluded they're not working very well.

"Human trafficking grant programs have built significant capacities to serve victims," noted last year's audit. "But (they) have not been effective at identifying and serving significant numbers of alien trafficking victims."

During raids at poultry plants or factories, immigration agents often don't screen for human trafficking. The immigration enforcement agency also doesn't screen every immigrant it finds, trafficking experts said.

"Our biggest problem is the screening," says Florrie Burke, a longtime advocate against human trafficking.

Even along the U.S. border with Mexico, little is being done to screen for victims being trafficked into the United States.

"The only question they (border agents) ask is, 'Do you have your documents?'" said Mary Galvin, a social worker in Tijuana, speaking through a translator as she sat in the front room of the women's shelter where she works.

"That's all they care about. They don't do screening, sit down with people and ask, 'What are you doing here? Who brought you in?' ... They don't investigate. They don't care."

Even when the Border Patrol catches illegal immigrants, agents often fail to recognize human trafficking victims. Consider a 21-year-old woman snatched off the street outside her school in

Mexico. Rocio Gonzalez Watson, a victim's advocate, tells the woman's story.

How the words of her kidnapers echoed in the young woman's mind as she moved through a long line of immigrants near the border. Don't say anything, or we'll kill you and your family.

She was smack in the middle of the busiest and what some consider the most dangerous point of entry into the United States, just north of Tijuana.

Traffickers herded her and 11 other females through the port like cattle. The people who kidnapped her, the ones who gave her phony identification papers and who planned to sell her once she was inside America, were just feet away. Watching. Don't say anything.

A U.S. border agent thought the young woman was trying to smuggle herself into the country, and she ended up back in the hands of her kidnapers.

"She was face to face with the agent, but he didn't ask her anything. Even when he was with her, away from the kidnapers, he didn't ask her more questions," Watson said.

Denied at the border, the young kidnapping victim was taken to a "load house" where the other girls waited. They put the 12 of them across the bottom of a filthy motorboat and headed to a landing spot in southern California.

Once there, the young woman from Mexico could hear the traffickers assaulting some of the other girls and barking orders. Keep your head down. Put your heads down on the floor.

She could hear other women being bought and sold.

I want her, someone would say. I want her.

Ten were sold. But not the young woman. They took her to a rough neighborhood, dropped her off, and told her she would die there.

A good Samaritan finally saved her.

If agents had asked more questions at the border, identified her as a human trafficking victim, she wouldn't have had to go through so much trauma in the United States, advocates said. Her story is an "eye opener," Watson said, showing how victims go undetected and unassisted.

She hopes it also shows the need to educate victims that it's all

right to trust law enforcement and there are laws against this kind of abuse -- even for those who are not U.S. citizens.

"If they (victims) understand the authorities are there to protect them, that they have rights, 99 percent of the time they will be willing to cooperate," Watson said. "But when victims are treated like criminals, when authorities act exactly how the traffickers say the authorities will act, we all lose."

No one knows how many girls and women like her, scared and silent, cross the border each year. Or how many come over thinking they will be getting legitimate jobs, then are victimized once they are here.

But there's only so much agents can do when the abuse hasn't happened yet, said Christopher Dombek, who directs the Office of Alien Smuggling Interdiction for U.S. Customs and Border Protection.

"At the time they are coming in, they probably don't consider themselves victims," Dombek said. "I don't think people coming to the United States think they're going to be victimized."

Dombek said preventing and detecting trafficking is a priority for his agency.

Yet advocates contend border agents could do more to spot patterns, such as packs of young women coming into the United States with promises of legitimate jobs who later are sexually exploited. Often they're turned loose on the streets, or forced to work in massage parlors as prostitutes, like one young Asian woman.

A college student in her homeland, she was lured by traffickers to America with hopes of a bartending job making \$200 to \$300 a night. At first she worked on the West Coast, forced to drink whiskey with wealthy patrons and provide sexual favors. Next stop, a massage parlor in the South.

The first two days she did nothing but cry.

"After that, you're no longer a human being," said the 32-year-old who agreed to speak with The Star if her name wasn't published. "You feel like an animal."

While federal anti-trafficking laws provide stiff penalties -- and the number of prosecutions is increasing -- the chances of being charged or convicted as a trafficker remain low, The Star found.

The United States convicted fewer traffickers per capita in 2006 than most of the countries deemed by the State Department to do the best job of fighting trafficking, according to a study by Alese Wooditch, a human trafficking expert and researcher at George Mason University.

To be sure, prosecutors are reluctant to file charges they don't think they can make stick.

But contributing to the problem, experts said, is a lack of consistency among prosecutors as to the meaning of coercion, which is required under federal law. Some prosecutors also tend to "cherry-pick" the best cases and pass over victims who might not do well on the stand.

