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## Slavery Then and Now: The Trans-Atlantic Slave Trade and Modern Day Human Trafficking: What Can We Learn from Our Past?

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# SLAVERY THEN AND NOW: THE TRANS-ATLANTIC SLAVE TRADE AND MODERN DAY HUMAN TRAFFICKING: WHAT CAN WE LEARN FROM OUR PAST?

*Stevie J. Swanson<sup>A</sup>*

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## INTRODUCTION

“You can’t move forward until you look back.”<sup>1</sup> The accepted date for the beginning of the Trans-Atlantic Slave Trade is 1502.<sup>2</sup> The Trans-Atlantic Slave Trade lasted over 350 years, and during that period, approximately 9.9 million Africans were enslaved by Europeans and transported across the Atlantic.<sup>3</sup> The ramifications of three and a half centuries of bondage, oppression, and marginalization are far-reaching, and we are still struggling in the fight for equality. The after-shocks of our nation’s past still permeate our modern discourse. One cannot view television, peruse the internet, or listen to the radio without being inundated by stories of unarmed black men and boys being killed<sup>4</sup> and single mothers struggling to provide for their children due to the mass incarceration of black males.<sup>5</sup> As Ben Affleck recently stated regarding the controversy surrounding his censorship of *Finding Your Roots* on PBS (concerning acknowledging his slave-owning ancestors), “we are, as a nation, still grappling with the terrible legacy of slavery.”<sup>6</sup> Undoubtedly, progress has been made, but we still have a long way to go as a nation to heal our wounds and prevent future injustices. In order to fully comprehend the current racial disparities in America, we need a more complete understanding of our past.

Many have said that history repeats itself.<sup>7</sup> Unfortunately, this is painfully true in the realm of modern day human trafficking. Human

1. *Cornel West Quotes*, GOODREADS, [http://www.goodreads.com/author/quotes/6176.Cornel\\_West](http://www.goodreads.com/author/quotes/6176.Cornel_West) (last visited Nov. 20, 2015).

2. Robert Fogel, *Slavery in the New World*, in *SLAVERY IN AMERICAN SOCIETY* 21-22 (Lawrence B. Goodheart et al. eds., 1992).

3. *Id.*

4. See, e.g., *Trayvon Martin Shooting Fast Facts*, CNN (Feb. 11, 2015), <http://www.cnn.com/2013/06/05/us/trayvon-martin-shooting-fast-facts/>; Rachel Clarke & Christopher Lett, *What Happened When Michael Brown Met Officer Darren Wilson*, CNN (Nov. 11, 2014), <http://www.cnn.com/interactive/2014/08/us/ferguson-brown-timeline/>.

5. MICHELLE ALEXANDER, *THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLOR BLINDNESS* 98 (2010) (noting that one out of every fourteen black men was incarcerated in 2006).

6. Mr. Affleck was featured on the PBS television series *Finding Your Roots*. It was discovered in researching his ancestry for the series that he had slave-owning ancestors. Once informed of this fact, Mr. Affleck asked PBS not to include his slave-owning ancestors in the final cut. There was considerable controversy over the fact that he asked the show to censor which relatives they presented on the show. Stuart Oldham, *Ben Affleck Apologizes for PBS Slavery Censorship: “I was Embarrassed”*, VARIETY (Apr. 21, 2015), <http://variety.com/2015/biz/news/ben-affleck-slavery-pbs-censor-ancestors-1201477075/>.

7. See GEORGE SANTAYANA, *THE LIFE OF REASON: REASON IN COMMON SENSE* 284 (1905) (“Those who cannot remember the past are condemned to repeat it.”).

trafficking is a thirty-two billion-dollar-a-year industry,<sup>8</sup> and at present, it is estimated that there are approximately twenty-seven million people enslaved worldwide.<sup>9</sup> President Obama has stated that human trafficking is modern day slavery.<sup>10</sup> Human trafficking is a global plague, and America is not immune to its death and destruction. Both sex trafficking<sup>11</sup> and labor trafficking<sup>12</sup> are forms of modern day slavery that are present throughout America and the world. In America, sex trafficking appears online, and at pseudo-massage parlors, truck-stops, residential brothels, strip-clubs, hotels and motels, and on city streets.<sup>13</sup> Labor trafficking in America includes domestic servants, agricultural laborers, factory workers, door-to-door sales crews, carnival workers, and health and beauty service providers.<sup>14</sup>

This article compares “slavery then” (the Trans-Atlantic Slave Trade) to “slavery now” (modern day human trafficking), in an attempt to remind us of our past so that we may glean insight into how to successfully combat the epidemic of modern day human trafficking. This paper makes the case that civil rights and social justice advocates in the United States need to pay particular attention to the human trafficking epidemic. Traffickers prey on vulnerable populations. This article advances the premise that the mass incarceration of black males often leaves many women and children at greater risk of being trafficked. It hypothesizes that the aftershocks of the Trans-Atlantic Slave Trade predispose certain populations to a greater risk of being re-enslaved today. This article advocates that we must educate ourselves about the past in order to pave the way for a better future. It argues that we must come out of our comfort zones and immerse ourselves in the ugliness of inequality and the brutal details of slavery (both old and new) in order to protect ourselves, our children, and our nation from further demoralization. As Dr. Martin Luther King, Jr., once said,

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8. *Human Trafficking: Organized Crime and the Multibillion Dollar Sale of People*, U.N. OFF. ON DRUGS & CRIME (July 19, 2012), [https://www.unodc.org/unodc/en/frontpage/2012/July/human-trafficking\\_organized-crime-and-the-multibillion-dollar-sale-of-people.html](https://www.unodc.org/unodc/en/frontpage/2012/July/human-trafficking_organized-crime-and-the-multibillion-dollar-sale-of-people.html) [hereinafter UNODC].

9. U.S. DEP'T OF STATE, *TRAFFICKING IN PERSONS REPORT 7* (2013), <http://www.state.gov/j/tip/rls/tiprpt/2013/index.htm>.

10. *Id.*

11. *Sex Trafficking in the U.S.*, POLARIS, <http://www.polarisproject.org/human-trafficking/sex-trafficking-in-the-us> (last visited Nov. 20, 2015).

12. *Labor Trafficking in the U.S.*, POLARIS, <http://www.polarisproject.org/human-trafficking/labor-trafficking-in-the-us> (last visited Nov. 20, 2015).

13. *Sex Trafficking in the U.S.*, *supra* note 11.

14. *Labor Trafficking in the U.S.*, *supra* note 12.

[A]ll mankind is tied together; all life is interrelated, and we are all caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly. . . . [I] can never be what I ought to be until you are what you ought to be. And you can never be what you ought to be until I am what I ought to be — this is the interrelated structure of reality.<sup>15</sup>

This paper also argues that, because of our collective interconnectivity, we must empathize. As Cornel West points out, “[e]mpathy is not simply a matter of trying to imagine what others are going through, but having the will to muster enough courage to do something about it. In a way, empathy is predicated upon hope.”<sup>16</sup> Furthermore, this article asks that we be both active and hopeful in our pursuits of justice. Finally, this article explores the various means of addressing human trafficking and argues that awareness, education, volunteer efforts, corporate responsibility in supply chains, and conscientious consumerism, as well as legislative reform, are all imperative to effectuate positive change and equality.<sup>17</sup>

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15. Reverend Dr. Martin Luther King, Jr., Commencement Address for Oberlin College: Remaining Awake Through A Great Revolution (June 14, 1965) (transcript available in Oberlin College Archives, <http://www.oberlin.edu/external/EOG/BlackHistoryMonth/MLK/CommAddress.html>) [hereinafter Oberlin Commencement Address].

16. *Cornel West Quotes*, *supra* note 1.

17. The inspiration for this article came while I was on sabbatical in 2012. I was doing research to create an elective course on racial discrimination and the law when I heard that there was a nearby symposium on human trafficking. Like many people, I had almost no knowledge of modern slavery, and I thought that human trafficking was only an issue elsewhere. I was floored to discover the vast global magnitude of the problem and that it was present in all fifty states here in America. Having majored in African-American Studies in college, I came to law school almost two decades ago to fight for equality and justice. A lightbulb ignited in my head at that symposium, and I knew how I wanted to help. I approached my colleague and an orchestrator of the symposium, E. Christopher Johnson, Jr., about the idea of marrying my elective course on racial discrimination in America with modern day human trafficking; thus, our class “Slavery Then and Now” was born. My idea was twofold: on one hand, that students, law students in particular, needed to have a greater understanding of the historical horrors of slavery in America to be better informed advocates in the fight for equality and justice now; and on the other hand, that by examining the past, these future lawyers might have greater insight into how to eradicate human trafficking in the modern era. In the first half of the course, students explore a statistical and demographic overview of the Transatlantic-Slave-Trade; slave life; revolt, rebellion, and religion; abolition; post-bellum aftershocks; The Civil Rights Movement; and finally, the mass incarceration of black males in the modern era, what Michelle Alexander calls “The New Jim Crow.” In the second half of the course, the students delve into an overview of the definitions of sex and labor trafficking and the extent of trafficking present at global, national, and local levels; victim identification and victim’s services; international, federal, and state laws that combat trafficking; corporate responsibility in supply chains and conscientious consumerism; the modern day abolitionist movement; and finally, creative ways to reduce and prevent trafficking and assist survivors.

In the first section of this article, I compare and contrast slavery then with slavery now. In the next section, I discuss the importance of confronting modern day human trafficking head-on, focusing on the importance of preventing the further marginalization of those groups previously oppressed. In the final section of this article, I suggest a variety of ways to combat modern day slavery.

