

Course: 5218 Human Trafficking Law–Spring 2023 TH 5:30–7:30
Instructor: Edward F. Gallagher

Learning Objectives: 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 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 periodically invited to class to make presentations on actual cases prosecuted in Texas, domestic cults, victim services, and public awareness/advocacy campaigns.

Instructional Mode: This course is designated as a face-to-face course, which means classes are in person by default, but designated classes may occasionally be held as remote classes via Zoom to accommodate other scheduling needs or other unforeseen circumstances. Students will be notified in advance of any classes that will be held remotely and Zoom link will be posted in advance of class.

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 efgmmg@sbcglobal.net for an appointment or to discuss any issues raised in class. I will meet with students in person before or after class as needed. Feel free to e-mail me at my personal e-mail address.

Reading: There will be no text for this course. All materials will be sent by e-mail and include the cases that will be covered in class. Materials will be marked either required reading or supplemental optional reading for each class. You are expected to read the required material and come prepared to discuss at class.

Counseling and Psychological Services (CAPS): CAPS can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS (www.uh.edu/caps) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the “Let’s Talk” program, a drop-in consultation service at convenient locations and hours around campus. See: http://www.uh.edu/caps/outreach/lets_talk.html.

Course Schedule and Readings – Order is subject to change

Class #1: January 19

Introduction and Doctrinal Background

Slavery and the 13th Amendment handout

Scott v. Sandford (1857)

United States v. Ah Sou (1905)

Class #2: January 26

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

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)

United States v. Mussry, 726 F.2d 1448 (9th Cir. 1984)

Class #3: February 2

United States v. Kozminski, 487 U.S. 931 (1986)

Trafficking Victims’ Protection Act (TVPA)

TVPA of 2000 and the 9 reauthorizations to date

Class #4: February 9

Forced Labor Cases (Title 18 USC 1589)

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

Class #5: February 16**Forced Labor guest speaker****Section 1589 cases investigated and prosecuted in Texas****Class #6: February 23****Forced Labor - a global economy – Corporate Liability & Civil Litigation**

Private Right of Action under Section 1595 of Title 18

Alien Tort Claims Act (ATCA)

Fair Labor Standards Act (FLSA)

Class #7: March 2**State Statutes and legislative efforts to Combat Trafficking (Harris County District Attorney's Office – Human Trafficking Unit)**

Analysis of State Human Trafficking Laws – Polaris Project

In Re B.W. 313 S.W.3d 818 (Tex. 2010)

Class #8: March 9**Domestic cults in the name of religion – the Zion Ranch – a view from the inside****Class #9: March 23****Sex Trafficking and Title 18 United States Code Sections 1591 & 1592 (withholding documents)****international trafficking****domestic trafficking**

United States v. Pipkins 378 F.3d 1281 (11th Cir. 2004)
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 #10: March 30

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 #11: April 6

Child Sex Tourism - 18 USC 2423(b)

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 #12: April 13

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)

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

Class #13: April 20

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

Class #14: April 27

Discussion about papers and evaluations