

WAIT, HOW LONG AGO WAS THE THIRTEENTH AMENDMENT? HOW THE MOST EGREGIOUS MODERN DAY HUMAN RIGHTS ABUSE IS AFFECTING THE WORLD OF AGRICULTURE

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ABSTRACT

This Note addresses the failure of government institutions to detect and disrupt labor trafficking within the agricultural industry. A violation of the Thirteenth Amendment has been hiding in plain sight and large farming operations

[†] Emily Murphy earned her J.D. from Drake University Law School in May 2025. This Note reflects the same motivation which led her to law school: to advocate for human rights, challenge injustice, and confront systemic failures allowing abuse to persist. The author writes with urgency, frustration, and the conviction that law must be a tool for accountability, calling on institutions to do what only they can. To my family—thank you for shaping the foundation I stand on. Mom, thank you for telling me I was a good writer before I could believe it myself; Dad, thank you for teaching me to advocate for myself, laying the groundwork for this pursuit; and to my big sister, thank you for being my best friend from childhood to now, and everything in between. You each gave me the strength to believe I could—and the inspiration to reach even further. Emily dedicates this Note to the advocates who rise to fight injustice when those in power fail to act—thank you for your courage in refusing to look away and your persistence in showing up for survivors when the system does not.

provide a safe haven for exploitation. Despite clear statutory prohibitions and a constitutional amendment devoted to the act, prosecutions remain rare, and enforcement remains fragmented, ineffective, and virtually nonexistent, allowing trafficking to continue undeterred.

Due to isolation, size, the nature of the supply chain, and a lack of proactive oversight, agricultural operations shield labor trafficking acts from scrutiny. In response to this federal enforcement gap, the author proposes the establishment of a United States Commission on Human Trafficking—an independent body with investigative authority, a global collaborative network among foreign agencies, dedicated task forces, and the sole mandate of tracking and dismantling trafficking networks.

This Note argues that such a commission is necessary not only to enforce existing laws, but to fulfill the constitutional promise of freedom from involuntary servitude for all people within United States borders. It is a demand not just for reform, but for justice—because allowing this abuse to continue is a choice, and those with power must choose to act.

I. INTRODUCTION

As sweat dripped down his face he hesitated when lifting the back of his hand to wipe his forehead.¹ His hands started to blister and burn as he dug out each onion by hand.² He wondered whether his hands will forever be stained to match the dirt beneath him.³ He looked up to the sun, figuring it must be around noon, so he has been out there for six hours already.⁴ A few hours ago he began shuffling on his knees, from onion to onion due to the unbearable pain in his back.⁵ As he looked over his shoulder to catch a small glimpse of his little brother working a row over from him his eyes are met with the barrel of a gun, a subtle reminder to keep picking.⁶ After a day of harvesting onions in the Georgia heat, he would go

1. See Shane Mitchell, *Blood Sweat & Tears*, THE BITTER SOUTHERNER (Oct. 4, 2022), <https://bittersoutherner.com/feature/2022/blood-sweat-tears-vidalia-onions-shane-mitchell> [https://perma.cc/KJ26-XQ8B].

2. See *id.*

3. See *id.*

4. *Id.*

5. See *id.*

6. See generally *id.*

back to his living quarters with minimal food and no safe water to drink or to cleanse his body of the horrors endured during the day.⁷

This is an illustration of the harsh truth uncovered by “Operation Blooming Onion.” The Operation disclosed the bribing of state and federal officials, the withholding of documents, threats of violence, acts of sexual abuse, and migrants trafficked for their labor.⁸ These acts resulted in 28 defendants charged for committing labor trafficking violations.⁹ Operation Blooming Onion is one of the largest federal cases involving the trafficking of farmworkers, however the world of agriculture has had little to no knowledge of this abuse.¹⁰ Most human trafficking today goes unseen and therefore unprosecuted, yet it is one of the most prevalent criminal empires in our day.¹¹

Globally, the most profitable sectors of the economy are generally considered to be oil and gas, insurance, real estate, and transportation.¹² However, the multi-billion-dollar industry of human trafficking has been lurking in the background and increasing for decades, with few signs of slowing down.¹³

The current state of politics within the United States largely revolves around the border crisis and the influx of migrants pouring through the southern border.¹⁴ Politicians continue to utilize immigration as an influential campaign strategy, but many Americans disassociate from the potential involvement of such a

7. Press Release, U.S. Dep’t of Just., Hum. Smuggling, Forced Lab. Among Allegations in S. Ga. Fed. Indictment (Nov. 22, 2021), <https://www.justice.gov/usao-sdga/pr/human-smuggling-forced-labor-among-allegations-south-georgia-federal-indictment> [<https://perma.cc/R6UJ-6LTE>].

8. *Id.*

9. Maria Perez et al., *Farm Labor Traffickers Bribed Georgia Government Employees, Federal Agent Testifies*, USA TODAY (July 21, 2022, 5:50 PM), <https://www.usatoday.com/story/news/investigations/2022/07/21/farm-labor-traffickers-bribe-georgia-government-employees/10098195002/> [<https://perma.cc/8FEJ-NNHB>].

10. *See id.*

11. *See Human Trafficking*, U.S. CUSTOMS & BORDER PROT. (Feb. 3, 2025), <https://www.cbp.gov/border-security/human-trafficking> [<https://perma.cc/2K6C-U8PQ>].

12. *Top 10 World’s Largest Industries by Revenue in 2025*, GLOB. SOURCES (Apr. 7, 2025), <https://www.globalsources.com/knowledge/top-10-world-s-largest-industries-by-revenue-in-2024/> [<https://perma.cc/3CG2-GKDK>].

13. Miriam Jordan, *Smuggling Migrants at the Border Now a Billion-Dollar Business*, N.Y. TIMES (July 25, 2022), <https://www.nytimes.com/2022/07/25/us/migrant-smuggling-evolution.html>.

14. *How Americans View the Situation at the U.S.-Mexico Border, Its Causes and Consequences*, PEW RSCH. CTR. (Feb. 15, 2024), <https://www.pewresearch.org/politics/2024/02/15/how-americans-view-the-situation-at-the-u-s-mexico-border-its-causes-and-consequences/> [<https://perma.cc/SD2Q-7WV5>].

humanitarian crisis.¹⁵ While Texas and California had the highest rates of migrants in 2023, these states also had the highest human trafficking rates in the United States.¹⁶ The resulting increase of individuals within the United States has drawn attention away from the process by which these individuals are getting to the border and why.¹⁷ Without such inquiry into the how, the knowledge regarding the dynamic rings of human trafficking has left the population with a lack of information and understanding of current labor trafficking within the agricultural industry.¹⁸

There is a constant state of anxiety throughout the United States—at every corner there is a heightened awareness of human trafficking.¹⁹ The hysteria around human trafficking has intensified with posts on Facebook of potential encounters with traffickers or warning posters found within airport bathroom stalls.²⁰ The human trafficking media campaign has yet to inform the general public on the likelihood or potential which may result from the act of trafficking—being forced to harvest crops. Human trafficking often involves the movement of persons, which later develops into forced labor, sexual exploitation, or domestic servitude.²¹ However, there are lesser extremes in which persons are trapped in the world of human trafficking which fit within the definition, but may never cross the mind of an individual's common perception.²² A journey to the southern border of the United States may result in a migrant being held in debt bondage, paying off the costs of travel by picking onions for years.²³

15. *See id.*

16. JEANNE BATALOVA, MIGRATION POL'Y INST., FREQUENTLY REQUESTED STATISTICS ON IMMIGRANTS AND IMMIGRATION IN THE UNITED STATES 12 (2025), <https://www.migrationpolicy.org/sites/default/files/publications/FRS-PRINT-2025-FINAL.pdf> [<https://perma.cc/9KK8-SFYE>]; *Human Trafficking Statistics by State 2025*, WORLD POPULATION REV. (Apr. 10, 2025, 9:13 PM), <https://worldpopulationreview.com/state-rankings/human-trafficking-statistics-by-state> [<https://perma.cc/EU53-979D>].

17. *See* BATALOVA, *supra* note 16, at 1–2.

18. Jordan, *supra* note 13.

19. *See How Viral Posts About Human Trafficking Cover Up a Bigger Problem*, BLACKBURN CTR. (Dec. 18, 2019), <https://www.blackburncenter.org/post/2019/12/18/how-viral-posts-about-human-trafficking-cover-up-a-bigger-problem> [<https://perma.cc/U47W-8FXX>].