## I. THE COMPARISON OF SLAVERY THEN TO SLAVERY NOW

### A. Goals and Rationalizations

Frederick Douglass, reflecting on the slave trade, said in 1871 that the goal of slaveholders in the Trans-Atlantic-Slave-Trade “was to make the most money they could in the shortest possible time. Human Nature is the same now as it was then.”<sup>18</sup> Douglass’s statement still rings true in 2015.<sup>19</sup> The greed has metastasized with technological advancements, consumerism, globalization, and population increase. “The discovery and conquest of the Americas, rise of capitalism, and emergence of a global economy, among other key developments over the past 500 years, have merely intensified and transformed forms of human trafficking and bondage long present across most cultures worldwide.”<sup>20</sup> As evidence of the intensification, compare the 9.9 million Africans transported across the Atlantic from the 1500’s to the 1800’s to the 27 million people currently enslaved in 2015.<sup>21</sup> The numbers are staggering, “more than twice as many people are in bondage in the world today than were taken from Africa during the entire 350 years of the Atlantic slave trade.”<sup>22</sup>

The goal of slavery then, just as slavery now, was to make money. The rationalizations for slavery may have shifted though, as the demographics of the enslaved have changed. Though there were many justifications for slavery then, some even biblical,<sup>23</sup> a primary rational was the inferiority of the African.<sup>24</sup> According to a Virginia case from 1825, every Negro is presumed to be a slave.<sup>25</sup>

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18. KEVIN BALES & RON SOODALTER, *THE SLAVE NEXT DOOR* 3 (2d ed. 2009).

19. UNODC, *supra* note 8.

20. Brooke N. Newman, *Historical Perspective: Slavery over the Centuries*, in *HUMAN TRAFFICKING INTERDISCIPLINARY PERSPECTIVES* 24 (Mary C. Burke ed., 2013).

21. Fogel, *supra* note 2.

22. BALES & SOODALTER, *supra* note 18, at 3.

23. DAVID BRION DAVIS, *INHUMAN BONDAGE: THE RISE AND FALL OF SLAVERY IN THE NEW WORLD* 35 (2006).

24. THOMAS JEFFERSON, *NOTES ON THE STATE OF VIRGINIA* 165-67 (1787).

25. *Maria v. Surbaugh*, 23 Va. (2 Rand. 228) (1824).

Other races were enslaved in the United States during the period of the Trans-Atlantic-Slave Trade as well. In New Jersey and Pennsylvania, for example, Native Americans were enslaved. As a court held in 1797, “They [Native Americans] have been so long recognized as slaves in our law, that it would be as great a violation of the rights of property to establish a contrary doctrine at the present day, as it would be the case of Africans; and as useless to investigate the manner in which they originally lost their freedom.”<sup>26</sup>

A white woman and her children could also be enslaved if the woman was convicted of marrying a slave, pursuant to a 1787 case from Maryland.<sup>27</sup> Though there were other races enslaved in the United States during the Trans-Atlantic Slave Trade, it was ingrained in American jurisprudence that being black meant being a slave. A Virginia court held in 1811 that, after inspection, “in the case of a person visibly appearing to be of a slave race, it is incumbent on him to make out his freedom; but in the case of a person visibly appearing to be of a free race, it is required of his adversary to show that he is a slave.”<sup>28</sup> In a dispute over whether a contract had been made between a black man and a white one prior to abolition, the United States Supreme Court found that no contract had been made by the black man (despite evidence indicating that his mother was free)<sup>29</sup> because “his color was presumptive proof of bondage.”<sup>30</sup> Nowadays, slaves (in America and globally) come in every race, ethnic group, religion, and sexual orientation, so the historical justification of inferiority no longer rings true in all contexts.<sup>31</sup> At its essence, slavery, both then and now, was, and is, a “product of individual self-interest operating at a global level.”<sup>32</sup> Modern day “trafficking does not discriminate, it just exploits.”<sup>33</sup>

### B. *Slave Price Comparison*

During the Trans-Atlantic Slave Trade, slaves were very expensive. In 1850, a slave would have cost approximately \$40,000 in

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26. State v. Van Waggoner, 6 N.J.L. 374, 376 (N.J. 1797).

27. Butler v. Craig, 2 H. & McH. 214 (Md. 1787).

28. Hook v. Pagee, 16 Va. (2 Munf. 379, 386) (1811).

29. Ned v. Beal, 5 Ky. (2 Bibb 298, 299) (1811) (“The general rule is, that the children follow the condition of the mother, at the time of their birth. . .”).

30. Hall v. United States, 92 U.S. 27, 30 (1875).

31. BALES & SOODALTER, *supra* note 18, at 6.

32. DAVIS, *supra* note 23, at 254.

33. Adriana Hauser & Mariano Castillo, *A Heavy Toll for the Victims of Human Trafficking*, CNN (Aug. 26, 2013), <http://www.cnn.com/2013/08/25/us/miami-sex-trafficking/>.

modern money.<sup>34</sup> Modern slaves are far less expensive. Some experts estimate that a person can be purchased for as little as a few hundred dollars,<sup>35</sup> while others state that a victim of Domestic Minor Sex Trafficking can be purchased for \$2,500-\$3,500.<sup>36</sup> Because the price of a human being has decreased so precipitously over time, there is an “endless supply of victims.”<sup>37</sup> People have truly become disposable.

### C. *Life Expectancy and Reproduction*

During the Trans-Atlantic Slave Trade, the life expectancy of a slave depended on his or her location. “In the British and French West Indies, in Dutch Guyana, and in Brazil, the death rate of slaves was so high, and the birth rate so low, that these territories could not sustain their population levels without large and continuous importations of Africans.”<sup>38</sup> In Barbados, slaves did not live longer than sixteen years after being brought to the island.<sup>39</sup> The United States, by comparison, “became the leading user of slave labor in the New World, not because it participated heavily in the slave trade but because of the unusually high rate of natural increase.”<sup>40</sup> Just because there was a high rate of reproduction, or natural increase, in the United States during the Trans-Atlantic Slave Trade, does not mean that slaves lived long lives. Regarding slaves in the South-Western States, “[a] large majority of them are *old* at middle age, and few live beyond fifty-five.”<sup>41</sup> American slaves “were *over-worked* to a degree that shortened life.”<sup>42</sup> In Louisiana, Alabama, and Mississippi, slaves on sugar plantations were driven so hard that they had to be replaced every seven years.

Unfortunately, horrifying historical statistics regarding low life expectancy for enslaved persons are not limited to the Trans-Atlantic Slave Trade. The generally accepted lifespan of a victim of modern day

34. BALES & SOODALTER, *supra* note 18, at 6.

35. *See id.*

36. LINDA SMITH & CINDY COLOMA, *RENTING LACY: A STORY OF AMERICA'S PROSTITUTED CHILDREN* xxi (2013).

37. *Id.* at 48 (quoting Drew Oosterbaan, Department of Justice, Criminal Division, Chief of the Child Exploitation and Obscenity Section at the National Training Conference on the Sex Trafficking of America's Youth (Sept. 15, 2008)).

38. Fogel, *supra* note 2, at 33.

39. OLAUDAH EQUIANO, *THE INTERESTING NARRATIVE OF THE LIFE OF OLAUDAH EQUIANO, OR GUSTAVUS VASSA, THE AFRICAN* 211 (1789).

40. ROBERT WILLIAM FOGEL, *WITHOUT CONSENT OR CONTRACT: THE RISE AND FALL OF AMERICAN SLAVERY* 33 (1989).

41. THEODORE DWIGHT WELD, *AMERICAN SLAVERY AS IT IS: TESTIMONY OF A THOUSAND WITNESSES* 38 (1839).

42. *Id.* at 97.



sex trafficking is seven years from when he or she is first trafficked.<sup>43</sup> Blue Heart International places the life expectancy even lower, stating three to seven years as the life expectancy.<sup>44</sup> This unusually high death rate is easily understood in the context of the sex trade. Sex trafficking victims are forced to service, on average, ten to fifteen buyers per night.<sup>45</sup> At peak times, victims of sex trafficking have been purchased by thirty to fifty buyers per day.<sup>46</sup> Primary causes of death for sex trafficking victims are “attack, abuse, STD’s, overdose, malnutrition, or suicide.”<sup>47</sup>

From a reproductive standpoint in the modern context, victims of both sex and labor trafficking are not encouraged to reproduce. In the labor trafficking arena, common sense dictates that a pregnant woman may be less able to work as efficiently and would, thereafter, be encumbered by her infant if allowed to keep the baby. Additionally, pregnant victims of labor trafficking are often denied medical care by their traffickers for fear of getting caught.<sup>48</sup> This contributes to high death rates in both mother and child. Take fifteen-year-old victim of labor trafficking, Jacinta, a Florida orange grove laborer, as an example; she was forced to have her baby in an overcrowded house where she was kept prisoner with her father, brother, and twenty other people, because her trafficker did not want the hospital employees to ask questions and cause problems.<sup>49</sup>

Victims of sex trafficking are rarely allowed to reproduce while being trafficked, and are often so injured from the abuse that they have suffered in the sex industry that they are incapable of reproduction even if they escape.<sup>50</sup> Victims of sex trafficking are compelled by their

43. Hauser & Castillo, *supra* note 33; see Tayia Jones-Castillo, Tex. Dep’t of State Health Servs., *Somebody’s Daughter: Understanding Domestic Minor Sex Trafficking*, [http://www.ncfh.org/uploads/3/8/6/8/38685499/domestic\\_minor\\_sex\\_trafficking.pdf](http://www.ncfh.org/uploads/3/8/6/8/38685499/domestic_minor_sex_trafficking.pdf); Written Statement of William C. Woolf, III, to H. Appropriations Comm. Subcomm. on Commerce, Justice, Science and Related Agencies Hearing on Sex Trafficking (Feb. 26, 2014), in *SEX, MONEY, AND THE FORGOTTEN VICTIM*, <http://docs.house.gov/meetings/AP/AP19/20140226/101774/HHRG-113-AP19-Wstate-WoolfD-20140226.pdf> [hereinafter Woolf Statement].

