

Modern Slavery in America

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Called human trafficking or forced labor, modern slavery thrives in America, largely below the radar. A 2004 UC Berkeley study cites it mainly in five sectors:

- prostitution and sex services – 46%;
- domestic service – 27%;
- agriculture – 10%;
- sweatshops or factories – 5%;
- restaurant and hotel work – 4%; with the remainder coming from:
- sexual exploitation of children, entertainment, and mail-order brides.

It persists for lack of regulation, work condition monitoring, and a growing demand for cheap labor enabling unscrupulous employers and criminal networks to exploit powerless workers for profit.

The International Labor Organization (ILO) defines forced labor as:

“....all work or service which is exacted from any person under the menace of any penalty and for which said person has not offered himself voluntarily.”

Forced child labor is:

“(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict;”

“(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;”

“(c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;” and

“(d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.”

The Free the Slaves.net’s definition is being “forced to work without pay under threat of violence and unable to walk away.” It reports:

- an estimated 27 million people are enslaved globally, more than at any other time previously;
- thousands annually trafficked in America in over 90 cities; around 17,000 by some estimates and up to 50,000 according to the CIA, either from abroad or affecting US citizens or residents as forced labor or sexual servitude;
- the global market value is over \$9.5 billion annually, according to Mark Taylor, senior coordinator for the State Department's Office to Monitor;
- victims are often women and children;
- the majority are in India and African countries;
- slavery is illegal but happens "everywhere;"
- slaves work in agriculture, homes, mines, restaurants, brothels, or wherever traffickers can employ them; they're cheap, plentiful, disposable, and replaceable;
- "\$90 is the average cost of a human slave around the world" compared to the 1850 \$40,000 equivalent in today's dollars;
- common terminology includes debt bondage, bonded labor, attached labor, restavec (or de facto bondage for Haitian children sent to households of strangers), forced labor, indentured servitude, and human trafficking;
- explosive population growth, mostly to urban centers without safety net or job security protections, facilitates the practice; and
- government corruption, lack of monitoring, and indifference does as well.

American Anti-Trafficking Efforts

US laws prohibit all forms of human trafficking through statutes created or strengthened by the 2000 Victims of Trafficking and Violence Protection Act (VTVPA) with imprisonment for up to 20 years or longer as well as other penalties.

In April 2003, the Protect Act was passed (Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act). The law protects children and severely punishes offenders when enforced. It's to prosecute American citizens and legal permanent residents who travel abroad for purposes of sexually trafficking minors without having to prove prior intent to commit the crime.

The 2000 law (reauthorized in 2005) provides tools to combat trafficking offenders worldwide. It also establishes the Office to Monitor and Combat Trafficking in Persons (TIP Office) and the President's Interagency Task Force to help coordinate anti-trafficking efforts. The State Department's Bureau of Population, Refugees, and Migration (PRM) also is for victim protection. In addition, various other US agencies are involved, including the Department of Health and Human Services (HHS) through its Rescue and Restore Victims of Human Trafficking public awareness campaign and by identifying victims.

The Department of Justice handles prosecutions, and along with DHS and the State

Department, addresses various trafficking issues through the interagency Human Smuggling and Trafficking Center. Still, enforcement is often lax or absent, at both federal and state levels, because offenders are powerful and those harmed are the “wretched of the earth,” mostly poor blacks, Latinos and Asians. As a result, the practice is rampant and growing. Below are examples of its forms.

Farmworker Slavery

In a March 2004 report, Oxfam America highlighted the growing problem in a report titled “Like Machines in the Fields: Workers without Rights in American Agriculture.” It’s a shocking account of how “Behind the shiny, happy images promoted by the fast-food industry with its never-ending commercials, there is another reality:”

- nearly two million overworked farmworkers living in “sub-poverty misery, without benefits, without the right to overtime,” a living wage, or other job protections, including for children;

- in Florida, it’s not uncommon to find instances of workers chained to poles, locked in trucks, physically beaten, and cheated out of pay; it’s pervasive enough for a federal prosecutor to have called the state “ground zero for modern-day slavery” in a New Yorker magazine article;

- John Bowe, author of “Nobodies: Modern American Slave Labor and the Dark Side of the New Global Economy,” calls Florida agriculture “an unsavory world” where workers like Adan Ortiz fear talking about their bosses because he has nightmares that they might “come after me with machetes and stuff;”

