

# **Underlying Motives, Moral Agendas and Unlikely Partnerships: The Formulation of the U.S. Trafficking in Victims Protection Act through the Data and Voices of Key Policy Players**

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***Abstract:** In response to the overwhelming amount of attention to human trafficking, the debates surrounding its definition, and its focus on the sex industry, the purpose of this study was to understand the motivations behind the formation of the Trafficking in Victims Protection Act (TVPA). Using the Advocacy Coalition Framework (ACF) as a model, data was collected and analyzed in order to examine the coalition identities of key players and their positions. Through the presentation of in-depth interview data with key policy players involved in the making of the TVPA, this article illustrates how and why the TVPA was formulated, the implications of its development, and the necessity for critical analysis of its effects. The use of alternative frameworks of labor and migration for understanding trafficking is proposed. Further consideration is given to legislative changes to eliminate anti-prostitution ideology and to support anti-oppressive approaches to addressing forced or deceptive working conditions.*

***Keywords:** TVPA, sex trafficking, legislation, prostitution, ACF*

## **INTRODUCTION**

### **Attention to Human Trafficking**

While human trafficking is not a new phenomenon, the issue has received an enormous amount of attention over the last 15 years. An eruption of conferences, debates, protocols, media coverage, and the development of various forms of legislation have taken place on a worldwide scale, aimed at the eradication of human trafficking. Reports of severe human trafficking offenses surfaced in the U.S. during the mid to late 1990s. Beginning in 1995, policy makers and other stakeholders started paying attention to human trafficking as an issue of U.S. governmental concern.

During this time, various factors brought attention to trafficking. These include: the rise of the women's human rights movement; the increased international labor migration in response to globalization; shifting economies and political systems resulting in the feminization of poverty and subsequent migration; and the growing recognition of organized crime in the underground movement of people (Chuang, 2010). Economic explanations for the migration and trafficking of women are often conceptualized in terms of push factors (limited opportunities in countries of the global south) and pull factors (developed countries' demand for cheap migrant labor) (Sassen, 2002). Others have associated the recent surge in attention to trafficking as being linked to the moral panic over women's sexuality and autonomy (Doezema, 1998), undocumented migration, (Capous-Desyllas, 2007; Pattanaick, 2002), racism, and xenophobia (Saunders &

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Soderlund, 2003). Trafficking is a phenomenon that seems unable to escape its historical association with prostitution, morality and migration control.

The first piece of legislation considered to address human trafficking issues comprehensively was the United States' Trafficking Victims Protection Act of 2000 (TVPA), which was passed under the Clinton administration. Other governments were encouraged by the U.S. to adopt similar legislation. Although a number of heated debates ensued during the making of the TVPA, it passed relatively quickly by national coalitions of unlikely partnerships

### **Debates in Definitions of Trafficking**

The term "trafficking" has been used interchangeably with diverse concepts such as illegal immigration, modern slavery, prostitution, and the sexual exploitation of women. Trafficking definitions fail to distinguish clearly between trafficking and voluntary consensual migration, often combining women's migratory movement with trafficking (Kapur, 2005). Definitions of trafficking are highly contested among scholars, NGOs, feminists, and governments, thus posing challenges in conducting research studies, reporting statistics and making generalizations. Debates over the definitions of (sex) trafficking are grounded in the "feminist sex wars" between abolitionist (radical) feminists and labor-rights (sex-radical and third wave, transnational) feminists.

### **Feminist Debates Shape Understanding of Trafficking**

The abolitionist approach to trafficking asserts that prostitution is a violation of human rights, analogous to (sexual) slavery (Bindman & Doezema, 1997) and "an extreme expression of sexual violence" (Outshoorn, 2005, p. 145). The beliefs and assumptions are that no person can truly consent to prostitution, no woman would choose to prostitute herself by free will, and a woman who engages in prostitution is a victim who requires help to escape sexual slavery (Outshoorn, 2005). This point of view applied to trafficking always involves a victim of force, coercion and/or deception. Outshoorn (2005) asserts that from this lens "...trafficking of migrant women is always seen as against their will; they are by definition victims of trafficking. According to abolitionists, trafficking is caused by prostitution; making the best way to fight trafficking, the abolition of prostitution" (p. 146).

The other major trafficking discourse is the sex worker's rights approach, which views prostitution as a viable option and a choice that women make in order to survive. From this perspective, sex work should be respected, not stigmatized (Outshoorn, 2005; Chapkis, 1997). The pro-rights or sex radical perspective is supported by the beliefs that women have the "right to sexual determination," the right to work in safe labor conditions, and the right to migrate for sex work wherever they choose (Outshoorn, 2005, p. 145). For this group, "it is not the work, as such, that violates women's human rights, but the conditions of deceit, violence, debt-bondage, blackmail, deprivation of freedom of movement, etc. be it in prostitution, in domestic labor, or in the commercial marriage market" (Wijers & Van Doorninck, 2005, p. 2). Some assert that women who are in these violating conditions "can be victims of trafficking, but not all women sex workers

crossing borders are victims of forced prostitution” (Outshoorn, 2005, p. 147). However, most labor rights feminists reject the term ‘victim’ because it does not take into account those migrants who leave their homes for a better economic future.

