

fired on orders of President Nixon in 1973. Cox's granddaughter, Melissa Hart, helps lead the opposition to an anti-affirmative action ballot initiative in Colorado (see p. 15).³⁰

In 1979 and 1980, the court upheld worker training and public contracting policies that included so-called set-asides for minority-group employees or minority-owned companies. But in the latter case, the deciding opinion specified that only companies that actually had suffered discrimination would be eligible for those contracts.³¹

Divisions within the Supreme Court reflected growing tensions in the country as a whole. A number of white people saw affirmative action as injuring the educational and career advancement of people who hadn't themselves caused the historical crimes that gave rise to affirmative action.

Reversing Course

President Ronald W. Reagan took office in 1981 with strong support from so-called "Reagan Democrats" — white, blue-collar workers who had turned against their former party on issues including affirmative action.³²

Initially, Reagan seemed poised to fulfill the hopes of those who wanted him to ban all preferences based on race, ethnicity and gender. The latter category followed an upsurge of women fighting to abolish limits on their education and career possibilities.

Yet Reagan's appointees were divided on the issue, and the president himself never formalized his rejection of quotas and related measures. Because no law required the setting of goals and timetables, Reagan could have banned them by executive order. During Reagan's second term, Attorney General Edwin Meese III drafted such an order. But Reagan never signed it.

Nevertheless, the Reagan administration did systematically weaken enforcement of affirmative action. In Reagan's first term he cut the budgets of the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance — the two front-line agencies on the issue — by 12 and 34 percent, respectively, between 1981 and 1983. As a result, the compliance office blocked only two contractors during Reagan's two terms, compared with 13 that were barred during President Jimmy Carter's term.

The Justice Department also began opposing some affirmative action plans. In 1983, Justice won a partial court reversal of an affirmative action plan for the

New Orleans Police Department. In a police force nearly devoid of black supervisors, the plan was designed to expand the number — a move considered vital in a city whose population was nearly one-half black.

Affirmative action cases kept moving through the Supreme Court. In 1984-1986, the court overturned plans that would have required companies doing layoffs to disregard the customary "first hired, last fired" rule, because that custom endangered most black employees, given their typically short times on the job.

And in 1987, a 5-4 Supreme Court decision upheld an Alabama state police plan requiring that 50 percent of promotions go to black officers. The same year, the court upheld 6-3 the promotion of a woman employee of Santa Clara County, Calif., who got promoted over a male candidate who had scored slightly higher on an assessment. The decision marked the first court endorsement of affirmative action for women.

In the executive branch, divided views persisted in the administration of Reagan's Republican successor, George H. W. Bush. In 1990 Bush vetoed a pro-affirmative action bill designed to reverse recent Supreme Court rulings, one of which effectively eased the way for white men to sue for reverse discrimination.

The legislation would have required "quotas," Bush said, explaining his veto. But the following year, he signed a compromise, the Civil Rights Act of 1991.³³ Supported by the civil rights lobby, the bill wrote into law the *Griggs v. Duke Power* requirement that an employer prove that a job practice — a test, say — is required for the work in question. A practice that failed that test could be shown to result in discrimination, even if that hadn't been the intention.

Bush also reversed a directive by his White House counsel that would have outlawed all quotas, set-asides and related measures. The administration's ambivalence reflected divided views in American society. Local government and corporate officials had grown appreciative of affirmative action for calming racial tensions. In 1985, the white Republican mayor of Indianapolis refused a Justice Department request to end affirmative action in the police department. Mayor William Hudnut said that the "white majority has accepted the fact that we're making a special effort for minorities and women."³⁴

Yet among white males, affirmative action remained a very hot-button issue. "When we hold focus groups," a Democratic pollster said in 1990, "if the issue of

'Percent Plans' Offer Alternative to Race-Based Preferences

But critics say approach fails to level playing field.

In recent years, voters and judges have blocked race and ethnicity preferences in university admissions in three big states with booming minority populations — California, Florida and Texas. Nonetheless, lawmakers devised a way to ensure that public universities remain open to black and Latino students.

The so-called "percent plans" promise guaranteed admission based on a student's high school class standing, not on skin tone. That, at least is the principle.

But the man who helped end racial affirmative action preferences in two of the states involved argues affirmative action is alive and well, simply under another name. Moreover, says Ward Connerly, a black businessman in Sacramento, Calif., who has been a leader in organizing anti-affirmative action referendums, the real issue — the decline in urban K-12 schools — is being ignored.

"Legislatures and college administrators lack the spine to say, 'Let's find the problem at its core,'" says Connerly, a former member of the University of California Board of Regents. "Instead, they go for a quick fix they believe will yield the same number of blacks and Latinos as before."

Even Connerly's opponents agree "percent plans" alone don't put high schools in inner cities and prosperous suburbs on an equal footing. "In some school districts in Texas, 50 percent of the graduates could make it here easily," says Terry H. Anderson, a history professor at Texas A&M University in College Station. "Some school districts are so awful that not one kid could graduate here, I don't care what race you're talking about."

All the plans — except at selective schools — ignore SAT or ACT scores (though students do have to present

their scores). The policy troubles Richard D. Kahlenberg, a senior fellow at The Century Foundation, who champions "class-based" affirmative action. "The grade of A in one high school is very different from the grade of A in another," he says.

Texas lawmakers originated the percent plan concept after a 5th U.S. Circuit Court of Appeals decision in 1996 (*Hopwood v. Texas*) prohibited consideration of race in college admissions. Legislators proposed guaranteeing state university admissions to the top 10 percent of graduates of the state's public and private high schools. Then-Gov. George W. Bush signed the bill, which includes automatic admission to the flagship campuses, the University of Texas at Austin and Texas A&M.¹

In California, the impetus was the 1996 voter approval of Proposition 209, which prohibited racial and ethnic preferences by all state entities. Borrowing the Texas idea, California lawmakers devised a system in which California high school students in the top 4 percent of their classes are eligible for the California system, but not necessarily to attend the two star institutions, UC Berkeley and UCLA. (Students in the top 4 percent-12.5 percent range are admitted to community colleges and can transfer to four-year institutions if they maintain 2.4 grade-point averages.)¹

Connerly was active in the Proposition 209 campaign and was the key player — but involuntarily — in Florida's adoption of a percent plan. In 1999, Connerly was preparing to mount an anti-affirmative action initiative in Florida. Then-Gov. Jeb Bush worried it could hurt his party's standing with black voters — with possible repercussions on his brother

affirmative action comes up, you can forget the rest of the session. That's all . . . that's talked about."³⁵

Mending It

From the early 1990s to 2003 race-based affirmative action suffered damage in the political arena and the courts.

In 1994, white male outrage at preferences for minority groups and women was a key factor in congressional elections that toppled Democrats from control of both houses. As soon as the Congress changed hands, its new leaders targeted affirmative action. "Sometimes the best-qualified person does not get the job because he or she

George's presidential campaign. Instead Gov. Bush launched "One Florida," a percent plan approved by the legislature.

In Florida, the top 20 percent of high school graduates are guaranteed admission to the state system. To attend the flagship University of Florida at Gainesville they must meet tougher standards. All three states also require students to have completed a set of required courses.

Percent plan states also have helped shape admissions policies by experimenting with ways to simultaneously keep academic standards high, while ensuring at least the possibility that promising students of all socioeconomic circumstances have a shot at college.

In Florida, the consequences of maintaining high admissions standards at UF were softened by another program, "Bright Futures," which offers tuition reductions of 75 percent — or completely free tuition — depending on completion of AP courses and on SAT or ACT scores.

The effect, says University of Florida political scientist Daniel A. Smith, is to ensure a plentiful supply of top students of all races and ethnicities. "We have really talented minorities — blacks, Latinos, Asian-Americans — because 'One Florida' in combination with 'Bright Futures' has kept a lot of our talented students in the state. We have students who turned down [partial] scholarships to Duke and Harvard because here they're going for free."

At UCLA, which also has maintained rigorous admission criteria, recruiters spread out to high schools in low-income areas in an effort to ensure that the school doesn't become an oasis of privilege. The realities of race and class



"The time has come to pull the plug on race-based decision-making," says Ward Connerly, a Sacramento, Calif., businessman who spearheaded anti-affirmative action ballot initiatives in Colorado, Nebraska and other states.

mean that some of that recruiting work takes place in mostly black or Latino high schools.

"It's the fallacy of [Proposition] 209 that you can immediately move to a system that doesn't take account of race and that treats everybody fairly," said Tom Lifka, a UCLA assistant vice chancellor in charge of admissions. He said the new system meets legal standards.¹

Consciously or not, Lifka was echoing the conclusion of the most thorough analysis of the plans' operations in the three states. The 2003 study, sponsored by Harvard University's Civil Rights Project, concluded that the states had largely succeeded in maintaining racial and ethnic diversity on their campuses.

But the report added that aggressive recruitment, academic aid to high schools in low-income areas and similar measures played a major role.

"Without such support," wrote Catherine L. Horn, an education professor at the University of Houston, and Stella M. Flores, professor of public policy and higher education at Vanderbilt, "the plans are more like empty shells, appearing to promise eligibility, admission and enrollment for previously excluded groups but actually doing very little."²

¹ Catherine L. Horn and Stella M. Flores, "Percent Plans in College Admissions: A Comparative Analysis of Three States' Experiences," Civil Rights Project, Harvard University, 2003, pp. 20-23, www.civilrightsproject.ucla.edu/research/affirmativeaction/tristate.pdf

² *Ibid.*

³ Quoted in David Leonhardt, "The New Affirmative Action," *The New York Times Magazine*, Sept. 30, 2007, p. 76.

⁴ Horn and Flores, *op. cit.*, pp. 59-60.

may be one color," Majority Leader Dole said in a television interview. "That may not be the way it should be in America."³⁶

The following year, the U.S. Supreme Court imposed limits on the use of preferences, ruling on a white, male contractor's challenge to a federal program that

encouraged general contractors to favor minority subcontractors. Justice O'Connor wrote in the 5-4 majority opinion in *Adarand Constructors v. Peña* that any racial or ethnic preferences had to be "narrowly tailored" to apply only to "pervasive, systematic and obstinate discriminatory conduct."³⁷



Supporters of affirmative action in Lansing, Mich., rally against a proposed statewide anti-affirmative action ballot initiative in September 2006; voters approved the proposal that November. The initiative followed a 2003 U.S. Supreme Court ruling upholding the use of race in law-school admissions at the University of Michigan. Justice Sandra Day O'Connor, who wrote the majority 5-4 opinion, predicted, however, that in 25 years affirmative action would "no longer be necessary."

Some justices had wanted all preferences overturned. Though that position failed to win a majority, the clear unease that O'Connor expressed added to the pressure on politicians who supported affirmative action.

In that climate, President Bill Clinton gave a 1995 speech at the National Archives in Washington in which he acknowledged that critics had a point. He said he didn't favor "the unjustified preference of the unqualified over the qualified of any race or gender." But affirmative action was still needed because discrimination persisted, Clinton added. His bottom line: "Mend it, but don't end it."³⁸

The slogan seemed to match national politicians' mood. One day after Clinton's speech, the Senate voted down a bill to abolish all preferences, with 19 Republicans siding with Democrats in a 61-36 vote.

But in California, one of the country's major affirmative action laboratories, the "end it" argument proved more popular. Racial/ethnic preferences had become a major issue in a state whose minority population was booming. California's higher-education system also included two of the nation's top public institutions: the University of California at Berkeley (UCB) and UCLA.

Among many white, Anglo Californians, affirmative action had come to be seen as a system under which black and Latino applicants were getting into those two schools at the expense of whites or Asians with higher grades and SAT scores.

By 1996, the statewide university system's majority-Republican Board of Regents voted to end all race, ethnic and gender preferences in admissions. The board did allow universities to take applicants' socioeconomic circumstances into account.

And in the same year, California voters approved Proposition 209, which outlawed all race, ethnicity and gender preferences by all state entities. Connerly helped organize that referendum and followed up with successful campaigns in Washington state in 1998 and in Michigan in 2003.

