

AMY J. STARK, LMT #15818
OREGON SCHOOL OF MASSAGE

MEASURE: SB 387
EXHIBIT: A
S. HEALTHCARE & HUMAN SERVICES
DATE: 2/11/13 PAGES: 9
SUBMITTED BY: Amy Stark

February 11, 2013
Oregon Senate Committee on Health Care and Human Services
900 Court St NE
Salem, OR 97301

Re: SB 387

Dear Committee Members,

The "facility permit" portion of this proposal is misdirected because:

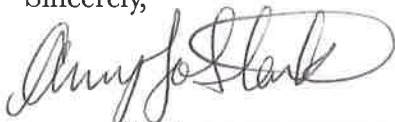
- it imposes a unnecessary bureaucratic hurdle and cost on 100's of LMTs
- as such it becomes an unneeded hindrance to doing the legitimate business of providing a valuable healthcare service
- there are current regulations (e.g., Oregon LMT requirements and the federal Trafficking Victims Protection Act of 2000) which address the issues of concern.

SB 387, as written, causes an undue burden for a large population of LMTs who rent space in a facility outside their home and does not prevent human trafficking by rolling individual LMTs into the bill. Their massage license should serve as proof that they're operating under the established laws of the Oregon Board of Massage Therapists, including those that govern massage facilities.

We believe that issues of sanitation and human trafficking are real and we and the profession are concerned about them. We recommend that the Board, the profession and we schools put more effort into the enforcement of existing regulations and not make the regulations more cumbersome. Oregon School of Massage, for example, will offer presentations to students and graduates this year, updating them on the extent of human trafficking and what professionals can do about it.

Please see the attached Massage and Bodywork Magazine article for examples of how the human trafficking issue has been dealt with in the United States. Note on page 5 of the attached article indicating there have been 1107 convictions since TVPA was enacted.

Sincerely,



Amy J. Stark, LMT #15818
Oregon School of Massage

Associated Bodywork & Massage Professionals

Celebrating 25 years of serving the massage therapy community through practice support, ethical standards, legislative advocacy, and public education.

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Hiding In Plain Sight

Human Trafficking's Impact on Massage Therapy

By Heather McCutcheon

[Feature]

Americans are increasingly aware of the ugly fact that human trafficking is not something that happens *over there*, but rather an enormous industry that is thriving *right here*. Whether it's the farm worker who is held hostage because of a debt to his employer, the maid who has had her papers confiscated by the family she works for, or the enslavement of women and children to work in the sex industry, human trafficking is alive and well in the United States. In our world of complementary care, it is often disguised as free-agent prostitution and marketed as massage. In fact, a website, maintained for and by men who buy sex, lists more than 7,000 brothels posing as legitimate massage establishments nationwide.¹

Policy makers are passing legislation in a well-intentioned effort to crack down on these crimes, some of which inhibits and compromises the bodywork industry (see "Massage is Legal; Human Trafficking is Not" on page 82). Even more than our consciences alone would dictate, human trafficking has become *our* profession's problem, and we need to understand what we're up against.

Innuendos and Illicit Inquiries

At the age of 29, I transitioned from the hectic schedule of an ad agency to the serene and rewarding world of massage. As early as my first classes at the prestigious Chicago School of Massage Therapy, I found myself on the receiving end of derogatory comments in response to my jubilant announcement that I was studying to be a massage therapist. Jokes at cocktail parties included a derisive, "wink-wink, nudge-nudge," or the common reference to "happy endings."

When my business phone was connected, I started getting calls from men asking, "What do you wear?" "Is full release included?" and "What nationality are the girls?" Obviously, these conversations ended quickly, but on rare occasions there was no indication that anything was amiss until it was too late. At one point, a would-be client stared at my intake form with incredulity and asked, "You don't really want me to fill this out, do you?" When he realized my massage and his "massage" were two very different

experiences, he reacted with irritation, as if I were guilty of false advertising. I've gotten this same response from acquaintances, both single and married men, who'd initially claimed to need a massage to prepare for an upcoming race or complained of low-back pain, but were looking for something else entirely.

