

Course: 5218 Human Trafficking Law–Spring 2018 TH 4:00–6:00
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 reauthorizations 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 pre-TVPA slavery, involuntary servitude, Mann Act, forced labor, international sex trafficking, sex tourism, domestic minor sex trafficking, private civil actions, 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 actual cases prosecuted in Houston, 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 paper topic must be approved by the professor in advance. The paper must be no less than 15 and no more than 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. I will meet with students before or after class by appointment.

READING: The text used for this course is Human Trafficking Law and Policy, Bridgette Carr, Anne Milgram, Kathleen Kim, & Stephen Warnath, LexisNexis 2014 (ISBN 9781422489031 in print or ISBN 9780327179702 in ebook). There will also be occasional handouts sent by e-mail to address issues and cases not covered in the text.

Course Schedule and Readings – Order is subject to change

Class #1: January 18

Introduction and Doctrinal Background

Chapter 1 Slavery and the 13th Amendment – Pgs. 1-20

Scott v. Sandford (1857)

United States v. Ah Sou (1905)

Class #2: January 25

The pre-TVPA era from Peonage and the Mann Act (1910 to 2000).

Pgs. 21, 22, 33-67, 98-108

Bailey v. Alabama, 219 U.S. 219 (1911)

Hoke v. United States, 227 U.S. 308 (1913)

Caminetti v. United States, 242 U.S. 470 (1917)

United States v. Ingalls, 73 F.Supp. 76 (S.D. Cal. 1947)

United States v. Shackney, 333 F.2d 475 (2nd Cir.1964)

Class #3: February 1

United States v. Kozminski, 487 U.S. 931 (1986) Pgs. 67-89 – include note questions

Trafficking Victims' Protection Act (TVPA)

Introduction xv, xvi, and xvii. (Pgs. 109-128)

TVPA of 2000

TVPRA of 2003

TVPRA of 2005

TVPRA of 2008

TVPRA of 2011

VAWA of 2013

Class #4: February 8

State Statutes and legislative efforts to Combat Trafficking (Ann Johnson - Harris County District Attorney's Office – Human Trafficking Unit and a view from the State judiciary)

Analysis of State Human Trafficking Laws – Polaris Project

In Re B.W. 313 S.W.3d 818 (Tex. 2010) **Pgs. 392-400**
Appendix 1 Pgs. 409-437

Class #5: February 15

Forced Labor - a global economy – Corporate Liability & Civil Litigation (Pgs. 181-209)

Private Right of Action under Section 1595 of Title 18

Alien Tort Claims Act (ATCA)

Fair Labor Standards Act (FLSA)

Pgs. 273-322

Class #6: February 22

Forced Labor Cases (Title 18 USC 1589)

Pgs. 233-255

United States. Bradley 390 F.3d 145 (1st Cir. 2004)

United States v. Calimlim, 538 F.3d 706 (7th Cir. 2008)

Handouts for below cases:

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)

Class #7: March 1

Sex Trafficking and Title 18 United States Code Sections 1591 & 1592 (withholding documents)

International Pgs. 256-261

Domestic Pgs. 263-272

United States v. Pipkins 378 F.3d 1281 (11th Cir. 2004)

Handouts on following:

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)

Class #8: March 8

Child Sex Tourism - 18 USC 2423(b) (All by handouts)

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)

Class #9: March 22

Domestic cults in the name of religion – the Zion Ranch – a view from the inside

Class #9: March 29

Local Perspective on Domestic Sex Trafficking – Lead prosecutor and investigator

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

Where do we see domestic sex trafficking in Houston?

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

Class #10: April 5

Local Perspective on 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. Salzar

United States v. Rojas

United States v. Medeles

Class #11: April 12

Restitution and forfeiture – 18 USC Sections 1593 and 1594

Handouts:

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) Pgs. 253-254

In-class exercise 5 Hypotheticals – how would you award restitution?

Class #12: April 19

Victim Services and Immigration Advocacy – Catholic Charities and YMCA

Pgs. 323-352

Continued Presence and the T-visa

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

Challenges with providing direct services to victims

Class #14: April 26

Discussion about papers and evaluations