Labor rights feminists aim to distinguish prostitution from trafficking, and point out that males are also being trafficked for sexual purposes (not only females) and women are being trafficked for other types of labor (such as domestic labor or caretaking), not just for the sex industry. Some activists, such as Obando (2003), highlight that numerous migrants who identify as transsexual or transgender are also entering the sex industry. Sex workers’ rights groups advocate for the differentiation between voluntary migration and (sex) trafficking, in order to advocate for labor rights for those who are voluntarily working in the (sex) industry. While this position works for protecting sex workers and other marginalized individuals, Agustin (2005) points out that migrants, when in countries illegally, do not even have rights that other citizens have.

### **U.S. Definition of Trafficking**

The media, the general public, and policy makers distinguish human trafficking as being the illegal transportation, exploitation, and sexual enslavement of adults and children through the use of manipulation of force for the purposes of profit. The common association of trafficking is one of foreign-born females being sold into prostitution against their will. However, “this focus on sex and sexuality distorts the image of both trafficking and sex work” (Ditmore, 2003, p. 2). There is a disproportionate amount of attention to sex trafficking and not enough attention to trafficking into other industries, such as sweatshops, construction, agriculture, and domestic labor. A more encompassing and less biased view of trafficking in persons should refer to men, women, transgender individuals and children, while addressing both cross-border trafficking for migration and labor in diverse industries. The controversies in defining trafficking illustrate the lack of a global consensus with regards to “the extent of trafficking, sexual or otherwise, its definition, its remedies and even its existence,” with prostitution remaining at the center of the debate (Saunders, 2005, p. 346).

### **Development of Current U.S. Trafficking Policy**

As disturbing stories of the trafficking of women and children emerged in the U.S., the problem of trafficking was addressed as a priority issue by the Clinton Administration and the 106<sup>th</sup> Congress. The Clinton Administration set up the interagency International Crime Control Strategy Group, to address the international crime implications of trafficking. On March 11, 1998, President Clinton issued a directive establishing a three-pronged, U.S. government-wide anti-trafficking strategy consisting of prevention, protection and support for victims, and the prosecution of traffickers. This strategy had both domestic and international policy components (Miko & Park, 2002). In addition, a Workers’ Exploitation Task Force, which was chaired by the Department of Justice’s Civil Rights Division and the Solicitor’s Office in the Department of Labor, was responsible for investigating and prosecuting cases of exploitation and trafficking.

The 106th Congress undertook several legislative initiatives on human trafficking. The various bills that were introduced focused on prevention, protection, and prosecution, corresponding with the Clinton framework. However, some of the congressional initiatives went beyond Clinton's recommendations, notably, in calling for sanctions against other countries' governments that tolerated trafficking (Miko & Park, 2002). Since its inception, the TVPA has generated controversy and critique. The development of this policy entailed more than just protecting victims; certain ideologies and agendas have been promoted and continue to permeate the way that the policy is being implemented and understood, as will be discussed below.

### **Purpose of this Research**

Through the presentation of quotes from in-depth interview data with key policy players involved in the making of the TVPA, this article provides an insider's view of competing motivations from various coalitions involved in the formulation of U.S. trafficking policy. This article also illustrates the necessity for a critical analysis of the legislation's effects. The purpose of this study is to identify specific coalitions and to examine coalition identities of key policy players involved in the making of the TVPA, in order to gain a better understanding of the competing motivations behind the making of the legislation.

## **METHODOLOGY**

### **Framework and Approach**

The Advocacy Coalition Framework (ACF) was the model used to guide this study. The ACF allows one to think of agency officials, academic researchers, and journalists as potential members of advocacy coalitions that engage in "some nontrivial degree of coordinated activity in pursuit of their common policy objectives" (Sabatier & Jenkins-Smith, 1999, p. 127). In the ACF, policy change or policy development is analyzed within a policy subsystem, which includes groups of people or organizations who interact "regularly ... to influence policy formulation and implementation within a given policy area/domain" (Sabatier & Jenkins-Smith, 1999, p. 135). The foundation for the ACF is grounded in the perspective that those involved directly with the policy-making have well-integrated policy belief systems and that policy players within a particular policy subsystem will group into distinct advocacy coalitions based on these belief systems. Determining the existence of advocacy coalitions and defining these advocacy coalitions gives insight into their motivations and their members. It is through an understanding of the motivations of advocacy coalitions and their members that we can critically assess the implementation and implications of the TVPA.