44. *Statistics*, BLUE HEART INT’L, <http://blueheartinternational.org/statistics/> (last visited Nov. 20, 2015).

45. LINDA A. SMITH ET AL., *THE NATIONAL REPORT ON DOMESTIC MINOR SEX TRAFFICKING: AMERICA’S PROSTITUTED CHILDREN* 20 (2009).

46. Laura J. Lederer & Christopher A. Wetzel, *The Health Consequences of Sex Trafficking and Their Implications for Identifying Victims in Healthcare Facilities*, 23 *ANNALS HEALTH L.* 61, 72 (2014).

47. *Statistics*, *supra* note 44.

48. See, e.g., Nancy Kinnally, *Foundation Investments in the Fight Against Human Trafficking Continue to Pay Dividends*, FLA. B. NEWS (Oct. 1, 2014).

49. *Id.*

50. Lederer & Wetzel, *supra* note 46, at 79.

traffickers to terminate pregnancies.<sup>51</sup> One survivor of sex trafficking reported having seventeen abortions during the period that she was trafficked, at least some of which were forced.<sup>52</sup> Wherever one stands on the abortion issue, it is important to recognize that victims of sex trafficking are being raped multiple times a day, some for several years, until they escape or die.<sup>53</sup> Assuming conservatively that the victim is raped 10 times per day, multiplied by 365 days in a year, and by the average 7-year life expectancy, comes to 25,550 rapes per victim until death or rescue. “[T]he phenomenon of forced abortion as it occurs in sex trafficking transcends the political boundaries of the abortion debate, violating both the pro-life belief that abortion takes innocent life and the pro-choice ideal of women’s freedom to make their own reproductive choices.”<sup>54</sup> Whether raped by their masters during the Trans-Atlantic Slave Trade and forced to give birth to children that would suffer a lifetime of bondage and brutality, or raped by buyers of commercial sex in modern day sex trafficking and forced to abort their babies, female slaves then and now suffer a unique and horrendous hardship.

#### D. *Stripped of Their Given Names*

A similarity between slavery then and now is the practice of slave holders/traffickers stripping the enslaved of their given names. The process is dehumanizing and serves to disassociate the enslaved from any previous normalcy. Slaves are classified as chattel, “or items of personal property capable of being bought, sold, hired, mortgaged, bequeathed to heirs, and moved from place to place.”<sup>55</sup> A slaveholder gives his chattel a slave name in much the same way a pet owner chooses a name for his dog.

During the Trans-Atlantic Slave Trade, “[t]he children of Africa entered the New World with names that represented their family heritage in their homeland. However, the vast majority of those names were replaced with European names forced upon them by slave traders.”<sup>56</sup> The inability to choose one’s name was further exacerbated in America by the inability of slaves to legally marry one another in most

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51. *See id.* at 73.

52. *Id.* at 73-74.

53. *Id.*

54. *Id.* at 74.

55. Newman, *supra* note 20, at 27.

56. Melvin J. Collier, *Ain't Gonna Take Massa's Name*, ROOTS REVEALED (Apr. 4, 2012), <http://rootsrevealed.blogspot.com/2012/04/aint-gonna-take-massas-name.html>.

places.<sup>57</sup> Can you imagine not being able to take your spouse's name because your marriage is not legally recognized?

In the modern context of sex trafficking, children and adults are forced to use the names chosen for them by their traffickers. Victims of sex trafficking are "usually given a new street name designed to provoke the fantasy. Her old name is discarded. She is now Lacy, Star, Cherry, Sugar, or some such."<sup>58</sup> Once removed from trafficking, victims resume the use of their given names as part of the healing process.<sup>59</sup>

### E. Branding and Tattooing

During slavery both then and now, branding/tattooing has been utilized on the body of the enslaved as an indicia of ownership. A couple of examples of branding follow from the advertisements placed in local newspapers by slave holders seeking their runaway slaves in the 1800's. In an advertisement in the Raleigh "Standard" on July 18, 1838, Micajah Ricks stated "Ranaway, a negro woman and two children; a few days before she went off, I burnt her with a hot iron on the left side of her face, I tried to make the letter M."<sup>60</sup> R.P. Carney stated in an advertisement, on December 22, 1832, in the "Mobile Register" the following: "One hundred dollars reward for a negro fellow Pompey, 40 years old, he is branded on his left jaw."<sup>61</sup>

In modern day human trafficking, branding/tattooing is so prevalent that the Florida legislature passed a law prescribing the penalty for traffickers who brand their victims as a second-degree felony.<sup>62</sup> Special Agent Patrick Fransen with the FBI explained how traffickers use tattoos on their victims:

The tattoo is used for many reasons, for that pimp to show off amongst his friends, to show that she is his property, and to tell her that she is not a human being. He is tagging her as his property, just like a barcode. Another reason a pimp would brand his victim is for psychological control, and every time she sees his name or his logo on her body it tells her that she belongs to him.<sup>63</sup>

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57. Elizabeth Fox-Genovese, *Slave Women*, in *SLAVERY IN AMERICAN SOCIETY* 174 (Lawrence B. Goodheart et al. eds., 1992).

58. SMITH & COLOMA, *supra* note 36, at 34.

59. *See id.* at 158.

60. WELD, *supra* note 41, at 198.

61. *Id.* at 77.

62. FLA. STAT. § 787.06(4)(b) (2015).

63. Courtney Gilmore, *Scars of a Human Trafficking Victim*, CLICK2HOUSTON.COM (Mar. 6, 2014), <http://www.click2houston.com/news/scars-of-a-human-trafficking-victim/24834132>.

Branding or tattooing can be a painful reminder of a horrific past and can be an impediment to moving forward once the victim is removed from the trafficker. There have been instances of trafficked women with “SLUT” tattooed on their knuckles or a trafficker’s name tattooed on woman’s eyelids.<sup>64</sup> How do survivors of trafficking like these find gainful employment under these circumstances? How do they pay for an expensive and still imperfect tattoo removal procedure if they do not have a job?

### F. Quotas

Quotas enforced by violence play(ed) a part in both the Trans-Atlantic Slave Trade and modern day human trafficking. As Cornelius Johnson, who lived in Mississippi in 1837 and 1838, observed:

It is the common rule for the slaves to be kept at work fifteen hours in the day, and in the time of picking cotton, a certain number of pounds is required of each. If this amount is not brought in at night, the slave is whipped, and the number of pounds lacking is added to the next day’s job; this course is often repeated day to day.<sup>65</sup>

In modern day sex trafficking, a quota is “a set amount of money that a trafficking [girl] must make each night before she can come ‘home.’ Quotas are often set between \$300 and \$2000.”<sup>66</sup> There are penalties for not meeting the trafficker’s quota: “If the victim returns without meeting the quota, she is typically beaten and sent back out on the street to earn the rest.”<sup>67</sup>

Through whatever means necessary (including forced theft), the woman or girl must reach these quotas each night to be allowed to eat or sleep. If she does not make enough money, the woman or girl will be forced back out into her venue of commercial sex until she reaches her quota. Quotas are strictly enforced, and the punishment for failing to meet a quota is severe physical retaliation from the pimp or other torture methods.<sup>68</sup>

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64. Selah Freedom, Presentation at WMU Cooley Law School: Human Trafficking (Summer 2014).

65. WELD, *supra* note 41, at 36.

66. SMITH & COLOMA, *supra* note 36, at xx. Note that men, women, children, and transgendered individuals are all trafficked. *See also Glossary*, MD HUMAN TRAFFICKING TASK FORCE, <http://www.mdhumantrafficking.org/definitions/> (last visited Nov. 20, 2015) (defining “quota”).

67. SMITH & COLOMA, *supra* note 36, at xx.

68. POLARIS PROJECT, DOMESTIC SEX TRAFFICKING: THE CRIMINAL OPERATIONS OF THE AMERICAN PIMP 4, [www.dcs.virginia.gov/victims/humantrafficking/vs/documents/Domestic\\_Sex\\_Trafficking\\_Guide.pdf](http://www.dcs.virginia.gov/victims/humantrafficking/vs/documents/Domestic_Sex_Trafficking_Guide.pdf) (last visited Nov. 20, 2015).

Whether it is 1815 or 2015, the Trans-Atlantic Slave Trade or modern day human trafficking, traffickers are motivated by profit, and the punishments for not meeting quotas are harsh.

### G. *Brutality Toward Slaves*

Slave owners then and traffickers now show remarkable similarity in the brutality and torture that they have inflicted upon their slaves. In their eyes, it was (or is) a necessary evil in order to ensure compliance. As Judge Ruffin stated in *State v. Mann*, “the power of the master must be absolute, to render the submission of the slave perfect.”<sup>69</sup> Olaudah Equiano, a former slave himself in the 1700s, stated that after a beating it is not unusual “to make the slaves go on their knees and thank their owners” or to have them say “God bless you” to the person who has just inflicted the beating.<sup>70</sup> When slave masters during the Trans-Atlantic Slave Trade wanted to punish a slave woman, they would sometimes force the slave’s “husband” to inflict the beating.<sup>71</sup> Probably one of the most comprehensive lists of tortures inflicted upon slaves then is described by noted abolitionist Theodore Weldin, 1839:

[T]hey are overworked, underfed, wretchedly clad and lodged, and have insufficient sleep; that they are often made to wear round their necks iron collars armed with prongs, to drag heavy chains and weights at their feet while working in the field, and to wear yokes, and bells, and iron horns; that they are often kept confined in the stocks day and night for weeks together, made to wear gags in their mouths for hours or days, have some of their front teeth torn out or broken off, that they may be easily detected when they run away; that they are frequently flogged with terrible severity, have red pepper rubbed into their lacerated flesh, and hot brine, spirits of turpentine, &c., poured over the gashes to increase the torture; that they are often stripped naked, their backs and limbs cut with knives, bruised and mangled by scores and hundreds of blows with the paddle, and terribly torn by the claws of cats drawn over them by their tormentors; that they are often hunted with blood hounds and shot down like beasts, or torn in pieces by dogs; that they are often suspended by the arms and whipped and beaten till they faint, and when revived by restoratives, beaten again till they faint, and sometimes till they die; that their ears are often cut off, their eyes knocked out, their bones broken, their flesh branded

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69. *State v. Mann*, 13 N.C. (2 Dev. 263, 266) (1829).