At first, I thought I was getting more than my fair share of flak, but over time I realized this phenomenon is all too common, something those in our healing profession have simply had to live with. Prostitution exists. Some prostitutes advertise their services as massage therapy. Two professions at opposite ends of the legal spectrum are operating under the same name, causing two separate worlds to be superimposed on one another. People are understandably confused, and our profession suffers as a result.

Now, 14 years into my career, I have become more aware of the distinction between free-agent prostitution and commercial sex trafficking. Anyone paying attention to this issue knows children are being imported to our cities from around the world for this purpose, and young American girls are being trafficked for sex in our country's most affluent suburbs. There are no traffic-free zones. As my understanding of this reality grew, my reaction to inappropriate comments and inquiries changed from frustration to intolerance, prompting me to get involved in awareness-raising activities and become more vocal in my own circle of influence.

The Players and Pawns

According to the US Department of State, human trafficking is the "recruitment, transportation, or harboring of individuals via force, coercion, fraud, deception, or abuse of power for the purpose of sexual exploitation, forced labor, or involuntary servitude."² It is the sex trafficking subset, where young women and children are forced into horrific acts on a daily basis, which unfortunately intersects most directly with massage and bodywork.

Many might be surprised to know that a large percentage of those in the prostitution trade are not there voluntarily; they have not chosen this lifestyle. They are victims being trafficked and sold, like a commodity, for profit. Sex trafficking involves three primary components: traffickers (historically known as "pimps"), victims, and buyers. A host of facilitators and enablers have contributed to the ease with which this crime has spread, including cab drivers, hotel staff, landlords, pornographers, corrupt or negligent government officials and corporate executives, and those profiting from classified ad sales.

The Traffickers

The stereotype of an inner-city pimp represents only a small percentage of this demographic. Sex traffickers are traditionally male, but female traffickers leveraging their ability to trick unsuspecting victims are increasing in number. They cover all ethnicities and socioeconomic strata, and range in age and experience from teenage boys using blackmail to traffic classmates out of their basements, to established, organized criminals presiding over international operations.³

One thing many traffickers have in common is that they advertise. The Internet has made it all too easy

for them to connect with those looking to purchase sex. Luckily, it also makes it easy to expose them.

The Victims

It is often assumed that those in the sex trade are vile individuals whose behavior has contributed to their lot in life. In reality, victims of sex trafficking include the economically and socially vulnerable, and anyone else who happens to be unlucky enough to get caught in a trafficker's web. The average age of entry into the commercial sex industry in this country is estimated to be 13 years old.⁴ These are girls and boys of all ethnicities, including those born in the United States. Victims are abused and manipulated in a number of ways over time, until their will to fight or escape is overcome. This gives the false impression that their lifestyles are acceptable to them, but that is largely not the case. There are several ways a victim can be made to stay.

Force and Coercion. Vulnerable women and children may be sold by their families, kidnapped, imprisoned, beaten, starved, terrorized, raped, and induced into drug addiction until such a time as their compliance is achieved.

Fraud and Deception. Victims may be tricked with false promises of protection from a violent home life, financial support, friendship, romance, marriage, or legitimate employment, and not realize their mistake until it is too late. Then shame, blackmail, and threats to the safety of the victim and the victim's loved ones are commonly used.

International traffickers lure their victims far from home, and then tell them a large debt is owed for their transportation and ongoing living expenses. Because the trafficker keeps the books and sets the prices, the "debt" may actually increase, rather than decrease, over time. In these situations, the victims may not speak English and the trafficker will confiscate their passports and any identification so it seems impossible to reach out for help. Victims may also be conditioned to believe no one cares about them, including the police. In fact, in many jurisdictions, it is still the victim who will be prosecuted if law enforcement intervenes.

Living Conditions. Isolation of victims, close supervision, and frequent movement across the country between operations are also tactics used to limit the opportunity to access help. An environment of instability and fear is created to further isolate the victims.

