

# Modern Slavery in South Carolina

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## Introduction

After studying abroad and witnessing the effects on women forced into sex work in Thailand, I came home uneasy with the new knowledge that the phrase “human trafficking” has a human face. I was confronted again with this issue in a class that discussed children enslaved as camel jockeys in the Middle East. Even with the knowledge of these examples, the issue of human trafficking and the idea of modern slavery felt very distant until I was forced to realize that it actually happens in the United States. In February 2008, I met David Batstone, founder of Not For Sale, an international non-profit organization that combats modern forms of slavery, when he visited the College of Charleston. After learning about slavery in California and other areas in the United States, I was curious about the prevalence of this practice in my home state of South Carolina. I was surprised to find very little concrete information and I chose to address the need for more comprehensive data on the prevalence of human trafficking here and the various ways that people are responding to it. My goal is to become an informed activist and to use the information I discover to better inform the anti-trafficking movement within South Carolina and, more broadly, in the United States. Along with this personal goal, I also urge scholars and activists to become more active in effecting change locally. This essay outlines the challenges in addressing the issue of human trafficking, discusses the prevalence and types of trafficking in South Carolina, relates the South Carolina case study to the rest of the region and country, analyzes the responses to the issue from non-profits, law enforcement, and governmental bodies, and provides policy

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recommendations for addressing the crime.

### **Literature Review**

One of the most difficult issues to overcome in the discussion of “human trafficking” and “modern slavery” is definitional. Scholars, activists, scholar-activists, and policy makers define human trafficking and modern slavery in many different ways. A discussion of the terms “human trafficking” and “modern slavery” will follow and serve to differentiate the concepts and set out an appropriate understanding of each for this study. “Modern slavery” refers to the overarching idea of the various types of forced labor still practiced around the world, while “trafficking” is a legal term used to define a specific crime. The following discussion of these terms should provide a more descriptive explanation of their usage in the scholarship about human trafficking and the global slave trade.

Degorge (2006) explores the magnitude of the modern slave trade worldwide and provides information about its impact on the Middle East, specifically in the United Arab Emirates. Degorge notes that defining slavery is “more subtle and controversial” than current United Nations definitions of trafficking (658). She focuses on the concept of freedom, rather than approaching slavery from the idea of property. Although freedom reflects a Western perspective, it is useful for considering the status of a person potentially in servitude. Degorge describes four types of slavery: 1. the exploitation of children, 2. chattel slavery, 3. migrant worker slavery, and 4. wage slavery. Wage slaves are those that have been economically forced into specific types of work and whose mobility has been limited. Degorge discusses the difficulty in limiting the latter type of slavery because some see the workers as willing participants. She describes the limits of local legislation on the issue because it is a global phenomenon and Middle Eastern nations rarely enforce the laws. This article effectively distinguishes several types of slavery as it gives background information on the limits of what is being done about slavery and trafficking in the United Arab Emirates. Her definitions enable scholars to speak specifically about particular types of slavery and more effectively analyze practices of each type of crime. My research will utilize Degorge’s discussions of migrant worker slavery and wage slavery.

Munro (2008) questions the practicality of umbrella terms like “human rights abuse” in reference to crimes of trafficking. In this discussion, critiques of anti-trafficking policies lead to discussion of the complex relationship between various organizations and law enforcement agencies that focus on crime, immigration, labor, or prostitution. As Munro points out, the various lenses through which law enforcement agencies view this issue shape their interpretations of crimes and lead to a hierarchy of victims and conceptions of the ideal or model trafficking victim. Such concepts, she argues limit the ability of law enforcement to combat real instances of the crime. These disparate views and the complex relationship between those working on this issue lead to inadequate levels of victim support.

Schauer and Wheaton (2006) focus needed attention on the buyer of sex acts using the term “fautor” as an appropriate word for the consumer of sexual acts. As they argue, terms such as “clients,” “customers,” and “consumers” do not capture the magnitude of the crime. According to Schauer and Wheaton, the term “fautor” has a useful double meaning: “in middle English, fautor meant transgressor or miscreant, whereas in more modern usage, the term means patron, supporter, or abettor” (152). Because those who consume sex acts essentially create the demand for more trafficking victim, they require a more descriptive term that captures the magnitude of their complicity.

David Batstone’s book, *Not For Sale: The Return of the Global Slave Trade-and How We Can Fight It* (2007), is a work that explores the issue in various regions throughout the world using anecdotal evidence supplemented by statistical data. Batstone conducted interviews around the world with former victims of human trafficking. He concludes that the “consistency of the story line in fact suggests overarching mechanisms of a global industry” (9). He then draws an economic model and discusses the market forces of supply and demand to explain why the modern slave trade is so profitable and how every person can impact the demand daily. Kevin Bales (1999) has also worked to document the ubiquity of the trade and its connection to Western consumers:

Slaves in Pakistan may have made the shoes you are wearing  
and the carpet you stand on. Slaves in the Caribbean may

have put sugar in your kitchen and toys in the hands of your children. In India they may have sewn the shirt on your back and polished the ring on your finger. (Bales 3-4)

This description draws on the broad definition of slavery and the many crimes associated with trafficking to connect the crime to readers. Activist organizations also deal with these word choices. Both Batstone and Bales use the term “slavery” as does the Polaris Project, which defines trafficking as “the modern day practice of slavery” ([www.polarisproject.org](http://www.polarisproject.org)). Use of this term reflects an effort to bring the concept of trafficking to an understandable and transferable term. Other organizations, such as the Not For Sale campaign, the Free The Slaves organization, and Shared Hope International also utilize the term “slavery” prominently on their websites and in their advocacy tools. These organizations employ the term in order to shock the conscience of their followers and to gain adherents to the fight against human trafficking.