70. EQUIANO, *supra* note 39, at 77.

71. *See id.*

with red hot irons; that they are maimed, mutilated and burned to death over slow fires.<sup>72</sup>

Elizabeth Fox-Genovese recounts one of the most prevalent acts of brutality in the Trans-Atlantic Slave Trade — the rape of slave women by their masters — in her re-telling of Annie Young’s aunt’s story:

Annie Young’s master was determined to have her aunt. Her aunt ran into the woods, but the master set the bloodhounds on her. When he caught her, he “knocked a hole in her head and she bleed like a hog, and he made her have him.” She told her mistress, who told her that she might as well be with him, “cause he’s gonna kill you.”<sup>73</sup>

Frederick Douglass, who was himself the child of a slave mother and a slave-owning white father, discussed the law that children are to have the legal status of their mothers.<sup>74</sup> He said that the reason for this law is to “administer to their own lusts, and make gratification of their wicked desires profitable as well as pleasurable.”<sup>75</sup> Perverse crimes were not only perpetrated against women during the Trans-Atlantic Slave Trade, but against men as well. Judith Kelleher Schafer recounts the unreported case of *Humphreys v. Utz* from an 1856 Louisiana court in which a male slave named “Ginger Pop” was so cruelly beaten by his overseer Utz that he died from the injuries.<sup>76</sup> Utz “nailed the privates of said negro to the bedstead and then inflicting blows upon him until said negro pulled loose from the post to which he had been pinned by driving an iron tack or nail through his penis.”<sup>77</sup> Utz was found not guilty by a jury of his peers (overseers).<sup>78</sup>

In addition to depravity and perversity, slave owners then were just plain cruel as well. They gave their slaves less food, and worse quality food, than even convicts received.<sup>79</sup> Slaves were usually permitted one quart of corn per day and nothing else.<sup>80</sup> This is corn which the slave must pound or grind, mix with water, and then cook in order to

72. WELD, *supra* note 41, at 9.

73. Fox-Genovese, *supra* note 57, at 185.

74. FREDERICK DOUGLASS, NARRATIVE OF THE LIFE OF FREDERICK DOUGLASS, AN AMERICAN SLAVE 4 (1845).

75. *Id.*

76. Judith Kelleher Schafer, *Details Are of a Most Revolting Character: Cruelty to Slaves As Seen in Appeals to the Supreme Court of Louisiana- Symposium on the Law of Slavery: Criminal and Civil Law of Slavery*, 68 CHI. KENT L. REV. 1283, 1304 (1993).

77. *Id.*

78. *Id.* at 1035.

79. WELD, *supra* note 41, at 31. “The food, or ‘feed’ of the slaves is generally of the poorest kind.” *Id.* (quoting Rev. Horace Moulton).

80. *Id.* at 31.

eat.<sup>81</sup> By way of contrast, prisoners were afforded one pound of meat, one pound of bread, and one pound of vegetables per day.<sup>82</sup> The prisoners' bread was already made for them.<sup>83</sup> After exhausting and endless work days, the starved slave was forced to grind his own corn and cook his meager supper.<sup>84</sup>

Modern slavery is ripe with comparable brutality, even right here in America. When victims of sex trafficking are "seasoned" (prepared for initial sale in the sex trade), they are subjected to "a combination of psychological manipulation, intimidation, gang rape, sodomy, beatings, deprivation of food or sleep, isolation from family, friends, and other sources of support and threatening or holding hostage of a victim's children."<sup>85</sup> Victims of both sex and labor trafficking are beaten, tortured, and sometimes forced to eat feces.<sup>86</sup> Maria, a twelve-year-old labor trafficking victim in Texas, was also pepper-sprayed in the eyes, had a bottle broken over her head, and a garden tool jammed inside of her vagina by her trafficker.<sup>87</sup> She was starved for days at a time and chained to a pole in the back yard where she was forced to sleep.<sup>88</sup>

The United States Department of Health and Human Services has identified common health issues for trafficking victims in the United States. Some of these health issues are:

chronic back, hearing, cardiovascular or respiratory problems from endless days tolling in dangerous agriculture, sweatshop or construction conditions; weak eyes and other eye problems from working in dimly lit sweatshops; malnourishment and serious dental problems; bruises, scars, and other signs of physical abuse and torture; sexually transmitted diseases, HIV/AIDS, pelvic pain, rectal trauma and urinary difficulties from working in the sex industry; infertility from chronic untreated sexually transmitted infections or botched or unsafe abortions; substance abuse problems or addictions either from being coerced into drug use by their traffickers or by turning to substance abuse to help cope with or mentally escape their desperate situations; and psychological trauma from daily mental abuse and torture, including depression,

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81. *Id.* at 32.

82. *Id.* at 34.

83. *Id.* at 32.

84. *Id.* at 34.

85. SMITH & COLOMA, *supra* note 36, at xx.

86. *See id.* at 89; BALES & SOODALTER, *supra* note 18, at 4.

87. BALES & SOODALTER, *supra* note 18, at 4.

88. *See id.*

stress-related disorders, disorientation, confusion, phobia, and panic attacks.<sup>89</sup>

The types of brutality suffered by the victims of modern day human trafficking mirror many of the tortures suffered by Africans and their descendants in the Trans-Atlantic Slave Trade. In one final grisly parallel, let me remind you of slave masters that forced male slaves to beat their own wives at the will of the master, as previously discussed.<sup>90</sup> Clemmie Greenlee, an American sex trafficking survivor, stated in 2013 that “[t]he worst torture they put on you is when they make you watch the other girl get tortured because of your mistake.”<sup>91</sup>

Universally, almost everyone in America accepts that the Trans-Atlantic Slave Trade was an abomination and is an ugly scar on our past. This part of our past makes people squeamish and often disinclined to discuss it. Unfortunately, not everyone recognizes the magnitude or the intricate and finite details of the horrors that the Trans-Atlantic Slave Trade inflicted for centuries. In order to motivate people to be both cognizant of current inequality in our nation (and the history behind it) and aware of the modern crisis of human trafficking, it was necessary to flesh out the gory details and draw the numerous similarities between slavery then and slavery now. The goals of this article are to establish the remarkable likenesses in the past and present horrors of slavery and motivate immediate and far-reaching actions towards its eradication.

## II. ABOLITION

There were many different strategies from a variety of abolitionists that contributed to the demise of antebellum slavery. This portion of the article discusses some of those strategies. Pulitzer Prize-winning author, and well-respected historian, David Brion Davis, stated:

The abolitionists’ position conveyed three fundamental convictions: (1) that since all men and women have the ability to do that which is right and just, they are therefore morally accountable for their actions; (2) that the intolerable evils of society are those that degrade the image of God in man, stunting or corrupting the

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89. *Resources: Common Health Issues Seen in Victims of Human Trafficking*, U.S. DEP’T OF JUST. (2011), [www.justice.gov/sites/default/files/usao-ndia/legacy/2011/10/14/health\\_problems.pdf](http://www.justice.gov/sites/default/files/usao-ndia/legacy/2011/10/14/health_problems.pdf).

90. EQUIANO, *supra* note 39, at 77.

91. Naomi Martin, *Former Sex Trafficking Victim Shines Light on Dark Underworld of Super Bowl*, THE TIMES-PICAYUNE (Feb. 1, 2013), [http://www.nola.com/crime/index.ssf/2013/02/former\\_sex\\_trafficking\\_victim.html](http://www.nola.com/crime/index.ssf/2013/02/former_sex_trafficking_victim.html).



individual's capacities for dignity, self-control, and self-respect; (3) that the goal of all reform is to free individuals from being manipulated like animals, or, as one Garrisonian<sup>92</sup> put it, that the goal of abolitionism was "the redemption of man from the dominion of man."<sup>93</sup>

These three fundamental convictions guide the discussion of American abolition below. After exploring antebellum abolition techniques, this article considers various methods of applying those techniques in a modern context and expanding upon them to address modern day human trafficking.

### A. *A Unified Effort*

The abolitionists' fundamental conviction that all men and women be held accountable for their actions asks for both men and women to act, and further ALL men and women—thus transcending racial and gender boundaries. Women were very involved in the anti-slavery movement.<sup>94</sup> William Lloyd Garrison, noted abolitionist, estimated that female abolitionists distributed more anti-slavery literature than men by a ratio of three to one.<sup>95</sup> As members of a marginalized group themselves, women saw abolitionist theory as a way to advocate for equal rights for everyone, including themselves. Garrisonians fought passionately for women's rights.<sup>96</sup>

There were monumental efforts made by black abolitionists as well. David Brion Davis notes that "black refugees performed the indispensable task of translating the abolitionists' abstract images into concrete human experience."<sup>97</sup> He also points out that the eloquence, poise, and fierce intellectual prowess of noted black abolitionists, like Frederick Douglass, helped to dispel negative stereotypes of black inferiority that were popular at the time.<sup>98</sup> Wealthy abolitionist leader Gerrit Smith felt "it was essential for whites to develop 'a black heart,' in the sense of seeing the world 'through Negro eyes.'"<sup>99</sup> Smith formed strong bonds with black abolitionist leaders and saw racial equality as the only way to save America.<sup>100</sup> Men and women, black and white,

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92. Follower of abolitionist William Lloyd Garrison.

93. DAVIS, *supra* note 23, at 253.

94. *See id.* at 260.