20. *Id.*; *Victim Awareness Poster Series*, BLUE CAMPAIGN, U.S. DEP'T OF HOMELAND SEC. (Apr. 10, 2025, 9:46 PM), <https://www.dhs.gov/publication/victim-awareness-poster-series> [<https://perma.cc/6QX5-5L4N>].

21. U.S. DEP'T OF STATE, TRAFFICKING IN PERSONS REPORT 12 (2023), https://www.state.gov/wp-content/uploads/2023/05/Trafficking-in-Persons-Report-2023_Introduction-Additional-Pagesv4_FINAL.pdf [<https://perma.cc/4HNN-EWFM>].

22. *See id.* at 42–43.

23. *Id.* at 42; Perez, *supra* note 9.

Even if an individual consents to such an exchange for providing services as debt repayment, the circumstance still qualifies as human trafficking.²⁴ Contrary to popular belief, human trafficking does not require an individual to be transported across state or national borders.²⁵ The *Trafficking in Persons Report* from June 2023 by the United States Department of State defines human trafficking as:

[T]rafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. A victim need not be physically transported from one location to another for the crime to fall within this definition.²⁶

While many assume human trafficking pertains to the movement of persons for sexual exploitation, trafficking significantly affects agriculture.²⁷ Agriculture affects the daily lives of individuals worldwide. One small disease has the ability to produce great tragedy.²⁸ One disease spreading throughout agriculture and plaguing the globe as one of the greatest human rights abuses of today is human trafficking, also known as modern-day slavery.²⁹ The Department of State has recognized that forced labor in the global economy over recent years has tragically embedding itself into our agricultural system.³⁰ In 1865, the Thirteenth Amendment was passed in the United States, abolishing involuntary servitude, yet in 2021 “more than 400,000 people are currently trapped in slavery in the United States.”³¹

24. TRAFFICKING IN PERSONS REPORT, *supra* note 21, at 42.

25. *Id.*

26. *Id.* at 12.

27. *Id.* at 43.

28. See Press Release, U.S. Dep’t of Agric., USDA Invests Up to \$1 Billion to Combat Avian Flu and Reduce Egg Prices (Feb. 26, 2025), <https://www.usda.gov/about-usda/news/press-releases/2025/02/26/usda-invests-1-billion-combat-avian-flu-and-reduce-egg-prices> [<https://perma.cc/AL2E-3WPU>].

29. See TRAFFICKING IN PERSONS REPORT, *supra* note 21, at 12.

30. *Id.* at 40.

31. U.S. CONST. amend. XIII; Becky Giovagnoni, *15 U.S. Human Trafficking Survivor Stories*, THE EXODUS ROAD (June 21, 2021), <https://theexodusroad.com/15-us-survivor-stories/> [<https://perma.cc/J5QK-NBTC>].

II. A HISTORY OF HUMAN TRAFFICKING

While many have a common perception of human trafficking's rapid growth in recent years, it can be traced back further in history, usually under a different term—slavery.³² The obvious and most notable appearance of human trafficking was the African Slave Trade, affecting the entirety of the Americas.³³ However, the notion of human trafficking is deeply embedded within historical societies such as ancient Greece and Rome.³⁴ For example, the Goddess Persephone was stolen from her mother and sent to the God of the Underworld, Hades, to become his wife.³⁵ In Ancient Rome, not only was human trafficking legal, but it was considered to be morally acceptable.³⁶ History is not yet repeating itself, as we have not reverted back to acceptance, but there has been a continuation of trafficking humans prevalent across cultures and the globe for 2,000 years.³⁷

From the fifteenth century until the twentieth century, nearly 20 million individuals were captured in Africa, transported across oceans, and enslaved.³⁸ New land acquired by European empires required a vast workforce, leaving enslaved persons to carry out agricultural, mining, and infrastructure labor.³⁹ Beyond forced physical labor, enslaved individuals were also subject to sexual exploitation and violence.⁴⁰ As a result of greed and power, European empires spread throughout the world, embracing the labor of the enslaved in hopes that their newly acquired land would be successful.⁴¹ The utilization of human trafficking labor was a guarantee of the success they wished for.⁴²

32. Melissa De Witte, *Stanford Senior Applies Lessons from Ancient Rome to Address Human Trafficking Today*, STAN. REP. (June 10, 2020), <https://news.stanford.edu/2020/06/10/applying-lessons-ancient-rome-address-human-trafficking-today/> [<https://perma.cc/8PC3-8H2V>].

33. See Alistair Boddy-Evans, *A Short History of the African Slave Trade*, THOUGHTCO. (July 26, 2019), <https://www.thoughtco.com/african-slavery-101-44535> [<https://perma.cc/4MAQ-N573>].

34. De Witte, *supra* note 32.

35. Taylor Regan, *The Story of the Seasons*, MOUNT WASH. OBSERVATORY (Oct. 14, 2017, 11:59 AM), <https://mountwashington.org/the-story-of-the-seasons/> [<https://perma.cc/F9RW-C7EA>].

36. See De Witte, *supra* note 32.

37. See *id.*

38. Boddy-Evans, *supra* note 33.

39. *Id.*

40. *Id.*

41. *Id.*

42. See *id.*

Throughout the twentieth century, especially after the First World War, nations called for the establishment of the first international organization to combat global atrocities, the League of Nations.⁴³ Thirty-three nations gathered in 1921 to sign the International Convention for the Suppression of the Traffic in Women and Children, which only covered sexual exploitation and prostitution.⁴⁴ After the establishment of the United Nations, the first legally binding international agreement against human trafficking was adopted in 1949, however only 82 nations have ratified it thus far in 2025.⁴⁵

Over time the definition of human trafficking expanded to include more modern abuses and exploitations, such as labor trafficking.⁴⁶ The most recent action was in 2000, when the United Nations adopted the Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children Protocol—the first document to recognize modern-day slavery.⁴⁷ For a constant international criminal empire which continues to expand and exploit, it is regretful that the most recent United Nations treaty was 25 years ago.⁴⁸

A. History of Trafficking Humans in the United States

The Trans-Atlantic Slave Trade developed from European capitalists' discovery of a new vital resource, bound to make them money.⁴⁹ This included the capture and importation of human beings from Africa to the Americas.⁵⁰

With the rise of sugar and tobacco cultivation in North America, the largest number of enslaved individuals were trafficked across the Atlantic Ocean during the eighteenth century.⁵¹ The new colonies of European nations welcomed free labor to boost the struggling economy and continued with the system of kidnapping

43. Grant Oster, *The History of Human Trafficking*, HANKERING FOR HIST. (2015), <https://hankeringforhistory.com/the-history-of-human-trafficking/> [https://perma.cc/NH5U-F8C6].

44. *Id.*

45. *Id.*; *Traffic in Persons*, UNITED NATIONS TREATY COLLECTION (Apr. 15, 2025, 9:15 AM), https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=vii-11-a&chapter=7&clang=_en [https://perma.cc/BX7V-E2PM].

46. Oster, *supra* note 43.

47. *Id.*

48. *See id.*

49. *See* Thomas Lewis, *Transatlantic Slave Trade*, BRITANNICA (Mar. 3, 2025), <https://www.britannica.com/money/topic/transatlantic-slave-trade> [https://perma.cc/X4Y2-HNJJ].

50. *Id.*

51. *Id.*

individuals from Africa and bringing them across the Atlantic.⁵² In 1807, the United States Congress passed a law which prohibited “the importation of slaves into any port or place within the jurisdiction of the United States.”⁵³ While the importation of enslaved persons was now banned within the new nation, it would be nearly 60 years before the last voyage of enslaved individuals would make its way to North America.⁵⁴

B. Human Trafficking in Agriculture

Throughout time, the use of an enslaved person’s labor in agriculture has been commonplace across the world. In the ninth century, olive groves and vineyards in the Roman Empire and sugarcane cultivation in Iraq were done at the hands of forced labor through the trafficking of humans.⁵⁵ In Brazil during the sixteenth century, farmers who engaged in gang enslavement labor systems experienced 39% more output in profit than those who did not.⁵⁶ The presence of crops was the determining factor for whether civilizations would convert to human trafficking labor, depending on the profitability of the labor and intensity of cultivation.⁵⁷ The United States utilized human trafficking of enslaved individuals to quickly become prominent within the world of agriculture.⁵⁸

A well-known instance in history of the use of human trafficking labor was the exploitation of enslaved laborers within the United States. Upon being sold in the United States, individuals faced lifelong enslavement within the agriculture industry.⁵⁹ This developed into a two-step business plan. First, enslaved person traders captured individuals, transported them to another country, and sold them, all resulting in a 100% profit margin.⁶⁰ Then, plantation owners held enslaved

52. *Id.*

53. Andrew Glass, *Congress Votes to Ban Slave Importation, March 2, 1807*, POLITICO (Mar. 2, 2018, 12:17 AM), <https://www.politico.com/story/2018/03/02/congress-votes-to-ban-slave-importation-march-2-1807-430820> [<https://perma.cc/2F3J-54BD>].