Other scholars and activists have sought to re-conceptualize the concepts of human trafficking and modern slavery. Kempadoo (2005) focuses on the ways that activists have come to understand the issue of human trafficking and the damaging effects some of the narrow conceptions have. Kempadoo intentionally uses different vocabulary. For example, she uses the term “trafficked person” more often than “victim”; the new term, she argues, attributes a higher degree of agency, subjectivity, and humanity to the person affected. The re-conceptualization of this issue to a more broad-based definition provides for a less oppressive climate and one that works to benefit those affected rather than continue to show them as powerless victims. The new paradigm is one that encompasses both men and women, instead of the traditional conception of women as victims. The gender neutral term also serves to overturn the gendered nature of discussions of trafficking. Women and sex trafficking are not the only issues involved in trafficking; it is a much broader crime that affects men, women, and children; therefore, Kempadoo works to accurately reflect the far-reaching nature of the crime. She (2005) is further critical of the United Nations definitions because its framework supports neoliberal economic interests rather than the world’s poor, which are

those supposedly protected by such measures. She asserts that “poor women’s sexuality is used to mobilize anti-trafficking sympathy, funds, and global attention for increased policing, law enforcement, and a monitoring of borders” (xxii). Kempadoo’s work is beneficial to any study of human trafficking as a caution to those who haphazardly accept much of the existing discourse and its conceptual problems. I have tried to follow her lead, including several cases of different forms of trafficking in order to show the broad spectrum of crimes that can be considered trafficking and to expand the view from a focus on women as sex trafficking victims to a focus on disadvantaged peoples of any gender affected by a crime.

Although none of the aforementioned scholars and activists particularly discuss the issue of human trafficking in South Carolina, their commentary and suggestions can benefit the study of this issue within the state. I suspect Kempadoo would have a particular disdain for the discussion of those affected by trafficking in South Carolina being referred to as “illegals” and “aliens,” terminology I have often heard used by people responding to my research. This language is damaging to both the people involved and the goal of combating trafficking and modern slavery.

## **Methodology**

The hypotheses that have been tested throughout the course of this study include: 1. Different definitions and points of view within the field of anti-trafficking discourse make unified definitions and goals difficult to determine, 2. Immigrants, migrant workers, and run-away youth are the most susceptible to the possibility of being trafficked in South Carolina because of their more vulnerable positions in society due in part to language barriers and lack of advocates, and 3. Labor trafficking is the most prevalent form of trafficking in South Carolina because of the large agricultural economy within the state.

There are several questions that this study has sought to answer. Most broadly, I aimed to discover the prevalence of human trafficking in South Carolina and how various groups, organizations, and individuals respond to it. This main question is supplemented by several others: 1. Who is being trafficked? Where are they being trafficked from/to? 2. What type of trafficking is most prevalent in

South Carolina? 3. What is happening to combat human trafficking in South Carolina (locally and statewide)? To answer these questions and to test my hypotheses, I analyzed newspaper archives, court documents, and police reports to examine existing and previous cases of trafficking in South Carolina. I also chose to interview law enforcement officers and government officials that have been involved in investigating and prosecuting current cases. In addition, I analyzed and chronicled the history of anti-trafficking legislation in South Carolina. I researched South Carolina General Assembly archives in order to determine when the first legislation was introduced and to understand the depth and specificity of the problems it was meant to address. I attempted to contact current and former legislators for comment about the process of passing South Carolina's trafficking statute, but none were either able or willing to meet with me.

To answer the question of what is being done to combat human trafficking in the state, I interviewed several non-profit leaders and others who have taken the lead against modern slavery in South Carolina. I interviewed representatives from the Eastern Carolina Coalition Against Human Trafficking (ECCAHT); these leaders have provided insight into their work, struggles, and achievements in the past year. I interviewed a Coastal Carolina University professor to gain a better understanding about her involvement with students and the development of a course to focus specifically on community efforts to combat human trafficking. Lastly, I interviewed a Victim Specialist from the Federal Bureau of Investigation to better understand the responses to specific crimes and the ways in which these specialists are trained to deal with human trafficking.

## **Results**

*What crimes pertaining to human trafficking are currently being committed in South Carolina and how are they being dealt with?*

I analyzed and compiled evidence of cases within South Carolina that involve elements of human trafficking. Some of these cases have been prosecuted as human trafficking, while others have utilized other legislation such as the Mann Act or other criminal provisions. Other cases have only involved these elements and have not been prosecuted under human trafficking laws. I will describe and discuss five recent

cases (2004-2008) within South Carolina that have involved elements of human trafficking. Generally speaking, most of these cases have involved prostitution and alleged sex trafficking. Although the cases discussed in this paper point to the prevalence of sex trafficking, I will later argue that the lenses through which law enforcement officers view crimes of trafficking shape the investigations and likelihood of charging particular types of trafficking. I did not find many examples of labor trafficking, but this does not mean that it is not occurring in South Carolina. There is only limited evidence that labor trafficking occurs due in part to the perceptions of law enforcement officers and others who investigate these crimes.

A case in the Greenville and Spartanburg areas of South Carolina involved over one hundred women. An undocumented immigrant with the last name Escobar was the leader of the organized prostitution ring and Maria Letrado served as the madam. Letrado arranged for the arrival of all women involved and coordinated the work schedules. Each woman engaged in ten to twenty sexual acts per day. Law enforcement officers conducted a raid and some women were detained by Immigration and Customs Enforcement (ICE) and spent a short time in jail before being released on bond. An investigation continued to determine whether the women could be identified as victims of human trafficking. These particular women were identified as witnesses to other crimes, but were not identified as human trafficking victims. They were deported after providing information during the investigation. This case was ultimately prosecuted under the Mann Act and, therefore, no trafficking monies or after care could be provided to those involved in this case. This case shows a potential flaw in the current ways in which undocumented people involved in crime are treated by current legislation and practices. This case also reveals a situation with elements of sex trafficking.

