



## Trafficking of Persons With Disabilities in the United States

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Individuals with disabilities are particularly vulnerable to human trafficking.<sup>1</sup> In fact, victims with disabilities played a central role in the passage of the Trafficking Victims Protection Act (TVPA) in 2000. In response to the negative outcome in a federal criminal case involving men with cognitive disabilities held on a dairy farm in Michigan,<sup>2</sup> Congress created a new crime: forced labor.<sup>3</sup> Similarly, one of the very first cases in the United States recognized as human trafficking involved a peddling and begging ring in New York City. Traffickers brought 55 Mexican nationals who were deaf to the United States to beg and sell trinkets on the subway.<sup>4</sup>

### **Trafficking of persons with disabilities for forced labor – and benefits**

As in all trafficking cases, perpetrators use force, fraud and coercion to hold victims with disabilities in servitude. While victims with disabilities may be trafficked into sex or labor, many cases include one additional element: the theft of Social Security and disability benefits. The opportunity to steal government benefits provides an added incentive for traffickers to target persons with disabilities.

Theft of government benefits, such as SSI,<sup>5</sup> has played a role in several cases prosecuted by federal authorities. A RICO indictment brought in Pennsylvania charged Linda Weston and four co-defendants with labor and sex trafficking. The conspirators held six adults with cognitive disabilities and four children in forced labor and sexual servitude for years, even forcing some of them to have children. Weston targeted individuals with disabilities who were estranged from their families, convincing them to move into her home. Once they did so, she became their “representative payee,” stealing her victims’ Social Security benefits. Weston and her co-conspirators kept the captives locked in closets, cabinets, basements, and attics. The traffickers trafficked two female victims into forced commercial sex. The traffickers subjected the victims to extreme physical and sexual abuse. Two victims died in captivity.<sup>6</sup>

Another federal criminal indictment charged an Ohio couple for holding a woman with cognitive disabilities and her child captive for two years. During this time, the traffickers stole the woman’s disability benefits and forced her into domestic servitude. Defendants subjected both victims to physical violence, restricted their food intake, and threatened them with attack by pit bulls and snakes. The adult victim was also forced to have sex with the male defendant. The adult victim was rescued after she was arrested for shoplifting a candy bar to feed her child.<sup>7</sup> In another federal trafficking case, two sisters convinced an unrelated 18-year old woman with

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<sup>1</sup> According to the State Department, “[p]ersons with disabilities remain one of the groups most at risk of being trafficked.” U.S. Dep’t of State, *Trafficking in Persons Report* 39 (2012).

<sup>2</sup> Prosecutors indicted the case under the involuntary servitude statute. Because the perpetrators did not use violence or threats of violence, the Supreme Court ruled that convictions under that statute could not be sustained. *United States v. Kozminski*, 487 U.S. 931 (1988).

<sup>3</sup> Trafficking Victims Protection Act of 2000, 18 USC §1589.

<sup>4</sup> *United States v. Paoletti-Lemus, et al.*, No. 1:97-cr-00768 (E.D.N.Y. 1998).

<sup>5</sup> The Supplemental Security Income (SSI) program pursuant to Title XVI of the Social Security Act provides cash benefits to individuals who suffer from a long-term mental or physical disability.

<sup>6</sup> *Indictment*, *United States v. Weston*, No. 13-025-1 (E.D.Pa. Jan. 22, 2013). Weston pled guilty to all charges. She was sentenced to life in prison plus 80 years and ordered to pay the Social Security Administration over \$270,000. WTKR, *Linda Weston Sentenced to Life in Prison Plus 80 Years for Holding Disabled People Captive*, Nov. 6, 2015, <http://wtkr.com/2015/11/06/linda-weston-sentenced-to-life-in-prison-plus-80-years-for-holding-disabled-people-captive/>.

<sup>7</sup> *United States v. Callahan*, Nos. 14–3771/3772 (6th Cir. Sept. 8, 2015).

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intellectual disabilities to move into their St. Louis home. The defendants promised to “care” for her. Instead the defendants stole the victim’s disability checks and held the young woman in forced prostitution.<sup>8</sup>

### **Trafficking by family members, guardians, and residential care providers**

Relatives and caregivers can also perpetrate human trafficking against those entrusted to their care. Walter Strong, appointed as Conservator for two married adults with cognitive disabilities, stole the victims’ benefits. He also forced the victims to perform manual labor on his small farm and sexually abused the female victim. Strong refused to pay for the couple’s living expenses unless the victim performed sexual acts, including sexual intercourse.<sup>9</sup>

In a 2009 case, *U.S. v. Kaufman*, a federal court convicted two defendants who abused victims at a residential care facility in Kansas. Arlan Kaufman, a doctor of social work, and Linda Kaufman, a licensed nurse, ran the unlicensed residential care treatment center for the mentally ill for more than 20 years. The Kaufmans stole Social Security benefits and billed Medicare for the “services” provided to mentally ill residents of their group home. Victims were forced to perform nude manual labor and record videos of sex acts.<sup>10</sup>