### **Identification of Key Policy Players**

This study focused on the human trafficking policy subsystem in order to gain insight into the formation of U.S. human trafficking legislation. Identifying subsystem participants can be accomplished in several ways. One way is to "rely on the records of participation in arenas in which subsystem members (or their representatives) regularly

participate” (Sabatier & Jenkins-Smith, 1993, p. 241). The most useful source of records that Sabatier and Jenkins-Smith (1993) have found consists of public hearings conducted over time on a specific policy issue. To gather the sample that was used for this study, public officials testifying in human trafficking related hearings during 1995-2000 were identified through a search of congressional hearings related to human trafficking. The 1995-2000 time period was chosen because human trafficking was first mentioned as an issue of concern by the U.S. government in 1995 at the Beijing Conference on Women. The TVPA legislation was passed in 2000.

A search of the LexisNexis™ Congressional database using the key words “human trafficking”, “trafficking victim\*”, and “trafficking victim\* protection act” and searching between the years 1995-2000 produced four hearings related to human trafficking. A total of thirty-five testimonies, speakers, and statements were included. Twenty-seven prospective respondents were identified through the congressional hearings. These prospective respondents were then invited to participate in an interview.

### **Participants**

Twenty-one in-depth interviews were conducted with key policy players. Twelve interviews were conducted with individuals testifying in hearings related to human trafficking during the 1995-2000 time period, who were identified through records of congressional testimonies, as noted above. Nine other individuals, who were key stakeholders but did not publicly testify, were also interviewed. These individuals were identified through a snowball technique, in which other informants mentioned them as being critical players within the human trafficking policy subsystem and essential to the TVPA’s development.

Nine of the 21 interviews were conducted in-person. The remaining 12 interviews were conducted via telephone. Some of the interviews occurred over several telephone conversations, with one occurring over three separate telephone conversations. The average length of interviews was 1.5 hours. With the exception of two interviews, which lasted approximately 35-40 minutes, the interviews ranged from over one hour to 4.5 hours.

The informants were representative of those involved in the human trafficking policy subsystem and included a range of governmental officials, key congressional staffers, human rights organization representatives, feminist organization representatives, other NGO representatives, Christian organization members, members of research institutes, and academics. Nine informants were government officials consisting of elected and appointed officials, congressional staffers, and others working within the federal government; nine informants were NGO officials; two informants were independent academic researchers; one informant was a journalist.

### **Data Collection**

Each informant was asked a set of interview questions related to their policy positions on human trafficking and on the events that occurred during the making of the TVPA. The interviews were recorded and later transcribed; notes were also taken during

the interviews. The interview questions were designed to find out more about the informants' involvement in human trafficking as a legislative issue and also to explore the forces and factors which led to the making of the TVPA.

In order to limit interviewer effects and biases, standardized open-ended interview questions were used. The protocol included three sets of questions. The first set of eight questions was related to human trafficking as an issue in general, the second set of six questions was related to beliefs regarding trafficking legislation, and the third set of seven questions was related to the making of the TVPA specifically. One additional question, "Is there anything else on this issue I should be asking about?" was also included in the protocol.

### **Data Analysis**

The data were categorized and organized by key topics and themes using Atlas ti software. By categorizing and comparing topics and themes, larger themes emerged that advanced the understanding of the human trafficking policy subsystem and the impetus for the legislation. In order to aid in categorizing the key topics and themes, a coding sheet was developed and used to guide the coding of the data. This was also used to group each player into a specific coalition (the coalitions emerged during the data analysis). The coding sheet included ten illustrative components that make up one's policy core beliefs, according to the ACF (Sabatier, 1998). Also included on the coding sheet was a description of each illustrative component as it relates to the human trafficking policy subsystem. Each informant's policy core beliefs were coded in order to place each informant into a coalition. The ACF assumes that policy core beliefs are the principle "glue" that holds coalitions together (Sabatier, 1998).

## **FINDINGS**

Data from this study reveals that there were three distinct coalitions made up of several sub-groups who coordinated efforts during the making of the TVPA. The coalitions are briefly described below, and a detailed discussion regarding each of the coalitions follows:

- 1) **Liberal Feminist Coalition** was made up of some governmental officials, academics, and some human rights organizations. This coalition was interested in passing trafficking legislation, but was primarily concerned about protecting the rights of women and the rights of sex workers to be able to choose sex work as an occupation.
- 2) **Pragmatic Coalition** was made up of government officials and representatives from non-profit organizations, whose primary concern was creating legislation that would provide usable services to victims of trafficking. These services included protection for victims of trafficking (to ensure that victims of sex trafficking, as well as victims of labor trafficking, received services), and effective prosecution of traffickers.

- 3) **Left/Right Coalition** was made up of conservative Christians, Republicans, Democrats, radical feminist organizations, human rights groups, academics, and others. This was the coalition that was responsible for the legislation's passage, and whose primary mission was to equate human trafficking with prostitution. The core members of this coalition were most interested in restricting prostitution. They were (and still are) interested in abolishing legalized prostitution on a global scale.