95. *Id.*

96. *Id.* at 261.

97. *Id.* at 259.

98. *Id.*

99. *Id.* at 263.

100. *Id.*

were able to unify, to some extent, in the name of abolition, and this helped attract and maintain a wider audience for their cause. The Haitian leader instrumental in the creation of the first black republic, Toussaint L'Ouverture, stated in a proclamation on August 29, 1793 that, "Equality cannot exist without liberty. And for liberty to exist, we must have unity."<sup>101</sup> Certainly not all abolitionists agreed on all things, but such a large-scale effort, by such a diverse body of advocates, was a force with which to be reckoned.

### B. *A Responsibility to Act*

The fundamental conviction that all men and women be held accountable for their actions was also a call to action. As celebrated British abolitionist William Wilberforce once said, "You may choose to look the other way but you can never say again that you did not know."<sup>102</sup> In other words, once you are informed about the ills of slavery, you have a moral responsibility to do what is right; i.e. advocate for its abolition. Abolitionist Theodore Dwight Weld, with his wife Angelina Grimke, made certain that Americans knew the awful extent of slavery. They worked together to assemble and publish "American Slavery As It Is: Testimony of a Thousand Witnesses" in 1839.<sup>103</sup> This text "was widely distributed and was one of the most influential of the American antislavery tracts."<sup>104</sup> The wide influence of Weld's book is remarkable given the fact that Congress enforced a "gag rule" from 1836-1844 against receiving anti-slavery petitions.<sup>105</sup> Grimke and Weld did an exemplary job assembling accurate accounts of slavery from "reliable sources." The testimonials in his book were taken from slaveholders, newspapers published in slave states, and from statements from individuals who had resided in slave states (many of whom had been slaveholders themselves).<sup>106</sup> In other words, the sources used for their descriptions of slavery had no occasion to be doubted because they were not from abolitionists, they were from slave holders and

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101. JEAN BERTRAND ARISTIDE, *TOUSSAINT L'OUVERTURE: THE HAITIAN REVOLUTION* 2 (2008).

102. William Wilberforce, Abolition speech given before the British House of Commons (1789); *The Slave Route FAQs Who Was William Wilberforce?*, UNESCO, <http://www.unesco.org/new/en/culture/themes/dialogue/the-slave-route/resistances-and-abolitions/william-wilberforce/> (last visited Nov. 20, 2015).

103. Monique Prince, *Summary of American Slavery As It Is: Testimony of a Thousand Witnesses*, U. LIBR., U. N. C. AT CHAPEL HILL, <http://docsouth.unc.edu/neh/weld/summary.html> (last updated Nov. 20, 2015); see also WELD, *supra* note 41.

104. Prince, *supra* note 103.

105. DAVIS, *supra* note 23, at 263.

106. WELD, *supra* note 41, at iii.

newspapers of the slave states. This text is educational awareness at its finest.

Some abolitionists like Harriet Tubman directly rescued slaves and transported them to safety. Harriet Tubman was a conductor on the Underground Railroad and was called the “Moses of her people.”<sup>107</sup> She once said, “On my underground railroad I nebber run my train off de track and I nebber los’ a passenger.”<sup>108</sup> She personally rescued over three hundred slaves.<sup>109</sup> Given how dangerous it was for her, a runaway slave, to repeatedly immerse herself in these dangerous missions, it is truly remarkable that she never lost one of them. Her accomplishments are even more miraculous when you consider that she orchestrated these elaborate missions while illiterate.<sup>110</sup> One source suggested that as she heard her wanted-poster read aloud describing that she was illiterate she grabbed a book and pretended to read it to evade capture.<sup>111</sup>

Not all abolitionist action was peaceful. John Brown was a fervently religious abolitionist who attempted to raid a federal arsenal at Harper’s Ferry Virginia in 1859 and distribute the weapons to slaves.<sup>112</sup> His attempt failed, and during the raid, he was injured, captured, imprisoned, and ultimately executed for a crime, but became a martyr for the anti-slavery cause in the process.<sup>113</sup> Frederick Douglass said of John Brown that it was “as though his own soul had been pierced with the iron of slavery,” in spite of the fact that he was a white man.<sup>114</sup> In a letter Brown wrote from prison on December 2, 1859, he stated that he was quite certain “that the crimes of this guilty land: will never be purged away; but with Blood.”<sup>115</sup> Many have asserted that he was a prophet—certainly his prediction was accurate.

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107. CATHERINE CLINTON, *HARRIET TUBMAN: THE ROAD TO FREEDOM* 146-47 (2004).

108. *Id.*

109. *Id.*

110. *Harriet Tubman*, PBS.ORG, <http://www.pbs.org/wgbh/aia/part4/4p1535.html> (last visited Nov. 20, 2015).

111. *Id.*

112. JONATHAN EARLE, *JOHN BROWN’S RAID ON HARPERS FERRY: A BRIEF HISTORY WITH DOCUMENTS* 25 (2008).

113. *Id.*

114. STEPHEN B. OATES, *TO PURGE THIS LAND WITH BLOOD: A BIOGRAPHY OF JOHN BROWN* 63 (1984).

115. EARLE, *supra* note 112, at 103.

### C. *Religious Reasons*

In the early 1800's, religious revivals emerged as the essential instrument for "creating a righteous society capable of fulfilling America's high ideals."<sup>116</sup> This religious fervor became concentrated on eradicating the "great national sin" of slavery.<sup>117</sup> This religious ardor is reflected above in the fundamental conviction discussing the intolerable evils of society.<sup>118</sup> In order to save oneself from purgatory, it was necessary to eradicate the greatest of all sins—slavery.

### D. *Redemption*

Fundamental conviction in which the goal of all reform is to free individuals from being manipulated like animals<sup>119</sup> stands for the proposition that, to save ourselves, we must save one another. Frederick Douglass once said that "where justice is denied, where poverty is enforced, where ignorance prevails, and where any one class is made to feel that society is an organized conspiracy to oppress, rob and degrade them, neither persons nor property will be safe."<sup>120</sup> Douglass's statement intimates that we will destroy all of us if we do not uplift some of us. The greed and hatred of some will lead to the downfall of everyone.

As abolitionist Wendell Phillips explained,

None know what it is to live, till they redeem life from its seeming monotony by laying it a sacrifice on the altar of some great cause . . . Slavery, by the necessity of its abolition, has saved the freedom of the white race from being melted in luxury or buried beneath the gold of its own success.<sup>121</sup>

Fighting for abolition gave life a purpose and greater meaning—not to mention a much greater shot at salvation—in the eyes of revivalist 19th century abolitionists. As Eric Foner noted, abolitionists could argue not only that slavery was "morally repugnant" but also that "it was incompatible with the basic democratic values and liberties of white Americans."<sup>122</sup> Foner quotes one abolitionist as having said, "we commenced the present struggle to obtain the freedom of the slave; we are

116. DAVIS, *supra* note 23, at 251.

117. *See id.* at 252.

118. *See* discussion *supra* Part II.

119. *Id.*

120. *Frederick Douglass Quotes*, GOODREADS, [http://www.goodreads.com/author/quotes/18943.Frederick\\_Douglass](http://www.goodreads.com/author/quotes/18943.Frederick_Douglass) (last visited Nov. 20, 2015).

121. DAVIS, *supra* note 23, at 254.

122. Eric Foner, *Slavery and the Civil War*, in *SLAVERY IN AMERICAN SOCIETY* 265-66 (Lawrence B. Goodheart et al. eds., 1992).

compelled to continue it to preserve our own.”<sup>123</sup> In other words, once the wheels of justice have been set in motion, it would be ill-advised to attempt to stop them until they have reached their destination. If we do abandon our principles of justice and democracy, then we are left with a hollow and hypocritical shell, too weak to further progress or engender prosperity for anyone.

### III. THE BRIDGE BETWEEN SLAVERY THEN AND SLAVERY NOW

#### A. *Lynchings*

When antebellum slavery ended, racism and inequality did not evaporate. In many instances, brutality and mob violence escalated after abolition. Former slave and activist, Ida B. Wells-Barnett, explained this phenomenon in a pamphlet she published in 1895 on lynching:

During the slave regime, the Southern white man owned the Negro body and soul. It was to his interest to dwarf the soul and preserve the body. Vested with unlimited power over his slave, to subject him to any and all kinds of physical punishment, the white man was still restrained from such punishment as tended to injure the slave by abating his physical powers and thereby reducing his financial worth. While slaves were scourged mercilessly, and in countless cases inhumanly treated in other respects, still the white owner rarely permitted his anger to go so far as to take a life, which would entail upon him a loss of several hundred dollars . . . . But Emancipation came and the vested interests of the white man in the Negro's body were lost . . . . In slave times the Negro was kept subservient and submissive by the frequency and severity of the scourging, but, with freedom, a new system of intimidation came into vogue; the Negro was not only whipped and scourged; he was killed.<sup>124</sup>

An unforgettably horrible example of the post-abolition lynchings in America is that of “Mary Turner, who was seized in the Georgian night, strung up a tree by her ankles, sliced open with a buck-knife and forced to watch upside down as the men pulled her unborn baby from her screaming insides and killed it first.”<sup>125</sup> Lest we rejoice in lynchings as a thing of the past, we should examine the death of 17-year-old

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123. *Id.*

124. IDA B. WELLS-BARNETT, THE RED RECORD: TABULATED STATISTICS AND ALLEGED CAUSES OF LYNCHING IN THE UNITED STATES 1895 1 (2005), <http://www.gutenberg.org/files/14977/14977-h/14977-h.htm>.