Another case in Columbia, South Carolina involved similar elements of sex trafficking. A fourteen-year-old girl was smuggled from Mexico into the United States after being recruited to work in a restaurant. Two men were charged with the crime, Jesus Perez-Laguna and Ciro Bustos-Rosales. Both men are undocumented immigrants to the United States. They pled guilty in September of 2007 to transporting the girl into the United States for the purposes of

prostitution. The story began in June 2006 when the men organized for the girl to be smuggled into the United States. According to *The Greenville News*, the girl was taken to Charlotte, North Carolina, several towns in South Carolina and then to Columbia where she was forced to perform sexual acts and give the proceeds to her captors. The men promoted their business by distributing business cards. They used hired drivers to take women to meet with “factors.” A 19-year-old woman and 31-year-old woman were also involved in the prostitution ring. Perez-Laguna was sentenced to more than fourteen years in prison and ordered to pay \$52,500 in restitution. He was also ordered to be deported after his release and to never be allowed to return to the United States. Bustos-Rosales was sentenced to almost six years in prison and forced to pay restitution. Officials did not disclose what was done with the victim (Kinnard 2008).

A third example of sex trafficking was investigated by Sergeant Michael Hildebrand of the Greenville Police Department. He was the first to investigate and initiate a human trafficking case under South Carolina’s human trafficking laws. On August 15, 2007, Hildebrand was contacted by a detective who worked for the Clearwater Police Department in Florida about a human trafficking case. The contact told him that a 13-year-old Hispanic female had come into a Rape Crisis center in Clearwater because she was pregnant. The girl told workers at the center she was kidnapped from her home in Hidalgo, Mexico and taken to Greenville, South Carolina. On August 21, 2007, Hildebrand and a sex crimes investigator went to Florida to meet with the girl. She told investigators about the suspect, Marcelino Cruz. The girl said that she met Cruz while still living with her parents in Hidalgo. The girl said that one day after school she was walking with Cruz and he forced her into a car and drove her to his sister’s house in another part of Mexico where she was kept for three days. The girl said that she was raped and beaten during that time. The girl’s father filed a missing person report and Cruz returned the girl to her home. Cruz told her father to drop the charges against him or he would kill the father. A week later, Cruz told the girl to meet him in the town square or he would kill her parents. She met with him and he took her to the bus station and they went to Alta Sonora in Mexico. From there, they crossed the United States border with the help of a coyote,

or human smuggler. Cruz and the girl went from Phoenix, Arizona to Tennessee and ended up in Greenville, South Carolina. Once in Greenville, the girl stayed with Cruz's cousin where she was forced to clean, baby sit and was repeatedly raped. The girl was taken to a local hospital several times because of beatings from Cruz. Eventually, Cruz discovered that the girl was pregnant, so he took her to live with his sister in Florida. After the girl was taken to a clinic, Hildebrand was called and became involved (Hildebrand, 2009). Hildebrand said that this case ended in a plea deal in which Cruz was given five years as part of the agreement and is still incarcerated.

This case obviously involves elements of trafficking under the South Carolina law. Trafficking in South Carolina occurs when a person knowingly subjects another person to "forced labor or services, or recruits, entices, harbors, transports, provides, or obtains by any means another person knowing that the person will be subjected to forced labor or services, or aids, abets, attempts, or conspires to do any of the above acts" (South Carolina General Assembly). The case discussed above clearly involved recruiting, enticing, and transporting a person for forced labor or services and, therefore, constitutes trafficking under the South Carolina Code of Laws. In addition, the federal definition under the Trafficking Victim Protection Act provides for an umbrella statute if a case involves minors. Both definitions could be used to prosecute this case as a case of human trafficking. It is important to note, though, that this particular case was pursued under the South Carolina statute. This conviction of Cruz has tested the strength of the definition within the statute and provides precedent for future cases.

While the previous three cases have involved sex trafficking and prostitution, it is important to explore other types of human trafficking that have occurred in South Carolina. A *Post and Courier* investigation of a local temporary staffing agency led to allegations of human trafficking in the Charleston area. The temporary staffing agency provided workers to local golf courses, restaurants, and hotels. These employees claimed that the staffing agency sold them fake federal documents and did not pay them promised overtime pay. The workers said that L&L Services had charged between \$80 and \$120 for fake resident alien cards, or green cards. According to the *Post and Courier*

article, the workers had documents to corroborate the allegations. The company employed about 200 workers, most of whom were Hispanic. The staffing agency was paid by local golf courses and restaurants at a rate of \$10 per person per hour, but workers received only six dollars an hour (Scott 2004a). Some employees worked 70 to 80 hours without receiving overtime pay. The company attempted to explain this by saying that workers were actually hired by two different staffing agencies, L&L Services and WLL, which were both owned and operated by the same family. A December *Post and Courier* article revealed that the business was forced to pay \$2,500 in fines for zoning and building violations (Scott 2004b). The *Post and Courier* investigation also instigated state and federal investigations on the companies. The business closed when the US Labor Department discovered that the company failed to pay 223 workers \$66,485 in overtime benefits (Scott 2004b). A class-action federal lawsuit ensued on behalf of some of the workers who had not received their benefits. A Charleston lawyer named Paul Hulsey compared the owner of the company, Lawton Limehouse Sr. to television character Tony Soprano. A defamation case was filed as a result of this comparison and the lawyer was forced to pay \$7.4 million. The class-action suit was settled in September 2006 for an undisclosed amount of money (Kropf 2008).

