

2015

The National Underground Railroad Freedom Center and Human Trafficking

Brooke Hathaway

Follow this and additional works at: <https://scholarship.law.uc.edu/fcj>



Part of the [Human Rights Law Commons](#), and the [Law and Society Commons](#)

Recommended Citation

Hathaway, Brooke (2015) "The National Underground Railroad Freedom Center and Human Trafficking," *Freedom Center Journal*. Vol. 2015: Iss. 1, Article 6.

Available at: <https://scholarship.law.uc.edu/fcj/vol2015/iss1/6>

This Article is brought to you for free and open access by University of Cincinnati College of Law Scholarship and Publications. It has been accepted for inclusion in Freedom Center Journal by an authorized editor of University of Cincinnati College of Law Scholarship and Publications. For more information, please contact ronald.jones@uc.edu.

THE NATIONAL UNDERGROUND RAILROAD FREEDOM CENTER AND HUMAN TRAFFICKING

Brooke Hathaway[†]

*...challenging and inspiring everyone to take courageous steps
for freedom today.*¹

The National Underground Railroad Freedom Center is an interesting character. As a center, it intentionally deflects the normative identity typically attached to institutions like it. Instead, it is a hybrid: one part history museum and one part non-governmental organization (NGO). It's this dual identity that makes it unique amongst a sea of similar institutions; and, this commitment to a dual nature isn't one that waxes and wanes with particular leaders or issues. The commitment to the present, to freedom today, is a mandate that springs forth from our mission: to reveal stories about freedom's heroes, from the era of the Underground Railroad to contemporary times, challenging and inspiring everyone to take courageous steps for freedom today. Fortunately for us, our visionaries and forefathers and mothers recognized that our institution was not to be backward looking one; instead, the value of the history we share and the stories we tell would be exponentially increased by applying both to today.

To achieve our mission to challenge and inspire individuals to act in support of freedom today, the Freedom Center developed a series of strategic initiatives. These initiatives are the result of a deep examination of the history of chattel slavery in the United States and globally, of the legacies of slavery still permeating our societies, and of the character and intent of abolitionists that fervently supported the Underground Railroad.

An early internal report by the Freedom Center clarified that the focus of contemporary efforts should be on "Unfreedom." The report defined Unfreedom as the conditions subjecting an individual to constraints on her/his personal wellbeing, free action, and/or thought, imposed by an outside power, and enforced by the threat of physical harm (tacit or explicit). There are six root causes of Unfreedom: poverty, poor

[†] Director, Strategic Initiatives at the National Underground Railroad Freedom Center.

¹ *Our Mission*, NATIONAL UNDERGROUND RAILROAD FREEDOM CENTER (March 19, 2016, 10:26 AM), <http://freedomcenter.org/what-were-doing>.

healthcare, lack of education, prejudice, oppression, and conflict. These root causes are the basis for four major types of Unfreedom: chattel slavery, debt bondage, labor exploitation and civil subjugation.² Consequently, the Freedom Center identified a critical need within the antislavery field, and the first strategic initiative was born. A focused, intentional antislavery and anti-human trafficking initiative emerged.

I. A HISTORY OF THE ANTI-HUMAN TRAFFICKING “MOVEMENT”

In 1988, a United States Supreme Court case ignited modern political ambition toward human trafficking. During the 1970s and 1980s, two men with mental disabilities worked on a Michigan farm in squalid conditions.³ After many years, a neighbor reported the abuse, and the husband and wife team that confined the men were found guilty at the trial court level of holding the two men to involuntary servitude.⁴ Prosecutors argued that in addition to actual and threatened physical abuse, the two victims faced threats of reinstitutionalization and various forms of psychological coercion.⁵ Though the defendants were found guilty, the case made its way up the judicial ladder.⁶ The Court of Appeals reversed the conviction, and the U.S. Supreme Court upheld the lower court’s reversal.⁷ The issue before the Supreme Court was the inclusion of evidence that demonstrated means of coercion other than actual or threatened physical abuse and/or the use or threatened use of coercion in the legal process.⁸ The Court determined that under the Thirteenth Amendment, “involuntary servitude” necessarily meant a condition of servitude in which the victim is forced to work by the use or threat of physical restraint or physical injury or by the use or threat of coercion through law or the legal process. This definition of involuntary servitude did not include psychological coercion.⁹ Since the original trial included additional evidence, namely the threat of reinstitutionalization, the

² National Underground Railroad Freedom Center, “An Institute of Contemporary Slavery: Overview and Analysis,” March 29, 2005.

³ *United States v. Kozminski*, 487 U.S. 931, 934, (1988).

⁴ *Id.* at 931.

⁵ *Id.* at 936.

⁶ *Id.* at 937-938.

⁷ *Id.* at 953.

⁸ *Id.* at 934.