Meanwhile, the "reverse discrimination" issue that had been decided in the *Bakke* case flared up in Texas, where Cheryl Hopwood and two other white applicants to the University of Texas law school challenged their rejections, pointing to the admissions of minority students with lower grades and test scores. In 1996, the 5th U.S. Circuit Court of Appeals decided for the plaintiffs, ruling that universities couldn't take race into account when assessing applicants.

The appeals judges had overruled the *Bakke* decision, at least in their jurisdiction of Texas, Mississippi and Louisiana, yet the Supreme Court refused to consider the case.

But in 2003, the justices ruled on two separate cases, both centering on admissions to another top-ranked public higher education system: the University of Michigan. One case arose from admissions procedures for the undergraduate college, the other from the system for evaluating applicants to the university's law school.³⁹

The Supreme Court decided against the undergraduate admissions policy because it automatically awarded 20 extra points on the university's 150-point evaluation scale to blacks, Latinos and American Indians. By contrast, the law school took race into account in what Justice O'Connor, in the majority opinion in the 5-4 decision, called a "highly individualized, holistic review" of each candidate aimed at producing a diverse student population.⁴⁰

CURRENT SITUATION

'Formal Equality'

In the midst of war and the Wall Street meltdown, affirmative action may not generate as many headlines as it used to. But the issue still packs enough punch to have put anti-affirmative action legislation up for popular vote in Colorado and Nebraska this year.

"This is a progressive approach," said Jessica Peck Corry, executive director of the Colorado Civil Rights Initiative, which is campaigning for proposed Constitutional Amendment 46. The amendment would prohibit all state government entities from discriminating for or against anyone because of race, ethnicity or gender. "America is too diverse to put into stagnant race boxes," she says.

Melissa Hart, a co-chair of "No On 46," counters that the amendment would require "formal equality" that shouldn't be confused with the real thing. She likens the proposal to "a law that says both the beggar and the king may sleep under a bridge." In the real world, she says, only one of them will spend his nights in a bedroom.

Unlike California, Michigan and Washington — the states where voters have approved initiatives of this type over the past 12 years — the Colorado campaign doesn't follow a major controversy over competition for university admissions.

To be sure, Corry — a libertarian Republican law student, blogger and past failed candidate for state Senate — has publicly opposed affirmative action for several years.⁴¹ But Corry, who is also a policy analyst at the Denver-based *Independence Institute*, a libertarian think tank, acknowledges that the referendum campaign in Colorado owes its start to Connerly. He began taking the ballot initiative route in the 1990s, after concluding that neither state legislatures nor Congress would ever touch the subject.

"They just seem to lack the stomach to do what I and the majority of Americans believe should be done," Connerly says. "Clearly, there's a disconnect between elected officials and the people themselves."

Connerly's confidence grows out of his success with the three previous initiatives. But this year, his attempts to get his proposal before voters in Arizona, Missouri and Oklahoma all failed because his campaign workers didn't gather enough valid signatures to get the initiatives on the ballot.

Connerly blames what he calls an overly restrictive initiative process in Oklahoma, as well as organized opposition by what he calls "blockers," who shadowed signature-gatherers and disputed their explanations of the amendments.

Opponents had a different name for themselves. "Our voter educators were simply that — voter educators," said Brandon Davis, political director of the Service Employees International Union in Missouri. "Ward Connerly should accept what Missourians said, and he should stop with the sore-loser talk."⁴²

The opposition began deploying street activists to counter what they call the deliberately misleading wording of the proposed initiatives. In Colorado, Proposition 46 is officially described as a "prohibition against discrimination by the state" and goes on to ban "preferential treatment to any individual or group on the basis of race, sex, color, ethnicity or national origin."⁴³

"We want an acknowledgement that disadvantage cannot be specifically determined based on looking at some race data or gender data," Corry says. But tutoring, counseling and other activities should be extended to all who need help because of their socioeconomic circumstances, she contends.

Likewise, a project to interest girls in science and math, for instance, would have to admit boys. "In a time when America is losing its scientific advantage by the second, why are you excluding potential Nobel prize winners because they're born with the wrong biology?" she asks rhetorically.

Hart says that many tutoring and similar programs tailored to low-income students in Colorado already welcome all comers, regardless of race or ethnicity. But she questions why a math and science program tailored for girls should have to change its orientation. Likewise, Denver's specialized public schools for American Indian students would have to change their orientation entirely. "Class-based equal opportunity programs are not substitutes for outreach, training and mentoring on the basis of race and gender," she says.

The issue of class comes up in personal terms as well. Corry portrays herself as the product of a troubled home who had to work her way through college and graduate school. Though her father was a lawyer, her mother abandoned the family and wound up living on the streets. And Corry depicts Hart as a member of the privileged

The Preference Program Nobody Talks About

How "legacies" get breaks at top colleges.

Many critics say race-based affirmative action gives minority college applicants an unfair advantage. But reporter Peter Schmidt found an even more favored population — rich, white kids who apply to top-tier schools.

"These institutions feel very dependent on these preferences," Schmidt writes in his 2007 book, *Color and Money: How Rich White Kids Are Winning the War Over College Affirmative Action*. "They throw up their hands and say, 'There's no other way we can raise the money we need.'"

Colleges admit these students — "legacies," in college-admission lingo — because their parents are donation-making graduates. Offspring of professors, administrators or (in the case of top state universities) politically influential figures get open-door treatment as well.

"Several public college lobbyists, working in both state capitals and with the federal government in and around Washington, have told me that they spend a significant portion of their time lobbying their own colleges' admissions offices to accept certain applicants at the behest of public officials," Schmidt writes.¹

Especially in regard to legacies and the families' donations, Schmidt says, "There is a utilitarian argument that the money enables colleges to serve students in need. But there isn't a correlation between how much money they're bringing in and helping low-income students."

As deputy editor of the *Chronicle of Higher Education*, Schmidt has been covering affirmative action conflicts since his days as an Associated Press reporter writing about protests over racial tensions at the University of Michigan in the mid-1990s.

His book doesn't deal exclusively with applicants from privileged families — who, by the nature of American society, are almost all white and academically well-prepared. But Schmidt's examination of privileged applicants frames his reporting on the more familiar issues of preferences based on race, ethnicity and gender.

According to Schmidt, Harvard as of 2004 accepted about 40 percent of the legacies who applied, compared to about 11 percent of applicants overall. In the Ivy League in general, children of graduates made up 10-15 percent of the undergraduates.

Though the issue is sensitive for college administrators, Schmidt found some members of the higher-education establishment happy to see it aired.

"Admissions officers are the ones who are finding the promising kids — diamonds in the rough — and getting

emotionally invested in getting them admitted, then sitting down with the development officer or the coach and finding that these kids are knocked out of the running," he says.

Some education experts dispute that conclusion. Abigail Thernstrom, a senior fellow at the conservative Manhattan Institute and vice-chair of the U.S. Commission on Civil Rights, opposes "class-based" affirmative action (as well as racial/ethnic preferences), calling it unnecessary. She says that when top-tier schools look at an applicant from a disadvantaged background "who is getting a poor education — a diamond in the rough but showing real academic progress — and compare that student to someone from Exeter born with a silver spoon in his mouth, there's no question that these schools are going to take that diamond in the rough, if they think he or she will be able to keep up."

But some of Schmidt's findings echo what affirmative action supporters have observed. James E. Coleman Jr., a law professor at Duke University, argues against the tendency to focus all affirmative action attention on blacks and Latinos. "The idea is that any white student who gets here deserves to be here. They're not questioned. This has always been true."

At the same time, Coleman, who is black, agrees with Schmidt that those who start out near the top of the socioeconomic ladder have access to first-class educations before they even get to college. Coleman himself, who graduated from Harvard and from Columbia Law School, says he never had a single white classmate in his Charlotte, N.C., schools until he got accepted to a post-high school preparatory program at Exeter, one of the nation's most prestigious prep schools. "I could tell that my educational background and preparation were woefully inadequate compared to students who had been there since ninth grade," he recalls. "I had to run faster."

Schmidt says the politics of affirmative action can give rise to tactical agreements between groups whose interests might seem to conflict. In one dispute, he says, "Civil rights groups and higher-education groups had a kind of uneasy alliance: The civil rights groups would not challenge the admissions process and go after legacies as long as affirmative action remained intact."

But, he adds, "There are people not at the table when a deal like that is struck. If you're not a beneficiary of one or the other side of preferences, you don't gain from that agreement."

¹ Peter Schmidt, *Color and Money: How Rich White Kids Are Winning the War Over College Affirmative Action* (2007), p. 32.

AT ISSUE

Would many black and Latino science and math majors be better off at lesser-ranked universities?

YES

Rogers Elliott
*Professor Emeritus, Department of
 Psychology and Brain Sciences,
 Dartmouth College*

From testimony before U.S. Civil Rights Commission, Sept. 12, 2008

Race preferences in admissions in the service of affirmative action are harming the aspirations, particularly, of blacks seeking to be scientists.

The most elite universities have very high levels in their admission standards, levels which minorities — especially blacks — don't come close to meeting.

[Thus], affirmative action in elite schools, which they pursue vigorously and successfully, leaves a huge gap, probably bigger than it would be for affirmative action at an average school. That is what constitutes the problem.

At elite schools, 90 percent of science majors [got] 650 or above on the SAT math score. About 80 percent of the white/Asian group are 650 or above, but only 26 percent of the black group have that score or better. The gaps that are illustrated in these data have not gotten any better. They have, in fact, gotten a little bit worse. The gap in the SAT scores between blacks and whites, which got to its smallest extent in about 1991 — 194 points — is back to 209.

The higher the standard at the institution, the more science they tend to do. But the [lower-ranking schools] still do science, and your chances of becoming a scientist are better. Now, obviously, there are differences. The higher institutions have elitism going for them. They have prestige going for them, and maybe getting a degree from Dartmouth when you want to be a doctor will leave you better off in this world even though you're not doing the thing you started with as your aspiration.

Seventeen of the top 20 PhD-granting institutions for blacks in this country, are HBCUs [historically black colleges and universities].

Elite institutions are very performance-oriented. They deliberately take people at a very high level to begin with — with a few exceptions — and then they make them perform, and they do a pretty good job of it. If you're not ready for the first science course, you might as well forget it. Some of these minority students had mostly A's... enough to get to Dartmouth or Brown or Cornell or Yale. They take their first course, let's say, in chemistry, at least 90 percent of the students in that course are bright, motivated, often pre-med, highly competitive whites and Asians. And these [minority] kids aren't as well-prepared. They may get their first C- or D in a course like that because the grading standards are rigorous, and you have to start getting it from day one.

NO

Prof. Richard A. Tapla
*Director, Center on Excellence
 and Equity, Rice University*

From testimony before U.S. Civil Rights Commission, Sept. 12, 2008

The nation selects leaders from graduates and faculty of U.S. universities with world-class science, technology, engineering and math (STEM) research programs. If we, the underrepresented minorities, are to be an effective component in STEM leadership, then we must have an equitable presence as students and faculty at the very top-level research universities.

Pedigree, unfortunately, is an incredible issue. Top research universities choose faculty from PhDs produced at top research universities. PhDs produced at minority-serving schools or less-prestigious schools will not become faculty at top research universities. Indeed, it's unlikely they'll become faculty at minority-serving institutions. A student from a research school with a lesser transcript is stronger than a student from a minority-serving institution with all A's.