Although this case was not pursued as a crime of human trafficking, it does involve elements of debt bondage and document falsification. This case also reveals the muddy waters of some potential trafficking cases and the many alternative lenses through which the issue can be viewed – immigration, labor, zoning, and business law to name a few. This case shows the ways in which attention can be transferred from an important crime of labor issues and potential trafficking scenarios to a defamation lawsuit where \$7.4 million was awarded to an alleged criminal. Many of the details of these cases are hidden until final action is taken on the cases. The discussion of the case in the *Post and Courier* is sufficient to suggest that some form of trafficking or slavery could have been occurring. To borrow from Degorge (2006), this case can be connected to migrant worker slavery or wage slavery. A migrant worker is someone who leaves his or her home in order to find work elsewhere on a temporary basis. Migrant workers can often be caught up in a form of slavery related to passports and legal documents being

held by their employers. In the case discussed above, it seems that many of the workers were undocumented and provided with false documentation by their employer, which made them especially vulnerable. The vulnerability, in Degorge's view, stems from their limited freedom and inability to change their form of work due to the power of the employer. In addition, this case might well be called wage slavery, which involves some limited pay to workers who nonetheless feel some compulsion to work because of the vulnerable position they are under with the employer.

The previously discussed cases have involved immigrants, but American citizens can also be vulnerable to crimes of human trafficking. A 2006 incident recorded by the Myrtle Beach Police Department involved a kidnapped minor who was forced into prostitution. Interviews with Investigators Joe Graham and Selena Mann of the Myrtle Beach Police Department revealed details about the crime. During the reporting of the crime, there were no trafficking statutes under South Carolina law because the law was not passed until May of that year.

The alleged crimes involved a minor who was kidnapped from her home in Georgetown, South Carolina and taken to Myrtle Beach where she was found by Myrtle Beach and Horry County Police Department. Investigator Selena Mann of the Myrtle Beach Police Department investigated the crime. The girl claimed that Jerome Thompson and Byron Spivey forced her into prostitution and had "sexual relations with her while she was under the age of 16" (Myrtle Beach Police Department, 2006). She said that she was held against her will at the time of these crimes.

The young woman claimed to have been forcefully captivated and coerced into submission by threat to her family and fear induced by frequent gun shots. The affected girl claimed to have left her home willingly at first, but was then kept by force. The kidnappers subsequently transported the girl to Myrtle Beach where she was sexually assaulted and claimed to have been forced into prostitution. The affected girl revealed that she was taken to houses with at least twenty Hispanic males and told to have sex with them and give the money to her kidnappers. The men also falsified identification documents and allegedly forced the girl to work in strip clubs where

they would take the money that she made as well. The allegations of force and coercion are consistent with crimes of trafficking. When one is forced or coerced into a position of servitude, the crime constitutes trafficking under the United States Trafficking Victims Protection Act. In addition, the fact that the victim was a minor further connects the crime to a potential case of human trafficking as the TVPRA also states that “sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age” (United States Congress 2000). Mann (2009) said that elements of force were corroborated by bars on the windows of the house that the girl claimed to be kept in, as well as a lock on the outside of the door. Finally, current South Carolina statutes also state that “a person who knowingly subjects another person to forced labor or services, or recruits, entices, harbors, transports, provides, or obtains by any means another person knowing that the person will be subjected to forced labor or services” is guilty of the crime of trafficking (South Carolina Code of Laws). The girl was allegedly subjected to forced labor as evidenced by the coercion and threats by the kidnappers.

As a result of the investigation, Mann charged the kidnappers with having sex with a minor, kidnapping, and forcing a minor into prostitution. Both men are currently imprisoned for a combination of charges. The girl received counseling through the Department of Juvenile Justice. Investigator Graham highlighted a few questionable elements of the incident. At one point during the course of events, the victim had one of the kidnappers arrested for criminal domestic violence. During this time she did not express the other details to officers. Because of this hesitation, investigators questioned the involuntary nature of the victim’s captivity. The questioning of this issue reveals elements of potential psychological abuse that are not known to law enforcement officers, which could result in a lack of confidence in witness testimony. Although there are questionable elements about details of the crime, this case provides a potential example of domestic human trafficking in South Carolina that involved United States citizens and did not require crossing state or federal borders to constitute trafficking. Mann (2009) also uses this story as evidence that runaway youth are vulnerable to human trafficking.

These examples reveal the extent to which human trafficking has recently manifested itself in South Carolina. Convictions under the recent law are few, but will inevitably become more frequent as law enforcement officials become more educated about the crime and ways to prosecute it. These examples raise issues about the importance of definitions to those who investigate this crime. What exactly constitutes force and coercion? Also, how does one address the issue of force with undocumented workers who are held in what Degorge (2006) would call wage slavery or migrant worker slavery? Such actions are not criminalized specifically under South Carolina's Code of Laws.

*Who is being trafficked? Where are they being trafficked from/to?*

The question of who is being trafficked is not easily answered. There are so few documented cases that a reliable pattern is difficult to establish. The documented case of trafficking and other related cases have diverse victims and perpetrators that do not contribute to a useful generalization of the trafficked person. I will use the term "vulnerable populations" to refer to people who have potential to be exploited. "Vulnerable populations" refers to various groups of people who have potential to be exploited.

Many of the cases in South Carolina involve immigrants, mostly of Hispanic descent. When asked about potential vulnerable populations in South Carolina, Myrtle Beach Police Department Investigator Joe Graham said that his experience showed equal likelihood for many diverse groups to fall victim to human trafficking. He explained the diverse climate in Myrtle Beach as a tourist town with many nationalities represented. "It's a melting pot," he said, "it's not uncommon to deal with Russian students, Hispanics, Asians" at any given time. Graham said that probably no one racial or demographic group is more susceptible than another, but illegal immigrants are probably more vulnerable than any group. A distrust of law enforcement and fear of deportation makes them vulnerable to the manipulation of traffickers. When asked the same question, Jeffrey Cooper, a Special Agent from Immigration and Customs Enforcement, said that he believed the immigrant population in South Carolina to be particularly vulnerable.