### **Liberal Feminist Coalition**

This small coalition was visible in the trafficking scene during the mid to late 1990s. The *liberal feminist coalition* included several (transnational, third wave, liberal, and postmodern) feminist academics, organizations, human rights groups, and government players, including the President's Interagency Council on Women. This coalition made a clear delineation between prostitution and human trafficking. One of their main concerns was protecting the rights of women who choose sex work. The impetus for the development of this coalition included Hillary Clinton's interest in trafficking as a social issue and the development of the *President's Interagency Council on Women*, which took on human trafficking as an issue of their concern.

#### ***“A very ideological perspective . . .”***

Several academics and feminist organizations became involved in this coalition and had great influence on the coalition's ideologies. One informant (who was not involved in this coalition) felt that the *President's Interagency Council on Women's* position on trafficking as an issue was shaped by liberal academic feminists and others who shared similar ideological perspectives on sex work. This perspective maintained that sex work was quite different from trafficking and that sex workers should not be viewed as victims of human trafficking. This informant, when asked about the formation of the trafficking definition during the making of the legislation, explained,

*I'll be very honest because I don't have any reason not to be. In my view [the President's Interagency Council on Women] got set up and early on, its thinking was shaped by [liberal academic feminists] and people like that who had a very ideological perspective and they put their stamp on the early workings of that and groups like ours which were too small and too far away to be dealing with that policy level on-going thing. We got pulled into this [other] coalition and we ended up playing a useful role. We weren't in the Washington scene. When trafficking first hit the Washington scene these people really helped shape the policies that were coming out of the State Department and I don't think there was any serious understanding inside of the State Department. I know that's a horrible thing to say ...they were government people who cared a lot, but they didn't really understand the debate, and somebody like [a feminist academic] is just running circles around them. She knows where she wants to go, and she really put a stamp on it and you could feel their influence on all of the State Department's documents...by the time we got in...their idea of the definition of trafficking had already been solidified and we had to undo or try to undo some of*

*the thinking that we felt was problematic. The definition had been thrown at them, and there wasn't a real debate, because we weren't there...nobody was really there. That was a little unfortunate, I think.*

***“[The abolitionists] are twisting where we are coming from on this bill . . .”***

According to respondents, the *liberal feminist coalition* members were almost dragged into the human trafficking legislation debate and forced to form a coalition in response to the *left/right coalition's* sudden interest in human trafficking. The *liberal feminist coalition* was concerned that the *left/right coalition* was going to “steal” the human rights issue of human trafficking to use it as a means to abolish legalized prostitution.

Some informants saw human trafficking as a human rights issue, thus “belonging” to liberals and Democrats, not to the conservative Christians and Republicans who made up part of the *left/right coalition*. A member of the *liberal feminist coalition*, when asked about disagreements during the making of the TVPA, mentioned,

*We sat down and we said we've got to get a response because they [the abolitionists] are twisting where we are coming from on this bill...it became forced prostitution very quickly and the kind of conservative, conservative, conservative, portion of the Republican party was beginning to increasingly dominate mainstream human rights issues that the liberals, Democrats, and moderates had generally stewarded...and it was like, “Oh my God, they are going to take this issue,” and that's what actually happened. I mean, they won. They won. The worst, in many ways, has been the trafficking bill in terms of ideological impact.*

***“It was that or nothing . . .”***

The *liberal feminist coalition* did have some influence on the final outcome of the TVPA, although the *left/right coalition* had substantially greater influence over the legislation. Within the TVPA, there is a two-tiered definition of trafficking. This includes sex trafficking and severe forms of trafficking in which force, fraud, or coercion must have been used.

According to some respondents, the two-tiered definition of trafficking was suggested by a member of the *left/right coalition* to appease the *liberal feminist coalition* members. A member from the *left/right coalition*, when asked about her organization's stance on the two-tiered definition of trafficking mentioned, “some of the groups in our coalition did not want the [two tiered definition of trafficking] compromise, but it was clear to me that it was that or nothing. It wasn't like we could get what everybody else wanted.” Members of the *liberal feminist coalition* noted that they had ultimately “lost”, especially after the TVPA legislation was passed and Bush II came into office and supported the abolitionist agenda.

### **Pragmatic Coalition**

Based on our findings, a second coalition in existence during the making of the TVPA legislation was a *pragmatic coalition*, made up of several government players and NGOs. This coalition was loose and focused on particular pieces of the legislation that they felt were important, such as protecting victims of labor trafficking and severe labor exploitation. These players weren't so interested in participating in the ideological debate surrounding prostitution versus sex trafficking. Their focus was to see a "good" piece of legislation passed in order to help victims of trafficking, which is why we label them as the *pragmatic coalition*. According to informants, those involved in this coalition were frustrated with both the *liberal feminist coalition* members and *left/right coalition* members for "hijacking" human trafficking in order to push their own ideological perspectives on prostitution.

