

Course: 5297 Human Trafficking Law – Fall 2014 TH 4:00 – 6:00 p.m.
Instructor: Edward F. Gallagher

CONTENT: This class will focus on human trafficking and related state, federal, and international responses to what is now commonly referred to as modern day slavery. We will cover legal and public awareness measures being taken to prevent, deter, and respond to human trafficking, including the social service organizations that are critical to the restoring victims and preparing witnesses in trafficking cases. The class will begin by focusing on the legal definitions and framework of trafficking and move to an historical overview of state and federal laws passed to address trafficking offenses, involving both U.S. citizens and immigrants placed into labor servitude or the commercial sex trade. The Trafficking Victim's Protection Act and its twelve years of progress will be covered along with the visas and witness issues that are common with trafficking victims. We will closely cover the federal statutes and the case law that interprets those statutes, including forced labor, international sex trafficking, sex tourism, domestic minor sex trafficking, restitution, and forfeiture. During the class you will see how this framework guides the United States' effort to combat human trafficking in both domestic and international forms. There will be guest speakers invited to class to make presentations on such topics as corporate liability, restitution and forfeiture, sex tourism, domestic cults, victim services, and public awareness/advocacy campaigns.

*The views expressed during class by the professor do not necessarily reflect the views of his employer.

GRADE: The grade in this case will be based on a research paper of the student's own choosing that critically examines a human trafficking topic related to class. The topic must be approved by the professor in advance. The paper must be between 15 and 20 pages, double-spaced, 14 point font. I will provide additional guidance on the format and content during the class. Attendance and participation will comprise 10% of your grade. The paper will comprise the remaining 90% of your grade.

ATTENDANCE: The law school mandates that you attend 80% of the classes. You must comply with this requirement. Attendance will be taken each class.

PARTICIPATION: The class will be more beneficial to all if you participate in discussions and make a good faith effort to read all of the materials. This will also improve your grade.

OFFICE HOURS:

Please email me at ed.gallagher@usdoj.gov to set up an appointment or to discuss any issues raised in class.

READING: There will be handouts and case materials provided at least ten days in advance of class. You are expected to read the material and come to class prepared to discuss the factual and legal issues raised in the material. We will also discuss current events from news sources about this topic.

Course Schedule and Readings**August 28: Introduction and Doctrinal Background – 13th Amendment and Involuntary Servitude. The pre-TVPA era from the Mann Act of 1910 to 2000.**

Bailey v. Alabama, 219 U.S. 219 (1911)
United States v. Ingalls, 23 F.Supp. 76 (S.D. Cal. 1947)
United States v. Shackney, 333 F.2d 475 (2nd Cir.1964)
United States v. Kozminski, 487 U.S. 931 (1986)

September 4: Trafficking Victims' Protection Act (TVPA)

TVPA of 2000
TVPRA of 2003
TVPRA of 2005
TVPRA of 2008
TVPRA of 2011
VAWA of 2013

Introduction to Labor Trafficking and the global supply chain

September 11: Forced Labor in a global economy – Civil Litigation and Civil Rights -
Corporate Liability in Human Trafficking and Force Labor Cases
Law Review articles

September 18: State Statutes and legislative efforts to Combat Trafficking (Harris County District Attorney's Office – Human Trafficking Unit)

October 25: Forced Labor Cases (Title 18 USC 1589) and State response to trafficking – TVPA comparison with state laws

2013 Analysis of State Human Trafficking Laws – Polaris Project

United States v. Calimlim, 538 F.3d 706 (7th Cir. 2008)
United States v. Kaufman, 546 F.3d 1242 (10th Cir. 2011)
United States v. Dann, 652 F.3d 1160 (9th Cir. 2011)
United States v. Alstatt, 858 F.Supp.2d 1032 (D. Neb. 2012)
Headley v. Church of Scientology Int'l., 687 F.3d 1173 (9th Cir. 2012)
Adhikari v. Daud & Partners, 697 F.Supp.2d 674 (S.D. Tex. 2009)

October 2: International Sex Trafficking and Title 18 United States Code Section 1591 and 1592 (withholding documents)

United States v. Evans, 476 F.3d 1176 (11th Cir. 2007)
United States v. Jungers, 702 F.3d 1066 (8th Cir. 2013)
United States v. Todd, 627 F.3d 329 (9th Cir. 2009)
United States v. Chang Da Liu, 538 F.3d 1078 (9th Cir. 2008)
United States v. Garcia-Gonzalez, 714 F.3d 306 (5th Cir. 2013)

October 9: Child Sex Tourism - 18 USC 2423(b) (FBI presentation)

18 USC Section 2423 definition
United States v. Frank, 599 F.3d 1221 (11th Cir. 2010)
United States v. Bianchi, 782 F.Supp.2d 127 (E.D. Pa. 2011)
United States v. Flath, 2011 WL 6299941 (E.D. Wis.) – civil action
United States v. Martinez, 599 F.Supp.2d 784 (W.D.Tex 2009)

October 16: International Sex Trafficking – Lead prosecutor and investigator

Where do we see international labor and sex trafficking in Houston?
United States v. Mondragon
United States v. Rojas
Operation Tencha

October 23: Domestic Sex Trafficking – Lead prosecutor and investigator

United States v. Butler, 477 Fed. Appx. 217 (5th Cir. 2012)

Where do we see domestic sex trafficking in Houston?
Operation Total Exposure – United States v. Butler

Commercial sex business – social media – the pimp and the john

November 6: Restitution and forfeiture – 18 USC Sections 1593 and 1594

United States v. Palmer, 643 F.3d 1060 (8th Cir. 2011)

In re Sealed Case, 702 F.3d 59 (D.C. Cir. 2012)

U.S. v. Sabhnani, 599F.3d 215 (2d Cir. 2010)

5 Hypotheticals – how would you award restitution and what would you seek to forfeit?

November 13: Victim Services and Immigration Advocacy – Catholic Charities and YMCA

Continued Presence and the T-visa

Comparison of the challenges posed by international victims v. domestic victims

Challenges with providing direct services to victims

November 20: Public Advocacy and pro-bono services to trafficking victims – Tahirih Justice Center

Children At Risk – policy research and legislative proposals