125. RAWN JAMES, JR., ROOT AND BRANCH: CHARLES HAMILTON HOUSTON, THURGOOD MARSHALL, AND THE STRUGGLE TO END SEGREGATION 57 (2010).

black teen named Lennon Lacy who was found hanged in the fall of 2014 in North Carolina.<sup>126</sup> Lacy was involved in an interracial relationship with an older white woman and there were several questionable findings at the scene: a swing set (from which the noose was hung) that was too tall for him to reach without any nearby props; the belt and dog leash that were used as a noose did not belong to Lacy; and the shoes that he was found wearing were not his and were two sizes too small.<sup>127</sup>

### B. *Killing Unarmed Black Men and Boys*

The aftershocks of the Trans-Atlantic Slave Trade have manifested recently in the numerous news reports of unarmed black men and boys being killed. One of the dominant stereotypes of black men during the Trans-Atlantic Slave Trade was the “Buck.” Fox-Genovese describes the “Buck” as a white caricature of the black man as virile and threatening.<sup>128</sup> The “most enduring, corrosive racial stereotype in America: [is] the black-as-criminal mindset.”<sup>129</sup> The stereotype of the black male as a criminal is an after-effect of slavery. “The black-as-criminal image has been with us at least since the 19th century, when explicit racism portrayed African-American slaves’ essential nature as ignorant and savage.”<sup>130</sup> Vilification of historically oppressed groups can be seen in the modern fear of black males.<sup>131</sup>

Whether or not you think that the killers were justified in their actions, it is undeniable that the news has been filled with unarmed black males being killed recently by non-black individuals. Trayvon Martin, age 17, was killed in 2012, in Florida.<sup>132</sup> Michael Brown, age

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126. Breanna Edwards, *32-Year-Old Woman Involved with Hanged NC Teen Believes He Was Murdered*, THE ROOT (Dec. 19, 2014), [http://www.theroot.com/articles/culture/2014/12/32\\_year\\_old\\_woman\\_involved\\_with\\_hanged\\_nc\\_teen\\_believes\\_he\\_was\\_murdered.html](http://www.theroot.com/articles/culture/2014/12/32_year_old_woman_involved_with_hanged_nc_teen_believes_he_was_murdered.html).

127. *Id.*

128. Fox-Genovese, *supra* note 57, at 167-68.

129. Lisa Bloom, *White People Commit the Most Heinous Crimes, So Why Is America Terrified of Black Men?*, ALTERNET (May 13, 2014), <http://www.alternet.org/books/white-people-commit-most-heinous-crimes-so-why-america-terrified-black-men>.

130. *Id.*

131. A parallel to modern day human trafficking can also be seen in the classification of sex trafficking victims as prostitutes. “Victim advocates say the image of the independent prostitute, working for herself and selling sex by choice, is rarely accurate.” Susannah Ne-smith, *Despite Mandate, Fewer Sex Traffickers Go to Prison*, FLA. CTR. FOR INVESTIGATIVE REPORTING (Oct. 25, 2015), <http://fcir.org/2015/10/25/despite-mandate-few-sex-traffickers-go-to-prison/>.

132. *Trayvon Martin Shooting Fast Facts*, *supra* note 4.

18, was killed in 2014, in Missouri.<sup>133</sup> Eric Garner, age 43, was killed in 2014, in New York.<sup>134</sup> Tamir Rice, age 12, was killed in 2014, in Ohio.<sup>135</sup> Walter Scott, age 50, was killed in 2015, in South Carolina.<sup>136</sup> May they all rest in peace with the countless others who have died too soon.

“Being able to turn a blind eye to things that don’t happen to you is the essence of privilege. It’s also an abuse of power.”<sup>137</sup> Most of the commentary asserting that the deaths mentioned in the previous paragraph were justified that I have observed, either in person or in print, has come from individuals that were not themselves black males. This article does not delve into the specific details of these deaths. It is, however, illustrating an alarming trend in America today—black males sentenced to death, not by a jury of their peers, but instead by non-black policemen and safety patrol officers. Some feel that overcriminalization is the root of this epidemic.<sup>138</sup>

### C. Overcriminalization and Mass Incarceration

“Overcriminalization has become a national plague. And when more and more behaviors are criminalized, there are more and more occasions for police, who embody the state’s monopoly on legitimate violence, and who fully participate in humanity’s flaws, to make mistakes.”<sup>139</sup> Michelle Alexander notes that mass incarceration (of

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133. Elizabeth Chuck, *The Killing of an Unarmed Teen: What We Know About Brown’s Death*, NBC NEWS (Aug. 13, 2014), <http://www.nbcnews.com/storyline/michael-brown-shooting/killing-unarmed-teen-what-we-know-about-browns-death-n178696>.

134. J. David Goodman & Al Baker, *Wave of Protests After Grand Jury Doesn’t Indict Officer in Eric Garner Chokehold Case*, N.Y. TIMES (Dec. 3, 2014), [http://www.nytimes.com/2014/12/04/nyregion/grand-jury-said-to-bring-no-charges-in-staten-island-chokehold-death-of-eric-garner.html?\\_r=0](http://www.nytimes.com/2014/12/04/nyregion/grand-jury-said-to-bring-no-charges-in-staten-island-chokehold-death-of-eric-garner.html?_r=0).

135. *Cleveland Boy with Fake Pistol Killed by Police*, TOLEDO BLADE (Nov. 24, 2014), <http://www.toledoblade.com/State/2014/11/24/Cleveland-boy-with-fake-pistol-killed-by-police.html>.

136. Ashley Fantz & Holly Yan, *South Carolina Shooting: Officer Charged and Fired; Protestors Demand Justice*, CNN (Apr. 9, 2015), <http://www.cnn.com/2015/04/08/us/south-carolina-officer-charged-with-murder/>.

137. Cera Byer, *To My White Male Facebook Friends*, SALON (Dec. 8, 2014), [http://www.salon.com/2014/12/09/to\\_my\\_white\\_male\\_facebook\\_friends/](http://www.salon.com/2014/12/09/to_my_white_male_facebook_friends/).

138. “Overcriminalization is the act of imposing unbalanced penalties with no relation to the gravity of the offense committed or the culpability of the wrong doer. It is the imposition of excessive punishment or sentences without adequate justification. Overcriminalization can be considered as an abuse of the criminal justice system.” *Overcriminalization*, US LEGAL, <http://definitions.uslegal.com/o/over-criminalization/> (last visited Nov. 20, 2015).

139. George Will, *The Plague of Overcriminalization*, NAT’L REV. (Dec. 10, 2014), <http://www.nationalreview.com/article/394392/plague-overcriminalization-george-will>.

black males) has “emerged as a stunningly comprehensive and well-disguised system of racialized social control that functions in a manner strikingly similar to Jim Crow.”<sup>140</sup> Republican Senator Rand Paul from Kentucky is inclined to agree with her. In testimony before the Senate Judiciary Committee in 2013, the Senator stated:

If I told you that one out of three African-American males is [prohibited] by law from voting, you might think I was talking about Jim Crow fifty years ago. Yet today a third of African-American males are still prevented from voting because of the war on drugs. The war on drugs has disproportionately affected young black males. The ACLU reports that blacks are four to five times more likely to be convicted for drug possession, although surveys indicate that blacks and whites use drugs at about the same rate. The majority of illegal drug users and dealers nationwide are white, but three-fourths of the people in prison for drug offenses are African-American or Latino.<sup>141</sup>

Mass incarceration of black males reeks of Jim Crow-style discrimination because, once you are branded a felon, you face “employment discrimination, denial of the right to vote, denial of educational opportunity, denial of food stamps and other public benefits, and exclusion from jury service.”<sup>142</sup> Denial of public housing is often an issue as well.<sup>143</sup> How can someone get an education, eat, find a job, and participate in the democratic process under these circumstances? They often cannot.

This problem is not just affecting black men, it also has a disproportionate impact on black children. Black children are more likely to be tried as adults than white children.<sup>144</sup> Black children in adult prisons are more prone to being physically and sexually assaulted and will have less access to educational and vocational services as well as mental and behavioral health treatments than if placed in juvenile facilities.<sup>145</sup>

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140. ALEXANDER, *supra* note 5, at 4.

141. Jacob Sullum, *Rand Paul: I Am Here to Ask That We Begin the End of Mandatory Minimum Sentencing*, FORBES (Sept. 18, 2013), <http://www.forbes.com/sites/jacobsullum/2013/09/18/rand-paul-i-am-here-to-ask-that-we-begin-the-end-of-mandatory-minimum-sentencing/>.

142. ALEXANDER, *supra* note 5, at 2.

143. *Report of Screening People Out: “Felons Need Not Apply”*, HUMAN RIGHTS WATCH, <http://www.hrw.org/reports/2004/usa1104/9.htm> (last visited Nov. 20, 2015).

144. Stevie Swanson, *Charging Children as Adults and its Disproportionate Effect on Minorities*, 25 LAW. MAGAZINE 46, 46-47 (2015).

145. *Id.*



*D. Education and Jobs*

The Reverend Dr. Martin Luther King, Jr., said in his book *Why We Can't Wait*, that inequality “will not work because it retards the progress not only of the Negro, but of the nation as a whole.”<sup>146</sup> His words are just as meaningful now, as they were fifty years ago when he wrote them. Inequality is unfortunately still plaguing black America and it is hurting us all. Educational opportunities are not yet equal. “The federal government has found black students are three times more likely than whites to be suspended or expelled, a disparity experts say contributes to lower academic achievement among African-American students caught in the discipline system.”<sup>147</sup> A recent Stanford University study examined teacher biases and how they affect disproportionate discipline.<sup>148</sup> The study found that students who were perceived as black by teachers (for second disciplinary infractions) were judged by teachers to deserve more severe discipline than students who were perceived by teachers to be white (for second disciplinary infractions).<sup>149</sup> This data is very disturbing since, without access to equal educational opportunity, it is extremely difficult to procure gainful and sustained employment.

