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OP-ED CONTRIBUTOR

The Justice Department, Blind to Slavery

By JOHN R. MILLER

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PRESIDENT BUSH has won support abroad and bipartisan praise at home for his efforts to combat human trafficking, the slavery of our time. But now that work is imperiled by his own Department of Justice.

At the United Nations in 2003, Mr. Bush denounced the sex trafficking of women and girls around the world. A little more than two years later, he signed into law a bill that included a broad array of measures to reduce the domestic demand for sex trafficking.

Sex slavery is not the only modern incarnation of this ancient institution — factory slavery, farm slavery and domestic servitude are still with us — but it is the largest category of slavery in the United States. People who have spoken with the president say that he wants the fight to end modern slavery to be one of his legacies as president.

From 2002 to 2006, I led the State Department's efforts to monitor and combat human trafficking. I felt my job was to nurture a 21st-century abolitionist movement with the United States at the lead. At times, my work was disparaged by some embassies and regional bureaus that didn't want their host countries to be criticized. I didn't win every battle, but the White House always made it clear that the president supported my work and thought it was important.

Imagine my surprise, then, when the Justice Department started a campaign against a new bill that would strengthen the government's anti-human trafficking efforts. In a 13-page letter last year, the department blasted almost every provision in the new bill that would reasonably expand American anti-slavery efforts.

Should the State Department's annual report on trafficking, which grades governments on how well they are combating modern slavery, consider whether governments put traffickers in jail? The Justice Department says no. Should the Homeland Security and Health and Human Services Departments streamline their efforts to help foreign trafficking victims get visas and care? No. Should the Homeland Security, Health and Human Services, State and Justice Departments pool their data on human trafficking to help devise strategies to prevent it? Amazingly, no.

In its letter, the Justice Department even opposes authorizing the president to create new awards for the international groups that are leading the struggle for abolition. It also doesn't want the State Department to be required to give the names of American anti-trafficking phone lines to visa applicants at American consulates overseas. It doesn't want a citizen task force to help develop an information pamphlet for victims.

Some objections like these are, regrettably, to be expected in a Washington turf battle. But the Justice

Department is consistent — it opposes changes to expand its own efforts to combat human trafficking, too.

Should the department prosecute the American sex tourists who create demand for adult human-trafficking victims in foreign countries? No. Should Congress make clear that there should be increased penalties for Americans who sexually abuse children abroad? No way. Should we give our courts jurisdiction over Americans who traffic human beings abroad? Certainly not. Should the attorney general include information in his annual report on his department's efforts to enforce anti-trafficking laws against federal contractors and employees? No. Too "burdensome," says the Justice Department.

The department strongly objects to a provision that would make it easier to prosecute pimps, the chief slaveholders in the United States. The Justice Department opposes taking away from pimps the defense that they did not know a child's age. And it opposes easing the requirement to prove force, fraud or coercion in order to prosecute a pimp for human trafficking.

How did President Bush's Justice Department come to these positions? In conversations, department employees emphasize the threats of diversion of federal resources and intrusion on state and local rights.

But it is hard to believe these are the reasons. After all, the Justice Department knows that it will prosecute only the biggest pimps just as it goes after only the biggest drug dealers. It knows that pimping has long been recognized as an interstate activity with a federal role. And the Justice Department knows that the states have had very limited success when trying to convict traffickers.

A culture clash, I suspect, is the real reason for the Justice Department's opposition. This isn't the usual culture clash of right and left, religious and secular. In this case, the feminist, religious and secular groups that help sex-trafficking survivors are on one side. And on the other are the department's lawyers (most of them male), the Erotic Service Providers Union and the American Civil Liberties Union — this side believes that vast numbers of women engage in prostitution as a "profession," by choice.

As one Justice Department lawyer put it at a meeting I attended, there is "hard pimping and soft pimping." The department's letter hints at this view. Adult prostitutes who are transported across state lines, in violation of the Mann Act, should not receive grants under the Victims of Crime Act of 1984 because they "do not meet the legal definition of 'victim,'" the letter states.

Both sides agree there is a small group of expensive call girls — the kind paraded in recent political scandals — who may choose to engage in prostitution. But that's where agreement ends. Those who work with trafficking victims and those who have interviewed survivors believe that most prostitutes are poor, young, abused, harassed, raped, beaten and under the control of pimps against their will.

Put me on the side of those who have worked with the victims. I have talked with survivors all over the world, including the United States, and I share the view that these women and girls — the average age of entry into prostitution is 14 — are not participating in the "oldest profession" but in the oldest form of abuse. They are slaves.

It is hard to believe that the Justice Department's perspective reflects the man at the top of the Bush administration. Yet the unusual anti-slavery coalition that President Bush helped to forge now finds itself battling the president's own Justice Department.

The department lost the battle in the House, which passed the new anti-human trafficking bill almost unanimously, by a vote of 405 to 2. Unfortunately, the department seems to have more influence with the Senate, where the bill is stalled in the Judiciary Committee. And Senator Joseph R. Biden, Democrat of Delaware, has introduced a bill that largely complies with the department's views.

The president may never have seen the Justice Department's letter. But Representatives Carolyn Maloney, Democrat of New York, and Deborah Pryce, Republican of Ohio, two of the leaders of the Congressional Caucus on Human Trafficking, have been unable to arrange a meeting with the president to express their concerns to him.

President Bush should meet with them — and his own Justice Department — before he loses his legacy and his leadership on the abolition of modern slavery.

John R. Miller, a public policy scholar at the Woodrow Wilson Center and a senior fellow of the Discovery Institute, is the former State Department ambassador at large on modern slavery.

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