54. Lewis, *supra* note 49.

55. Richard Hellie, *Slavery: Agriculture*, BRITANNICA (Mar. 3, 2025), <https://www.britannica.com/topic/slavery-sociology/Agriculture> [<https://perma.cc/M4ES-B37X>].

56. *Id.*

57. *Id.*

58. Greg Timmons, *How Slavery Became the Economic Engine of the South*, HIST. (Jan. 31, 2025), <https://www.history.com/news/slavery-profitable-southern-economy> [<https://perma.cc/8M3M-MH2G>].

59. *See id.*

60. *See* Boddy-Evans, *supra* note 33.

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individuals in the harshest conditions, forcing their labor to which again, the plantation owners collected the entire profit of crops sold.⁶¹

Before the Civil War, when the Confederacy considered itself an independent nation, it was the fourth richest in the world.⁶² Around 75% of the world's cotton was produced by the Confederacy, which contributed significantly to its wealth due to the high profit margin of using enslaved persons to traffic labor.⁶³ Nearly the entire early American economy was built on the labor of enslaved persons which uplifted the agricultural sphere, thrusting its crop sales past other nations.⁶⁴ Human trafficking was so entrenched within the agricultural system of the southern United States that it culminated into the Civil War.⁶⁵

III. MODERN HUMAN TRAFFICKING AND FORCED LABOR

A. What Does Human Trafficking Look Like Today?

Situations involving modern human trafficking are vastly different depending on where it occurs in the world.⁶⁶ Additionally, trafficking is significantly different than it was 100 years ago, due in part to the rise of technology and advancements in society.⁶⁷ In the United States, human trafficking is prevalent across agriculture, sex work, and forced labor in other industries.⁶⁸ Instead of the violent capture of human beings as in the Trans-Atlantic Slave Trade, many traffickers utilize social media and other technological and social advancements to lure individuals into human trafficking rings.⁶⁹

Modern human trafficking may not fall within the typical bounds of historic or stereotypical human trafficking.⁷⁰ For example, an injured student athlete, McKenzie, with outstanding college tuition sought another way to continue her education.⁷¹ In the midst of her financial struggles, McKenzie met a man with

61. Timmons, *supra* note 58.

62. *Id.*

63. *Id.*

64. *Id.*

65. *Id.*

66. TRAFFICKING IN PERSONS REPORT, *supra* note 21, at 86–92.

67. *See id.* at 58.

68. *Id.* at 39–41.

69. *Id.* at 58; Timmons, *supra* note 58.

70. TRAFFICKING IN PERSONS REPORT, *supra* note 21, at 58–59.

71. Shamere McKenzie, END SLAVERY NOW (Jan. 3, 2015), <https://www.endslaverynow.org/blog/articles/shamere-mckenzie> [<https://perma.cc/KH69-AC39>].

whom she shared deep conversation and who welcomed her into his life.⁷² He gave her an opportunity to pay her bills and continue her education without the athletic scholarship, even offering her a place to stay at his apartment to save money.⁷³ The cycle of abuse began when he offered her a job at a strip club and promised she would never have to touch any of the customers.⁷⁴ At this point, this friendly man became her worst nightmare—her trafficker.⁷⁵ While in the most vulnerable stage of her life, McKenzie was taken advantage of and pushed into the abuses of human trafficking for simply trying to obtain a college education.⁷⁶ Similar to McKenzie, other human trafficking survivors are primarily exposed to sexual exploitation within public venues, such as in bars or clubs.⁷⁷ Trafficking is commonly overlooked due to societal expectations in these arenas—alcohol mixed with behavioral norms results in the dismissal of any suspicion of human trafficking.⁷⁸

Human traffickers have once again profited off recent tragedy. Since the attack on Ukraine by Russian President Vladimir Putin, the movement of vulnerable refugees has been a primary target for human trafficking rings.⁷⁹ The number of displaced Ukrainians since the conflict erupted has a direct correlation with the number of children being trafficked in Russia and “subjected to illegal adoptions there.”⁸⁰ When vulnerabilities arise within people, human traffickers are the first to pounce on the opportunity for exploitation.⁸¹

Modern human trafficking is often classified as a gendered crime because most of the individuals trafficked are women.⁸² Although many types of human trafficking primarily victimize women, the definition of human trafficking has expanded to include new forms of exploitation where men account for a greater

72. *Id.*

73. *Id.*

74. *Id.*

75. *Id.*

76. *See id.*

77. Ewelina U. Ochab, *What You Need to Know About Modern Slavery and Human Trafficking*, FORBES (Oct. 23, 2023, 5:09 AM), <https://www.forbes.com/sites/ewelinaochab/2023/10/23/what-you-need-to-know-about-modern-slavery-and-human-trafficking/?sh=4910ad8a20ba>.

78. *How Bars and Cantinas Are Hubs for Sex Trafficking: What You Need to Know*, HOPE AGAINST TRAFFICKING (Mar. 8, 2025), <https://www.hopeagainsttrafficking.org/how-bars-and-cantinas-are-hubs-for-sex-trafficking-what-you-need-to-know> [<https://perma.cc/7HAM-GCF9>].

79. Ochab, *supra* note 77.

80. *Id.*

81. *See id.*

82. *Id.*

share of the those trafficked.⁸³ These new areas—which tend to be more labor intensive such as farming or fishing—draw the attention of human traffickers towards males.⁸⁴

In the human trafficking industry, which generates an estimated \$150 billion annually, over 25 million individuals are subject to forced labor while not receiving a cent of their labor's associated profit.⁸⁵ In 2021, United States President Joseph Biden's Administration updated the National Action Plan to Combat Human Trafficking (NAP) to push the fight of ending human trafficking to the forefront of the national security agenda.⁸⁶ However, there has been a steady increase in reports of human trafficking within the United States.⁸⁷ Additionally, there was a decrease in human trafficking suspects referred to United States attorneys from 2020 to 2021, but an increase in suspects prosecuted.⁸⁸

The NAP set in place by the Biden Administration prioritizes key principles of prevention, protection, prosecution, and partnership.⁸⁹ Unfortunately, most of the aims of this plan to combat human trafficking within the United States target survivors who are already free from servitude or provide educational prevention techniques.⁹⁰ Thus, the NAP completely disregards the hundreds of human trafficking rings currently operating around the world today and fails to establish any mechanisms by which states and nations can cooperate with each other to physically disrupt the billion-dollar enterprise.⁹¹ While it is important to establish both grounds for rehabilitation of survivors and educational programs highlighting vulnerable populations for human trafficking, it is logical to also establish a separate institution tasked with investigating the individuals responsible for such atrocities. Instead, the NAP states, "prosecution involves holding individuals and

83. *Id.*; TRAFFICKING IN PERSONS REPORT, *supra* note 21, at 55.

84. Ochab, *supra* note 77; TRAFFICKING IN PERSONS REPORT, *supra* note 21, at 40, 43.

85. Press Release, The White House, Fact Sheet: The Nat'l Action Plan to Combat Hum. Trafficking (NAP) (Dec. 3, 2021), <https://bidenwhitehouse.archives.gov/briefing-room/statements-releases/2021/12/03/fact-sheet-the-national-action-plan-to-combat-human-trafficking-nap/> [<https://perma.cc/UUE7-ANDH>].

86. *Id.*

87. *2024 Trafficking in Persons Report: United States*, U.S. DEP'T OF STATE (2024), <https://www.state.gov/reports/2024-trafficking-in-persons-report/united-states/> [<https://perma.cc/PC4F-CF2Q>].

88. BUREAU OF JUST. STATS., U.S. DEP'T OF JUST., HUMAN TRAFFICKING DATA COLLECTION ACTIVITIES, 2023, at 3 (2023), <https://bjs.ojp.gov/document/htdca23.pdf> [<https://perma.cc/YM7W-U475>].