Unfortunately, there are further impediments to employment than just educational accomplishment. A study entitled “Are Emily and Greg More Employable than Lakisha and Jamal? A Field Experiment on Labor Market Discrimination,” indicates that “[j]ob applicants with white names needed to send about ten resumes to get one call back; those with African-American names needed to send around fifteen resumes to get one callback.”<sup>150</sup> The authors of the study also noted that “[w]hile one may have expected that improved credentials may alleviate employers’ fear that African-American applicants are deficient in some unobservable skills, this is not the case in our data.”<sup>151</sup>

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146. REVEREND DR. MARTIN LUTHER KING, JR., *WHY WE CAN'T WAIT* 149 (1964).

147. Alex Dobuzinskis, *U.S. Study Finds Teacher Bias in Discipline Toward Black Students*, REUTERS (Apr. 15, 2015), <http://www.reuters.com/article/2015/04/16/us-usa-race-school-discipline-idUSKBN0N701C20150416>.

148. *Id.*

149. *Id.*

150. David Francis, *Employers' Replies to Racial Names*, NAT'L BUREAU OF ECON. RES., <http://www.nber.org/digest/sep03/w9873.html> (last visited Nov. 20, 2015).

151. *Id.*

E. *Where Does This Leave Us?*

There are many Americans who feel that equality has been achieved between blacks and whites. Several studies indicate that millennials,<sup>152</sup> particularly Caucasians, feel that since President Obama's election there are no longer structural barriers to opportunity encountered by blacks in the United States.<sup>153</sup> Clearly structural barriers to opportunity abound. Given all of the research referenced above, it is appropriate to summarize the American situation on race relations as follows: black children often grow up in single parent homes because of the mass incarceration of black males; those children are more likely to be disciplined with greater severity because of their race; this discipline often leads to suspension, expulsion, and lower rates of academic achievement; these same children are more likely to be tried as adults if they commit crimes; once they get out of prison, they still will not be able to get student loans to obtain an education, public assistance to help feed and clothe them, or meaningful employment because they are felons; employment will be especially challenging because they will more than likely have to "check the box" indicating their criminal past, and if they happen to have a black sounding name, it will be even more challenging.

As Judge William H. Harrison, a black man, once said in Norfolk, Virginia in 1921, "the Negro is on trial before the court of public justice to answer the indictment upon the charge of being black."<sup>154</sup> Black people should not be indicted for being black—their ancestors built this nation. No one in America would have the opportunities that they do but for centuries of suffering endured during the Trans-Atlantic Slave Trade. As Langston Hughes wrote in his poem titled *Let America be America Again*,

O, let America be America again –  
 The land that never has been yet  
 – And yet must be – the land where *every* man is free. The land  
 that's mine – the poor man's, Indian's, Negro's, ME – Who made  
 America, Whose sweat and blood, Whose faith and pain, Whose

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152. "[A] person born in the 1980s or 1990s." *Millennial*, DICTIONARY.COM, <http://dictionary.reference.com/browse/millennial> (last visited Nov. 20, 2015).

153. Sean McElwee, *Millennials Are More Racist Than They Think*, POLITICO (Mar. 9, 2015), <http://www.politico.com/magazine/story/2015/03/millennials-race-115909.html#.VTrxYyFVhBc>.

154. *Guest Speaker*, NORFOLK J. & GUIDE, Jan. 29, 1921, at 4.

hand at the foundry, whose plow in the rain, Must bring back our mighty dream again.<sup>155</sup>

His words are a call to action. Let us simultaneously remember the sacrifice and suffering of the history of slavery in this nation, acknowledge its ramifications, and work together to eradicate them.

#### IV. WAYS TO COMBAT MODERN DAY HUMAN TRAFFICKING

This article presents the reader with countless gruesome images and depressing statistics. Now is the time to explore and embrace potential solutions. Rosa Parks once said “knowing what must be done does away with fear.”<sup>156</sup> The first step to solving a problem is awareness that a problem exists. The following sections relate back to themes discussed in the Abolition section above and expand upon them.

##### A. Awareness and Education as a Unified Effort

The first step to combatting trafficking is spreading awareness. Something as simple as telling friends, family members, and co-workers about human trafficking is enormously helpful. The more aware people are of the problem, the more likely they are to tell others, and awareness multiplies. We live in an information age. Nearly everyone has some form of social media account like Facebook, Twitter, or Instagram. Social media is a free way to reach mass quantities of people instantly with your message. Everyone needs to participate in spreading awareness and can help—Democrats, Republicans, and other political parties; men, women, and children of all races, ethnicities, religions, and sexual orientations. Trafficking affects all of those individuals and can be found in every community. It does not discriminate on the basis of socio-economic status. “[Human trafficking] has become disturbingly more prevalent in some of the most affluent suburbs throughout the United States.”<sup>157</sup> No one is immune.

Who is being trafficked? How do you identify them? The Polaris Project has created an efficient and concise handout regarding victim

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155. Langston Hughes, *Let America Be America Again*, in THE COLLECTED POEMS OF LANGSTON HUGHES (Arnold Rampersad & David Ernest Roessel eds., 1994), <http://www.poets.org/poetsorg/poem/let-america-be-america-again>.

156. *Rosa Parks Quotes*, GOODREADS, [https://www.goodreads.com/author/quotes/46053.Rosa\\_Parks](https://www.goodreads.com/author/quotes/46053.Rosa_Parks) (last visited Nov. 20, 2015).

157. Woolf Statement, *supra* note 43.

identification.<sup>158</sup> The organization lists the following characteristics to identify trafficking victims:

The [i]ndividual in [q]uestion . . . [i]s fearful, anxious, depressed, submissive, tense, or nervous/paranoid; Exhibits unusually fearful or anxious behavior after bringing up law enforcement; Avoids eye contact; Lacks health care; Appears malnourished; Shows signs of physical and/or sexual abuse, physical restraint, confinement, or torture; Has few or no personal possessions; Is not in control of his/her own money, no financial records, or bank account; Is not in control of his/her own identification documents (ID or passport); Is not allowed or able to speak for themselves (a third party may insist on being present and/or translating); Claims of just visiting and inability to clarify where he/she is staying/address; Lack of knowledge of whereabouts and/or do not know what city he/she is in; Loss of sense of time; Has numerous inconsistencies in his/her story; Is not free to leave or come and go as he/she wishes; Is under 18 and is providing commercial sex acts; Is in the commercial sex industry and has a pimp/manager; Is unpaid, paid very little, or paid only through tips; Works excessively long and/or unusual hours; Is not allowed breaks or suffers under unusual restrictions at work; Owes a large debt and is unable to pay it off; Was recruited through false promises concerning the nature and conditions of his/her work; High security measures exist in the work and/or living locations (e.g. opaque windows, boarded up windows, bars on windows, barbed wire, security cameras, etc.).<sup>159</sup>

We would all do well to commit this list to memory.

Billboard and television advertising could reach a large number of people as well. Commercials during major sporting events would also be helpful. According to the State Department, “[m]ajor sporting events—such as the Olympics, World Cup, and Super Bowl—provide both an opportunity to raise awareness about human trafficking as well as a challenge to identify trafficking victims and prosecute traffickers who take advantage of these events.”<sup>160</sup> A public service announcement from a survivor of sex trafficking during the Super Bowl would do wonders to spread awareness. Warnings from law enforcement that sex workers are involuntary, and are frequently children, might discourage some of the “johns.”<sup>161</sup> Perhaps a testimo-

158. *Recognize the Signs*, POLARIS PROJECT, <http://www.polarisproject.org/human-trafficking/recognizing-the-signs> (last visited Nov. 20, 2015).

159. *Id.*

160. OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, U.S. DEP’T OF STATE, TRAFFICKING IN PERSONS REPORT 2014 (2014), <http://www.state.gov/j/tip/rls/tiprpt/2014/226646.htm>.

161. “[T]he customer of a prostitute.” *John*, YOUR DICTIONARY, <http://www.yourdictionary.com/john> (last visited Nov. 20, 2015).

nial from a little girl being sex trafficked about how she was forced to service forty-five customers in one day would deter demand.

“You must let suffering speak, if you want to hear the truth.”<sup>162</sup> To the extent that they feel comfortable doing so, survivors of trafficking should be encouraged to share their stories. Theodore Dwight Weld was wildly successful in disseminating the horrific details about antebellum slavery by compiling one thousand testimonials of those that had observed it.<sup>163</sup> A similar approach needs to be taken today. A compilation of testimonials by legislators, judges, attorneys, law enforcement, social service providers, doctors, psychiatrists and, most importantly, the survivors themselves, could be enormously effective in combatting modern-day slavery and fostering awareness.

Education is essential at so many levels. Our children must be educated about human trafficking. Our pre-teens and teenagers must be warned against the “Romeo pimp.” Romeo pimps “find it easiest to manipulate vulnerable girls.”<sup>164</sup> Boys<sup>165</sup> and transgender youths can also fall prey to Romeo pimps.<sup>166</sup> They present themselves as the victim’s boyfriend and initially gain their trust, lavish them with gifts and compliments, and fill whatever void they sense that the victim has in his or her life, making the victim feel safe, loved, and secure.<sup>167</sup> Our children need to be instructed as to the signs of trafficking so they can try to protect themselves from being trafficked, report to proper authorities if they suspect their friends of being trafficked, or recognize that they are victims of trafficking themselves and seek assistance. “Even people who are trafficked don’t necessarily identify themselves as trafficked,” says Nancy M. Sidun, PsyD.<sup>168</sup> The Fairfax County (Virginia) Public Schools have developed a sixth to twelfth grade curriculum for trafficking awareness that might be used as a model.<sup>169</sup>

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162. *Cornel West Quotes*, *supra* note 1.

163. WELD, *supra* note 41.

164. Vulnerable girls are those with “low self-esteem, girls from troubled homes, foster children, runaways, and sometimes mentally disabled.” SMITH & COLOMA, *supra* note 36, at 75.