- basic US labor laws exclude farmworkers, including the right to organize; laws like the 1935 National Labor Relations Act (NLRB) and 1938 Fair Labor Standards Act (FLSA); also OSHA protections are lacking; the 1983 Migrant and Seasonal Agricultural Worker Protection Act (AWPA or MSPA) provided modest but inadequate relief and none at all when it isn’t enforced; Oxfam reported that, except in California to a modest degree, “state laws perpetuate inequality,” especially in Florida and North Carolina;

- overall, enforcement at both federal and state levels is lax and has weakened in recent years; most notable are the lack of investigations, prosecutions, and resources allocated for either; in the case of undocumented workers, nothing in the law protects them;

- many serve as forced labor against their will in a modern-day version of slavery: terrorized by violent employers, watched by armed guards under conditions of near-incarceration, living overcrowded in “severely inadequate” barracks or trailers, often plagued with rust, mildew, filth, broken appliances, sagging or leaky roofs, non-working showers, and multiple occupants being over-charged up to \$200 a week by unscrupulous employers; yet workers put up with it because in the words of one: “If we don’t work, we don’t eat;”

- the commercial power of giant buyers and retailers like Wal-Mart (selling 19% of US groceries) and Yum Brands (the world’s largest fast-food company) squeeze growers and suppliers for the lowest prices;

- increased competition from imports have had a similar effect, especially in winter months;

— yet while wages and prices to producers are squeezed, profits are passed up the distribution chain to corporate giants at the top.

Farmworkers have been punished as a result and are perhaps the poorest and most abused laborers in America. Around half of them earn less than \$7500 annually. Lucky ones earn up to \$10,000, in either case it's far below the federal poverty threshold, and their wages have been stagnant since the 1970s.

Doing some of the worst and most dangerous jobs in America (from exposure to toxic chemicals and workplace accidents), poverty has forced them into sub-standard housing, temporary jobs, increased migrancy, and family separation.

Besides sub-poverty wages, around 95% get no Social Security, disability, or medical insurance benefits (let alone vacations or pensions) for themselves or their families. Women farmworkers face other abuses like male dominance, sexual harassment, or worse, while at the same time remain primary family caregivers.

Crop and livestock agricultural jobs exist throughout the country, but over half are concentrated in California, Florida, Texas, North Carolina, and Washington. Most farmworkers are young (between 18 - 44 or younger), male (about 80%), and Latino. They have little education, and many are recent undocumented immigrants (mostly from Mexico) forced north because of destructive trade laws like NAFTA.

Organizing efforts have won important victories but not enough to increase workers' bargaining power under a fundamentally unfair system. So while achievements of organizations like the Coalition of Immokalee Workers in Florida (with over 2000 members) are impressive, they're no match against agribusiness giants or Wal-Mart.

Nor can they ameliorate conditions in one of the country's most hazardous occupations. Farmworker disability rates are three times than for the greater population. Around 300,000 laborers suffer pesticide poisoning annually, and many others endure accidents, musculoskeletal, and other type injuries (some chronic).

A 1990 North Carolina study found only 4% of workers had access to drinking water, hand-washing, and toilet facilities, a particularly dangerous situation for children and pregnant women.

Oxfam calls farmworker conditions today the equivalent of a "19th century plantation-style" model relying on field hands, rudimentary equipment, long hours, little pay, no benefits, under a basically "inhumane, anachronistic (system crying) out for reform." But how when all levels of government turn a blind eye to the worst of abuses, and for the undocumented blame them for their own plight.

Domestic Servitude in America

Each year, many thousands, mostly women, arrive in America with temporary visas to work as live-in domestic workers - for the wealthy, foreign diplomats, or other domestic or foreign officials. They come to escape poverty or to earn money to send home to families. Often they're exploited or victimized by unscrupulous traffickers who hold them in forced servitude, work them up to 19 hours a day, keep them practically incarcerated, pay them \$100 or less a month, and often subject them to sexual abuse.

Undocumented workers have no protection, but even legal entrants have few. Because visas are employment-based, they're obliged to one employer no matter how abusive, and if leave they lose their immigration status and are deported. As a result, few do or file complaints. Some who do are rarely protected because government agencies are lax in their monitoring and enforcement.

Live-in domestic workers are also excluded from labor law protections with regard to overtime pay and right to organize, strike, and bargain collectively. In addition, they're unprotected by OSHA and against sexual harassment under Title VII workplace safeguards as it applies only to employers with 15 or more workers. In cases of foreign employers, they enjoy diplomatic immunity, even from criminal, civil, or administrative prosecutions.