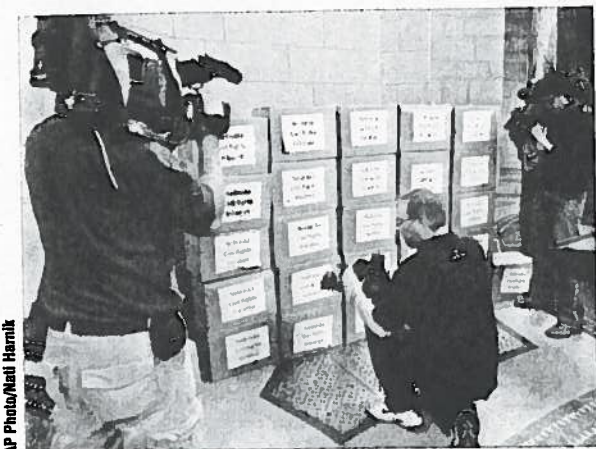
So are the students who come from these minority-serving institutions incompetent? No. There's a level of them that are incredibly good and will succeed wherever they go. And usually Stanford and Berkeley and Cornell will get those. Then there's a level below that you can work with. I produced many PhDs who came from minority-serving institutions. Is there a gap in training? Absolutely.

We do not know how to measure what we really value: Creativity. Underrepresented minorities can be quite creative. For example, the Carl Hayden High School Robotic Team — five Mexican-American students from West Phoenix — beat MIT in the final in underwater robotics. They were not star students, but they were incredibly creative.

Treating everyone the same is not good enough. Sink or swim has not worked and will not work. It pays heed to privilege, not to talent. Isolation, not academics, is often the problem. We must promote success and retention with support programs. We must combat isolation through community-building and mentoring.

Ten percent of the students in public education in Texas are accepted into the University of Texas, automatically — the top 10 percent. They could have said look, these students are not prepared well. They're dumped at our doorstep, let's leave them. They didn't. The Math Department at the University of Texas at Austin built support programs where minorities are retained and succeed. It took a realization that here they are, let's do something with them.

Race and ethnicity should not dictate educational destiny. Our current path will lead to a permanent underclass that follows racial and ethnic lines.



AP Photo/Neil Hamilton

TV cameramen in Lincoln, Neb., shoot boxes of signed voter petitions that qualified a proposed initiative to be put on the ballot in Nebraska this coming November calling for a ban on most types of affirmative action.

class, a granddaughter of former Solicitor General Cox and a graduate of Harvard University and Harvard Law School. "People like Melissa, I believe, are well-intentioned but misguided," Corry says. "The worst thing you can do to someone without connections is to suggest that they can't make it without preferences."

Hart, rapping Corry for bringing up personal history rather than debating ideas, adds that her father and his part of the family are potato farmers from Idaho.

"I am proudly the granddaughter of Archibald Cox, proud of the fact that he argued the *Bakke* case for the University of California, and proud to be continuing a tradition of standing up for opportunity in this country," she says.

The Nebraska campaign, taking place in a smaller state with little history of racial or ethnic tension and a university where competition for admission isn't an issue, has generated somewhat less heat. But as in Colorado, college-preparation and other programs of various kinds that target young women and American Indians would be threatened by the amendment, says Laurel Marsh, executive director of the Nebraska ACLU.

Over Their Heads?

The U.S. Civil Rights Commission is examining one of the most explosive issues in the affirmative action debate: whether students admitted to top universities due to

racial preferences are up to the academic demands they face at those institutions.

Math and the hard sciences present the most obvious case, affirmative action critics — and some supporters — say. Those fields are at the center of the commission's inquiry because students from high schools in low-income areas — typically minority students — tend to do poorly in science and math, in part because they require considerable math preparation in elementary and high school.

Sander of UCLA, who has been studying the topic, testified to the commission that for students of all races who had scored under 660 on the math SAT, only 5 percent of blacks and 3.5 percent of whites obtained science degrees. But of students who scored 820 or above on the SAT, 44 percent of blacks graduated with science or engineering degrees. Among whites, 35 percent graduated with those degrees — illustrating Sander's point that that issue is one of academic preparation, not race.

Abigail Thernstrom, the commission's vice-chair, says that most graduates of run-of-the-mill urban schools labor under a major handicap in pursuing math or science degrees. "By the time they get to college they're in bad shape in a discipline like math, where all knowledge is cumulative," she says. "The colleges are inheriting a problem that, in effect, we sweep under the rug."

Thernstrom, a longtime affirmative action critic, bases her views both on her 11 years of service on the Massachusetts state Board of Education and on data assembled by academics, including Sander. "Test scores do predict a lot, high school grades predict a lot," Sander says in an interview, disputing critics of his work who say students from deficient high schools can make up in college what they missed earlier.

Testifying to the commission on Sept. 12, Sander presented data showing that black and Hispanic high school graduates tend to be more interested than their white counterparts in pursuing science and math careers, but less successful in holding on to majors in those fields in college. Lower high school grades and test scores seem to account for as much as 75 percent of the tendency to drop out of those fields, he says.

Sander added that a student's possibilities can't be predicted from skin color and that the key factor associated with inadequate academic preparation is socioeconomic status. "We ought to view that as good news, because that means there's no intrinsic or genetic gap," he testified.

Rogers Elliott, an emeritus psychology and brain sciences professor at Dartmouth College, told the commission that the best option for many black and Hispanic students who want to pursue science or math careers is to attend lower-rated universities. Among institutions that grant the most PhDs to blacks, 17 of the top 20 are HBCUs, Elliott said, "and none of them is a prestige university."

Richard Tapia, a Rice University mathematician, countered that consigning minority-group students who aren't stars to lower-ranking universities would be disastrous. Only top-tier universities, he argued, provide their graduates with the credibility that allows them to assert leadership. "Research universities must be responsible for providing programs that promote success," he said, "rather than be let off the hook by saying that minority students should go to minority-serving institutions or less prestigious schools."

Tapia directs such a program — one of a handful around the country — that he says has helped Rice students overcome their inadequate earlier schooling. But he accepts Sander's and Elliott's data and says students with combined SAT scores below 800 would not be capable of pursuing math or science majors at Rice.

Tapia, the son of Mexican immigrants who didn't attend college, worked at a muffler factory after graduating from a low-achieving Los Angeles high school. Pushed by a co-worker to continue his education, he enrolled in community college and went on to UCLA, where he earned a doctorate. He attributes his success to a big dose of self-confidence — something that many people from his background might not have but that mentors can nurture.

A commission member sounded another practical note. Ashley L. Taylor Jr., a Republican lawyer from Richmond, Va., who is black, argued that colleges have a moral obligation to tell applicants if their SAT scores fall within the range of students who have a shot of completing their studies. "If I'm outside that range, no additional support is going to help me," he said.

Sander agrees. "African-American students and any other minority ought to know going into college the ultimate outcomes for students at that college who have their profile."

Tapia agreed as well. "I had a student that I was recruiting in San Antonio who had a 940 SAT and was going to Princeton. I said, 'Do you know what the average at Princeton is?' He said, 'Well, my teachers told me

it was about 950.' I said, 'Well, I think you'd better check it out.' "

In fact, the average combined math and verbal SAT score of students admitted to Princeton is 1442.⁴⁴

OUTLOOK

End of the Line?

Social programs don't come with an immortality guarantee. Some supporters as well as critics of affirmative action sense that affirmative action, as the term is generally understood, may be nearing the end of the line.

"I expect affirmative action to die," says Tapia. "People are tired of it. And if we had to depend on affirmative action forever, then there was something wrong. If you need a jump-start on your battery, and you get it jumped, fine. If you start needing it everywhere you go, you'd better get another battery."

Tapia's tone is not triumphant. He says the decline in public school quality is evidence that "it didn't work, and we didn't do a good job." But he adds that the disparities between the schooling for low-income and well-off students is what makes affirmative action necessary. "Sure, in an ideal world, you wouldn't have to do these things, but that's not the world we live in."

UCLA's Sander, who favors reorienting affirmative action — in part by determining an academic threshold below which students admitted by preference likely will fail — sees major change on the horizon. For one thing, he says, quantities of data are now accessible concerning admission standards, grades and other quantifiable effects of affirmative action programs.

In addition, he says, today's reconfigured Supreme Court likely would rule differently than it did on the 2003 University of Michigan cases that represent its most recent affirmative action rulings.

Justice O'Connor, who wrote the majority decision in the 5-4 ruling that upheld the use of race in law-school admissions, has retired, replaced by conservative Justice Samuel A. Alito. "The Supreme Court as it stands now has a majority that's probably ready to overrule" that decision, Sander says. A decision that turned on the newly available data "could lead to a major Supreme Court decision that could send shockwaves through the system."

For now, says Kahlenberg of The Century Foundation, affirmative action has already changed form in states that

have restricted use of racial and ethnic preferences. "It's not as if universities and colleges have simply thrown up their hands," he says. "They now look more aggressively at economic disadvantages that students face. The bigger picture is that the American public likes the idea of diversity but doesn't want to use racial preferences to get there."

Anderson of Texas A&M agrees that a vocabulary development marks the shift. "We've been changing affirmative action and quotas to diversity," he says. "Diversity is seen as good, and has become part of our mainstream culture."

In effect, diversity has come to mean hiring and admissions policies that focus on bringing people of different races and cultures on board — people like Obama, for example. "Obama's talking about merit, and keeping the doors open for all Americans, and strengthening the middle class," Anderson says.

Obama, whose father was Kenyan and whose half-sister is half-Indonesian, also represents another facet of the changing face of affirmative action. "Our society is becoming a lot more demographically complicated," says Schmidt, of *The Chronicle of Higher Education* and author of a recent book on affirmative action in college admissions. "All of these racial groups that benefit from affirmative action as a result of immigration — they're not groups that have experienced oppression and discrimination in the United States. And people are marrying people of other races and ethnicities. How do you sort that out? Which parent counts the most?"

All in all, Schmidt says, the prospects for affirmative action look dim. "In the long term, the political trends are against it," he says. "I don't see a force out there that's going to force the pendulum to swing the other way."

At the same time, many intended beneficiaries — African-Americans whose history set affirmative action in motion — remain untouched by it because of the deficient schools they attend.

The catastrophic state of public schools in low-income America remains — and seems likely to remain — a point on which all sides agree. Whether anything will be done about it is another story.

Top schools will continue to seek diverse student bodies, says Coleman of Duke law school. But the public schools continue to deteriorate. "I haven't seen any effort

by people who oppose affirmative action, or people who support it, to do anything to improve the public school system. We ought to improve the quality of education because it's in the national interest to do that."

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For More Information

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American Civil Liberties Union, 125 Broad St., 18th Floor, New York, NY 10004; www.aclu.org/racialjustice/aa/index.html. The organization's Racial Justice Program organizes legal and voter support for affirmative action programs.

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2

Human Trafficking and Slavery

*Are the World's Nations
Doing Enough to Stamp It Out?*

David Masci



AP Photo/Philippe Lopez

Tearful Eastern European women comfort each other after being freed in 2000 from an American-owned hotel in Phnom Penh, Cambodia, where they were forced to have sex with businessmen and government officials. Traffickers in Eastern Europe often lure young women into bondage by advertising phony jobs abroad for nannies, models or actresses.

From *CQ Researcher*,
March 26, 2004.

One morning in May, 7-year-old Francis Bok walked to the market in Nymlal, Sudan, to sell some eggs and peanuts. The farmer's son had made the same trip many times before.

"I was living a very good life with my family," he recalls today. "I was a happy child."

But his happy life ended that day in 1986. Arab raiders from northern Sudan swept into the village, sowing death and destruction. "They came on horses and camels and running on foot, firing machine guns and killing people everywhere," he says. His entire family — mother, father and two sisters — died in the attack.

The raiders grabbed Francis and several other children, lashed them to donkeys and carried them north for two days. Then the children were parceled out to their captors. Francis went to a man named Giema Abdullah.

For the next 10 years, the boy tended his "owner's" goats and cattle. He slept with the animals, never had a day off and was rarely fed properly.