89. Press Release, The White House, *supra* note 85.

90. *Id.*

91. *See id.*; Oster, *supra* note 43.

entities engaged in human trafficking accountable and dismantling human trafficking networks” through “increase[d] efforts to investigate and prosecute forced labor.”⁹² Providing survivors of human trafficking with resources to readjust to freedom is a step in the right direction; however, it is by no means enough or the most efficient method to combat this crisis. It is estimated that 40% of trafficking cases worldwide involve forced labor.⁹³ Individuals within these situations are suffering immensely. There must be adequate mechanisms established to dismantle the systems responsible.

B. Modern Human Trafficking in Agriculture

Over the course of the nineteenth century, domestic laws within nations across the world prohibited slavery.⁹⁴ Nevertheless, due to varying tolerance levels among governments and dependence on the economic contribution enslavement provides, the extent of enforcement is inconsistent across the world.⁹⁵ Governments which tolerate higher rates of human trafficking generally turn a blind eye as the increased profits improve its economy.⁹⁶ Alternatively, western nations that prioritize human rights have more enforcement mechanisms in place to combat human trafficking, disregarding whether human trafficking would benefit the nation’s economy.⁹⁷ Recently, known trafficking has steadily increased each year, besides a slight reduction from 2019 to 2020, likely due to the COVID-19 pandemic, which saw a 11% reduction in detected victims.⁹⁸ While it is difficult to pinpoint the reason for the increase in reports and convictions of human trafficking, it may be attributed to improved resource availability such as advanced technology and increased education.⁹⁹

One industry which sees extensive labor from human trafficking is agriculture.¹⁰⁰ Farmworkers often experience abusive and exploitative treatment rooted in force, fraud, or coercion by employers to maintain control over the

92. Press Release, The White House, *supra* note 85.

93. UNITED NATIONS OFF. ON DRUGS & CRIME, GLOBAL REPORT ON TRAFFICKING IN PERSONS 33 (2014), https://www.unodc.org/documents/data-and-analysis/glotip/GLOTIP_2014_full_report.pdf [<https://perma.cc/39LY-JBSH>].

94. Mark Stein, *Modern Slavery in Agriculture*, in *ENCYCLOPEDIA OF FOOD AND AGRICULTURAL ETHICS* 1812, 1812 (David M. Kaplan ed., 2019).

95. *Id.* at 1812–13.

96. *See id.*

97. *See id.* at 1813.

98. Ochab, *supra* note 77.

99. *See 2024 Trafficking in Persons Report: United States*, *supra* note 87.

100. *Labor Trafficking in Agriculture*, IOWA LEGAL AID (Oct. 4, 2024), <https://www.iowa.legalaid.org/resource/labor-trafficking-in-agriculture> [<https://perma.cc/Z7V7-YXWP>].

workers.¹⁰¹ After encountering these mechanisms, farmworkers believe they have no other choice but to work through language barriers, coercion, and threats to themselves and family.¹⁰² Under the United States Code, forced labor is defined in part as, “knowingly provid[ing] or obtain[ing] the labor or services of a person by . . . means of force, threats of force, physical restraint, or threats of physical restraint to that person or another person.”¹⁰³

The force requirement in human trafficking plays a key role in determining the circumstances which many agricultural workers become trapped by.¹⁰⁴ To maintain control and dominance, “employers” restrict communication, oversee all transportation of workers, and disregard health-related injuries or illness, while subjecting individuals to physical and sexual abuse.¹⁰⁵ While physical force may not always be present, there are other avenues in which traffickers utilize manipulation tactics to seclude those in labor trafficking from reaching help outside the farm.¹⁰⁶

The United Nations reported that agriculture industry-specific factors such as isolation and disregard for legal documents in hiring induce recruitment into human trafficking.¹⁰⁷ A 2022 report from the International Labour Organization (ILO) found “an estimated 12.3% of forced [labor] exploitation cases can be found in the agriculture and fishing sectors.”¹⁰⁸ In developing nations, forced labor is found across all supply chains, with products mostly targeted at Europe and North America.¹⁰⁹ In nations with less government regulation, “[t]he risk of forced [labor] is highest in lower tiers where there is little visibility and where there is the most vulnerable and socially excluded workforce.”¹¹⁰ With less development and a greater need for workers, nations producing consumer goods are most prone to utilizing human trafficking to benefit the products consumed by western nations.¹¹¹

101. *Id.*

102. *See id.*

103. 18 U.S.C. § 1589(a)(1).

104. *Agriculture*, NAT’L HUM. TRAFFICKING HOTLINE (Feb. 8, 2025, 12:54 PM), <https://www.humantraffickinghotline.org/en/labor-trafficking-venuesindustries/agriculture> [<https://perma.cc/3ZLD-EF2M>].

105. *Id.*

106. *Id.*

107. *Forced Labour*, UNITED NATIONS GLOB. COMPACT (Feb. 8, 2025, 11:05 AM), <https://bhr-navigator.unglobalcompact.org/issues/forced-labour/#industry-specific-risk-factors> [<https://perma.cc/GQU6-BEPK>].

108. *Id.*

109. Stein, *supra* note 94, at 1813.

110. *Id.* at 1812.

111. *See id.* at 1812–13.

Furthermore, “[t]raffickers often fraudulently recruit children under the pretext of educational opportunities and instead force them to labor as farm hands.”¹¹² Forced labor is most common in the Asia-Pacific region, producing goods such as cotton, sugarcane, and seafood.¹¹³

In Iowa, two lawsuits were filed against Western Iowa Tech Community College (WITCC) for participating in debt bondage of Brazilian and Chilean international students.¹¹⁴ The college gathered visas for the students to enroll within the international education program, which ultimately led them to working in a food-processing plant due to the labor shortage in western Iowa.¹¹⁵ These international students were allegedly working 12-hour overnight shifts, then going to class at eight in the morning.¹¹⁶ Over half of the student’s paycheck was sent to the college to reimburse it for the cost of the program.¹¹⁷ WITCC ultimately entered into settlement agreements with the students totaling over \$5 million.¹¹⁸

Some of the most common victims of human trafficking are among seasonal farmworkers.¹¹⁹ The farming industry exudes recurring vulnerabilities, allowing for the tunnels of human trafficking to make its way into the system.¹²⁰ Seasonal or temporary work, which occurs during harvesting seasons of crops, leads to temporary work visas and workers being subject to forced labor for lack of understanding the laws surrounding human trafficking and forced labor.¹²¹ Another vulnerability is isolation, which protects human traffickers in sparsely populated rural communities where the need for farmworkers outweighs any concern for employment violations.¹²² Employers may also have great control over

112. TRAFFICKING IN PERSONS REPORT, *supra* note 21, at 14.

113. *Forced Labour*, *supra* note 107.

114. Clark Kauffman, *School: Alleged Human Trafficking Victims from South America Must Be Deposed in Iowa*, DES MOINES REG. (Dec. 13, 2023, 6:24 AM), <https://www.desmoinesregister.com/story/news/education/2023/12/13/school-seek-to-depose-alleged-victims-in-iowa-in-human-trafficking-suit/71899468007/> [<https://perma.cc/C8DA-JC2E>].

115. *Id.*

116. *Id.*

117. *Id.*

118. Clark Kauffman, *Community College Settles the Second of Two Human Trafficking Lawsuits*, IOWA CAP. DISPATCH (July 27, 2024, 1:07 PM), <https://iowacapitaldispatch.com/2024/07/26/community-college-settles-the-second-of-two-human-trafficking-lawsuits/> [<https://perma.cc/5JXM-FN6D>].

119. *Agriculture*, *supra* note 104.