*What type of trafficking is most prevalent in South Carolina?*

My research has not uncovered a reliable pattern of the types trafficking prevalent in South Carolina. Of the cases of potential trafficking described above four of the five cases involved sex trafficking. Yet law enforcement officers consider labor trafficking to be more prevalent.

When asked about prevalent forms of trafficking in Myrtle Beach, Investigator Joe Graham said that he has discovered an occasional brothel. He says the prevalence of brothels and massage parlors stems from the type of customers and tourists common in the Myrtle Beach area that would generally promote that type of industry. Although the mere presence of brothels does not necessarily indicate trafficking, Graham indicated a potential connection between these two practices. When asked the same question, Jeffery Cooper of Immigration and Customs Enforcement said that he believed labor trafficking to be more prevalent.

The divergence between the opinions of law enforcement officials and the evidence I have gathered makes it difficult to determine which type of trafficking is most prevalent in South Carolina. I discuss this problem further below.

*What is happening to combat human trafficking in South Carolina (locally and statewide)?*

Below, I will explore the responses to human trafficking by discussing the legal remedies, law enforcement responses, victim advocate responses, and community, educational, and non-profit efforts. The perceptions of each of these actors have shaped their individual responses to this issue.

**Legal Remedies: South Carolina Human Trafficking Legislation**

In 2006, South Carolina finally passed a law to prohibit human trafficking. Catherine Ceips, South Carolina Senator from Beaufort, originally pre-filed the legislation in December of 2004. Within the first few weeks of consideration, more than forty legislators added their names as cosponsors of the bill. Even with this show of support, the legislation took until May of 2006 to be passed as law. The bill was signed into law by the Governor on May 2, 2006 and became

effective that same day. The trafficking legislation (SC ST SEC 16-3-930) reads as such:

(A) A person who knowingly subjects another person to forced labor or services, or recruits, entices, harbors, transports, provides, or obtains by any means another person knowing that the person will be subjected to forced labor or services, or aids, abets, attempts, or conspires to do any of the above acts is guilty of a felony known as trafficking in persons for forced labor or services and, upon conviction, must be imprisoned for not more than fifteen years. (B) “Forced labor or services” means any type of labor or services performed or provided by a person rendered through another person’s exertion of physical, financial, or other means of control over the person providing the labor or services. (C) This section does not apply to labor or services performed or provided by a person in the custody of the Department of Corrections or a local jail, detention center, or correctional facility. (South Carolina General Assembly).

This legislation was finally passed after a year and a half of debate and committee meetings. During this time, the bill changed drastically, becoming a much shorter and weaker. The legislation originally introduced was more comprehensive and included more provisions and definitions. Over the course of a year and a half, there were eight versions of the bill. The bulk of the bill was eliminated in the first committee that reviewed the pre-filed version. The April 19, 2005 version from the House Committee on Judiciary is the second version of the bill that eliminated all of the clauses that define human trafficking and its penalties except for the section that became law. It is unclear why the passage of the bill was put off until the next session.

The original bill initially included a penalty for violation of up to twenty years in prison, discussion of those who benefit from ventures relating to the violation of the legislation, provisions for sentence enhancements for bodily injury, and provisions for restitution for victims. The original legislation was also more specific about imprisonment penalties for specific elements of the crime. For

example, the original bill had a penalty of up to twenty years for a person who “intentionally subjects another person to forced labor or services” by “causing or threatening to cause physical harm to a person”; a penalty of up to fifteen years for “physically restraining or threatening to physically restrain a person”; a penalty of up to ten years for “abusing or threatening to abuse the law or legal process”; penalty of up to five years for document falsification; and up to three years for use of blackmail or exertion of financial control. Some of these crimes could potentially overlap, so the reason for eliminating the different prison times could be for clarity and discretion of the court. Another provision of the original legislation was to criminalize those who benefit financially as a result of a violation of the provisions of the bill. This section was completely eliminated by the final reading of the bill. The original bill gave discretion for sentence enhancements should the particular crime involve bodily injury to the victim. Finally, the original bill provided for restitution at the discretion of the court to be awarded to the victim of the offense, which was ultimately eliminated in the final version. The victim-centered approach of the first bill is further emphasized in the provision that required the Attorney General to issue a report that analyzed the victims’ rights laws to determine whether they addressed the needs of victims of this crime. Discussion of aftercare or restitution to victims was completely eliminated in the final bill.

In addition to passing a law against trafficking, South Carolina has joined an agreement between state attorney generals and the organizers of Craig’s List. South Carolina is one of 39 states involved. In November 2008, Washington state Attorney General Rob McKenna announced an agreement with officials at Craigslist.com, a free classified advertising site used by over 40 million people. Craig’s List can be used for a variety of selling, trading, and bartering purposes and has been used in the illicit sale of human beings. This site is also alleged to facilitate the sale and trade of human beings. The agreement will require users who post advertisements under the erotic services section to provide an operational phone number and pay a fee using a valid credit card. The information will be available to investigators if the company is served a subpoena. This information will serve as a first step in trafficking investigations for law enforcement officers

(Gutierrez 2008). This is the first agreement with the organizers of Craig's List to assist law enforcement officers in the investigation of potential trafficking cases.

### **Law Enforcement**

Although the criminalization of human trafficking has led to few convictions in South Carolina, many do not doubt its existence and some agencies have begun to respond to the issue. The response has not been as rapid or as comprehensive as many would like, but it has begun and is continuing to evolve.