"The definition of human trafficking in the federal code is for severe trafficking where there is physical abuse, or branding, of the victim," explained Lt. Derek Marsh of the Orange County Human Trafficking Task Force in California. "So when we bring a case without those elements, they are less likely to prosecute."

In one case last year, a Utah Legal Services attorney acquired special trafficking visas for more than 60 Thai laborers who went unpaid for work they performed on pig farms in Utah and Colorado.

Many had mortgaged property in Thailand to pay fees to get into the United States. Some lost their homes when they were unable to make the payments, said attorney Alex McBean. Federal prosecutors investigated but never filed charges against the alleged trafficker.

"The questions they asked tended to be focused on physical abuse or a threat of physical abuse," McBean said, noting abuse can take other forms as well.

Across America, many local police and sheriff's departments tend to ignore human trafficking.

Homicide and burglary, assault and larceny remain high on their "to do" lists, but not trafficking.

"I don't think much is being done to root it out," said Ron Soodalter, who wrote "The Slave Next Door," a new book on

human trafficking, with Kevin Bales. "There's the idea that if I stumble across it, hopefully I will know it when I see it."

More than 70 percent of local and state law enforcement agencies surveyed by Northeastern University recently said that human trafficking was a rare or nonexistent problem in their communities. Only one in five agencies had received some type of human trafficking training.

In addition, some officers are reluctant to intervene in sex and labor trafficking cases because they believe the victims likely were complicit in their own victimization.

The young college woman from Asia -- forced to have sex with 10 to 12 men a day -- finally escaped. But only after paying someone \$1,200 in "tip money" to help her contact authorities.

She sought shelter with an anti-trafficking agency but it took four months to get a work permit. Though she finally got a T-visa, allowing her to remain in the United States for four years, she must wait to apply for permanent residency.

"The U.S. process is too long," she said. "All I want is to be normal. I want to forget."

She still has nightmares. She still sees the face of the man who enslaved her. Still threatening her, cutting her. Still inflicting pain. She doesn't like to talk about what she went through.

She refuses to tell her husband and her mother what happened.

"It was horrible," is all she can say.

She won't know for two years whether she'll be granted permanent residency in the United States. Like so many survivors, she remains imprisoned by uncertainty.

"I can't be happy 100 percent until I know," she said. "Until I know what is going to happen to me."

—

Pereria never had a chance to find out what would have happened to him. He never got a chance to be certified as a trafficking victim.

Nevertheless, even though his death was never connected to the restaurant, some of the customers Pereria waited on are wondering why they didn't see the invisible chains he claimed he wore to work every day.

"He was clearly in a desperate situation, and it breaks my heart he didn't open up to us a little bit," said Christina Hauck, a Kansas State University professor who was a Monday night regular of Pereria's at the restaurant.

After the discovery of Pereria's body in his apartment, his boss, Amapreet Singh, claimed he was just a "homeless alcoholic." But he later admitted that Pereria had indeed been his employee.

Singh's attorney, Pedro Irigonegaray, conceded that Pereria's death was sad but insisted that Singh wasn't responsible. He vehemently denied that Pereria or other employees were victims of human trafficking.

"Are the allegations ugly?" Irigonegaray said. "They are horrific. ... The fact is while there are serious concerns that must be addressed with human trafficking, that was not the case in our community with these restaurant workers."

Irigonegaray also denied that Singh mistreated his workers in any way.

The government argued that its evidence suggested otherwise. Federal prosecutors presented information from a confidential informant who'd talked with Pereria and other waiters. They had told the informant that Singh withheld their wages. That he also withheld their identification documents. And that he required them to work long hours.

The informant told authorities that Singh forced up to seven workers to live together in the apartment. Pereria had told the informant that he was abused and kept from returning to India.

Under federal law, all are elements of human trafficking. In fact, federal authorities can certify people as human trafficking victims even if no charges are ever brought against their employers. And that's what they did in the Globe Restaurant case when they certified Pereria's co-workers as trafficking victims.

Prosecutors never charged Singh with trafficking. He was charged and convicted of a lesser felony: harboring an illegal immigrant. Prosecutors did argue that Singh deserved an enhanced sentence because he used coercion against Pereria.

But after prosecutors didn't produce witnesses to testify about those allegations, the judge ruled in November that the government's evidence of threats and coercion was not sufficiently compelling and declined to lengthen Singh's sentence. He got 18 months in federal prison, not the 20 years he could have faced if he'd been convicted of trafficking.

There would be no words to the contrary from Pereria. No family

reunion, either.

He died on his apartment's bathroom floor. Cause of death: acute pneumonia. The coroner's report noted he was dressed in dark trousers and a white shirt, with a "filthy sock" on his left foot.

On the day he died, sick and helpless, Sebastian Pereria was still wearing his waiter's uniform.

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