120. *Id.*

121. *Id.*

122. *See id.*

workers, with the authority to confine them to a property with locks, armed guards, or dogs.¹²³

Recently, there have been several farm employers in the United States charged under federal and state laws for modern day slavery and forced labor trafficking.¹²⁴ In Florida, three farm bosses faced charges for “conspiracy to commit forced labor, forced labor and conspiracy to obstruct proceedings before departments.”¹²⁵ Additionally, 24 indictments were issued for farm bosses and labor recruiters in southern Georgia by federal authorities, including charges of international forced labor trafficking in an operation which reaped over \$200 million.¹²⁶ Modern day human trafficking is increasingly prevalent within agriculture across the globe.¹²⁷ The nature of the agriculture supply chain allows for human trafficking to go undetected in developed nations.¹²⁸ Meanwhile in underdeveloped nations, most governments and corporations utilize human trafficking to increase profits and boost its economy.¹²⁹

IV. EFFECTS ON AGRICULTURE

A. Fishing Vessels

The most recent reports of human trafficking within agriculture are rooted in the fishing industry.¹³⁰ Many migrant workers within fisheries are vulnerable to human rights abuses while on fishing vessels.¹³¹ Within the realms of human trafficking, most fishery workers are under the threat of force, coerced to work, and victims of debt bondage.¹³² These individuals are forced to work long hours

123. *Id.*

124. *Growing Wave of Brutal Modern-Day Slavery Operations in Agriculture Prompts Renewed Calls for Expansion of Fair Food Program*, COAL. OF IMMOKALEE WORKERS (Jan. 11, 2022), <https://ciw-online.org/blog/2022/01/growing-wave-of-brutal-modern-day-slavery-operations-in-agriculture-prompts-renewed-calls-for-expansion-of-fair-food-program/> [https://perma.cc/47FL-DXC3].

125. *Id.*

126. *Id.*

127. *Forced Labour*, *supra* note 107.

128. *Id.*

129. See Stein, *supra* note 94, at 1815–18.

130. See *Forced Labour and Human Trafficking in Fisheries*, INT’L LABOUR ORG. (Feb. 8, 2025, 10:26 AM), <https://www.ilo.org/global/topics/forced-labour/policy-areas/fisheries/lang=en/index.htm> [https://perma.cc/3VQL-K9UB].

131. *Id.*

132. *Id.*

with little pay while performing extremely hazardous and difficult work.¹³³ They experience illness, physical injury, sexual abuse, and increased vulnerability on the vessels, as there is nowhere to retreat.¹³⁴ Even without the decrease in safety conditions for forced laborers, fisheries have “one of the highest occupational fatality rates in the world.”¹³⁵

Human trafficking within fisheries has also been linked to other transnational crimes.¹³⁶ Illegal fishing, document fraud, corruption, and tax evasion have all been linked to human trafficking within fisheries and fishing vessels.¹³⁷ As a result, marine ecosystems and fish stocks have been greatly impacted, raising additional concerns regarding food security and sustainable fishing practices.¹³⁸ In Thailand, one of the largest seafood industries, “investigations confirmed widespread practice of slavery, trafficking and violence on fishing boats and at onshore processing facilities.”¹³⁹

The ILO has attempted to combat human trafficking within the fishing sector by developing the Global Action Program against forced labor and trafficking of fishers at sea.¹⁴⁰ This program addresses the dangers of labor trafficking within the fishing industry including the reasons, effects, and vulnerabilities of human trafficking.¹⁴¹ The ILO treats human trafficking within fisheries as a transnational crime and encourages states to work together transparently to ensure fishermen’s safety.¹⁴² Due to the presence of human trafficking within the maritime arena, the concerns within the commercial fishing industry affect the whole international labor system.¹⁴³

The increased focus on human trafficking allows for the recognition of other crimes within the definition, which incorporates human smuggling.¹⁴⁴ Human

133. *Id.*

134. *Id.*

135. *Id.*

136. *Id.*

137. *Id.*

138. *Id.*

139. Stein, *supra* note 94, at 1816.

140. *Forced Labour and Human Trafficking in Fisheries*, *supra* note 130.

141. INT’L LAB. ORG., GAPFISH: GLOBAL ACTION PROGRAMME AGAINST FORCED LABOUR AND TRAFFICKING OF FISHERS AT SEA 2–4 (2015), https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed_norm/%40declaration/documents/publication/wcms_429359.pdf [<https://perma.cc/BVP2-PGJE>].

142. *Id.* at 6–7.

143. Joan P. Mileski et al., *Human Trafficking in the Commercial Fishing Industry: A Multiple Case Study Analysis*, MARINE POL’Y, June 2020, at 1, 9.

144. *See id.* at 2.

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smuggling occurs across oceans and is profoundly relevant within fisheries.¹⁴⁵ The distinction between human trafficking and smuggling is dependent on the circumstances such as whether they are forced to work and conditions upon arrival.¹⁴⁶ In differentiating between them, “[h]uman smuggling often ends when an individual is delivered to a designated [destination], whereas human trafficking is exploitative and can be an ongoing process.”¹⁴⁷

In 2019, Congress passed the Maritime SAFE Act as part of a larger bill.¹⁴⁸ This Act directs the Department of Commerce and Department of State to report to Congress on several aspects of combating human trafficking within fisheries.¹⁴⁹ The report should:

- (1) [list] countries with fisheries at risk for human trafficking[] within their supply chain and [include an] assessment of such risk for each listed country,
- (2) [describe] the quantity and economic value of seafood imports from countries on the list to the United States,
- (3) detail[] what, if any, traceability programs those countries have in place,
- (4) outlin[e] [United States] enforcement programs to address human trafficking, including forced labor, in the seafood supply chain, and,
- (5) recommend[] steps that the Department of State and the National Oceanic and Atmospheric Administration (NOAA) can consider to deter human trafficking in the catching and processing of seafood products outside of United States waters.¹⁵⁰

The report identified several risk factors for addressing human trafficking in the seafood supply chain.¹⁵¹ These include weak regulatory or governance programs, dependency on distant water fisheries, and illegal employment and recruitment practices.¹⁵² The report recommends the development of a

145. *Id.*

146. *Id.*

147. *Id.*

148. U.S. DEP’T OF COMM. & U.S. DEP’T OF STATE, HUMAN TRAFFICKING IN THE SEAFOOD SUPPLY CHAIN 1 (2020) [hereinafter HUMAN TRAFFICKING IN THE SEAFOOD SUPPLY CHAIN], https://media.fisheries.noaa.gov/2020-12/DOSNOAAReport_HumanTrafficking.pdf?null [<https://perma.cc/U8CY-S6CL>]; *S. 1269 (116th): Maritime SAFE Act*, GOVTRACK.US (Apr. 13, 2025, 11:37 AM), <https://www.govtrack.us/congress/bills/116/s1269> [<https://perma.cc/246L-WQPV>].

149. HUMAN TRAFFICKING IN THE SEAFOOD SUPPLY CHAIN, *supra* note 148, at 1.

150. *Id.*

151. *Id.*

152. *Id.* at 2.

government-wide response to combat human trafficking within the seafood supply chain, both domestically and internationally.¹⁵³

The seafood supply chain and fishing vessels are at the center of human trafficking and pose a unique risk due to the mobility of vessels across waterways.¹⁵⁴ A comprehensive effort from international forces is necessary to properly combat the international rings of human trafficking within the fishing industry.

B. Food and Crops

As previously mentioned, the most common form of human trafficking within the realm of agriculture is labor trafficking.¹⁵⁵ The Department of Justice has defined labor trafficking as, “the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion.”¹⁵⁶ A significant amount of labor trafficking within the United States is due to migrant or seasonal labor, contract labor within large farming operations, and supply chain issues.¹⁵⁷

The presence of labor trafficking in the United States is commonly questioned due to the existence of countless government agencies put in place to protect workers from such abuses.¹⁵⁸ Although, in situations like these, many individuals are threatened, impoverished, from rural areas, or recruited from foreign countries and have little to no knowledge of the exact situation they are in.¹⁵⁹ Consequentially, these individuals lack any knowledge of the resources available to them.¹⁶⁰

The food supply chain, or the process of how food ends up on our table from farms, experiences vast amounts of human trafficking, including within the United States.¹⁶¹ Beginning in the fields, amid crops and seeds, underpaid and exploited

153. *Id.* at 5.

154. *See id.* at 1–2.

155. *See* CLAIRE LUFF, HUMAN TRAFFICKING AND LABOR EXPLOITATION IN UNITED STATES FRUIT AND VEGETABLE PRODUCTION 2 (2021), <https://traccc.gmu.edu/wp-content/uploads/2022/04/Human-Trafficking-and-Labor-Exploitation-in-United-States-Fruit-and-Vegetable-Production.pdf> [<https://perma.cc/P5Y2-5VZ3>].

156. *Id.*

157. *See id.* at 1, 5.

158. *See id.* at 5, 9.

159. *Id.* at 3–4.

160. *See id.* at 8.