Investigator Joe Graham explained the ways that the Myrtle Beach Police Department is responding to human trafficking. Graham said that he feels the Myrtle Beach Police Department is "proactive in dealing with human trafficking" and that the agency is "ahead of the curve" in dealing with this crime (Graham 2009). "Every certified officer in the Myrtle Beach Police Department has received several hours of training on human trafficking", Graham said when asked how the Police Department had prepared him to deal with human trafficking (Graham 2009). In addition, the Myrtle Beach Police Department has a detailed set of procedures that have been developed to respond to potential human trafficking cases. These procedures, authored by Selena Mann in 2006, will be discussed in more detail below. When asked about human trafficking in and around Myrtle Beach, Graham said that he believed it was happening, but probably on a minimal scale. He believes that more violations of this crime happen in rural areas with labor on farms. He said that other agencies in South Carolina "look at you funny for mentioning human trafficking," but he believes that they have dealt with it and haven't recognized it as human trafficking (Graham 2009).

After Chief Gall attended an International Association of Chiefs of Police summit, he returned with encouragement to create policies for human trafficking crimes. Sergeant Selena Mann was tasked with creating them. The official procedure statement includes the goals, which are to "identify and assist the victims of human trafficking and to effectively identify, apprehend, and prosecute those engaged in trafficking offenses with the help of state and/or federal government" (Myrtle Beach Police Department). The definitions used are those in

the South Carolina Code of Laws Section 16-3-930. The procedures provide physical, health, and other indicators of human trafficking to assist officers in identifying potential cases and include standard emergency response in communication with dispatch and the responding officer, suggestions to officers when arriving on the scene, arrest suggestions, and procedures for pursuing investigation. Initial law enforcement response is encouraged to use a translator other than one on the scene if a language barrier is present, and suggestions for recording information during an interview. The detective division of the Myrtle Beach Police Department will be notified immediately of all trafficking cases and then begin the investigation. If the local authorities determine that trafficking has occurred, they will contact the Federal Bureau of Investigation to assist with the investigation. Sergeant Mann researched this issue in 2006 and contacted police departments in Los Angeles, Miami, and New York, but none of the departments had specific procedures to respond to human trafficking. Also, none of the departments in South Carolina at the time had procedures to respond to human trafficking. The policy on human trafficking was instituted in 2007.

The Myrtle Beach Police Department is unusual because it has authored and adopted a policy to deal specifically with human trafficking. I called police departments in Florence, Columbia, and Charleston and none of these departments had such policies. The representative from the Florence Police Department asked how the department could get information to help create policies for his Department. The Charleston City and Columbia Police Departments were less amenable to suggestions. Neither department had a policy on trafficking. The representative from Charleston City acted as if I were asking for something very strange when I asked him about this policy. This interaction can be indicative of the perspective from which many view this issue – as strange and foreign. I can only hope that more police departments will be as willing as the Florence Police Department to learn from other departments.

### **Victim Specialists: Federal Bureau of Investigation**

During the process of researching this issue, I encountered the work of victim advocates such as Pamela P. Gregory, a Victim

Specialist in the Columbia Division of the FBI. She explained that when victims come in, they often only have the clothes that they are wearing, so her work involves collecting and distributing basic need items to those affected by crime. Gregory acknowledged that trafficking does happen in South Carolina, but emphasized that the transient nature of those involved makes it difficult to discover. Some victims are only in the state for a few weeks before being transferred somewhere else. The short amount of time that people are in South Carolina does not provide law enforcement officers and investigators sufficient time to recognize the issue and properly deal with it. Gregory also explained the ways in which she, local law enforcement, and Immigration and Custom Enforcement officials work and train together to combat human trafficking. She explained that this work is required to adequately address trafficking crimes because they often require many people working on many different tasks. She also said that local law enforcement is crucial in the fight against trafficking because of its connection to the community. “It takes being in a community and having a heartbeat for that community,” she said. “Local law enforcement is really our first line of defense.”

I also asked Gregory about measures that the FBI takes to ensure cultural sensitivity to victims. She said that she has undergone cultural sensitivity training and has a membership to an online database called “culture grams” that has information about diverse cultures (Gregory 2009). The FBI has significantly increased its number of Spanish-speaking agents to accommodate the increase in the number of Hispanics in South Carolina.

I’d like to note here that the use of the term “victim” is based on the language used by the interviewee. As Kempadoo has argued, this term reinforces stereotypes about the lack of agency of those affected, and I would like to express my suggestion that other terms, such as “affected person” or “trafficked person” be used.

### **Community, Educational, and Non-Profit Efforts**

The Eastern Carolina Coalition Against Human Trafficking (ECCAHT) is the best example of a community-led effort to combat human trafficking in South Carolina. Members of the local Zonta Club learned about the issue of human trafficking and decided to form

a coalition committed to combating the crime. The Myrtle Beach chapter of Zonta International serves as the parent organization for ECCAHT. The coalition includes community members, police officers, professors, students, immigration officials, district attorneys, FBI agents, and business owners. Interviews with the president, Kelly O'Neill-Bagwell and the vice president, Betty Houbion revealed insight into ECCAHT's mission, goals, members, and history. The mission statement of the organization is:

Working to eradicate human trafficking, we will create a network of community members, including government, media, law enforcement, social service, civic, and faith-based organizations, as well as businesses and interested parties, who will coordinate resources to provide: outreach to the community through public awareness and education, necessary services and goods to victims of human trafficking, and advocacy for stronger or new legislation. (O'Neill-Bagwell 2009)

Founded after a public forum in April 2008, ECCAHT is expanding to accommodate interest from areas such as Charleston and Florence. The organization has held human trafficking introductory and awareness training classes for law enforcement officers, victims advocates, and victim assistance specialists, business owners, and others. Nearly 100 Myrtle Beach-Grand Strand area citizens have now been trained as part of ECCAHT's intensive public awareness campaign. The Carolina Institute for Community Policing provided the training for both classes. ECCAHT is an all volunteer organization with a budget of only \$1,000 from the Zonta Club of Myrtle Beach. It has recently applied for a capacity-building grant under the Zonta Club's 501(c)(3)'s Foundation. ECCAHT's president, Kelly O'Neill-Bagwell, also serves on the South Carolina Task Force for Human Trafficking. The South Carolina Task Force recently decided to incorporate and turn over many of their goals to ECCAHT. Another state-wide coalition is being formed by the non-profit organization, Not For Sale. Maryse Gartner is the South Carolina Coordinator for the state-wide chapter of the Not For Sale organization. Their efforts have involved awareness campaigns, particularly concentrated in the Greenville, South Carolina area. The

group has also reached out to colleges and universities within the state to further explore awareness efforts.