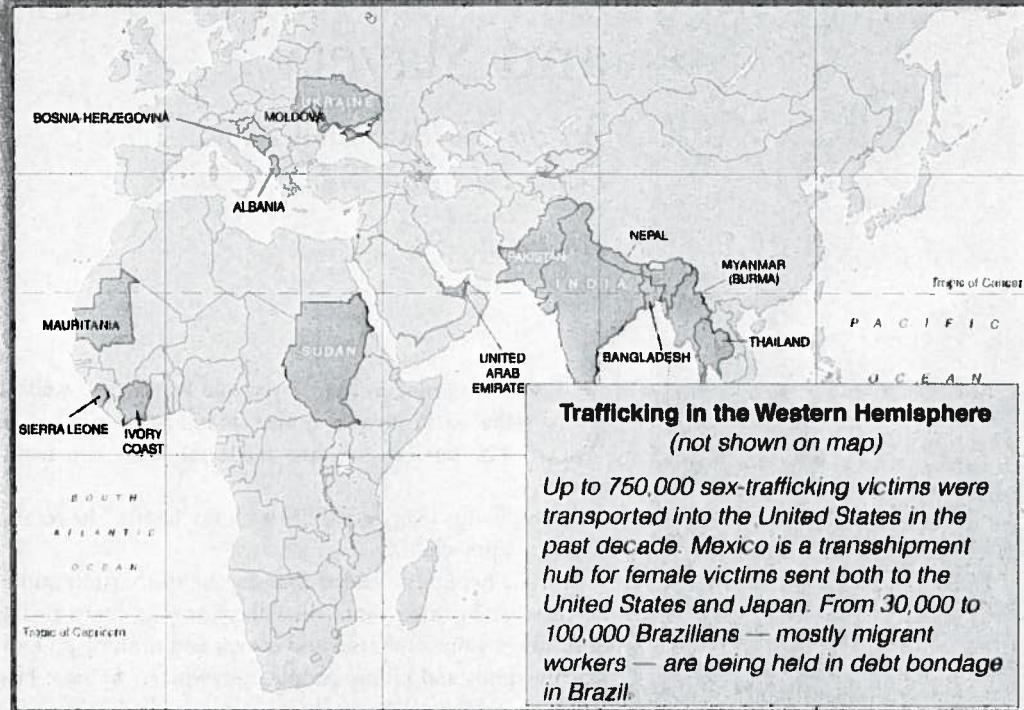
"He treated me like an animal, he even called me an animal, and he beat me," Francis says. "There was no joy. Even when I remembered my happy life before, it only made me sad."

In 1996, Francis escaped to Sudan's capital, Khartoum; then he made his way to Cairo, Egypt, and eventually in 2000 to the United States, which admitted him as a refugee.

As all American students learn, the Civil War ended slavery in the United States in 1865. Internationally, the practice was banned by several agreements and treaties, beginning in

Where Human Trafficking Occurs

Human trafficking and slavery take place in virtually every country in the world, but the U.N. and other reliable sources say the most extensive trafficking occurs in the countries below (listed at right).



Sources: Protection Project at Johns Hopkins University, U.S. State Department, Human Rights Watch, International Labour Organization, American Anti-Slavery Group

1926 with the Slavery Convention of the League of Nations. But for tens of millions of people around the world, including millions of children like Francis, slavery never ended. An estimated 27 million people currently are held in some form of bondage, according to anti-slavery groups like Free the Slaves.¹ From the villages of Sudan and Mauritania in Africa to the factories, sweatshops and brothels of South Asia, slavery in its rawest, cruelest form is very much alive in the 21st century.

Many of those in bondage were kidnapped, like Francis. Others go voluntarily to different countries,

thinking they are heading for a better life, only to be forced into a nightmare of prostitution or hard labor. Many more work as bonded laborers, tied to lifetime servitude because their father or grandfather borrowed money they couldn't repay.

Trafficking people across international borders has become a \$12-billion-a-year global industry that touches virtually every country. The U.S. government estimates that between 800,000 and 900,000 people are trafficked internationally every year, many of them women and children, transported as sex workers.² The total includes up to 20,000 people forcibly trafficked into the United

Europe

Albania	Up to 90 percent of the girls in rural areas don't go to school for fear of being abducted and sold into sexual servitude.
Bosnia and Herzegovina	A quarter of the women working in nightclubs claim they were forced into prostitution. The U.N. police task force is suspected of covering up its involvement in the sex trade.
Moldova	Up to 80 percent of the women trafficked as prostitutes in Western Europe may be Moldovans.
Ukraine	Up to 400,000 Ukrainian women have been trafficked for sexual exploitation in the past decade, Ukraine says. Ukrainian sex slaves can fetch up to \$25,000 in Israel.

Africa

Ivory Coast	A girl can allegedly be bought as a slave in Abidjan for about \$7; a shipment of 10 children from Mali for work on the cocoa plantations costs about \$420.
Mauritania	Light-skinned Arab Berbers today are thought to exploit hundreds of thousands of black African slaves. Slave raids in the 13th century began systemic slavery in Mauritania.
Sudan	Muslim tribesmen from northern Sudan still stage slave raids on non-Muslim Dinka peoples in the south, taking thousands of women and children.

Asia

Bangladesh	An estimated 25,000 women and children are trafficked annually from Bangladesh.
India	Parents have sold an estimated 15 million children into bonded labor in return for meager loans from moneylenders.
Myanmar	The ruling military junta coerces minorities into forced labor in factories that benefit the regime and foreign corporations.
Nepal	A major source of women trafficked into Indian brothels. In addition, an estimated 75,000 people are trapped as bonded laborers in Nepal.
Pakistan	Millions of Pakistanis, often members of religious minorities, are forced to work as brick makers or in the fields of feudal landowners.
Thailand	Children sold by their parents make up a significant percentage of prostitutes in Thailand, which is a prime destination for pedophile sex tourists.

United Arab Emirates Many women trafficked from the former Soviet Union end up in the UAE.

States annually, according to the Central Intelligence Agency.³ (See sidebar, p. 36.)

Lyudmilla's story is typical. Like many desperately poor young women, the single mother of three from the former Soviet republic of Moldova responded to an advertisement promising work in Italy. Instead she was taken to a brothel in Macedonia, where she spent two

horrific years in sexual slavery before escaping in 2002.⁴

Venecija, a Bulgarian, also ended up in a Macedonian brothel. "We were so tired we couldn't get out of bed," she recalled. "But [we had to] put on makeup and meet customers," she said after escaping. Those who refused were beaten until they "changed their minds."⁵



AP Photo/Jean-Marc Bouju

John Eibner of Christian Solidarity International pays an Arab trader to free 132 slaves in Madhol, northern Sudan, in 1997. Critics of slave-redemption say it only encourages more slave-taking, but supporters say that not trying to free slaves would be unconscionable.

Traffickers control their victims through a variety of coercive means. In addition to rape and beatings, they keep their passports, leaving them with few options if they do manage to escape.

And the violence can follow those who do get away. Mercy, a young West African woman trafficked to Italy, escaped her tormentors only to see her sister killed in retribution after Mercy told human rights groups about her experience.⁶

The vast majority of slaves and victims of human trafficking come from the poorest parts of Africa, Asia, Latin America and Eastern Europe, where smooth-talking traffickers often easily deceive desperate victims or their parents into believing that they are being offered a "better life."

"Being poor doesn't make you a slave, but it does make you vulnerable to being a slave," says Peggy Callahan, a spokeswoman for Free the Slaves, based in Washington, D.C.

Some Christian groups and non-governmental organizations (NGOs) have tried to buy slaves out of bondage, particularly in Sudan, where two decades of civil war have stoked the slave trade. But many humanitarian groups argue that so-called slave redemption merely increases the demand for slaves.

International efforts to fight slavery and trafficking have increased dramatically over the last 10 years, with the United States playing a leading role. President Bush

dramatized America's commitment in an address to the U.N. General Assembly on Sept. 23, 2003. The president had been expected to focus on security issues in the Middle East, but he devoted a substantial portion of his remarks to urging the international community to do more to fight trafficking.

"There is a special evil in the abuse and exploitation of the most innocent and vulnerable," Bush said. "Nearly two centuries after the abolition of the transatlantic slave trade, and more than a century after slavery was officially ended in its last strongholds, the trade in human beings for any purpose must not be allowed to thrive."⁷

The cornerstone of recent American anti-trafficking efforts is the 2000 Trafficking Victims Protection Act, which mandates the cutoff of most non-humanitarian U.S. aid for any nation deemed not trying hard enough to address the problem.

"The act breaks new ground because it actually tries to bring about changes in other countries," says Wendy Young, director of external relations for the Women's Commission for Refugee Women and Children in New York City.

"It's making a difference in countries all over the world," agrees Rep. Christopher H. Smith, R-N.J., one of the law's authors.

But critics contend the act is too weak to force real behavior changes. "It's very easy for countries to avoid sanctions just by taking a few largely meaningless actions," says Katherine Chon, co-director of the Polaris Project, an anti-trafficking advocacy group in Washington. She also accuses the administration of giving a pass to important allies, like Saudi Arabia, regardless of what they do to ameliorate their forced-labor practices.

All sides agree that many countries where trafficking occurs have a long way to go before they attain the level of economic, legal and political maturity needed to entirely eliminate the practice. "I don't think people realize just how desperately poor and chaotic many countries are today," says Linda Beher, a spokeswoman for the New York City-based United Methodist Committee On Relief, which assists trafficking victims.

A tragic consequence of this poverty is child labor, which many experts see as a cousin to slavery. In the developing world today, nearly 200 million children ages 5-14 are put to work to help support their families, according to the International Labour Organization

(ILO). Almost half are under age 12, and more than 20 million are engaged in highly hazardous work, such as tanning leather or weaving rugs, exposing them to unhealthy chemicals or airborne pollutants.⁸

Some humanitarian aid workers describe much child labor as inherently coercive, because young children often have no choice.

The ILO argues that eliminating child labor and sending children to school would ultimately benefit nations with child laborers by raising income levels. (See graph, p. 30.) But some economists counter that putting even a fraction of the working children in school would be prohibitively expensive.

As experts debate resolving what has been called one of the greatest humanitarian problems of the 21st century, here are some of the questions they are asking:

Does buying slaves in order to free them solve the problem?

In recent years, would-be Samaritans — from Christian missionaries to famous rock musicians — have worked to free slaves in Africa. Although slave trading occurs in many countries, the rescue efforts largely have focused on war-torn Sudan, where Muslim raiders from the north have enslaved hundreds of thousands of Christian and animist tribesmen in the south.

The Sudanese government has done virtually nothing to stop the practice and has even encouraged it as a means of prosecuting the war against the rebellious south, according to the U.S. State Department's 2003 "Trafficking in Persons Report."

Since 1995, Christian Solidarity International (CSI) and other slave-redemption groups operating in Sudan say they have purchased the freedom of more than 60,000 people by providing money for local Sudanese to buy slaves and then free them.⁹

Fighting the Traffickers

The 2000 Trafficking Victims Protection Act requires the State Department to report each year on global efforts to end human trafficking. Last year, 15 countries were placed in Tier 3, for those deemed to be doing little or nothing against trafficking. Countries in Tier 3 for three years in a row can lose all U.S. non-humanitarian aid. Tier 1 countries are considered to be actively fighting trafficking. Seventy-five countries are in Tier 2, indicating they are making some efforts against trafficking.