161. Nicole Tichenor Blackstone, *Forced Labour Risk Is Pervasive in the US Land-Based Food Supply*, 4 NATURE FOOD 596, 596 (2023).

farmworkers are among the most vulnerable to human trafficking in agriculture.¹⁶² Many cases and reports fail to recognize the abundance of labor trafficking within agriculture because of a lack of research and monitoring within the expansive industry.¹⁶³ Due to the lack of monitoring within agriculture fields, many abuses of power by employers go unnoticed.¹⁶⁴

From the beginning of agricultural production within the United States, forced labor has been utilized to maximize economic gain.¹⁶⁵ In modern times, contracting farm labor is commonplace.¹⁶⁶ Although there may now be livable wages instead of enslaved laborers, only about 16% of the shelf price charged for the nation's food returns to the farm business that produced it.¹⁶⁷ Many of the individuals employed as farm laborers for these businesses see only a portion of that 16%.¹⁶⁸

Specifically in the United States, business competition has increased due to globalization, in addition to capitalistic greed and the consumer's demand for lower prices.¹⁶⁹ This has resulted in lower wages for laborers and thus, in most instances, labor trafficking.¹⁷⁰ While human trafficking within agriculture may look different from the past, it still includes the exploitation of farm workers.¹⁷¹

For example, in the late 1990s, human traffickers kept around 30 tomato harvesters under a farm labor contracting operation.¹⁷² These individuals were held and worked until their smuggling debt was repaid, while under the constant threat of violence and surveillance.¹⁷³ It can be concluded that because of the rural, unseen nature of farm labor, labor trafficking goes underreported.¹⁷⁴

162. *Id.* at 601.

163. *Id.* at 596; Ian Thomsen, *Disrupting Human Trafficking in U.S. Agriculture by Focusing on the Supply Chain*, NE. GLOB. NEWS (Nov. 18, 2019), <https://news.northeastern.edu/2019/11/18/disrupting-human-trafficking-in-u-s-agriculture-by-focusing-on-the-supply-chain/> [https://perma.cc/6H78-B3QT].

164. LUFF, *supra* note 155, at 5–6.

165. *Id.* at 2.

166. *Id.* at 6.

167. *Id.* at 1.

168. *Id.*

169. *Id.*

170. *Id.* at 3.

171. *Id.* at 2.

172. *Id.* at 9.

173. *Id.*

174. *Id.* at 2.

The use of farm labor contractors reflects the disconnect between farm owners and workers. Many large farms within the United States may not even know the laborers working for them are being trafficked.¹⁷⁵ Because the farm and the labor contractor are two separate business, day-to-day responsibilities are unknown to corporate farm owners.¹⁷⁶ Thus, unknown issues are subsequently underreported and contribute to the need for complex solutions to combat human trafficking.

Labor trafficking in agriculture revolves around the mistreatment of farm workers, mostly through large farms contracting out labor.¹⁷⁷ The exploitation of farm workers in the United States is seen through the lack of access to clean water, wage theft, exposure to pesticides, lack of protective equipment, and lack of free will.¹⁷⁸ For example,

Tracie McMillan experienced being paid by the piece, or by the bucket: “[\$]1.60 is the amount paid for each five-gallon bucket of garlic we fill, which means that my four-hour morning will bring [me] \$6.40” . . . and “[m]y first paycheck - about [24] hours of work, though that information isn’t printed on the check - []comes to \$54.40. Minimum wage would have yielded \$192.”¹⁷⁹

These individuals were subject to wage theft and mistreatment while the corporate farm owner had no knowledge of the low paychecks contract farm workers were receiving.¹⁸⁰

In 2021, in southern Georgia, a labor trafficking ring smuggled 100 individuals into the United States, forcing them to work under debt bondage.¹⁸¹ These individuals were taken advantage of as their housing, food and transportation were all controlled by their traffickers, and they “were only paid 20 cents per bucket of onions.”¹⁸² The migrant workers from South America were subjected to violence and the threat of deportation to control them.¹⁸³

From 2000 to 2001, Florida citrus pickers under farm labor contracting, held 700 migrant workers within labor trafficking by utilizing the threat of violence to

175. *Id.* at 7.

176. *Id.*

177. *Id.* at 6–7.

178. *Id.* at 8.

179. *Id.* at 7.

180. *Id.*

181. *Id.* at 10.

182. *Id.*

183. *Id.*

force labor.¹⁸⁴ The owners of the harvesting contractor which held these individuals were ultimately convicted of forced labor charges.¹⁸⁵ These charges included extortion, the use of a firearm, and holding individuals hostage for alleged debts, all contributing to the prosecution of the traffickers.¹⁸⁶ The defense attorney for the farm workers claimed that the traffickers prosecuted were “scapegoats for a larger industry-wide problem.”¹⁸⁷ The prosecutors in the case hoped that bringing criminal charges would encourage future or current traffickers to correct their behavior.¹⁸⁸ Unfortunately such encouragement for correction remains to be unseen. Two of the Florida traffickers were sentenced to 12 years in prison for charges of enslaving persons.¹⁸⁹ The seclusion of large farming operations and the influx of migrant farm workers contributes immensely to the utilization of labor trafficking by farm labor contractors.¹⁹⁰ These cases represent the need for prosecution and investigations into farm contracting labor, for the use of labor trafficking goes unnoticed far too often.

V. COMBATING HUMAN TRAFFICKING

Organizations have developed mechanisms to analyze human trafficking across the globe.¹⁹¹ In examining the Global Organized Crime Human Trafficking Index—a system used to evaluate countries based on the prevalence of human trafficking within a particular nation—the highest, most egregious, score is a 9.00.¹⁹² The United States scores a 6.00, among other nations such as, Romania, Kazakhstan, and Egypt.¹⁹³ The statistics by region show that Sub-Saharan Africa

184. KEVIN BALES ET AL., HIDDEN SLAVES: FORCED LABOR IN THE UNITED STATES 8 (2004), <https://humanrights.berkeley.edu/wp-content/uploads/2018/12/qt4jn4j0qg.pdf> [<https://perma.cc/R9KL-EHDR>].

185. *Id.*

186. Adrian Sainz, *Slavery in Florida's Citrus Groves*, CBS NEWS (Nov. 21, 2002, 4:49 AM), <https://www.cbsnews.com/news/slavery-in-floridas-citrus-groves/> [<https://perma.cc/S4M7-Z646>].

187. *Id.*

188. *Id.*

189. *Id.*

190. LUFF, *supra* note 155, at 2–3.

191. See GLOB. INITIATIVE AGAINST TRANSNAT'L ORGANIZED CRIME, GLOBAL ORGANIZED CRIME INDEX 28 (2023), <https://ocindex.net/assets/downloads/2023/english/global-ocindex-report.pdf> [<https://perma.cc/B338-LZVQ>].

192. *Id.* at 38–39; *Human Trafficking Ranking by Country*, GLOB. ORGANIZED CRIME INDEX (2023), https://ocindex.net/rankings/human_trafficking&render=1?f=rankings&render=1&order=ASC&view=List [<https://perma.cc/Q79S-9F82>].

193. *Human Trafficking Ranking by Country*, *supra* note 192.

and South Asia experience higher levels of trafficking in persons.¹⁹⁴ Throughout Pakistan, children are “bought, sold, rented, or kidnapped to work in organized . . . agriculture in bonded labor.”¹⁹⁵

An evaluation of the scores show that more developed countries have lower scores, indicating a decreased presence of human trafficking.¹⁹⁶ Yet, the United States, a highly developed country, leans towards the higher end of the scale, becoming an outlier among other developed nations.¹⁹⁷ The increasing rate of human trafficking is worsened by the lack of enforcement mechanisms within the United States, but found in other developed nations.¹⁹⁸

In January 2023, the United Nations reported that, due to increased vulnerabilities from the COVID-19 pandemic, many individuals were more susceptible to human trafficking due to ineffective government responses.¹⁹⁹ As stated previously, the Ukrainian-Russian conflict, which has produced vast amounts of refugees and increasing vulnerabilities, has sparked an increase in human trafficking.²⁰⁰ Additionally, the United States border crisis is severely impacting the country’s contribution to international human trafficking, as there has been a tremendous increase in trafficking in the past year within the nation.²⁰¹ At the southern border of the United States, migrants are among the most likely to have already been trafficked to reach the border, or eventually will be trafficked due to defenselessness.²⁰² Both of these instances allow the conclusion to be drawn that when vulnerabilities of people arise, so does their likelihood of being trafficked.