Other community initiated efforts have been arisen on college campuses and in other more isolated endeavors. In 2009, students at Coastal Carolina University enrolled in a semester-long course designed to enable them to focus their academic efforts toward combating human trafficking. Led by communication Professor Deb Walker, the course has a service component that is connected with ECCAHT. Students have signed up to a particular committee and work during the semester to accomplish various goals for the anti-trafficking movement. Students at Clemson University have also taken similar approaches with an internship course intended to focus efforts toward the Not For Sale Campaign in South Carolina.

In addition, students at the College of Charleston have also organized a group to increase awareness about human trafficking. These students have advocated legislation, hosted a conference, shown films, and held discussions to raise awareness about human trafficking globally and locally. As a member of this group, I had the opportunity to represent the College of Charleston at a national conference for students who are working on the issues of human trafficking and modern slavery. Held in September 2008 in Washington, D.C., this conference led to the founding of the National Student Coalition Against Slavery. This coalition is a national network of students who are working on their campuses and in their communities to raise awareness about and combat human trafficking. In addition, these students share resources, suggest ideas, give advice, and support one another in their efforts.

The various community and student led efforts to combat human trafficking within South Carolina are encouraging to anyone working on this issue. However, when several groups begin working on an issue in the same area, conflicts have potential to arise. This often occurs in non-profit organizing and I would like to caution organizations within South Carolina against competing with one another for resources, media attention, and support. Instead, I suggest that each of the various actors that have addressed this issue find ways to work together, coordinate efforts, and share ideas and resources to develop a unified front against human trafficking within South Carolina.

**Analysis**

In this section, I will analyze and assess the hypotheses in light of the information presented above.

*1. Different definitions and points of view within the field of anti-trafficking discourse make unified definitions and goals difficult to determine.*

This hypothesis has been substantiated through the literature as well as the interviews that I have conducted. From people working from an immigration perspective to non-profit activists working from a victim-centered approach, there are many different lenses through which people view human trafficking in South Carolina. As Munro discusses, many law enforcement agencies or departments work on specific crimes and their individual focus will shape their views on human trafficking. The lens through which investigators and law enforcement officers look at this issue will ultimately affect the types of crimes that they look for as well as those that are ultimately found and investigated. For example, those who view trafficking through an immigration lens might be likely to address the issue first considering the legality of one's residence in the United States. As discussed above, it is not uncommon for potential victims to be detained for some time before being identified as victims. Non-profit organizations tend to view trafficking as a crime against humanity, a human rights abuse that must be remedied regardless of someone's immigration status. Law enforcement officers, on the other hand, approach the issue in the context of other crimes. Since the burden of proof for trafficking crimes is more difficult to establish, investigators may choose to prosecute other offenses.

The variety of views has led to variable interpretations of the crime and produced different beliefs on the best way to respond to human trafficking. In this analysis, I hold that the multitude of interpretations and understandings are damaging to the overall problem and any solutions presented. The damage results from the lack of unification in working on this issue due to the various agendas involved in such a pursuit. Also, those working on this issue often work with others like themselves with the same understandings and do not have the time or encouragement to consider the ways in which their particular agency may differ from others working on this issue. Also, inter-agency

politics may hinder the ability to confront this problem.

*2. Immigrants, migrant workers, and run-away youth are the most susceptible populations.*

This hypothesis is fairly well supported by the stories and cases presented above, which also support my assumption that language barriers and/or lack of advocates make these populations especially vulnerable. The case involving the young woman from Georgetown was suspected to have involved a runaway. This assertion, however, is not supported by specific data from a wide range of sources. However, this research is shaped by the truth of hypothesis 1 and, therefore, this hypothesis cannot truly be substantiated. Because various groups are working on the basis of different definitions and varying interpretations of those definitions, beliefs about those most vulnerable can be biased. Therefore, because of the truth of the first hypothesis, the results of the subsequent two hypotheses cannot be proven.

*3. Labor trafficking is the most prevalent form of trafficking in South Carolina because of the large agricultural economy within the state.*

Although this assertion is often made by law enforcement and other government officials, the South Carolina case study does not provide sufficient evidence to confirm it. I cannot actually say with certainty what form of trafficking is most prevalent due to the disparity between evidence and assumption of law enforcement. Most of the cases in South Carolina that I have studied reveal evidence of sex trafficking. This begs the question of why the assertions by law enforcement and government officials are not supported by evidence. I am left wondering if crimes against women that involve sex are seen as more severe and are therefore more often reported or more readily investigated. Do South Carolina law enforcement and investigators see sex trafficking as a crime that can more easily be identified and convicted than labor trafficking? Is sex trafficking perceived as a more significant crime? Are law enforcement officers, investigators, and others prioritizing victims as Munro (2008) suggests is often done by people working in these areas? This is also a case where Kempadoo's work is especially valuable. An underlying belief in women as victims

and a corresponding reluctance to view men as such may be in effect.

Throughout this project, I encountered some difficulties in gaining participants for particular elements of the research. I would have liked to have had access to a wider range of participants, including current and former state legislators. Many of those I contacted turned down my request for interviews because they felt that they lacked knowledge of the subject. Law enforcement officers, legislators, and some non-profit volunteers declined interviews for this reason. I suggest that activists and scholars make efforts to raise awareness, especially among policymakers. The more informed our legislators are, the more willing they will be to confront this issue with time, legislation, and resources.