***"No one ever cared about them when they were Black or Latin..."***

One informant, a former congressional staffer who helped to draft early human trafficking legislation in the U.S., described the context for U.S. human trafficking legislation development when asked about it:

*It was a perfect storm. You had the Clintons; you had Hillary Clinton. You had people that despised them. You had this New York Times article describing white women in slavery. No one ever cared about them when they were Blacks and Latin. And the Evangelical movement was peaking. It was the perfect storm of sex, politics, the taking over of the international human rights agenda...It was all of these factors and it was unbelievable. Unbelievable! I remember not sleeping well for a year. It was rough. It was really rough.*

***"You have to try to do something good for real victims . . ."***

Another informant, who was part of this coalition and had experience working with trafficking victims, illustrated the coalition's basic stance when asked about debates during the making of the legislation:

*I don't buy that thing that the 'sex worker types' push; that every woman has the capacity [to make her own choices] and doesn't need to be protected. I also don't buy the things that the abolitionists or 'Rad Fems' say about [prostitution] being all rape and all trafficking, because I know enough trafficking victims, so that pisses me off on their behalf...what [our part of] the law tries to do is steer this middle ground where you have to try to do something good for real victims.*

***"I cannot, in good conscious, equate [prostitution] with slavery . . ."***

An informant, who was part of this coalition, demonstrated her frustration with both of the other coalitions when asked about the human trafficking definition debate. This individual noted, "I despise prostitution, I don't support it as a right to work issue. I think it's inherently harmful, but I cannot, in good conscious, equate it with slavery. I can't. It doesn't have the same coercive quality. Not when somebody can ultimately walk away. And in slavery, by definition, you cannot."

***“I don’t see trafficking as a black and white issue; it’s all shades of gray”***

A third member of this coalition seemed to agree with the other informants from the *pragmatic coalition* when asked about the human trafficking definition debate, saying,

*I don’t see trafficking as being a black and white issue, it’s all shades of grey . . . I’ve met very few classic, sort of like, the Lifetime [Network] kinds of women, who are trafficked, who are obviously deceived, who are obviously sold, who are obviously raped, and kept locked up. Most of the women I meet who have been trafficked or who are in prostitution may have been deceived to some degree or another, but they may know that they were going to be working in prostitution. But they feel so desperately in need of helping their families that they will do anything. So, I see it in many, many, many, many different shades, not just the ones that people would like to so clearly define; as being trafficked victims or victims, period.*

***“They wanted to make all prostitution an anti-slavery movement . . .”***

One member of the *pragmatic coalition* revealed her frustration with the ideologies that dominated the left/right coalition noting,

*The neo-abolitionist movement—they wanted to make all prostitution an anti-slavery movement. This is an interesting thing because this is hardcore...if you look at the 70’s movement, bra-burning exercises, the most extreme ideologies were in the anti-prostitution camp. So what you got was a group that would write you off if you said forced prostitution. Because all prostitution isn’t forced. [Name withheld] is still carrying a torch on how all prostitution is forced...the movement was extremely oriented to all prostitution is illegal. It is really hard to sell [this idea] to the mainstream. There was a lot of squabbling during the legislative crafting phase. Was it going to be prostitution or was it going to be labor and prostitution...squabbling over how much you were going to come against prostitution as slavery...This is where the crack in the wall started...some people just wanted it to be about sex trafficking and my view was that, listen you know, you’ve got to have a balanced reflection of what modern day slavery looks like. You are over simplifying things and misrepresenting sex slavery and severe forms of the definition.*

***“Punishing the victim all over again...”***

An informant, who worked for an international NGO which assisted trafficking victims in South East Asia, strongly opposed the abolitionist movement. When asked about different perspectives that were represented during the making of the legislation she noted,

*I think that [the abolitionist movement] diverts us from being able to carry on a deeper conversation about sexuality, sexual attitudes, about the demand side of economic depravity, and economic injustice in this world. We would have a lot fewer prostitutes if we had economic justice in this world. It’s like were*

*punishing the victim all over again by being so terse in our abolitionist attitudes. It's very elitist.*

**“Money that is being taken away from helping victims...”**

An informant who was an official for the Department of Defense discussed the academic research (supported by federal grants) that was used to bolster the abolitionist position in the early days of human trafficking legislation development.

*You know, the State Department has steered millions of dollars of very questionable contracts to this group of people [neo-abolitionists]...everybody kept on saying, ‘well you don’t actually have research that shows that every prostitute is a slavery victim’ and so they then gave the very people, who were pushing that position, grants to write research papers that they could cite. So all of the research papers that they cite are by [the academics pushing the neo-abolitionist agenda]. It is disingenuous science is what it is...every dollar that gets spent on a bullshit grant to put up a crony, is money that is being taken away from helping victims...they ain’t done shit as far as we can tell.*

The *pragmatic coalition* had some impact on the legislation’s final outcome, such as the inclusion of protecting labor trafficking victims in the legislation. However, the *pragmatic coalition* has since lost control of the trafficking issue to the *left/right coalition*.