State Department Anti-Trafficking Ratings

Tier 1 — Actively Fighting Trafficking

Austria	Hong Kong	Poland
Belgium	Italy	Portugal
Benin	South Korea	Spain
Colombia	Lithuania	Sweden
Czech Republic	Macedonia	Switzerland
Denmark	Mauritius	Taiwan
France	Morocco	United Arab Emirates
Germany	The Netherlands	United Kingdom
Ghana		

Tier 3 — Doing Little or Nothing

Belize	Georgia	North Korea
Bosnia and Herzegovina	Greece	Sudan
Myanmar	Haiti	Suriname
Cuba	Kazakhstan	Turkey
Dominican Republic	Liberia	Uzbekistan

Source: "2003 Trafficking in Persons Report," Office to Monitor and Combat Trafficking in Persons, Department of State, June 2003

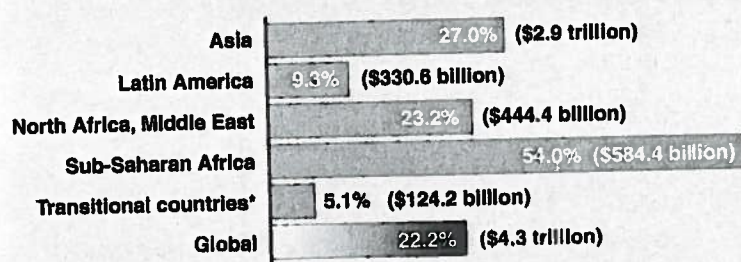
"Women and children are freed from the terrible abuse, the rape, the beatings, the forcible conversions [to Islam] — all of the horrors that are an inherent part of slavery in Sudan," said John Eibner, director of CSI's redemption program.¹⁰

Halfway around the world, *New York Times* columnist Nicholas D. Kristof had his own brush with slave redemption when he traveled to Cambodia and freed two female sex slaves. "I woke up her brothel's owner at dawn," he wrote of his efforts to purchase one of the prostitutes, "handed over \$150, brushed off demands for interest on the debt and got a receipt for \$150 for buying

Economic Benefits Cited for Ending Child Labor

Banning child labor and educating all children would raise the world's total income by 22 percent, or \$4.3 trillion, over 20 years, according to the International Labour Organization (ILO). The principal benefit would be the economic boost that most countries would experience if all children were educated through lower secondary school, plus substantial but less dramatic health benefits. The ILO analysis assumes countries that banned child labor would pay poor parents for their children's lost wages, something critics say is unrealistically expensive.

Net Economic Benefits of Eliminating Child Labor
(as a percentage of annual gross national income)



* Transitional countries — such as Taiwan, Singapore and Malaysia — are no longer considered "developing" but not yet classified as fully industrialized.

Source: "Investing in Every Child," International Programme on the Elimination of Child Labour, International Labour Office, December 2003

a girl's freedom. Then Srey Neth and I fled before the brothel's owner was even out of bed."¹¹

While experts concede that slave redeemers are well-intentioned, many contend the practice actually does more harm than good. "When you have people running around buying up slaves, you help create market demand for more slaves," says Jim Jacobson, president of Christian Freedom International, a relief group in Front Royal, Va., that stopped its slave-repatriation efforts five years ago. "It's really just simple economics."

Kevin Bales, author of *Disposable People: New Slavery in the Global Economy* and president of Free the Slaves, agrees. "This is like paying a burglar to redeem the television set he just stole," says Bales, a noted expert on contemporary slavery. "It's better to find other ways to free people, like going to the police or taking them out of bondage by force."

Indeed, Jacobson says, redemption only puts more money in the pockets of unscrupulous and often violent slave traders. "These people end up taking the money and buying more guns and hiring more thugs to go out and take more slaves," he says.

In addition, the critics say, many "slaves" pretend to be in bondage to defraud Westerners. "If you talk to aid workers in these places, you'll find that [bogus slave traders] are literally picking up [already free] people from across town and 'selling' them an hour later," Free the Slaves' Callahan says.

"So much of it is a huge scam operation," agrees Jacobson. "A lot of these people aren't really slaves."

But supporters of redemption say it would be unconscionable not to attempt to free slaves, even if slavers will go out searching for new victims. "Slaves are treated so badly, especially the women and children, who have been beaten and raped," says William Saunders, human rights counsel for the Family Research Council, a conservative social-policy group, and co-

founder of the Bishop Gassis Sudan Relief Fund, both in Washington. "How can you not try to free these people?"

Saunders and others also contend that slave buyers take steps to avoid creating a bigger market for slaves. "In the Sudan, they use the local currency, because a dollar or a [British] pound is the sort of powerful magnet that might give people incentives to take more slaves or present non-slaves," he says.

In addition, redemption supporters say, they usually cap what they will pay per person — typically \$50. "There's a real effort to ensure that we don't inflate the value of slaves," says Tommy Ray Calvert, chief of external operations for the Boston-based American Anti-Slavery Group (AASG).

Calvert contends that the redemptions have helped decrease slave raids in Sudan. The redemptions "brought world attention to the issue and forced our government

and others to start pressuring the Sudanese to stop this evil practice," he says.

Moreover, Saunders refutes the charge that redeemers simply set people free without trying to ensure that they are true slaves. "They try to repatriate these people directly to their villages," Saunders says. "They don't just buy their freedom and let them go."

But the critics remain dubious. "It's so hard to get anywhere in Sudan that there is no way that they could actually follow all of these people back to their home villages," Jacobson says. "It would take weeks or months."

Moreover, he says, "they don't have any idea whether the people they've freed have been coached or whether the village they're going to is really their village. It's simply impossible to know."

Is the Trafficking Victims Protection Act tough enough?

The \$12 billion human-trafficking industry is now the world's third-largest illegal business, surpassing every other criminal enterprise except the drug and arms trades, according to the United Nations.¹²

In October 2000, the U.S. government zeroed in on the problem, enacting the Trafficking Victims Protection Act (TVPA), which targets the illegal trade both at home and abroad.¹³ The law established the State Department's Office to Monitor and Combat Trafficking in Persons, which issues an annual report on what countries are doing to end trafficking.

The report uses a three-tiered system to rank countries — from states that actively fight trafficking (Tier 1) to those doing little (Tier 3). Countries classified as Tier 3 for three years in a row are subject to a cut-off of non-humanitarian U.S. aid. (See sidebar, p. 36.)

On the domestic side, the law allows U.S. authorities to charge alleged traffickers in the United States under the tough federal anti-racketeering law (RICO). According to the State Department, 111 persons have been charged with trafficking in the first three years since the law was enacted, a threefold increase over the three-year period before the TVPA went into effect.¹⁴

The law also makes it easier for trafficked victims to acquire refugee status in the United States and allows them to sue their victimizers for damages in civil court.



AFP Photo

Rescuers return 14 children to their native Bangladesh after they were abducted to India. Children in poor countries sometimes are sold by their parents or kidnapped by traffickers and forced to work without pay, frequently in hazardous conditions.

President Bill Clinton signed the bill into law on Oct. 28, 2000, saying it would provide "important new tools and resources to combat the worldwide scourge of trafficking."

Today, however, critics argue that while the act is "a step in the right direction," it is ultimately not tough enough to shake up the industry, especially internationally. "Of course, it's good that we have it, but frankly we have an awfully long way to go," says the Polaris Project's Chon.

She especially criticizes provisions requiring countries to fight trafficking or face American penalties. "It's just not strong enough because it allows countries to avoid sanctions with just superficial acts," she says.

For example, she says, Japan responded to U.S. pressure to curtail sex trafficking by "giving Cambodia a few million dollars in anti-trafficking aid and holding a symposium on trafficking." But the Japanese did "not really do anything to substantially crack down on their own widespread problem."

Yet, she adds, the United States has said Japan has been tackling trafficking enough to avoid a Tier 3 classification and the prospect of sanctions. "Japan is an important ally," she says. "Need I say more?"

Other critics allege that certain countries are treated with "kid gloves" for political reasons. "States like Saudi

Arabia and countries from the former Soviet Union, which are important American allies, have been pushed up to Tier 2 because stopping slavery isn't the priority [in U.S. foreign relations] it should be," says Calvert of the AASG.

Calvert is especially incensed that the government failed to classify Mauritania, on Africa's northwestern coast, in Tier 3, calling it instead a "special case" because of insufficient information to make an accurate determination. "This is a country with literally hundreds of thousands of people in chattel slavery and everyone knows it, and yet it gets a pass," he says. "That is just unbelievable to me."

But supporters contend that the TVPA, while not perfect, helps move problem countries in the right direction. "It's important to have a tool we can use to push foreign governments to act against this terrible abuse of human dignity, and this law does that," says Behr, of the United Methodist Committee On Relief.

In Japan, for instance, the law has helped make the fight against trafficking more effective, raising public awareness of the problem dramatically as a result of the debate over its ranking in the TVPA, supporters add.

"When Japan was dropped from Tier 1 to Tier 2, it was very embarrassing for them, and all of a sudden you saw this real public debate about the trafficking issue — which is a huge problem there," says Diana Pinata, a spokeswoman for Vital Voices, a global woman's advocacy group in Washington. "If nothing else, the [annual State Department trafficking] report and the threat of sanctions keeps the issue in the spotlight in these countries, and that's very positive."

Besides Japan, several other countries, including Russia, Saudi Arabia and Indonesia, have dramatically improved their anti-trafficking efforts as a result of pressure brought to bear by the TVPA, says John Miller, director of the Office to Combat Trafficking. "We've seen real efforts all over the world," he says. "Some have been more substantial than others, but there already has been a lot of progress."

Moreover, Miller rejects the charge of political favoritism. "Look at the Tier 3 list, and you'll see that there are U.S. allies like Greece and Turkey there," he says. "These decisions aren't being made on the basis of politics."

Pinata agrees. "When we speak to NGO workers and others in the field working on this issue, we get the sense

that the trafficking report's assessment of these countries is essentially correct," she says.

Should most forms of child labor be eliminated?

Zara Cigay, 12, and her two younger brothers don't go to school. Instead, they help their parents and extended family, migrant farm workers who pick cotton and other crops in southern Turkey.

"Wherever there is a job, we do it," said Huseyin Cigay, Zara's great-uncle. "The children work with us everywhere."¹⁵

More than 250 million children around the world between the ages of 5 and 17 are working, according to the ILO. Most are in developing countries in Africa and Asia, and nearly half work full time like Zara and her brothers.¹⁶

Many do strenuous farm labor. In cities, they do everything from retailing and domestic service to manufacturing and construction. In nations beset by civil wars, thousands of children have been forced to fight in rebel armies.¹⁷

A large portion of child labor is coerced, according to child-welfare experts. Children are often sold by their parents or kidnapped and forced to work virtually as slaves for no pay. In India, children are literally tied to weaving looms so that they cannot run away.

Labor experts uniformly condemn forced and bonded labor. But on the question of child labor in general, the experts are split over whether the practice should be condoned under certain circumstances.

Human rights advocates and others point to the ILO's 1999 Worst Forms of Child Labor Convention, which prohibits all full-time work and any work by children under 12 but sanctions part-time, non-hazardous labor for teenagers that does not interfere with their social development.¹⁸

"Under international law, children have a right to a basic education," says Karin Landgren, chief of child protection at the United Nations Children's Fund (UNICEF). "Work should never interfere with this."

In addition, Landgren says, "They need to have time to play and participate freely in their country's cultural and social life. This is vitally important if they are to develop into healthy adults."

A recent ILO report says that child labor negatively impacts all levels of society. "Child labor perpetuates

poverty, because when children don't have an education and a real chance to develop to their fullest potential, they are mortgaging their future," says Frans Roselaers, director of the organization's international program on the elimination of child labor and author of the report.

Child labor also costs societies economically by producing uneducated adult workers, Roselaers says. "Countries with a lot of child workers are stunting their economic growth," he says, "because they will only end up producing an army of weak and tired workers with no skills."

But some economists counter that child labor, even full-time work, is often a necessity in developing countries. "In an ideal world, children would spend all of their time at school and at play, but poor people in poor countries don't have the kind of options that we in rich countries do," says Ian Vasquez, director of the Project on Global Economic Liberty at the Cato Institute, a libertarian think tank. "When you begin to restrict children's options for work, you can end up hurting children and their families."

Indeed, child labor often is the only thing that stands between survival and starvation, some experts say. "No parents want their child to work, but child labor helps families get by," says Deepak Lal, a professor of international-development studies at the University of California, Los Angeles. "When a country's per capita income rises to about \$3,000 or \$4,000, child labor usually fades away."

In addition, Lal says, working children often end up with a better education than those who don't work. "The public education system is a failure in many parts of the developing world and really doesn't offer much to the children who attend school," he says. "But if a child works and his family earns enough to send him or his siblings to private school, that can really pay off."