An important element of this project is that I chose to specifically research South Carolina. I would like to stress the importance of scholars studying in areas that they know and places where their work can ultimately make a difference. Because I understand the culture, language, and politics of South Carolina, I can be a more effective voice on this issue within the state. I encourage other scholars and activists to work close to home.

A final point that I would like to make clear is the extent to which damaging language is used in reference to those affected by human trafficking in to the United States. Given that many of the cases of trafficking within South Carolina have involved immigrants, discussion of the larger topic of immigration has arisen throughout my study. I have often been appalled by the language used to refer to undocumented people. Interviewees and others have frequently used epithets such as “illegal,” “alien,” and other similar words to refer to those subject to trafficking crimes. I am outraged by the use of these damaging and dehumanizing words to refer to human beings. The affect of such terms on efforts to combat human trafficking needs to be further studied and discussed.

### **Policy and Law Enforcement Recommendations**

My research on human trafficking in South Carolina has led to some suggestions that I would like to pose to policymakers, law enforcement officers, and non-governmental organizations within the state. First, to policymakers, I would like to encourage a more

comprehensive piece of legislation to better define and respond to human trafficking in South Carolina. The legislation first presented by Senator Ceips in 2004 was much more comprehensive than what was actually passed by the General Assembly in 2006. This comprehensive legislation should involve a better definition of crimes and additional penalties to those convicted. The current legislation's definition is vague and could be changed to better encompass the types of crimes facing South Carolina. In addition, the current legislation does not have a financial penalty of any sort. This crime is often committed for financial gain and penalties that do not include an adverse financial effect are not fully responding to the issue. I would suggest penalties that include property forfeiture and significant fines. These monetary penalties could also be used to fund investigations, aftercare programs, and restitution to those affected by this crime. This can be incorporated with more victim-focused legislation that incorporates comprehensive aftercare, counseling, and other services to those affected by human trafficking.

I also urge policymakers to promote and support coalitions like ECCAHT. Their model of cooperation and coalition-building is unparalleled in the state and should be modeled in other areas with the goal of forming a comprehensive statewide coalition. Policymakers could encourage this form of activism and further support nongovernmental efforts to confront and eradicate human trafficking. In addition to the need for a stronger statewide coalition, I would also promote more comprehensive training about the crime and expected responses to human trafficking for law enforcement officers. The Myrtle Beach Police Department uses in-house training to teach officers about human trafficking, but this does not appear to be as common a practice in other departments. All law enforcement officers should receive training about human trafficking within their first year of duty. Officers need to understand the crime, indicators of the crime, and its multiple manifestations within the state. I think it is especially important that officers working in rural areas be trained to specifically address the issue of labor trafficking.

Next, the individual police department protocols for responding to and requesting assistance for trafficking crimes differ greatly across the state. Jeffrey Cooper of Immigration and Customs Enforcement

agreed that this practice should be reevaluated. I suggest the creation of a common protocol for dealing with human trafficking crimes in South Carolina. The disparate ways of responding to this crime only contribute to the confusion about the crime and the many ways that it is interpreted and understood within South Carolina.

The Eastern Carolina Coalition Against Human Trafficking (ECCAHT) is a model organization that has achieved great successes in uniting many efforts to confront human trafficking in South Carolina. The model established by ECCAHT is one commended by law enforcement officers and immigration officials as being an example for how to organize to combat human trafficking. In addition to this model, I would further suggest to nongovernmental actors to find ways to reach out to the more vulnerable populations in the state. Outreach and awareness efforts have been discussed and undertaken on many levels for the general public as well as specialized workers that could potentially deal with this crime, but fewer efforts have been established to incorporate vulnerable populations. These efforts should encourage relationships with the nongovernmental groups that could work to build trust and provide outlets for those that could be involved in potential trafficking situations.

I further suggest a meeting with those working to combat human trafficking in order to address the problematic nature of the language and disparity of interpretation. I advocate limiting the use of the term “victim” and encourage taking a gender neutral perspective on those who are vulnerable to human trafficking in the state. I would also suggest working to create unified understandings of definitions and interpretations of legislation. This meeting would also serve multiple purposes including facilitating relationships between these people, creating a space of open dialogue about some of the problems and suggestions discussed here, and forming a united front to combat human trafficking in South Carolina.

### **Additional Research Recommendations**

Throughout the process of compiling and analyzing research, I have found several areas for further study on the issue of human trafficking in South Carolina. First of all, one element of this research that I had hoped to pursue was a discussion with legislators and leaders

in South Carolina about the politics behind the current state legislation that defines and outlaws human trafficking. I'm curious about why it was so drastically changed through its various iterations and what political motivations were behind the edits. The archives are also silent on who the motivating voices were for change on the proposed legislation. There seem to be entrenched interests within the General Assembly motivating individuals to weaken anti-trafficking legislation. Who are the legislators that opposed the stronger bill? Why did they oppose it? I would like to know why legislators might oppose anti-trafficking laws so that activists can be better prepared to overcome their resistance.

It would also be helpful to know how South Carolina compares with other states in the region or in the country in its response to human trafficking. The research compiled in this study is the first of its kind in South Carolina. Additional research should be completed to comprehensively study these same issues within other states to facilitate comparative analysis. Future work should analyze the various responses to this crime in order to develop a more effective plan to combat human trafficking. Such broad comparative study relies, of course, on work done on the local level. I would like to reiterate the importance of working within one's sphere of influence to study and create change on this issue. It is crucial for scholars and activists to work together within an area that they know and understand in order to effectively establish an effort to combat human trafficking on the local level.

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