⁹ *Id.* at 952.

Supreme Court found that the two defendants might have been convicted for conduct that did not violate the statutes against involuntary servitude and remanded the case.¹⁰

After *U.S. vs. Kozminski*, U.S. human rights activists realized that if trafficking victims were being compelled to work through means like coercive threats, which were apparently not included in the understand of involuntary servitude, a new law was needed. Thus, in 1988, labor exploitation advocates began to make strange bedfellows with one contingency of the women's rights movement, particularly those fighting against pornography and prostitution.¹¹ This strange alliance, which somehow managed to stay together for more than a decade, worked to draft and pass the Trafficking Victims Protection Act in 2000.¹² The new law included threats of coercion as a legitimate method of involuntary servitude.¹³ Additionally, it sparked interest in and support for organizations working to end the crime of human trafficking worldwide.

II. FORMS OF ABOLITION

In 2004 and 2005, the Freedom Center conducted, as a part of a broader examination of organizations working with Unfreedoms, a review of existing organizations. This review included interviews, which illustrated that many existing organizations addressed the aspects labor exploitation and debt bondage, but none resonated with reality of the public on a broader level. This realization resulted in two major objectives for the Freedom Center. First, the Freedom Center wanted to identify its critical role in the emerging movement to end human trafficking, labor exploitation, debt bondage, and modern forms of slavery. Second, the Center wanted to disseminate information regarding human trafficking to the general public. The goal would be awareness and understanding of these phenomenon more widely and to expose the nuances of human trafficking. Of course, this fit naturally with the mission of the museum as

¹⁰ *Id.* at 953.

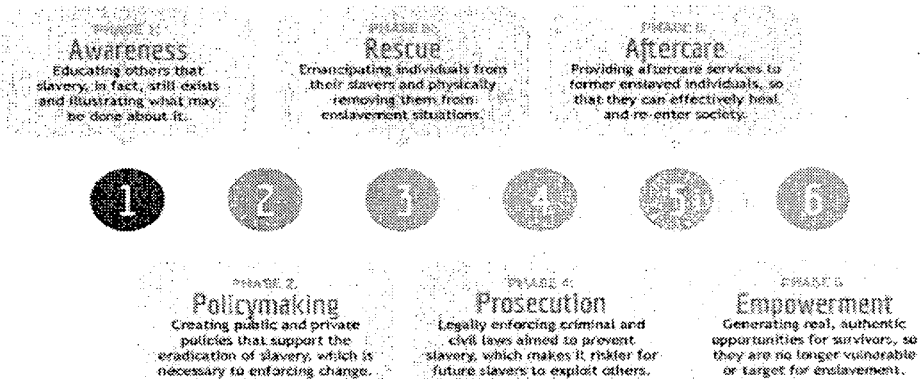
¹¹ For more on the history of the anti-human trafficking movement, See Benjamin E. Skinner, *A CRIME SO MONSTROUS: FACE-TO-FACE WITH MODERN DAY SLAVERY* (2008)

¹² Victims of Trafficking and Violence Protection Act of 2000, 2000 Enacted H.R. 3244, 106 Enacted H.R. 3244, 114 Stat. 1464, 1465.

¹³ *Id.*

whole, whose primary job is to distill complex information for the public and present it for wide consumption.

In addition to framing our work as a center, the decision to focus on awareness of this particular Unfreedom initiated a model to better understand the spectrum of activities that various entities and organizations were involved with. In 2012, the Freedom Center introduced the Forms of Abolition Model, which delineated the different types of antislavery activity:



The model above illustrates the diverse and important aspects needed to reduce slavery in our world and to assist victims. In regard to the former, reduction in global slavery can only occur if agencies, organizations, and governments leverage strategies that address prevention and consumer demand (awareness); change corporate and governmental policies (policymaking); remove all victims, not just minors (rescue); increase the risk for those illegally trafficking (prosecution); care for the physical, psychological and spiritual health of victims (aftercare); and, generate genuine opportunities for those vulnerable to trafficking and survivors of it, and forced labor (empowerment).

In terms of assisting victims, the model demonstrates the six critical phases to fully restoring an individual to the opposite of Unfreedom, or Freedom. For an individual to move from slavery to real, authentic Freedom, each of the phases is necessary. First, awareness that a crime is taking place is imperative. Then, the appropriate political and fiscal policies are needed in order to facilitate legal intervention. Then, of course, an individual leaves the situation. Importantly, prosecution is required to assist with the healing process, and also to reduce the likelihood that the crime continues. Finally, holistic aftercare and authentic

empowerment lead to a healed, whole individual living in real and lasting Freedom.