As a result, special visa domestics endure human rights violations. Employers are immunized while workers are powerless to stop abuses like:

- assault and battery, including physical beatings and threats of serious harm;
- limited freedom of movement, including arbitrary and enforced loss of liberty by use of locks, bars, confiscation of passports and travel documents, chains, and threats of retaliation against other family members;
- health and safety issues, including unhealthy sleeping situations in basements, utility rooms, or other unsatisfactory places; unsafe working conditions endangering health; denial of food or proper nutrition; and refusal to provide medical care and having to work when ill;
- wage and amount of work concerns – US labor laws afford no protections so long hours, little rest, and low pay are common;
- privacy invasions – the UN General Assembly's December 1966 International Covenant on Civil and Political Rights (ICCPR) provides that "(n)o one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence;" it applies to everyone, even live-in domestics on visas; nonetheless violations of ICCPR are common and migrants get no redress;
- psychological abuse – often highlighting employer superiority and worker inferiority to enforce control and render employees powerless; other abuses include insults, food restrictions, denying proper clothing, and various other demeaning practices; and
- servitude, forced labor, and trafficking – ICCPR and other international laws and instruments prohibit it, yet don't effectively define "servitude" as distinguished from slavery; as a result, abusive labor relationships are inevitable; trafficking is specifically prohibited under the UN's Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the (UN-adopted 2000) Convention against Transnational Organized Crime; nonetheless, the practice is rampant and growing; in the case of migrant domestic workers, abuse is widespread and greatly underreported.

Sex Slavery in America

It's the largest category of forced labor in America and with good reason:

- it's tied to organized crime and highly profitable;

- the demand for sex services, including from children, is high and growing; and
- the lack of safe and legal migration facilitates it.

The US Department of Justice (DOJ) states that the average entry prostitution age is between 12 – 14. Shared Hope International documents modern-day sex trafficking and examines conditions under which it exists. It confirms that most victims are underage girls. A congressional finding estimated that between 100,000 – 300,000 children are at risk at any time. A DOJ assessment was that pimps control at least 75% of exploited minors by targeting vulnerable children using violence and psychological intimidation to hold them.

The Internet is a frequent recruitment tool. Other vulnerable victims are shelter and street youths, including runaways. An estimated 2.8 million children live on city streets, a third of whom are lured into prostitution within 48 hours of leaving home. Familial prostitution is also common and involves the selling of a family member for drugs, shelter, and/or money.

The market includes prostitution, including with children, pornography, striptease, erotic dancing, and peep shows, often controlled by organized crime. The combination of legal and illegal sex generally is part of a larger portfolio of products and services that include drugs and drugs trafficking.

Sex traffickers usually recruit victims of their own nationality or ethnicity, and migrant smuggling facilitates it. In addition, state and federal laws too often conflict enough to withhold victim status from the abused, impede prosecutions, and result in too lenient sentences when they occur. Also, rarely are prostitution purchasers (including from children) arrested or prosecuted, and overall, law enforcement agencies face legal and systemic challenges that interfere with their ability or inclination to go after buyers. Society provides few protections for victims, including custodial shelters for young children, and as a result, sex services in America thrive.

Sweatshops and Factories

According to the Union of Needle Trades and Industrial Textile Employees, 75% of New York garment factories are sweatshops. The US Department of Labor says over 50% of all US-based ones are, the majority in the apparel centers of New York, California, Dallas, Miami, and Atlanta but others located offshore as well in American territories like Saipan, Guam and American Samoa where merchandise produced is labeled “Made in the USA.”

Competing with low-wage offshore producers pressures US producers to cut labor costs to a minimum, even by breaking the law, sometimes egregiously through forced labor. Like agriculture and domestic service, the sector is especially vulnerable as it often operates within the informal economy where regulatory enforcement is lax or absent. As a result, worker exploitation persists. Wages are sub-poverty. Overtime compensation is the exception, and work environments generally are poor to hazardous. Workers who complain or try to organize usually are fired and replaced by more amenable ones.

Starvation wages, long hours, unsafe working conditions, and no protections are standard practice in an industry long known for its labor abuses.

In 1995, two major scandals made headlines, one at home, the other offshore. On August 2, police raided an El Monte, California apartment complex in which 72 undocumented Thai immigrants were kept in forced bondage behind razor wire and a chain link fence. They’d

been there for up to 17 years sewing clothes for some of the nation's top manufacturers and retailers.