Finally, Vasquez argues that outlawing child labor would only drive the problem underground, where there is no government oversight, and abuses would increase. "In Bangladesh, girls were prevented from continuing to work in textile plants, so many ended up as prostitutes," he says. "People need to make money, and if you deny them one route, they'll take another."

But Roselaers counters that child workers would not be driven to more dangerous and demeaning jobs if the international community eased the transition from work

to school. In the case of Bangladesh, he says, the threat of a consumer boycott by Western countries prompted textile factory owners to fire their child employees.

"The factory owners panicked and fired the kids, and so, yes, there were problems," he says. "But when groups like the ILO and UNICEF came in, we started offering the parents stipends to make up for the lost income and easing the children's transition from work to school."

Some 1 million children are now being helped to make the transition from work to school, according to a recent ILO report.¹⁹ In India, for instance, the ILO and the U.S. Department of Labor are spending \$40 million this year to target 80,000 children working in hazardous jobs.²⁰

Nonetheless, Lal says, such a program could only make a small dent in the problem. "You can't give a stipend to each of the many millions of families that send their children to work," he says. "There isn't enough money to do this, so it's not a realistic solution, just a palliative that make Westerners feel good about themselves."

BACKGROUND

Ancient Practice

Slavery is as old as human civilization. All of the world's great founding cultures, including those in Mesopotamia, China, Egypt and India, accepted slavery as a fact of life.²¹ The practice also was common in sub-Saharan Africa and the Americas.

Neither the Bible nor the great thinkers of Greece and Rome took firm positions against slavery. Some, like the Greek philosopher Aristotle, vigorously defended it.

It was not until Enlightenment philosophers like John Locke and Voltaire established new definitions of human freedom and dignity in the 17th and 18th centuries, that large numbers of people started questioning the morality of keeping another person in bondage.

Ancient societies typically acquired slaves from outside their borders, usually through war or territorial conquest. Captives and conquered people often served as agricultural workers or domestic servants.

Slavery probably reached its zenith in ancient Greece and then Rome, where human trafficking became a huge and profitable industry. In many Greek cities, including powerful Athens and Sparta, as many as half the residents

CHRONOLOGY

19th Century *After thousands of years, slavery is abolished in much of the world.*

1821 Congress enacts the Missouri Compromise, specifying which new U.S. states will allow slavery.

1833 England outlaws slavery throughout its empire.

1839 The world's first international abolitionist group, Anti-slavery International, is founded in England.

1848 Slavery abolished in French colonies.

1863 President Abraham Lincoln issues Emancipation Proclamation.

December 1865 The 13th Amendment abolishes slavery.

1873 Spain ends slavery in Puerto Rico.

1888 Brazil outlaws slavery.

1900-1990 *International treaties to halt slavery are adopted.*

1919 International Labour Organization (ILO) is founded.

1926 League of Nations outlaws slavery.

1945 United Nations is founded.

1946 U.N. Children's Fund is established.

1948 U.N.'s Universal Declaration of Human Rights prohibits slavery.

1951 International Organization for Migration is founded to help migrants.

1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery outlaws debt bondage, serfdom and other forced-labor practices.

1978 Human Rights Watch is founded.

1983 Sudan's civil war begins, pitting the Muslim north against the Christian and animist south, leading to slave raids in the south.

1990s *The end of the Cold War and other geopolitical changes allow trafficking and slavery to expand.*

1991 Collapse of the Soviet Union leads to a dramatic rise in trafficking in Eastern Europe.

1994 American Anti-Slavery Group is founded.

1995 Christian and non-governmental organizations begin redeeming slaves in Sudan.

June 1, 1999 ILO adopts the Worst Forms of Child Labor Convention.

2000-Present *United States and other countries renew efforts to fight slavery and trafficking.*

March 2000 Free the Slaves is founded.

Oct. 28, 2000 President Bill Clinton signs the Trafficking Victims Protection Act.

Nov. 15, 2000 United Nations approves the Protocol to Prevent, Suppress and Punish the Trafficking in Persons.

Feb. 14, 2002 Polaris Project is founded to fight trafficking.

June 10, 2002 State Department's Office to Monitor and Combat Trafficking releases its first "Trafficking in Persons Report."

March 11, 2003 Brazilian President Luiz Inacio Lula da Silva unveils anti-slavery initiative.

Sept. 19, 2003 President Bush signs Trafficking Victims Protection Act Reauthorization.

Sept. 23, 2003 President Bush delivers a major anti-trafficking address at the U.N. General Assembly.

January 2004 U.N. launches year-long commemoration of anti-slavery movement.

Summer 2004 State Department's Fourth Annual "Trafficking in Persons Report" to be released.

were slaves. In Rome, slavery was so widespread that even common people could afford to have one or two.²²

Slaves in the ancient world often did more than just menial tasks. Some, especially in the Roman Empire, became physicians and poets. Others achieved great influence, managing estates or assisting powerful generals or politicians.

Great Roman thinkers like Pliny the Younger and Cicero urged masters to treat their slaves with kindness and even to let them "share your conversations, your deliberations and your company," Cicero wrote.²³ Perhaps as a result, manumission, or the freeing of slaves by their masters, was commonplace, usually after many years of service.

Ultimately, however, Roman slavery was maintained by cruelty and violence, including the use of severe flogging and even crucifixion. Slave revolts, common in the first and second centuries B.C., were brutally suppressed.

The collapse of the western half of the Roman Empire in the 5th-century A.D. led to a new, more fragmented, power structure in Western Europe often centered around local warlords (knights) and the Catholic Church. The new order did not eliminate slavery, but in many areas slaves became serfs, or peasants tied to the local lord's land and could not leave without his permission.²⁴

In the East, meanwhile, a new force — Islam — was on the rise. For the Arabs who swept into the Mediterranean basin and the Near East beginning in the 7th century, traditional slavery was a way of life, just as it had been for the Romans. In the ensuing centuries, the Arabs brought millions of sub-Saharan Africans, Asians and Europeans to the slave markets for sale throughout the Middle East.

Meanwhile, slavery remained commonplace elsewhere. In North America, Indians along the Eastern seaboard and in the Pacific Northwest often enslaved members of other tribes taken in war. The more advanced indigenous civilizations to the south, like the Aztec and Mayans in what is now Mexico, and the Inca of Peru, also relied upon slaves. And on the Indian subcontinent, the strict Hindu caste system held tens of millions in virtual bondage.

Slavery Goes Global

In the 15th century, European explorers and adventurers sailing to new territories in Asia, Africa and the Americas began a new chapter in the history of slavery.

By 1650, the Dutch, Spanish, Portuguese, French and English had established colonies throughout the world. The new territories, especially in the Americas, produced new crops such as sugar and tobacco, as well as gold and other minerals. Initially, enslaved indigenous peoples did the harvesting and mining in South America. But ill treatment and disease quickly decimated native populations, prompting the importation of slaves from Africa.

From the mid-1500s to the mid-1800s, almost 9 million Africans were shipped mostly to Latin America — particularly to today's Brazil, Haiti and Cuba — under the most inhumane conditions. About 5 percent — about 400,000 — of all the African slaves ended up in the United States.²⁵

On the sugar plantations of the West Indies and South America, crushing work and brutal punishment were the norm. Although Spain and Portugal had relatively liberal laws concerning the treatment of slaves — they could marry, sue a cruel owner and even buy their freedom — they were rarely enforced.

In the British colonies and later in the United States, slaves enjoyed somewhat better working conditions and medical care. Nonetheless, life was harsh and in some ways more difficult. Since slaves in Latin America and the Caribbean usually outnumbered Europeans, they were able to retain more of their African customs. In British America, where by 1750 whites outnumbered slaves by more than four to one, Africans quickly lost many of their cultural underpinnings.

Most American slavery was tied to the great Southern plantations that grew tobacco, rice and other cash crops. Although slavery also was practiced in Northern states, it was never as widespread and had been largely abolished by 1800.

By the late 18th century, Southern slavery also appeared headed for extinction, as industrialization and other trends took hold, rendering the plantation system increasingly economically unfeasible. But Eli Whitney's invention of the cotton gin in 1793 gave American slavery a new lease on life. The gin made the labor-intensive process of separating the seeds from the cotton easy, enabling slaves to dramatically increase their output.²⁶

Meanwhile, the rise of textile mills in England and elsewhere was creating a new demand for the fluffy, white fiber. By the early 19th century, many Southern plantations that had been unprofitably growing other crops

Fighting Trafficking in the United States

Seven men were sent to prison on Jan. 29, 2004, for holding several Latin American women against their will in South Texas, forcing them to work without pay and raping them repeatedly.

The case was the latest in a series of sex-trafficking cases prosecuted under the Trafficking Victims Protection Act (TVPA) of 2000, which established stiff penalties for human trafficking and provided mandatory restitution to victims.¹ In the last three years, the Justice Department has prosecuted 132 traffickers — three times the number charged in the three years before the law was enacted.²

Last year, Congress updated the law to make trafficking a racketeering offense and allow victims to sue their captors in U.S. courts.

"While we have made much progress in combating human trafficking . . . we have not yet eradicated modern-day slavery," reauthorization sponsor Rep. Christopher H. Smith, R-N.J., said during consideration of the bill by the House International Relations Committee on July 23, 2003.

The Central Intelligence Agency estimates that between 18,000 and 20,000 people are trafficked into the United States each year.³ Many are women — kidnapped or lured here with promises of marriage or work as nannies, models, waitresses, factory workers and exotic dancers. Once they arrive, they are stripped of their passports and forced to work as sex slaves, laborers or domestic servants until their smuggling or travel "debts" are repaid. The average victim is 20 years old.⁴

"They tell them they'll make a lot of money, they'll be free, they'll have a beautiful life," says Marisa B. Ugarte, executive director of the Bilateral Safety Corridor Coalition, a San Diego organization that assists trafficking victims in

Mexico and the United States. "But once they are here, everything changes."

Prior to passage of the TVPA, many of the victims were treated as criminals and subject to deportation. Today, they can apply to the Bureau of Citizen and Immigration Services for one of 5,000 "T" nonimmigrant visas available each year. The visas allow them to remain in the United States if they are assisting in the investigation or prosecution of traffickers. They may then apply for permanent residency if their removal would cause severe hardship.⁵

The Department of Homeland Security had received 721 T-status applications as of June 30, 2003: 301 were granted, 30 were denied and 390 are pending.⁶

Mohamed Mattar, co-director of the Protection Project, a human-rights research institute at Johns Hopkins University, said the visa program has been stymied by victims' reluctance to go to law enforcement authorities for help.

This fear is fed by the fact that many police officers remain unaware of the TVPA and are more likely to arrest the victims than the perpetrators, says Donna M. Hughes, an authority on sex trafficking at the University of Rhode Island.

"We need to start treating [Johns] like the perpetrators they are, and not like lonely guys," Hughes adds. "We need a renewal of ideas at the state and local level."

Under the TVPA, alien trafficking victims who do come forward can receive federal benefits normally available to refugees.

Historically, most trafficked victims have come from Latin America and Southeast Asia, smuggled across the porous Mexican border by "coyotes" or escorted by "jockeys" pretending to be a boyfriend or cousin.⁷ Since the early 1990s, however, there has been an influx of women from the former Soviet Union and Central and Eastern Europe,

were now making plenty of money using slaves to pick and process cotton.

Around the same time, however, a movement to abolish slavery began to gather steam in the Northern states. For decades, Americans had debated the morality of slavery. During deliberations over independence in 1776, many delegates to the Second Continental Congress — including

John Adams, Benjamin Franklin and Virginia slaveholder Thomas Jefferson — had pushed to make the elimination of slavery part of the movement for America's independence. But resistance from the South and the need for colonial unity against the British doomed the proposal.

The debate over slavery, however, did not go away. The issue complicated the new country's efforts to form

where trafficking rings recruit women with newspaper ads and billboards beckoning them to prosperous futures in the United States.