165. Nicole Norfleet, *New Housing for Trafficked Youth Open to Boys and Girls*, STAR TRIBUNE (Nov. 3, 2014), <http://www.startribune.com/local/south/281398021.html>.

166. DOMINIQUE ROE-SEPOWITZ ET AL., WHAT YOU NEED TO KNOW: SEX TRAFFICKING AND SEXUAL EXPLOITATION, A TRAINING TOOL FOR CHILD PROTECTIVE SERVICES, ARIZONA STATE UNIVERSITY OFFICE OF SEX TRAFFICKING INTERVENTION RESEARCH 5, [http://www.ct.gov/dcf/lib/dcf/humantrafficking/pdf/Sex\\_Trafficking\\_STIR\\_ASU\\_Child\\_Welfare\\_brochure.pdf](http://www.ct.gov/dcf/lib/dcf/humantrafficking/pdf/Sex_Trafficking_STIR_ASU_Child_Welfare_brochure.pdf) (last visited Nov. 20, 2015).

167. *Id.* at 2-3.

168. Rebecca A. Clay, *The Unknown Victims of Trafficking*, 45 MONITOR ON PSYCHOL. 36, 36 (2014), <http://www.apa.org/monitor/2014/07-08/trafficking.aspx>.

169. Woolf Statement, *supra* note 43.

Obviously, law enforcement, teachers, health care workers, guidance counselors, and the foster care system need to be educated about human trafficking and trained on how to identify victims, as they are most likely to interact with trafficked individuals. Other less obvious service providers, such as bus drivers, should be trained as well. “Traffickers also use services like Greyhound Bus services to move victims from one location to another, not only because it is a cost effective method of transportation, but the traffickers know that proper identification is not required to purchase or obtain a bus ticket.”<sup>170</sup> Some flight attendants also receive training in order to spot trafficked individuals,<sup>171</sup> as are cosmetologists in Ohio.<sup>172</sup> Since hotel employees are among those who are the most likely to interact with victims of sex trafficking, they need training to identify characteristics of trafficking.<sup>173</sup> Every individual who is likely to interact with trafficked victims should receive training on how to recognize them.

### B. A Responsibility to Act

According to the Reverend Dr. Martin Luther King, Jr., “human progress never rolls in on wheels of inevitability. It comes through the tireless efforts and the persistent work of dedicated individuals. [T]he time is always right to do right.”<sup>174</sup> There are a plethora of ways to get involved in the fight against human trafficking. Attorneys can do pro bono work to help victims get their records expunged.<sup>175</sup> They can also assist non-domestic victims of trafficking in obtaining T-Visas or U-Visas from the immigration side.<sup>176</sup> We can all volunteer to teach basic

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170. *See id.*

171. *Be a ‘Force Multiplier’ in the Fight Against Human Trafficking*, ASS’N OF FLIGHT ATTENDANTS-CWA, [http://www.afacwa.org/stop\\_human\\_trafficking](http://www.afacwa.org/stop_human_trafficking) (last visited Nov. 20, 2015); *see also Flight Attendants Take on Fight Against Human Trafficking*, COMM. WORKERS OF AM. (July 23, 2015), [http://www.cwa-union.org/news/entry/flight\\_attendants\\_take\\_on\\_fight\\_against\\_human\\_trafficking/#.VmXowLgrKUK](http://www.cwa-union.org/news/entry/flight_attendants_take_on_fight_against_human_trafficking/#.VmXowLgrKUK).

172. Alison Alhamed, *New Course Required for Stylists to Help Spot Trafficking Victims*, MODERN SALON (Mar. 5, 2015), <http://www.modernsalon.com/news/legislative-alerts/new-course-ohio-stylists-required-to-help-spot-trafficking-vicims>.

173. Katia Hetter, *Fighting Sex Trafficking in Hotels, One Room at a Time*, CNN (Mar. 1, 2012), [http://www.cnn.com/2012/02/29/travel/hotel-sex-trafficking/index.html?hpt=tr\\_c11](http://www.cnn.com/2012/02/29/travel/hotel-sex-trafficking/index.html?hpt=tr_c11).

174. Oberlin Commencement Address, *supra* note 15.

175. *Attorneys and Human Trafficking Survivors*, W. FLA. CTR. FOR TRAFFICKING ADVOCACY, <http://www.traffickingadvocacy.org/attorney-resources.html> (last visited Nov. 20, 2015).

176. GULFCOAST LEGAL SERVS., INC., <http://www.gulfcoastlegal.org/legal-help/immigration> (last visited Nov. 20, 2015).

life skills to survivors, like how to cook;<sup>177</sup> mentor at-risk youth;<sup>178</sup> find out what items are in need at residential facilities that house trafficking victims and coordinate a donation drive to collect those items;<sup>179</sup> collaborate with a service provider and receive training on how to do outreach events at local shopping malls;<sup>180</sup> be conscientious consumers and educate ourselves about what types of products are made with slave labor;<sup>181</sup> and try to purchase fair trade certified items when possible.<sup>182</sup> Doctors, dentists, cosmetologists, and psychiatrists can donate their services on a pro bono basis to survivors of trafficking. Tattoo artists can donate their services to either remove or reconfigure brands (tattoos) from traffickers.<sup>183</sup>

We can lobby the legislature for new laws that we would like to see enacted. One suggestion for potential legislation is increased victim's services and the availability of punitive damages for victims of trafficking to collect from their traffickers. Survivors of trafficking are often left with nothing when they escape and this would help them relocate and reinvent themselves. Laws should be passed that make it more difficult for minors to check into hotels unaccompanied. This would potentially serve as a deterrent to sex trafficking. Minors in all states should be deemed unable to consent to commercial sex as the Trafficking Victims Protection Act of 2000 provides on a federal level.<sup>184</sup> There need to be more laws that prosecute the purchasers of commercial sex. "Johns" should be publicly shamed and their driver's licenses should be copied and put on file so that victims of sex trafficking can pursue them for child support in the future, if the need arises. Spouses of "johns" should be notified that they have been arrested to potentially deter the spread of disease and sexually transmitted infections to an innocent spouse. Corporations should be legally forced to certify that there is no slave labor in their supply chains. American

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177. MARY F. BOWLEY, *THE WHITE UMBRELLA: WALKING WITH SURVIVORS OF SEX TRAFFICKING* 48 (James Lund & Stephanie S. Smith eds., 2012).

178. *Id.*

179. SELAH FREEDOM, INC., <http://selahfreedom.com/immediate-needs/> (last visited Nov. 20, 2015).

180. #*Enditmovement: Meeting Survivors' Needs in the U.S.*, WORLD RELIEF RESPONDS (Mar. 6, 2014), <http://worldreliefresponds.com/enditmovement-meeting-survivors-needs-in-the-u-s/>.

181. *End Trafficking*, UNICEF, <http://sfxavier.org/documents/2014/11/Fair-Trade-One-Pager.pdf> (last visited Nov. 20, 2015).

182. FREE2WORK, <http://www.free2work.org/> (last visited Nov. 20, 2015).

183. Annie Sweeney, *Tattoo Removal Helping a 'Branding' Victim Break from Her Past*, CHICAGO TRIBUNE (Dec. 27, 2012), [http://articles.chicagotribune.com/2012-12-27/news/ct-met-tattoo-removed-prostitution-victim-20121227\\_1\\_tattoo-nicole-exotic-dancer](http://articles.chicagotribune.com/2012-12-27/news/ct-met-tattoo-removed-prostitution-victim-20121227_1_tattoo-nicole-exotic-dancer).

184. Trafficking Victims Protection Act of 2000 §108, 22 U.S.C. § 7106 (2013).

companies should be penalized for outsourcing their work to countries that have not ratified the Palermo Protocol.<sup>185</sup> This would be a very effective way of giving teeth to a well-meaning international policy to deter trafficking.

### C. *Religious Reasons*

Like their involvement in the abolitionist struggles of the antebellum period, religious institutions should continue to be involved in the fight against modern slavery.<sup>186</sup> The Golden Rule says to “do unto others as you would have them do unto you.”<sup>187</sup> No one wants to be oppressed, tortured, marginalized, degraded, starved, or raped—law and religion dictate that we should refrain from perpetrating that on others. Christians are taught to “love their neighbors as they love themselves.”<sup>188</sup> Victims of trafficking are our neighbors, and they need to be assisted, respected, and helped to heal.

### D. *Redemption and Conclusion*

This paper began with the statement that history repeats itself.<sup>189</sup> As this article shows, our nation’s past has frequently been an ugly one. It is essential to remind ourselves often, and in painful detail, of the horrors that have been suffered and the injustices that have been waged in America. How else can we comprehend the magnitude of our current situation? How else can we heal? If we pretend that nothing is wrong, then nothing can be fixed. Everyone has a responsibility to stand up against inequality, as inequality affects us all. Lack of access to education, over-criminalization, and lack of equal opportunity to obtain gainful employment are not just “black problems.” They are American problems.

Modern day slavery is an American problem. It does not discriminate like antebellum slavery. We are all potential victims. As has been established, the vulnerable among us are most at risk. Let us come together to accept our shared history, replete with atrocity, and actively strive towards equality. Let us strengthen ourselves by help-

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185. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, G.A. Res. 55/25, Annex II, U.N. Doc. A/RES/55/25 (Nov. 15, 2000).

186. ABOLITION NOW: UNITING TO END HUMAN TRAFFICKING, <http://abolitionnow.com/get-involved#church> (last visited Nov. 20, 2015).

187. *Matthew* 7:12.

188. *Galations* 5:14.

189. SANTAYANA, *supra* note 7.



ing each other to become less vulnerable, and therefore less susceptible to being trafficked. Cornel West once said, “You can’t lead the people if you don’t love the people. You can’t save the people if you don’t serve the people.”<sup>190</sup> Let us all try harder to lead and love, and to save and serve.

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190. *Cornel West Quotes, supra* note 1.