The Freedom Center leverages this model to communicate how and why all types of antislavery activity is critical and to categorize different efforts, so that the public understands different styles and pieces. Additionally, this model lends itself to understanding the botched emancipation project in 1865. To quickly illustrate, by 1865, the United States succeeded in raising enough awareness, to the point the country waged war. Then U.S. policymakers, most intentionally President Abraham Lincoln, enacted necessary legislation and legally emancipated slaves. Then as the model demonstrates, the full Freedom sequence faltered. Prosecutions didn't occur because policies didn't exist or allow (which also illustrates the importance of oft-overlooked policy making), but most importantly, intentional aftercare and empowerment programs did not occur. A brief reconstruction period sought some healing and shortsighted opportunities for newly emancipated slaves, but the U.S. neglected any long-term programs and overturned them within a decade. The effects of a half-completed journey to Freedom are seen today: racism, economic inequality, poverty, mortality rates and many, many other indicators demonstrate the failures of systems that don't focus on all six phases.

III. A MODERN ABOLITION PROGRAM

The Freedom Center leverages the model described above to enact its Modern Abolition Program. Since 2011, the Freedom Center's led efforts to widely educate and engage the public in the fight against human trafficking and modern day slavery. The projects tied to this program engage more than 400,000 individuals annually.

By 2011, the Freedom Center earned the interest of the United States Department of State's Office to Monitor and Combat Trafficking in Persons. Created and mandated by the Trafficking Victims Protection Act in 2000, the Office to Monitor and Combat Trafficking in Persons oversees the U.S. government's response to human trafficking throughout the world. Primarily operating in three sphere, prevention, protection and prosecution, the Office also supports public awareness programs. In 2011, the Freedom Center produced the documentary film, *Journey to Freedom*. The film, which chronicles the life of a black man from New York during the nineteenth century who is sold into slavery in Louisiana and the life of

a 2012 Cambodian man who is similarly sold into slavery onto a Thai fishing boat, aired at more than 55 embassies worldwide.

In 2012, the Freedom Center also began discussions to acquire and operate the nonprofit organization, End Slavery Now. End Slavery Now serves the wider public by sharing ways individuals can get involved in the fight against human trafficking and modern-day slavery. The tool features an Antislavery Directory that includes more than 1,200 organizations worldwide, and individuals can search for organizations near them and volunteer time, money or resources. Additionally, the tool features an Action Library, which is a collection of measurable actions individuals can take; these actions are taken from partner organizations and specifically assist the reduction of slavery in hotspots worldwide. Beyond these tools, End Slavery Now also includes a collection of daily headlines relating to trafficking, a list of job openings in the field, hundreds of articles authored by leading practitioners and scholars, a curated list of books and films on the subject, and many more resources for those wanting to get involved.

In addition to End Slavery Now, the Freedom Center operates the TIP Heroes Global Network. The TIP Heroes Global Network supports the United States Office to Monitor and Combat Trafficking in Persons by supporting their TIP (Trafficking in Persons) Heroes. The Office awards about ten individuals with an international award during its annual TIP Report. These individuals, now totaling more than 110, represent the best efforts of activists around the world. The TIP Heroes Global Network provides opportunities for the public to connect to their work and offers ways for the TIP Heroes to connect to one another, advancing partnerships, protection and prosecutions worldwide.

In 2014, the Freedom Center initiated a new project, the Freedom Summit. This part of the Freedom Center's modern abolition program aims to enhance communication and collaboration amongst a certain sector of antislavery activists. By convening practitioners, organizations, civic and religious leaders, the Freedom Center launched a conversation that bridged two distinct justice movements within the American Christian church. For the first time, members of predominately minority churches, who often talked about justice in the context of legacies of slavery (access to education, racism, mass incarceration and other justice issues relating to failed policies affecting African Americans), and members of white churches, who focused their justice efforts on anti-human trafficking projects, came together in order to learn how these justice conversations

are related. For three days, these leaders appropriate tied the greatest instance of trafficking to ever have occurred – the transatlantic slave trade – and its vestiges to the continuing crime of human trafficking and forced labor worldwide. The effects of such a discussion grew beyond the three-day summit, and the Freedom Center now leads the project to annually host this important conversation and magnify its effects during the rest of the year.

The Freedom Center’s Modern Abolition Program represents the unique character of an institution intentionally delivering a hybrid mission. Its leaders and founders, who brilliantly crafted a unique and dual-driven identity to serve its audience in the 21st century, drive its effectiveness. Because of this dual-nature, the Freedom Center successfully leads strategic initiatives that influence Freedom and Unfreedom in our modern world. This contemporary nature is grounded in the historical character of the institution; but then, the museum is lifted by its ability to genuinely affect social change. The Modern Abolition Program is just one initiative to drive change; there are countless others in the works and on the horizon. For as long as the mission remains, the Freedom Center will continue to challenge and inspire everyone to take courageous steps for freedom today.