Undocumented migrant workers are also vulnerable to traffickers. On March 2, 2004, a federal district judge sentenced Florida labor contractor Ramiro Ramos to 15 years in prison for holding migrant workers in servitude and forcing them to work in citrus groves until they had paid off their transportation debts.¹

In some instances, diplomats and international civil servants bring domestic workers — often illiterate women from Africa, Asia and Latin America — into the United States legally, but then force them to work long hours for almost no pay. In one case, an Ethiopian maid for an International Monetary Fund staffer says she worked eight years for seven days a week, 15 hours a day for less than 3 cents an hour.²

Although the employer claimed the maid was his guest, he disappeared before a lawsuit filed by the maid, Yeshehateg Teferra, could be prosecuted. "I was not their guest," Teferra told a reporter. "I was their slave."³

Foreign diplomats bring 3,800 domestic servants into the United States each year under special temporary work visas, which allow them only to work for the employer who sponsored them. The employer promises to abide by U.S. labor laws, but there is almost no oversight of the program, so the abuse of servants remains under law enforcement's radar screen, human rights advocates say.⁴

But foreign nationals are not the only victims of domestic trafficking. Homeless and runaway American children also are preyed upon by pimps, who troll malls and clubs in search of teenagers they can "turn." Typically, the pimps befriend the girls, ply them with drugs and then use their addiction to turn them into prostitutes.⁵

There are between 100,000 and 300,000 such citizen victims in the United States, though they're more often

overlooked by police, says Derek Ellerman, co-founder of the Polaris Project, a grass-roots anti-trafficking organization. "There is a glaring bias in enforcement" of the Mann Act, which bans the transport of children and adults across state lines for prostitution, Ellerman says. "U.S. kids who are being targeted [by traffickers] just are not being protected."

For the traffickers — many of them members of gangs or loosely linked criminal networks — trafficking is much more lucrative than smuggling contraband items, because human slaves can provide a source of long-term income through prostitution and forced labor. "There's a market for cheap labor, and there's a market for cheap sex, and traffickers know they can make money in it," Michele Clark, co-director of the Protection Project, says.

— Kelly Field

¹ Department of Justice press release, Jan. 29, 2004.

² Department of Justice press release, March 2, 2004.

³ Department of Justice, "Assessment of U.S. Activities to Combat Trafficking in Persons," August 2003, p. 3.

⁴ Amy O'Neill Richard, "International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery and Organized Crime," DCI Exceptional Intelligence Analyst Program, pp. 3-5.

⁵ John R. Miller, "The United States' Effort to Combat Trafficking in Persons," *International Information Program Electronic Journal*, U.S. State Department, June 2003.

⁶ Department of Justice, *op. cit.*, August 2003, p. 9.

⁷ Peter Landesman, "The Girls Next Door," *The New York Times Magazine*, Jan. 25, 2004.

⁸ Justice Department, *op. cit.*, March 2, 2004.

⁹ William Branigin, "A Life of Exhaustion, Beatings, and Isolation," *The Washington Post*, Jan. 5, 1999, p. A6.

¹⁰ Quoted in *ibid.*

¹¹ Richard, *op. cit.*, p. 28.

¹² Janice G. Raymond and Donna M. Hughes, "Sex Trafficking of Women in the United States, International and Domestic Trends," *Coalition Against Trafficking in Women*, March 2001, p. 52.

its governing institutions and to expand westward, forcing increasingly abolitionist Northerners and slaveholding Southerners to craft tortured compromises to keep the nation together.

In 1789, delegates to the Constitutional Convention hammered out the infamous Three-fifths Compromise, permitting each slave to be counted as three-fifths of a

person for purposes of apportioning the number of representatives each state had in the new Congress.²⁷ And in 1821, Congress passed the Missouri Compromise, drawing a line westward along the 36.30 parallel. The new Western states above the line would be admitted to the Union as "free" states, while those below the boundary would be so-called slave states.

Nearly 200 Million Young Kids Must Work

Nearly a fifth of the world's young children have to work, including 110 million in Asia and fully a quarter of all the children in sub-Saharan Africa.

Working Children, Ages 5 to 14, By Region
(in millions)

Region	Total Working	Percentage of children in region
Asia	110.4	18.7%
Latin America	16.5	17.0
North Africa, Middle East	9.0	10.2
Sub-Saharan Africa	37.9	25.3
Transitional countries*	8.3	14.6
Total	182.1	18.5%

* Transitional countries — such as Taiwan, Singapore and Malaysia — are no longer considered “developing” but not yet classified as fully industrialized.

Source: “Investing in Every Child,” International Programme on the Elimination of Child Labour, International Labour Office, December 2003

Outlawing Slavery

Much of the rest of the world, however, was abolishing slavery. In the early 1800s, many of the newly independent nations of Spanish America won their independence and immediately outlawed human bondage. Simón Bolívar, who liberated much of Latin America, was a staunch abolitionist, calling slavery “the daughter of darkness.”²⁸

In Europe, the tide also was turning. Largely due to the efforts of abolitionist William Wilberforce, the British Empire outlawed the practice in 1833, although *de facto* slavery continued in India and some other colonies. In 1848, France also freed the slaves in its colonies.

However, in the United States, peaceful efforts at compromise over slavery failed, and the issue finally helped trigger the Civil War in 1861. In 1863, during the height of the conflict, President Abraham Lincoln issued the “Emancipation Proclamation,” freeing all slaves in the Southern, or Confederate, states. Soon after the war ended with Union victory in 1865, the 13th Amendment to the Constitution abolished slavery altogether.²⁹

After the Civil War, the worldwide abolition of slavery continued. Spain outlawed the practice in Puerto Rico in 1873 and in Cuba in 1886. More important, Brazil began dismantling its huge slave infrastructure in 1888.

Today, slavery is illegal in every country in the world and is outlawed by several treaties. “In international law, the outlawing of slavery has become what is called *jus cogens*, which means that it’s completely accepted and doesn’t need to be written into new treaties and conventions,” says Bales of Free the Slaves.

The foundation of this complete acceptance rests on several groundbreaking international agreements, beginning with the 1926 Slavery Convention of the League of Nations, which required signatory countries to work to abolish every aspect of the practice.³⁰

Slavery also is banned by the 1948 Universal Declaration of Human Rights, which holds that “no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.”³¹

Other conventions prohibiting the practice include the 1930 ILO Convention on Forced Labor and a 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.

More recently, the United Nations in 2001 approved a Protocol to Prevent, Suppress and Punish the Trafficking in Persons as part of a major convention on fighting organized crime. The protocol requires signatories to take action to fight trafficking and protect its victims. It has been signed by 117 countries and ratified by 45.³² While the United States has not yet ratified the document, it has the support of the White House and is expected to win Senate approval in the near future.

CURRENT SITUATION

Human Trafficking

The poorest and most chaotic parts of the developing world supply most trafficking victims — often women and children destined for the sex trade.

In South Asia, young women and children routinely are abducted or lured from Nepal, Pakistan, India, Bangladesh, Cambodia and Myanmar (Burma) to work in brothels in India's large cities, notably Bombay, and the Persian Gulf states. Thousands also end up in Bangkok, Thailand's capital and an infamous sex-tourism mecca.

In Asia, the victims' own families often sell them to traffickers. "In Nepal, entire villages have been emptied of girls," says Pinata of Vital Voices. "Obviously, this could not have happened without the complicity between traffickers and the victims' families."

Parents sell their children for a variety of reasons — virtually all linked to poverty, Pinata says. "Some think the child will have a better life or that their daughter will be able to send money home," she says. "For some, it's just one less mouth to feed."

"Even when they have a sense of what their children will be doing, many parents feel they don't have a choice," adds UNICEF's Landgren. "They feel that literally anything is better than what they have now."

In Eastern Europe, traffickers often lure women into bondage by advertising in local newspapers for nanny positions in the United States or Western Europe. For instance, Tetiana, a Ukrainian woman, was offered 10 times her salary to be an au pair in Italy. Instead she was forced into prostitution in Istanbul, Turkey.³³

Others are promised work as models or actresses. In some cases, the victims even put up their own money for their travel expenses, only to find themselves prisoners in a European brothel or in Mexico, awaiting transport across the border to the United States.³⁴

Even those who understand at the outset that they are going to be prostitutes are not prepared for the brutality they face. "They're unaware of how much abuse, rape, psychological manipulation and coercion is involved," says the Polaris Project's Chon.

Eastern Europe is particularly fertile ground for sex traffickers, she says. The collapse of communism more than a decade ago has left many parts of the region, especially Ukraine, Moldova and Belarus, economically and politically stunted. "These countries are just full of desperate people who will do anything for a chance at a better life," she says.

To make matters worse, brothel owners prize the region's many light-skinned, blonde women. "Lighter women are very popular in places like the United States,



AFP Photo

Six-year-old Ratan Das breaks rocks at a construction site in Agartala, India, where he earns about 40 cents a day to supplement his widowed mother's 60-cents-per-day income. India has more child laborers than any other country — about 120 million — followed by Pakistan, Bangladesh, Indonesia and Brazil.

Europe and Asia," Chon says. "So these women are in demand."

In Africa, more people are trafficked for forced labor than as sex slaves. "In Africa, you have a lot of people being taken and sent to pick cotton and cocoa and other forms of agricultural labor," says Vital Voices' Pinata.

Regardless of their origin, once victims are lured into a trafficking ring, they quickly lose control over their destiny. "If they have a passport, it's usually taken from them and they're abused, physically and psychologically, in order to make them easier to control," says the United Methodist Committee On Relief's Beher.

When victims of trafficking reach their final destination, they rarely have freedom of any kind. "A 16-year-old girl who had been trafficked into Kosovo to be a prostitute told me that when she wasn't working in the bar, she was literally locked into her room and not allowed out," Beher says. "That's the sort of thing we see all the time."

Organized crime plays a key role in most human trafficking. "Most of what you are dealing with here is criminal networks," says Miller of the Office to Combat Trafficking. "You can't take someone out of the Czech Republic and drive her to the Netherlands and hand her over to another trafficker and then to a brothel without real cooperation."



AFP Photo/Rob Elliott

A 16-year-old Cambodian girl rescued from a brothel peers from her hiding place in Phnom Penh. An estimated 300,000 women are trapped in slave-like conditions in the Southeast Asian sex trade. Cambodia recently agreed to join the first U.N. program aimed at halting the trafficking of women in the region.

Indeed, smuggling rings often team up with criminal groups in other countries or maintain "branch offices" there. And most traffickers are involved in other criminal activities, such as drugs and weapons smuggling. "Many drug gangs in Southeast Asia are spinning off into trafficking because it's very low risk and very lucrative," says the Women's Commission's Young, who adds that unlike a shipment of drugs, human cargo can earn traffickers money for years.

These crime networks, especially in Eastern Europe and Asia, operate freely, in large part because they have corrupted many local officials. "So many people are being moved across borders that it's impossible to believe that government officials aren't cooperating," Young says. "Like drugs and other illegal activities, this is very corrupting, especially in poor countries where the police are poorly paid."

In addition to stepping up law enforcement, countries can do many things to fight trafficking, UNICEF's Landgren says. "For example, the United Kingdom has a new system that keeps tabs on children entering the country," she says. "By keeping track of children that come in from abroad, we can better protect them."

And in Brazil, where landowners often lure peasants to their farms with promises of work only to put them in

debt bondage, President Luiz Ignacio Lula da Silva has stepped up efforts to free forced laborers. Lula, as the president is called, also has called for a change in the constitution to allow the confiscation of land for those convicted of enslaving workers.

Even countries that have long allowed trafficking are beginning to address the issue. Moldova, for instance, has begun prosecuting traffickers and has created a database of employment agencies that help people find legitimate work abroad.³⁵

NGOs have also taken steps to help. For instance, some groups run safe houses where trafficking victims who escape can find shelter and security. "We provide them with medical and psychological care," says Beher, whose group operates a house in Kosovo's capital, Pristina. "We allow them to stay until they recover and then help them to get home, which is usually somewhere else in Eastern Europe, like Romania or Moldova."