With traffickers pulling in hundreds of dollars per day per victim, simple math indicates each individual under their control is worth hundreds of thousands of dollars in earning potential over a few years. Nonetheless, proper nutrition and medical care are rarely provided, and these victims are often given only subsistence-level upkeep to get the maximum return from their bodies for minimal investment. Venereal disease is as prevalent as personal belongings are sparse.

By using these multifaceted techniques to destroy victims' free will, physical restraint is effectively replaced by a real or perceived inability to escape. High-ranking causes of death among these populations include suicide, drug overdose, and murder at the hands of traffickers and buyers.

The Buyers

A Georgia study revealed 7,200 men per month in that state were knowingly or unknowingly paying for sex with a minor. These men were primarily suburban, upper-middle class, and Caucasian. "If we're going to arrest the buyers, we're going to have people that ... are very important ... in one way or another," says Kaffie McCullough, director of Juvenile Justice Fund's "A Future, Not A Past" campaign. "The fuel for this problem is within our midst all the time," McCullough says.⁵

Rachel Durchslag, executive director of the Chicago Alliance Against Sexual Exploitation (CAASE), conducted a study of 113 buyers of commercial sex to shed light on their understanding of damage to victims, and what might deter them. According to the study, most buyers knew the victims' lives were violent and abusive: they'd seen it firsthand. Nonetheless, Durchslag says, the attitudes of most buyers are reflected in comments like this: "I want to continue, as I have been for 20 years, getting away with this, but if there were actual consequences for my behavior, I would change what I'm doing." Awareness campaigns are not going to be enough. Top deterrents included jail time, fines, and public exposure, such as putting buyers' names and pictures in the paper.

"We have to put pressure on law enforcement to go after the customers," Durchslag says. "We have to let them know it's not OK to buy sex."

Changing Laws, Shifting Tides

Across the country, legislation is being passed to reflect the reality of this situation, and legal consequences for traffickers and buyers are escalating. Minors picked up in sting operations are being treated more like the victims they are, though resources for these refugees are still in short supply. As headlines reflect these changes, the movement is gaining momentum.

Stopping Fraudulent Massage Certification

While auditing California massage schools to ensure graduates were meeting the training required for certification, Michael Schroeder found 42 institutions posing as massage schools and simply selling transcripts.

"They were in league with the traffickers," says Schroeder, a member of the board of directors of the California Massage Therapy Council (CAMTC). Current estimates indicate between 8,000–12,000 women are brought into California each year, usually from Asia, with promises of legitimate employment. Once in the United States, they are forced into commercial sex. "The problem for the traffickers is the women have to have a certificate saying they received 500 hours of training in English," Schroeder reports. "Most of these women don't speak English. And the traffickers don't want them to waste three months in school when they could be earning money as prostitutes."

Earlier this year, a school in Florida reported the misdoings of one of its employees (who has since been terminated) who allegedly sold transcripts, some for as much as \$15,000. As a result, 161 massage licenses were suspended in Florida, and officials are investigating what they believe are links between the illegal transcript sales and human trafficking.⁶

The Florida Department of Health immediately initiated a survey with massage therapy schools to identify

best practices related to transcript integrity. Regulators, advocates, and schools are calling for greater checks and balances in the transcript process, and the Florida survey spells that out as well.⁷

Federal Laws in Place

The Trafficking Victims Protection Act of 2000 (TVPA) defines sex trafficking as “the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act,”⁸ and its enactment made sex trafficking a violation of federal law. The penalty for trafficking a minor between 15 and 18 years old is 10 years to life in prison. If the victim is under 15, the minimum sentence is 15 years.

NCBTMB Implements Antitrafficking Campaign

The National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) has been conducting an ongoing campaign to educate existing therapists about the scourge of sex trafficking. As of 2013, aspiring massage therapists across the country will have access to a 30-minute webinar on the topic, available through NCBTMB-sanctioned schools and state regulatory boards. Massage therapists who become NCBTMB certified will be asked to sign a pledge to oppose human trafficking, and NCBTMB schools will also be asked to sign a similar pledge as well.