In 2013, a civil jury handed down a \$240 million judgment against Henry’s Turkey Service in a case brought by the Equal Employment Opportunity Commission. For 20 years, 32 men with intellectual disabilities eviscerated turkeys in an Iowa-based turkey processing plant for just 41 cents an hour. The men, from Texas, had been transferred from a residential care facility to the work site in Iowa. Forced to live in squalor, the men faced constant physical and verbal abuse, as well as harsh discipline.<sup>11</sup> Their employers deducted money for room and board from their earnings.<sup>12</sup> The civil case, brought by the EEOC under the Americans with Disabilities Act, included testimony from a renowned expert in the disabilities field, Dr. Sue Gant. Commenting on the case, Senator Tom Harkin commented, “It’s as close to involuntary servitude as I’ve ever seen.”<sup>13</sup>

***For more information about federal cases involving the trafficking of persons with disabilities, please contact the Human Trafficking Pro Bono Legal Center. HT Pro Bono maintains databases of all criminal<sup>14</sup> and civil<sup>15</sup> trafficking cases brought in the U.S. federal courts. Visit HT Pro Bono at [www.htprobono.org](http://www.htprobono.org).***

<sup>8</sup> United States v. Wallace, 605 F.3d 477 (8th Cir. 2010). Wallace pled guilty and was sentenced to 20 years in federal prison. The second defendant also pled guilty and received a five-year sentence. FBI Press Release, July 22, 2009, <https://www.fbi.gov/stlouis/press-releases/2009/sl072209a.htm>

<sup>9</sup> Frankenfield v. Strong, No. 12-cv-00054 (M.D.Tenn. filed June 22, 2012) The court entered a default judgment in favor of the plaintiffs in the amount of \$690,962.24. In a related criminal case, Strong pled guilty to a theft charge and a lesser charge of sexual battery. He was sentenced to two years in state prison and ordered to pay \$105,480.84 in restitution. State of Tennessee v. Walter Strong, 2012-CR-51, 2012-CR-52 (Clay Cty, 2013).

<sup>10</sup> United States v. Kaufman, 546 F.3d 1242 (10th Cir. 2008). Arlan and Linda Kaufman were convicted of involuntary servitude and health care fraud, and sentenced to 30 and 15 years in federal prison, respectively. THE KANSAN, *Kaufman Sentenced to 15 Years in Prison in ‘Nude Therapy’ Case*, Nov. 24, 2009, <http://www.thekansan.com/article/20091124/NEWS/311249986>

<sup>11</sup> U.S. Equal Employment Opportunity Commission, *Jury Awards \$240 Million for Long-Term Abuse of Workers with Intellectual Disabilities*, May 1, 2013, <http://www.eeoc.gov/eeoc/newsroom/release/5-1-13b.cfm>.

<sup>12</sup> Dan Barry, *The ‘Boys’ in the Bunkhouse*, N.Y. TIMES, Mar. 19, 2014, [http://www.nytimes.com/interactive/2014/03/09/us/the-boys-in-the-bunkhouse.html?\\_r=0](http://www.nytimes.com/interactive/2014/03/09/us/the-boys-in-the-bunkhouse.html?_r=0). The jury verdict was reduced to \$1.6 million due to verdict caps.

<sup>13</sup> *Id.*

<sup>14</sup> Federal criminal cases include United States v. Kozminski, 487 U.S. 931 (1988); United States v. Paoletti-Lemus, et al., No. 1:97-cr-00768 (E.D.N.Y. 1998); United States v. Ronald Evans et al., No. 3:05-cr-00159 (M.D. Fla. Aug. 25, 2006); United States v. Kaufman, 546 F.3d 1242 (10th Cir. 2008); United States v. Laguna-Guerrero, No. 8:10-cr-00193 (M.D. Fla. filed May 6, 2010); United States v. Bagley, No. 10-cr-00244 (W.D.Mo. filed Sept. 8, 2010); United States v. Wallace, 605 F.3d 477 (8th Cir. 2010); United States v. Lendon, No. 12-cr-00166 (M.D.Fla. filed Oct. 3, 2012); United States v. Weston, No. 13-025-1 (E.D.Pa. filed Jan. 22, 2013); United States v. Mathews, No. 4:12-cr-00190-HEA-2 (E.D. Mo. Mar. 15, 2013); United States v. Haskins, No. 14-cr-00432 (E.D. Va. filed Oct. 23, 2014); United States v. Callahan, Nos. 14-3771, 14-3772 (6th Cir. Sept. 8, 2015).

<sup>15</sup> Federal civil trafficking cases include Frankenfield v. Strong, No. 12-cv-00054 (M.D.Tenn. filed June 22, 2012); EEOC v. Hill Country Farms, Inc., No. 13-2796 (8th Cir. 2014); Smith v. Edwards, No. 15-cv-4612 (D.S.C. filed Nov. 16, 2015).