They were housed in crowded, squalid quarters. Armed guards imposed discipline, pressuring and intimidating them to work every day, around 84 hours a week for 70 cents an hour. Workers were forced to work, eat, sleep, and live in captivity. No unmonitored phone calls or uncensored letters were allowed, and everything bought came only from their captors at highly inflated prices. Seven operators were arrested and later convicted of conspiracy, kidnapping, involuntary servitude, smuggling, and harboring illegal immigrants.

Also in 1995, National Labor Committee investigators found teenage women, as young as 13, sewing clothing for Kathy Lee Gifford's Global Fashion plant in Honduras. Pay was from 9 – 16 cents an hour under oppressive working conditions. Forced overtime was imposed to meet deadlines. Only two daily bathroom visits were allowed. Supervisors and armed guards applied pressure and intimidation to work faster on machines that were rust laden and prone to accidents. Attempts by the women to demand their legal rights were thwarted. Merchandise produced was for major US retailers like Wal-Mart.

American restaurant and hotel workers also work under onerous conditions and are underpaid. In hotels, nearly all housekeepers are women who are required to clean 15 or more rooms a day. Often they must skip meals and rest periods, work off the clock to meet quotas, and have a 40% higher injury rate than service workers overall as a result. According to US Department of Labor figures, they earn an average \$8.67 an hour or about \$17,340 annually provided they work full-time.

Immigrants, mainly women, are especially vulnerable in hotels and restaurants. A June 2005 ACLU press release highlighted one example among many pertaining to a law suit brought by two immigrant waitresses against a New Jersey Chinese restaurant charging sex discrimination and labor exploitation.

Filed in June 2003, Mei Ying Liu and Shu Fang Chen charged that from May 2000 – November 2001 they were completely controlled by their employers, forced to work an average 80 hours a week, paid no wages or overtime, had to pay a kickback from tips received, faced gender and ethnic discrimination, were housed in an overcrowded, vermin-filled apartment, and were threatened with death when stopped working at the restaurant.

Guest Worker Trafficking on US Military Bases

Besides Halliburton's exploited army of tens of thousands of foreign nationals in Iraq, Afghanistan and elsewhere, the National Labor Committee (NLC) reported last July that "hundreds of thousands of foreign guest workers – among them 240,000 Bangladeshis – have been trafficked to Kuwait (under false promises of well-paid jobs, and) forced to work seven days a week (11 hours a day) at a US military base" under horrific conditions.

Stripped of their passports on arrival, they're housed in overcrowded, squalid dorms with eight workers sharing small 10 x 10 rooms, paid 14 – 36 cents an hour, beaten and threatened with arrest when they complained, forced to use most of their wages for high-priced food, and the case of "Mr. Sabur" is typical. Hired by the Kuwait Waste Collection and Recycling Company to work at the Pentagon's Camp Arifjan, his job was to clean the base – everything from offices and living spaces to tanks, rocket launchers and missiles.

He worked an 11-hour shift seven days a week and got a one-hour midnight break for supper. For this, he earned \$34.72 a week, far less than he was promised, and he had to pay a Bangladesh employment agency 185,000 taka (\$2697) for his three-year contracted job. His family sold everything possible for the money, still came up short, and had to borrow the rest from a neighbor.

On the job, the Kuwaiti company illegally withheld his first three months wages, forcing him to borrow money to survive. When he asked to be paid, he was beaten, and after an 80,000 worker strike, he was arrested, incarcerated for five days, beaten in prison, then deported to Bangladesh still wearing his torn, blood-stained clothing.

He was owed but never paid thousands of promised dollars in back wages, and he's typical. NLC estimates that all 240,000 Bangladeshis have been cheated out of \$1.2 billion, and the Pentagon is complicit in the crime. These same abuses are common on US bases in Iraq, Afghanistan, and likely other offshore locations as well. In the words of one Sri Lankan laborer for a Halliburton subcontractor in Iraq: "They promised us the moon and stars," but instead gave us dirty work, low pay, long hours, bad food, and for the first three months held us in windowless warehouses near Baghdad's airport with no money, and for some of them afterwards in tents even worse than the warehouses.

A Final Comment

This is the plight of America's vulnerable and those we exploit abroad, whether in restaurants, hotels, agriculture, domestic work, the sex trade, or on US offshore military bases, and seldom do courts provide justice. It's America's dark side along with an appalling record of crimes and abuses, including imperial wars, torture, and looting the national wealth for criminal bankers and the rich at the expense of growing millions in need left wanting at the most perilous economic time in our history. America's long and disturbing legacy, not at all one to be proud of.

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