### **Left/Right Coalition**

The *left/right coalition* was the most powerful and vital force in the passage of the TVPA, and is where the hidden motivations and unlikely partnerships in the TVPA legislation most prominently exist. According to informants, this coalition still exists today, but does not include the same members; many have drifted from the original coalition while the hard-line members of the coalition continue to push the abolitionist agenda. The abolitionist agenda, which appears to be such a vital concern for this coalition, was not quite clear to some of its former members during the making of the legislation. This is the reason that we consider the motivations of the *left/right coalition* to be somewhat hidden. The players inside of this coalition are considered to be unlikely partners because the coalition is made up of both Republicans and Democrats, as well as conservative Christians and radical feminists, players that usually find themselves on the opposite sides of other social issues, such as abortion.

The primary players in this strong *left/right coalition* during the making of the TVPA legislation were faith-based NGOs, radical feminist activists, radical feminist academics, elected officials (and their Congressional staffers) both Democratic and Republican, some human rights groups, some NGOs working “on the ground” with trafficking victims, and some think tank representatives. This coalition’s origin is credited to Michael Horowitz of the Hudson Institute, who initially built a strong *left/right coalition* to pass the International Religious Freedom Act of 1998 (H.R. 2431).

Based on the interview data, the larger goal of the *left/right coalition* was to get human trafficking legislation passed in order to: (1) protect victims of trafficking; (2)

prosecute victims of trafficking; and (3) prevent trafficking into the United States through various means (such as public information campaigns and educational programs for would-be victims before leaving their countries of origin).

It must be noted that according to informants, the members of this coalition did not all necessarily have the same goals or agendas, other than getting some form of trafficking prevention legislation passed. The debates and in-fighting within this coalition seem to have been, for the most part, ideological and were based around the prostitution versus human trafficking debate. In other words, the strongest members of the coalition (radical feminists) did not see a clear difference between sex work and human trafficking. The radical feminists also wanted to focus primarily on victims of sex trafficking in the legislation, largely ignoring victims of trafficking into other forms of labor.

***“Actively looking for a new issue to take on...”***

According to informants, the *left/right coalition* did not develop around the human trafficking issue in particular, but previously existed as the religious freedom coalition. The religious freedom coalition managed to get the International Religious Freedom Act of 1998 (H.R. 2431) and its amendment of 1999 (Public Law 106-55) passed. The Religious Freedom Act seeks to promote freedom of religion and conscience throughout the world as a fundamental right, assist religious and human rights NGOs in promoting religious freedom, and to identify and denounce regimes that prosecute their citizens or others based on religious beliefs.

The religious freedom coalition had so much success with the development of the Religious Freedom Act that they actively searched for new issues to take on as a coalition. After the religious freedom legislation passed, according to an informant, “it established an appetite for building hard left/hard right coalitions and to get things done.” The coalition specifically targeted human rights issues, which they perceived as being neglected by the left. A left/right coalition consisting of conservative Christians, liberal Jews, and human rights groups was put together as an experiment. Michael Horowitz was the coalition builder and was the driving force behind it.

One informant, when asked about her involvement in the making of the TVPA shared,

*What we saw was that once you put together the hard left and hard right, you can capture the soft middle. [Then] we looked at the universe of the worst religious persecution scenarios; we were looking for another human rights issue to take on after the passage of the Religious Freedom Act...something to transport the coalition over. We chose Sudan. It was a good left/right issue. It was good for the left because of the genocide, and organizing against war, and peace building. It was good for the right because of the religious persecution in the South and the fact that [the Southern Sudanese] were being enslaved...here we had all the elements that would capture the left and the right...It was the perfect issue and that's how we started out with the slavery issue...You could go across the country and hear pastors and rabbis talking about Sudan and ending the war against slavery...we thought, OK now is the time, we could do the trafficking*

*legislation. We had successfully introduced the slavery in Sudan issue. It was time to introduce the trafficking issue. It was 1998. We thought, we can do this, we can start this movement.*

Another informant, when asked about how she became involved in the making of the TVPA, mentioned that she remembered having conversations with other coalition members discussing what issue they might take on after the religious freedom legislation. This informant remembered asking, "What are the human rights issues that the left are not picking up on? Why are they not picking up on human trafficking?"

