

Slavery, human trafficking, and sexual servitude are crimes that wrench our hearts. They rob human beings of freedom. They strike at our nation's belief in the potential of every life. They are crimes that demand swift and implacable prosecution of the predators. They are crimes that deserve warmth and compassion for the victims.

-Attorney General John Ashcroft, January 29, 2004

II. An Administration Priority

Early in this Administration, the President identified the eradication of human trafficking as a priority. Two particular actions by the President focused federal resources on trafficking. First, in February 2002, the President issued Executive Order 13257, creating a cabinet-level Interagency Task Force to Monitor and Combat Trafficking in Persons. The President ordered that the Task Force be chaired by the Secretary of State and be comprised of the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, the Director of Central Intelligence, the Director of the Office of Management and Budget, and the Administrator of the United States Agency for International Development.¹² The President took this action to ensure that the TVPA was fully implemented in a coordinated fashion throughout the federal government.¹³ The Task Force created an inter-agency Senior Policy Operating Group ("SPOG"), to implement its policies. The SPOG meets quarterly and consists of senior officials from 10 federal agencies.

Second, also in February 2002, the President issued National Security Presidential Directive 22 ("NSPD-22") to identify human

trafficking as an important national security matter as well as to instruct federal agencies to strengthen their collective efforts, capabilities, and coordination to support the President's goal of abolishing human trafficking.¹⁴ NSPD-22 states that human trafficking is a transnational threat that is an affront to the principles on which this country stands. The relationship of human trafficking to organized crime, especially transnational criminal syndicates, fosters official corruption and threatens the rule of law.¹⁵ The clandestine movement of persons across borders also poses terrorism and public health concerns. The United States Attorney's Office for the District of Montana, for example, treats every border incursion as potentially related to terrorism and, in 2004, was involved in a joint operation with the Royal Canadian Mounted Police and the Canadian Border Services Agency that resulted in the identification of a dozen Korean women believed to be destined for the sex trade, 80% of whom tested positive for tuberculosis. The syndicates that recruit and move these victims are often the same ones that are responsible for other trans-border crimes, like smuggling, drug trafficking, and the arms trade. Traffickers can and will move any type of cargo, human or otherwise, for profit. The fight against trafficking

¹² Exec. Order No. 13257, 3 C.F.R. 13257 (2002).

¹³ The President subsequently issued an Executive Order amending Executive Order 13257 on March 18, 2004, conforming it to the Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. No. 108-193, 117 Stat. 2875.

¹⁴ NATIONAL SECURITY PRESIDENTIAL DIRECTIVE MEMORANDUM REGARDING COMBATING TRAFFICKING IN PERSONS (Feb. 25, 2002). Parts of NSPD-22 are classified and cannot be released to the public.

¹⁵ *Id.*

is therefore a critical element of United States foreign policy, requiring full use of the tools of diplomacy and the cooperation of American and foreign law enforcement.

Moreover, NSPD-22 views the abolition of prostitution, the driving force behind sex trafficking, as integral to the abolition of human trafficking. Regarding the United States' policy towards prostitution, NSPD-22 states:

The United States opposes prostitution and any related activities, including pimping, pandering, and/or maintaining brothels as contributing to the phenomenon of trafficking in persons. These activities are inherently harmful and dehumanizing. The United States Government's position is that these activities should not be regulated as a legitimate form of work for any human being.¹⁶

NSPD-22 created a three-point plan of action:

1. Implementing Training in Federal Agencies:

The President required all federal agencies to ensure that their own personnel were trained and equipped to carry out their anti-trafficking responsibilities and that their personnel coordinated with counterparts in other agencies. Further, NSPD-22 stated that the United States has a zero-tolerance policy with regard to trafficking by United States Government employees and contractors, who are to be educated about trafficking and investigated, prosecuted, and punished for engaging in it.

2. Developing Cooperation with State and Local Law Enforcement in the United States:

The President recognized that state and local law enforcement are critical to federal



Photo Credit: White House

The President met with Lawn Pham in Tampa, Florida, on July 16, 2004. The President acknowledged Ms. Pham's volunteer efforts to rescue victim's who have been brought to the United States and have been harmed.

efforts to combat human trafficking. NSPD-22 instructs federal agencies to vigorously enforce laws against traffickers, and to provide training and assistance to state and local law enforcement to assist them in recognizing victims and to hold perpetrators accountable for their crimes.

3. Integrating and Coordinating International Programs:

The President required all federal agencies to coordinate foreign assistance programs, including funding to governmental and non-governmental organizations and public awareness programs, to combat trafficking in persons. NSPD-22 also required agencies to ensure that contractors receiving United States funding through international programs do not engage in trafficking activities. In addition, the President directed agencies to work to prevent future victimization by reducing the vulnerability of individuals to trafficking, particularly through the expansion of educational and economic opportunities and the protection and promotion of human

¹⁶ *Id.*



Officials from the Departments of Justice and Homeland Security met with the management team of the Cambodian Police Anti-Trafficking Unit in 2005. Joining the Cambodian officers are, from center-left, The Civil Rights Division's T. March Bell, Senior Counsel for Human Trafficking and Bradley J. Schlozman, Principal Deputy Assistant Attorney General; and Ann Pickett, Bureau of Immigration and Customs Enforcement International Affairs Officer for Human Trafficking.

rights. The President further directed federal agencies to employ diplomatic and foreign policy tools to encourage other nations and multilateral organizations to work with the United States to combat this crime, to draft and enforce laws against trafficking, and to hold accountable those who engage in this crime.¹⁷

In 2003, Congress passed and President Bush signed the reauthorization of the TVPA, known as the Trafficking Victims Protection Reauthorization Act ("TVPRA").¹⁸ The TVPRA codified the SPOG and slightly expanded its authority, particularly as it concerns interagency coordination to develop the capacity of foreign nations, both source and destination countries, to combat trafficking; to

examine the role of sex tourism in human trafficking; and to foster consultation with governmental and non-governmental organizations regarding implementation of the TVPRA.

The Attorney General has been an engaged member of the SPOG, and the Department supports this group in a variety of ways. In 2004, for example, the Civil Rights Division and the Office of Justice Programs participated in a SPOG subcommittee charged with designing the President's international human trafficking initiative. Currently, the Civil Rights Division, the Criminal Division, the Office of Legal Policy, and the Office for Victims of Crime are members of the SPOG Subcommittee on Domestic Trafficking. The National Institute of Justice, a component of the Office of Justice Programs, is a member of the SPOG Subcommittee on Research, which shares information regarding research grants and other activities by each SPOG member agency.

This subcommittee is also studying the issue of accurately estimating the number of trafficking victims within the United States. In addition, the Office of Justice Programs, the Department's principal grant-making agency, and the Office on Violence Against Women participate in the interagency grant information-sharing process of the SPOG. The grant information-sharing process is designed to provide SPOG member agencies with an opportunity to review and comment on proposed grant awards, helping to ensure that domestic and international grant programs are coordinated across the federal government. Finally, the Office of Legal Policy chairs the SPOG Subcommittee on Regulations, a working group charged with the development of federal regulations to implement the TVPRA.

¹⁷ *Id.*

¹⁸ Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. No. 108-193, 117 Stat. 2875 (2003) (signed into law by President Bush on December 19, 2003).