194. GLOB. INITIATIVE AGAINST TRANSNAT’L ORGANIZED CRIME, *supra* note 191, at 28.

195. Michelle Goldberg, *Human Trafficking: Report Ranks U.S., World Countries*, DAILY BEAST (June 13, 2010, 8:11 PM), <https://www.thedailybeast.com/human-trafficking-report-ranks-us-world-countries>.

196. *See Human Trafficking Ranking by Country*, *supra* note 192.

197. *See id.*

198. *Forced Labour*, *supra* note 107.

199. Press Release, Off. on Drugs & Crime, United Nations, UNODC Glob. Rep. on Trafficking in Persons: Crises Shift Trafficking Patterns and Hinder Victim Identification (Jan. 24, 2023), <https://www.unodc.org/unodc/en/press/releases/2023/January/global-report-on-trafficking-in-persons-2022.html> [<https://perma.cc/T5HJ-D22X>].

200. Ochab, *supra* note 77; *see supra* notes 79–81 and accompanying text.

201. Hannah Davis, *Fighting Human Trafficking and Battling Biden’s Open Border*, THE HERITAGE FOUND. (Mar. 14, 2023), <https://www.heritage.org/immigration/commentary/fighting-human-trafficking-and-battling-bidens-open-border> [<https://perma.cc/6UVW-USH5>].

202. *Id.*; *see LUFF*, *supra* note 155, at 3–4.

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Furthermore, forced labor in human trafficking actually decreases agriculture production.²⁰³ Because of unhealthy labor relations, productivity drops, resulting in economic stagnation.²⁰⁴ Additionally, human trafficking in labor breeds corruption and illegal financial avenues.²⁰⁵ The need to combat human trafficking within agriculture is urgent. Without improvement the current state of affairs will lead to institutionalized inequality, inter-generational poverty, and capital market failure.²⁰⁶

A. United States' Plan to Dismantle Human Trafficking

According to the United States Government Accountability Office (GAO), the United States is targeting human trafficking through “[t]he Departments of State and Labor and the [United States] Agency for International Development (USAID) manag[ing] development assistance projects aimed at preventing trafficking, prosecuting traffickers, and protecting survivors.”²⁰⁷ These federal agencies put forth extensive efforts to combat human trafficking at the international level.²⁰⁸ However, when evaluated by the GAO, there were gaps found in their approaches, such as unclear roles and weak monitoring.²⁰⁹

Further, the Biden Administration has pledged to tackle the criminal human trafficking enterprise.²¹⁰ Hannah Davis from the Heritage Foundation reported, “The Biden administration responded by declaring January ‘National Human Trafficking Prevention Month.’ This, of course, did nothing to curb the problem.”²¹¹ Attorney General Merrick B. Garland has stated, “Vindicating the rights of human trafficking victims and other vulnerable individuals ranks among the highest priorities of the Department of Justice.”²¹²

203. JAMES COCKAYNE, CTR. FOR POL’Y RSCH., UNITED NATIONS UNIV., DEVELOPING FREEDOM: THE SUSTAINABLE DEVELOPMENT CASE FOR ENDING MODERN SLAVERY, FORCED LABOUR AND HUMAN TRAFFICKING SYNOPSIS 2–3 (2021), https://collections.unu.edu/eserv/UNU:8229/DevelopingFreedom_Synopsis_WebFinal.pdf [<https://perma.cc/LSP3-M7H2>].

204. *Id.* at 2.

205. *Id.* at 3.

206. *Id.* at 2–3.

207. U.S. GOV’T ACCOUNTABILITY OFF., GAO-22-106029, HUMAN TRAFFICKING: U.S. AGENCIES’ INTERNATIONAL EFFORTS TO FIGHT A GLOBAL PROBLEM 1 (2022).

208. *See id.*

209. *Id.* at 1–2.

210. Davis, *supra* note 201.

211. *Id.*

212. Press Release, Off. of Pub. Affs., U.S. Dep’t of Just., Just. Dep’t Anti-Trafficking Efforts Highlighted in 2021 Nat’l Action Plan to Combat Hum. Trafficking (Dec. 3, 2021), <https://www.justice.gov/opa/pr/justice-department-anti-trafficking-efforts-highlighted-2021-national-action-plan-combat> [<https://perma.cc/SWU4-NPTR>].

The Department of Justice has worked closely with law enforcement and other agencies to produce reports detailing trends in human trafficking.²¹³ The knowledge of human trafficking trends has been put on display, and academics and advocates have done enough research for government agencies to observe and act.²¹⁴ Yet, the government continues to waste bureaucratic resources developing repetitive reports instead of establishing the mechanisms and workforce needed to dismantle systems of human trafficking and bring perpetrators to justice.²¹⁵

The GAO has identified three basic reasons as to why United States government agencies struggle to combat human trafficking.²¹⁶ The GAO identified the following issues: 1) staffing gaps and unclear roles, 2) problems with data reliability and information sharing, and 3) weaknesses in monitoring, limiting effective responses.²¹⁷ Based on these issues, the GAO has recommended several policy implementations for the United States to better combat human trafficking.²¹⁸

Another development in anti-trafficking efforts by the Department of State is to clearly advocate for survivors of human trafficking.²¹⁹ Within the Department of State's *Trafficking in Persons Report*, the "Non-Punishment Principle" lays out the victim-centered notion that survivors of human trafficking should not be prosecuted if they contributed to any illegal crimes while under their trafficker's control.²²⁰ This notion is somewhat intuitive, and a waste of paper within a report which should have covered more pressing anti-trafficking efforts being made. Why should a victim turned survivor have to deal with any legal repercussions for the horrors they were subjected to and endured? Unless assisting the prosecution in identifying the specific trafficking ring that individual was involved in, survivors should never see the inside of a court room as a result of being a survivor of human trafficking.

B. Successful Efforts

No nation is immune to human trafficking, but some countries have tackled the issue head on and have made successful efforts in combating it.²²¹ Those who

213. *Id.*

214. *See id.*; *see generally* TRAFFICKING IN PERSONS REPORT, *supra* note 21.

215. *See generally* TRAFFICKING IN PERSONS REPORT, *supra* note 21, at 4.

216. U.S. GOV'T ACCOUNTABILITY OFF., *supra* note 207, at 1–2.

217. *Id.*

218. *Id.*

219. *See* TRAFFICKING IN PERSONS REPORT, *supra* note 21, at 60.

220. *Id.*

221. *See* COCKAYNE, *supra* note 203, at 11–23.

frequently fall victim to human trafficking are individuals in vulnerable places in life, including those seeking food, refuge, shelter, and to provide for their families.²²² Traffickers convince these individuals to join the operation by promising them a better life.²²³

One solution to combat trafficking at the source is to address how individuals fall victim to the traffickers' promises. Human traffickers commonly advertise a better life to these vulnerable individuals.²²⁴ Thus, in response, governments should do everything in their power to address the vulnerability of these individuals.²²⁵ Simple principles of democracy, such as granting rights in the form of economic and social liberties to individuals by ensuring food, healthcare, and job security would leave individuals with less incentive to seek other options, thereby decreasing the chance of falling victim to human trafficking.

Thailand continues to use human trafficking in its fishing and seafood industry.²²⁶ In 2015, the European Union threatened "to ban fish imports from Thailand unless it cleaned up the industry."²²⁷ At that point, the government of Thailand took steps to improve its workers' rights.²²⁸ In 2021, the European Union launched an anti-trafficking strategy which focuses in part on clarifying companies' responsibilities to reduce "the demand that fosters trafficking in the first place."²²⁹ The strategy further seeks to dismantle traffickers' business model by reducing platforms in technology recruitment both on and offline.²³⁰ Furthermore, the European Union recognized the increased likelihood of potential victims in Ukraine.²³¹ Due to the increased amount of refugees and limited resources, such as access to the labor market, healthcare, and education, Ukrainian refugees are more susceptible to trafficking.²³² Since the start of the Russia-Ukraine war, the European Union has worked with countries to combat the criminals wanting to take advantage of Ukrainian refugees' vulnerabilities.²³³ The

222. See LUFF, *supra* note 155, at 3.

223. *Id.*

224. *Id.*

225. Press Release, Off. of Pub. Affs., U.S. Dep't of Just., *supra* note 212.

226. Stein, *supra* note 94, at 1815–16.

227. *Id.* at 1816.