Some informants believed that the trafficking movement had not taken off because of the feminists. From the informant's perspective,

*The liberal and radical feminists had been cannibalizing each other over the prostitution issue. They were completely stymied over it. When coalitions go bad, they eat their own. These are highly ideological people; they just rip each other to shreds and won't stop at anything. As Conservatives, we can shame them into working with each other. When Conservatives started taking this issue, the feminists were shamed.*

***"What are the human rights issues that the left are not picking up on?"***

According to informants, the reason that conservative Christians initially became involved in human trafficking as an issue was because of their involvement in the religious freedom coalition and their involvement in the Sudan issue. The coalition, which had gained momentum, was actively looking for another issue of concern for conservative Christians to tackle. Human trafficking seemed like the perfect issue: the liberal feminists and Democrats were not paying attention to trafficking at that time, and they could put a conservative twist on the issue by equating prostitution with human trafficking.

Another informant who was part of the *left/right coalition* said,

*[Human trafficking] was picked up by this fledgling coalition of mainly conservatives and faith based organizations that had had a success in the recent past in passing a law on religious liberty. They weren't really looking for a new project, but this one hit them. [Name withheld] brought that to his coalition, and they had decided that they wanted to do something...*

One respondent described the lens through which they were seeing this, when she was asked how her organization got involved in the making of the TVPA.

*What are the human rights issues that the progressives and the left are not picking up on? Why isn't the progressive movement picking up on human trafficking and speaking out on it? It's the same reason the women's movement wasn't. They had decided that this issue was not in their best liberal interest to push on...and so this fledgling group picked it up... We were strategizing over the long term and we said, well, we don't have to bring them together as one happy coalition, in fact that will never work because they were too uneasy with one*

*another over these other [social] issues. The faith-based organizations didn't like the women's organizations because of the pro-abortion stuff. The women's organizations were absolutely adamant about all of this anti-abortion stuff. So we had to decide to set those two things aside and we decided the best way to do that was to have a loose coalition and one person would be the conduit for each one...the first draft [of the legislation] in 1998 changed over the next two years and there was a lot of compromising.*

***“We weren't ever having these discussions out loud...”***

The neo-abolitionist agenda was much more nuanced and subtle, so that the real issue of abolishing prostitution was just too volatile to be discussed openly. As mentioned previously, the abolitionist agenda was kept hidden by some members of the *left/right coalition*, even from other coalition members. In fact, one of our informants mentioned that the prostitution debate was under the surface. This informant also said, “We all knew what we were about [in favor of abolishing prostitution] but we weren't ever having these discussions out loud.” The neo-abolitionists were not openly discussing the goal of eradicating all forms of prostitution as part of the larger human trafficking debate, but rather, this collective goal was kept under the surface until the TVPA legislation was passed.

***“We've created a monster...”***

According to some informants, the relationships among many members of the *left/right coalition* seemed tenuous at best. As mentioned, some initial members of this coalition did not agree with the hard-line coalition members on the definition of trafficking and other points of debate during the making of the legislation.

Another informant revealed the tensions in the left/right coalition when asked about debates during the making of the TVPA, mentioning that

*There was a lot of slanderous stuff going on—some of the most hardball politics I've ever seen. People, the big guys...they will tell you the human trafficking movement is the meanest, most difficult movement as far as hurting their own. We have created a monster. Our humble little group has gotten a taste of getting something done and it has gotten mean. Majority Republican in both houses and Bush came in. People became little kings after Bush came in...then it gained momentum to the degree that it has.*

Informants explained that some members had since left the coalition and some had completely left working on human trafficking legislation. Others remained in the coalition, but with a very strained relationship with the hard-line coalition members. The following is what one informant said about this powerful coalition in action:

*I felt like it was a very impressive coalition and at the same time it was difficult. I think what made it work was there were buffer zones and we, in fact, were a buffer zone. I think that a lot of the groups that we worked with wanted to stay away from other wings of the coalition because they really do have such disagreements and we would share those [disagreements].*

***“Hijacked by this weird agenda...”***

Ultimately, it seemed that the hardliners pushing the abolitionist agenda alienated some members of this coalition. One informant, who was angry over the ideologies that existed in the coalition said,

*I was always interested in the domestic violence connection to prostitution, all prostitution. It marginalized the anti-slavery movement. We just passed the largest slavery bill [the TVPA], and for God’s sake, now that you have a momentum going, you want to “deep six” this thing by turning it into a weird agenda against prostitution, right when you have traction on this thing. It gets people geared up on this ideological thing. We have 144 new countries that adopted protocols. America allowed it to get hijacked by this weird agenda. It hurt a lot of the coalition building and served to marginalize...*

The unlikely partnerships that formed the *left/right coalition* served to push the passage of the TVPA legislation. However, many informants were in disagreement with the ways in which certain underlying agendas surfaced and led to an anti-prostitution crusade.

## DISCUSSION

The purpose of this research was to identify coalitions and examine coalition identities of policy players involved in the making of the TVPA, in order to gain a better understanding of the competing motivations behind the making of the legislation. What we found through our research was that there were more players who were interested in protecting ideologies and pushing an anti-prostitution agenda, than there were players who were interested in having strong legislation to protect actual victims of human trafficking. The underlying moral agenda to abolish prostitution and other conservative motives led to unlikely partnerships (between Republicans, conservative Christians and radical feminists), forming the *left/right coalition* whose voice had the greatest influence on the formation and passing of the TVPA.