The Polaris Project maintains three 24-hour hotlines (in English, Thai and Korean) in the United States to allow both victims and third parties to report trafficking activity. Polaris also has a trafficking database to help law enforcement and other officials gather information about potential cases.

But international organizations and NGOs can only do so much, says Beher, because impoverished, poorly governed countries will always be breeding grounds for trafficking. "Until the causes disappear, all we in the international aid community can do is fight the symptoms," she says.

"In order to really get rid of this problem," Beher continues, "you need political stability and a strong civil society, which in turn leads to the rule of law and stronger law enforcement. You know, there's a reason why there aren't a lot of Finnish people being trafficked."

But Calvert of the American Anti-Slavery Group says governments and international organizations could virtually shut down the trade in human beings if they wanted to. "The international community is in a state of denial and lacks the commitment to fight this," he says. "Look at Britain: They had whole fleets of ships devoted to stopping the slave trade on the high seas, and it worked."

Calvert says the United Nations and other international groups should be more aggressive and

A T I S S U E

Is the Trafficking Victims Protection Act tough enough?

YES**Rep. Christopher H. Smith, R-N.J.**
*Chairman, U.S. Helsinki Commission**Written for The CQ Researcher, March 15, 2004*

Each year, nearly a million people worldwide are bought and sold into the commercial sex industry, sweatshops, domestic servitude and other dehumanizing situations.

In October 2000, President Clinton signed into law the Trafficking Victims Protection Act (TVPA), which I authored. It provided a multifaceted approach to halting human trafficking through law enforcement, prevention and aid to victims. It also represented two major policy changes: up to life in prison for those who traffic in humans and treatment of the people trafficked — largely women, children, and teenagers — as victims rather than as criminals. In 2003, the law was expanded and strengthened.

As President Bush noted in his historic speech at the United Nations in September 2003, the global community must do more to eradicate human slavery. But significant progress has been made in just a few years, thanks largely to the law's three-tier system and annual "Trafficking in Persons Report" mandated by the law.

When the first report came out, the State Department listed 23 nations in Tier 3 as the worst offenders. It pulled no punches and did not hesitate to name offending nations, including our allies, if they were not making "serious and sustained" efforts to fight trafficking. Naming names was a measure I fought hard to include in the law, even though it was initially opposed by the previous administration.

Thanks to the report and the threat of sanctions, most nations have improved their record on trafficking. Only 15 countries were in Tier 3 during the most recent 2003 report, and most of them made enough progress in the ensuing months to avoid economic sanctions. The State Department is continually improving the scope of the report so it will present the most accurate and thorough picture of the worldwide trafficking problem.

The message from the United States is loud and clear: If you are committed to the fight against human slavery, we welcome you as an ally. But if you continue to look askance when it comes to this horrible crime and pretend you don't have a trafficking problem, we're going to aggressively push you to make reforms, and we'll use economic sanctions as a means to that end.

NO**Tommy Calvert, Jr.**
*Chief of External Operations,
American Anti-Slavery Group**Written for The CQ Researcher, March 15, 2004*

Most anti-slavery experts would agree the TVPA is a good law, but that slavery can be defeated in our lifetime only if we give the law priority in attention and funding — and apply it equally to friends and foes alike.

The "Trafficking in Person's Report" (TIPS) required by the law does not reveal the full story on global slavery, but only a snapshot. The criteria used to determine progress in the fight against slavery — by focusing on government action rather than on total slavery within a nation's borders — skew our view of realities on the ground.

South Korea, for example, has a serious problem with trafficking — an estimated 15,000 people trafficked per year — but it is ranked in Tier 1, the best ranking a government can receive. Nations can create many seemingly tough laws and programs to fight slavery. However, organized crime may still run thriving trafficking operations in the face of such policies, which may in reality be weak or ineffectual.

Last year marked the first time that countries designated by the "Trafficking in Persons Report" as the worst offenders — Tier 3 — would automatically be subject to U.S. sanctions, which can only be waived by the president.

The State Department gave wide latitude to the standards for Tier 2, perhaps to keep strategic allies from being hit with sanctions. Both Brazil and Saudi Arabia, for instance, received Tier 2 designations. But Brazil's president has launched one of the world's most ambitious plans to end slavery, while Saudi Arabia has no laws outlawing human trafficking and has prosecuted no offenders. Thus, the report's rankings equate a major national initiative to end slavery with royal lip service.

Some Middle Eastern and North African countries may have advanced in the rankings because they are being courted by the administration to support the war on terror and our plans for change in the region. But there is evidence these countries have not really progressed in the fight against human bondage.

The long-term effect of such discrepancies is to reduce the credibility of the report and lengthen the time it takes to eradicate slavery.



Pakistani Minister for Education Zohra Jaleel and Deputy Labor Under Secretary for International Labor Affairs Thomas Moorhead sign an agreement in Islamabad on Jan. 23, 2002, calling for the U.S. to provide \$5 million to help educate working children in Pakistan.

uncompromising in combating slavery. "They had weapons inspectors didn't they?" he asks. "Well that's what we need to fight this. We need that kind of action."

Slavery and Forced Labor

Slavery today bears little resemblance to earlier forms of bondage. For instance, 150 years ago in the American South, a healthy slave was a valuable piece of property, worth up to \$40,000 in today's dollars, according to *Free the Slaves*.³⁶ By contrast, slaves today are often worth less than \$100, giving slaveholders little incentive to care for them.

Although slavery exists nearly everywhere, it is most prevalent in the poorer parts of South Asia, where an estimated 15 million to 20 million people are in bonded labor in India, Pakistan, Bangladesh and Nepal.

Bonded labor usually begins when someone borrows money from someone else and agrees to work for that person until the debt is paid. In most cases, the debt is never paid and the borrower and his immediate family become virtual slaves, working in exchange for basic amenities like food and shelter.

"Often you see a whole family in bondage for three or four generations because once someone borrows a small amount of money you're trapped," says Callahan of *Free the Slaves*. "You don't pay off the principal of the loan, you just keep paying off the interest."

Bonded laborers work at jobs ranging from making bricks in Pakistan to farming, cigarette rolling and carpet making in India. In the western Indian state of Gujarat, some 30,000 bonded families harvest salt in the marshes. The glare from the salt makes them color-blind. When they die, the laborers cannot even be cremated, according to Hindu custom, because their bodies have absorbed too much salt to burn properly.³⁷

Slavery is also widespread in sub-Saharan Africa, where the Anti-Slavery Group estimates that at least 200,000 people are in bondage. Besides Sudan, the largest concentration of African slaves is in Mauritania. For hundreds of years, Mauritania's lighter-skinned ruling elite kept their darker compatriots in a system of chattel slavery, with generations being born into servitude. Although the country formally outlawed slavery in 1980, the practice is thought to still be widespread.

"For the thousands of slaves who were legally freed in 1980, life did not change at all," Bales writes. "No one bothered to tell the slaves about it. Some have never learned of their legal freedom, some did so years later, and for most legal freedom was never translated into actual freedom." Today, slaves are still "everywhere" in Mauritania "doing every job that is hard, onerous and dirty."³⁸

Slaves also pick cotton in Egypt and Benin, harvest cocoa and other crops in Ivory Coast and mine diamonds in Sierra Leone.

In addition, hundreds of youngsters are abducted each year and forced to become soldiers for rebel fighters in war zones like Uganda and Congo.

Child soldiers often are made to do horrible things. A girl in Uganda who was kidnapped at 13 was forced to kill and abduct other children during her five years in captivity.³⁹

But slavery also flourishes beyond the developing world. Although the problem is not as widespread, forced labor and servitude also occur in Europe and the United States — in brothels, farms and sweatshops. "It's amazing, but there are slaves in the United States doing all kinds of things," says Miller of the Office to Combat Trafficking. "Recently authorities found a group of Mexican [agricultural workers] who had been trafficked to work for no pay in Florida. It's unbelievable."

Moreover, slavery is not confined to just seedy brothels or plantations. In upscale American neighborhoods too, people, usually from other countries, have been

enslaved, often as domestics. Last year, for instance, a suburban Maryland couple was convicted of forced labor for coercing an illegal alien from Ghana to work seven days a week as a domestic servant without pay. And from time to time, foreign diplomats are found to be harboring unpaid domestic workers from their home countries who cannot leave to work for someone else because the diplomats hold their visas.⁴⁰

OUTLOOK

Impact of Globalization

The increasing ease of travel and communication brought about by globalization has helped many industries, including illegal ones like trafficking and slavery.

"Globalization has certainly made trafficking and slavery easier, but it is a double-edged sword," says Jacobson of Christian Freedom International. "It has also helped us to more quickly and effectively shine a spotlight on the evil thugs who are doing these bad things."

Moreover, Jacobson says, as globalization improves the general standard of living in the developing world, it becomes harder for traffickers to prey on innocents. "When the boats are rising for everyone, poverty and despair are alleviated," he says. "When someone gets a job and education and health care, they are much less susceptible to being abused."

The Polaris Project's Chon is also optimistic, although for different reasons. "I'm very upbeat about all of this, because tackling these problems is a matter of political will, and I think the world is slowly beginning to pay more attention to these issues," she says. "I feel as though we're at the same point as the [American] abolitionist movement at the beginning of the 19th century, in that things are slowly beginning to move in the right direction."

Rep. Smith agrees. "There's a fever all over the world to enact new, tough policies to deal with this," he says. "Because the U.S. is out front on this, a lot of countries are beginning to follow suit."

Moreover, the optimists note, victims themselves are increasingly fighting for their rights. "There is a silent revolution going on right now, in places like India, where people are literally freeing themselves from slavery," says Callahan of Free the Slaves, referring to thousands of quarry slaves in northern India who recently have left

their bondage and begun new lives. "If this kind of thing keeps up, in a few decades these problems will be blips on the radar screen compared to what they are today."

But Beher of the United Methodist Committee on Relief sees little change ahead because of continuing poverty and societal dysfunction. "The problems that lead to trafficking and slavery are very complicated, and there are no easy fixes," she says. "We need to build up the economies and the civil society of the places where these things happen in order to get rid of this once and for all. And I'm afraid that that is going to take many decades."

Indeed, "Things could get a lot worse before they get better," warns Young of the Women's Commission for Refugee Women and Children, comparing trafficking to the drug trade.

"It's so profitable, and there is so little risk in getting caught that it seems like there will be plenty of this kind of thing going on for the foreseeable future."

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For More Information

American Anti-Slavery Group, 198 Tremont St., Suite 421, Boston, MA 02116; (800) 884-0719; www.iabolish.org.

Casa Alianza, 346 West 17th St., New York, N.Y. 10011; (212) 727-4000; www.casa-alianza.org. A San Jose, Costa Rica, group that aids street children in Latin America.

Christian Children's Fund, 2821 Emerywood Parkway, Richmond, VA 23294; (800) 776-6767; www.christianchildrensfund.org. CCF works in 28 countries on critical children's issues.

Christian Freedom International, P.O. Box 535, Front Royal, VA 22630; (800) 323-CARE (2273); (540) 636-8907; www.christianfreedom.org. An interdenominational human rights organization that combines advocacy with humanitarian assistance for persecuted Christians.

Christian Solidarity International, Zelglistrasse 64, CH-8122 Binz, Zurich, Switzerland; www.csi-int.ch/index.html. Works to redeem slaves in Sudan.

Defence for Children International, P.O. Box 88, CH 1211, Geneva 20, Switzerland; (+41 22) 734-0558; www.defence-for-children.org. Investigates sexual exploitation of children and other abuses.

Free the Children, 1750 Steeles Ave. West, Suite 218, Concord, Ontario, Canada L4K 2L7; (905) 760-9382; www.freethechildren.org. This group encourages youth to help exploited children.

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Human Rights Watch, 350 Fifth Ave., New York, NY 10118; (212) 290-4700; www.hrw.org. Investigates abuses worldwide.

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