228. *Id.*

229. *The EU's Work to Combat Human Trafficking*, EUR. COUNCIL & COUNCIL OF THE EUR. UNION (July 25, 2024), <https://www.consilium.europa.eu/en/eu-against-human-trafficking/> [<https://perma.cc/R5RT-5XY6>].

230. *Id.*

231. *Id.*

232. *Id.*

233. *Id.*

European Union has been successful in this mission through the European Union's "joint police operation against criminal gangs using websites and social media to groom Ukrainian refugees for sexual and [labor] exploitation."²³⁴ Within the Global Slavery Index of 2016, the countries with the least modern-day slavery are those with economic wealth.²³⁵ For example, these countries include Luxembourg, Ireland, Switzerland and Norway, where they have low levels of conflict, high government response, and are politically stable.²³⁶

A case study conducted by United Nations University explored the anti-trafficking efforts within the cattle industry in Brazil.²³⁷ Since 1995, approximately 55,000 individuals have been saved from slavery-like conditions, one-third of which worked in the cattle industry.²³⁸ By introducing a multi-stakeholder collaboration amongst all levels, from local communities to the highest offices, Brazil successfully combated human trafficking within its agriculture industry.²³⁹ Through disruption at the source by ending corruption throughout the government, Brazil has worked to combat human trafficking rather than remaining tolerant.²⁴⁰

C. Success Through the Lense of the United States

The United States must lead the abolishment of global human trafficking, beginning with combatting this issue at home. Many trafficked individuals come from all over the world and consider the United States their final destination.²⁴¹ The United States has immense resources and federal laws in place to prosecute human traffickers.²⁴² Existing systems, including the Biden Administration's NAP, allow information to be gathered as to how to capture traffickers and prosecute them.²⁴³

To combat such a global ring of criminal operations, there must be strategies and intelligence established beyond those utilized by traditional law

234. *Id.*

235. Stein, *supra* note 94, at 1813.

236. *Id.*

237. COCKAYNE, *supra* note 203, at 11.

238. *Id.*

239. *Id.*

240. *Id.*

241. 2024 *Trafficking in Persons Report: United States*, *supra* note 87.

242. *Id.*

243. See Press Release, Off. of Pub. Affs., U.S. Dep't of Just., *supra* note 212.

enforcement.²⁴⁴ In areas of high regulation within the United States, such as restaurants, where health inspections occur and patrons are frequent, human traffickers are less likely to operate.²⁴⁵ If establishments that are often used for human trafficking were highly regulated by the state and federal government, the perpetrators would have an increased likelihood of being apprehended.²⁴⁶ Therefore, in efforts to effectively combat human trafficking in the United States, focus should be set on areas where federal and state officials are not frequently evaluating such regulatory compliance. Agency cooperation and communication among different government officials should be prioritized to make efficient use of limited resources as different human trafficking rings may be ultimately connected.²⁴⁷

With significant advances in modern investigative technology, the conclusion should be drawn as to why one trend leads to another. For example, an individual who may not be given economic, social, cultural, or political rights by their government may seek opportunities elsewhere for a fulfilled life, or for basic needs like food and healthcare. Extensive security, regulations, and technology are already established in human trafficking hotspots, such as airports, shipping ports, and national borders.²⁴⁸ The resources needed to combat human trafficking are right in front of us, they just need to be reallocated to a more efficient system of cooperation among law enforcement.

The most necessary establishment is a “United States Commission on Human Trafficking.” The sole responsibility of the proposed Commission would be tracking global human trafficking rings, both abroad and within the United States. Within the Commission there should be several task forces with the appropriate resources to physically take down human trafficking rings and arrest and prosecute human traffickers under 18 U.S.C. § 1590–1593.

Section 1590 titled “Trafficking with Respect to Peonage, Slavery, Involuntary Servitude, or Forced Labor,” establishes that a person who “knowingly recruits, harbors, transports, provides, or obtains by any means, any person for

244. Kelly Grant, *5 Strategies to Combat Human Trafficking in the Americas*, INSIGHT CRIME (July 30, 2018), <https://insightcrime.org/news/analysis/5-strategies-combat-human-trafficking-americas> [https://perma.cc/S4LJ-6XKU].

245. *Id.*

246. *See id.*

247. *See* U.S. GOV’T ACCOUNTABILITY OFF., *supra* note 207, at 2.

248. *See* DEP’T OF TRANSP. ADVISORY COMM. ON HUM. TRAFFICKING, DRAFT 2024 REPORT: PREVENTING AND ADDRESSING HUMAN TRAFFICKING IN THE TRANSPORTATION SECTOR 5–6 (2024), <https://www.transportation.gov/sites/dot.gov/files/2024-08/ACHT%20Draft%20Report.pdf> [https://perma.cc/34SX-8SNV].

labor or services . . . shall be fined . . . or imprisoned not more than 20 years.”²⁴⁹ In essence, violating the Thirteenth Amendment of the United States by subjecting an individual to slavery has no greater penalty than a fine or imprisonment for less than 20 years.²⁵⁰ Considering the abundance of knowledge the United States has from first-hand witness testimony as to the horrors of slavery within this country once before, it is crucial that current law not disrespect any aspect of forced labor and the cruelty that survivors of human trafficking endure. Human traffickers should not be able to buy their way out of committing a horrendous act against humans by paying a fine or going to jail for less than 20 years.

One of the most recent cases where a defendant was charged under 18 U.S.C. § 1590 for forced labor and trafficking involved a previously board-certified plastic surgeon who began drugging and sexually assaulting women in 2013.²⁵¹ In another instance, a treatment center for troubled young girls centered around a “tough love approach” to rehab girls by working on a ranch had a suit brought against them under 18 U.S.C. § 1589.²⁵² The plaintiffs made claims of forced labor by working “long hours without pay” for which they were “under threat of serious harm.”²⁵³ In both of these instances, instead of government agencies prosecuting human traffickers, all claims were brought by survivors of human trafficking.²⁵⁴ This highlights one of the biggest consequences from the lack of human trafficking prosecutions in the United States—the failure of our agencies’ action placed on individuals who have already suffered enough. These cases also highlight the vulnerability of individuals and their susceptibility to trafficking.

The United States Commission on Human Trafficking should be a network of task forces assigned to specific areas across the world. Each individual task force should focus on one geographic region where human trafficking rings stem from. Task forces should also focus on human trafficking within separate realms, as in one task force focusing on Southern Asia sexual exploitation while another focuses on migrant and labor trafficking within California and Texas. As the work of each task force may cross over and collide at times, cooperation and communication among the larger network of task forces is crucial. Once a ring is found, all individuals responsible should be identified and armed forces should retrieve all individuals involved to prosecute them within the United States under

249. 18 U.S.C. § 1590.

250. *Id.*; U.S. CONST. amend. XIII.

251. *Doe v. Gupta*, No. 22-CV-1122, 2023 WL 6290625, at *1 (N.D. Ohio Sept. 27, 2023).

252. *Sherman v. Trinity Teen Sols., Inc.*, 84 F.4th 1182, 1186 (10th Cir. 2023).

253. *Id.*

254. *Id.*; *Doe*, 2023 WL 6290625, at *1.

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federal law. If the task forces within the United States Commission on Human Trafficking discover an operation which the United States lacks jurisdiction to prosecute, they shall work hand in hand with the appropriate nation's authorities to properly prosecute as they would in the United States.

VI. CONCLUSION

After vegetables are planted, they continue to grow under the ground—roots expand in the soil, while above ground green stems grow and leaves sprout. If by harvesting vegetables one tried only cutting the green leaves above ground, the plant would continue to grow. By digging up the root of the plant you get the vegetable itself. The human trafficking network operates in this way. The current systems in place are only cutting the leaves above ground, while leaving the root below the soil to continue growing and expanding. The issue will continue if the root is not taken out.

The solutions proposed and currently in place have many layers which could easily be eliminated if this issue were to be tackled at the root of the problem. Examining why and how individuals become victims of human trafficking will produce the most efficient and effective way to globally combat traffickers. Areas of high human trafficking are shown to be spaces where individuals are seeking rights, necessities that are so easily granted to others.²⁵⁵ Realistically, we cannot convince every nation to grant citizens social, economic, and cultural rights in order to stray them away from human trafficking rings. The most realistic, combative progression to be made is a comprehensive task force headed by the United States government to dismantle each ring of the entire system.

255. See LUFF, *supra* note 155, at 3.