It’s imperative that we acknowledge the ways in which the TVPA legislation was constructed and formed by a moral agenda, in order to understand why current efforts to address trafficking are futile and unproductive. Although the TVPA was the most comprehensive and far reaching legislation that was passed to combat human trafficking at the time, and despite the large amount of funding provided by the U.S. government that has been invested into the protection of trafficking victims, few trafficking victims have actually received protection under the TVPA, especially in consideration of the original (and unreliable) estimates of trafficking victims that were provided by the U.S. government. It has been more than ten years now since this legislation has been implemented and since its enactment, \$500 million dollars have been spent or allocated for anti-trafficking programs (McGaha & Evans, 2009), with little success. The data presented by the federal government during the making of the TVPA estimated that there were as many as 50,000 persons trafficked in the United States every year and 700,000 people per year trafficked globally (Footen, 2007; McGaha and Evans, 2008). However, later those numbers were revised to an estimate of between 18,000 to 20,000 people

trafficked in the U.S. annually, and then later revised once again to between 14,500 and 17,500 (Footen, 2007).

Recently some scholars and those in the media have blamed the lack of protection of victims, not on ineffective legislation or poor implementation of the TVPA, but on the lack of actual victims. Victims are not being helped because the victims don't exist, despite the high estimates of trafficking victims provided by the U.S. government and the task forces that exist in every state to find trafficking victims and root out perpetrators of trafficking crimes (we do acknowledge that victims may be hidden). According to Weitzer (2011), several myths surround human trafficking such as: trafficking is a "mammoth" problem, trafficking is a growing problem, and trafficking and prostitution are the same phenomenon. It has been suggested that the human trafficking problem in the U.S. has been over exaggerated by those on the far right (conservative Christians) and those on the far left (radical feminists) in order to push their own anti-prostitution/anti-sex worker agendas. The discourse on human trafficking and the anti-trafficking moral crusade is a vehicle used to push this agenda. We believe that this assertion can be supported by our interview data.

What seems most unfortunate about the TVPA is that it was passed in a fervor of outrage and hysteria by several strong coalitions with a highly ideological base and millions of dollars have been thrown into anti-trafficking efforts by the federal government with few results. As McGaha and Evans (2009, p. 3) note, "the problem lies within the context of how the need for the legislation was presented and the zealous response to the issue." In addition, anti-prostitution and anti-trafficking groups have officially partnered and collaborated with government agencies, while those who do not share the same ideological perspective have been excluded and denied funding (Weitzer & Ditmore, 2010). Under the Bush Administration, the morally-driven coalitions have infused their ideology, not only in formation of the policy, but in law enforcement, research agendas, scholarly articles, media reports, social service provisions, and agency practices. Millions of dollars are being authorized by the government for the creation of task forces, the criminalization of customers, and the surveillance of internet-based businesses, while the anti-prostitution pledge of the TVPA cracks down on prostitution and ignores the need for larger structural changes within our society.

## CONCLUSIONS

Trafficking, as a social issue, needs to be re-conceptualized and understood from a different framework so that we do not continue to oversimplify and sensationalize the same trafficking narrative that the *left/right coalition* utilizes to push their agenda. Legislation needs to be amended to eliminate anti-prostitution ideology and to support anti-oppressive approaches to addressing forced or deceptive working conditions. A more socially just perspective would (1) seek to understand and address socio-economic conditions that promote sex work with consideration for gender, race, ethnicity, and other embodied identities; (2) focus on all forms of un-free labor, as opposed to just focusing on the sex industry; (3) acknowledge the diverse experiences of sex workers in various aspects of the sex industry, without privileging specific narratives to support a moral agenda; (4) be mindful of the multi-layered experiences of migrants in the sex industry;

and (5) identify and implement concrete ways in which to provide comprehensive and meaningful services that enhance worker's health, safety, agency and control over their working conditions (Weitzer & Ditmore, 2010).

There is a need to acknowledge and address structural issues of inequality and oppression which lie at the root cause of social problems (such as trafficking). Alternative labor rights and migration frameworks need to be taken into account when understanding the trafficking phenomenon. Diverse perspectives and global voices need to be honored and incorporated when formulating and implementing policy related to human trafficking so that the trafficking discourse isn't dominated by governments and organizations of the global North.

Underlying motives, moral agendas & unlikely partnerships have worked in full force to silence individuals, communities, organizations and alternative ways of understanding and conceptualizing human trafficking. The U.S. trafficking discourse and the corresponding policy needs to be re-evaluated, de-constructed and re-focused to address global and local structural issues that lead to conditions of un-free labor. The trafficking phenomenon and its complexity much be situated in the broader context of labor migration in our globalized economy before we even begin to implement national and local ways to address the issue.

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