States Step Up

In 2012, more than 200 antitrafficking bills were introduced in 37 states, and 77 were passed. “Policy makers are listening and seeing this as an issue and cleaning up their laws,” reports Taryn Mastrean of Shared Hope International, a faith-based organization that raises awareness of sex trafficking of women and children on a global scale, and provides resources for those who are rescued.

National Enforcement Efforts

In June 2012, the sixth deployment of “Operation Cross Country” conducted by the Federal Bureau of Investigation and local law enforcement agencies liberated 79 child victims of sex trafficking and arrested more than 100 traffickers. Pre-sweep preparation involved researching online advertisements for sexual services, including those under the guise of massage therapy. Since its inception, this operation has resulted in 1,107 convictions of traffickers.⁹

Iowa Publishes Photos

In April 2012, 17 people were arrested in a sex trafficking sting in Coralville, Iowa, including a dentist, an associate professor at the University of Iowa, and an anesthesiologist. All were pictured in the newspaper, along with their names and places of employment. Some of these individuals are married, have children, and were considered pillars of the community.

Chicago Takes Two Steps Forward After Three Steps Back

In April 2012, Datquinn Sawyer was sentenced to 50 years in prison for trafficking several girls over a number of years, including a 12-year-old child. The case set a precedent as the harshest penalty on record for trafficking in Chicago, and was applauded by the antitrafficking community and the general

population.

Unfortunately for massage therapists and their clients, confusion still abounds in the Windy City. In 2010, despite strong opposition from Associated Bodywork & Massage Professionals (ABMP), the American Massage Therapy Association (AMTA), and the national chain Massage Envy, an ordinance was passed (with a vote of 30 to 8) to restrict new applicants for massage establishment licenses to heavy commercial and industrial areas of the city—those typically zoned for used-car lots and warehouses. This measure was intended to prohibit illicit activity in residential areas (and apparently to allow it in others), but clearly missed its target, instead perpetuating confusion about the massage industry and putting undue hardship on legitimate businesses and their customers.

Minding Your Own Business?

If you think you are not affected by sex trafficking, consider this: if for safety reasons you have chosen not to have a private practice, or to work only in settings where a second person is in the office at all times, you have made career-limiting decisions due to the inappropriate cultural stereotype of massage as a sexual service. Sex trafficking is hurting you, but there are some simple things you can do to fight back.

First, we should not tolerate illicit inquiries about our practices. When a joke is made about “happy endings,” you can say, “Massage therapy is never sexual. What you’re talking about is usually sex trafficking, which is a crime. Thousands of young women and children are sold for sex every day in this country and buyers and sellers are facing arrest, fines, and public exposure for their crimes.”

Use your voice to educate about the difference between massage therapy and massage parlors. When people use the term *massage parlor*, explain how this is a well-known euphemism for *brothel*, and therefore offensive and dangerous to therapists. Explain how it suggests that massage therapy is a thinly veiled sex industry and increases the likelihood that misinformed clients and sexual predators will seek out sexual services from practitioners, putting massage therapists everywhere at risk. In the same vein, encourage media outlets to use appropriate language when reporting sex trafficking stings. Help them make the distinction between massage establishments and brothels or sex trafficking operations posing as massage establishments.

Second, report incidents of trafficking. By keeping quiet about the storefront down the street that poses as a massage business, we are joining the list of sex trafficking facilitators. Put the National Human Trafficking Resource Center hotline in your phone (888-373-7888).

Use your caller ID info to report particularly offensive requests from would-be clients via your business phone line. Find potential sex trafficking operations posing as massage businesses in your area by searching for sites created by and for buyers of sex, and report them to your local police.

Massage therapists are uniquely positioned on the front lines of this issue, with the potential to have an enormous impact. Human trafficking has become *our* problem, and it’s too late to look away. Together, we can work to make a difference.

Notes

1. Rub Maps, accessed November 2012, www.rubmaps.com. Warning: this site contains graphic material.
2. US Department of State, "Human Trafficking Defined," accessed December 2012, www.state.gov/j/tip/rls/tiprpt/2008/105487.htm.
3. Shared Hope International, "DEMAND," accessed December 2012, www.sharedhope.org/resources/demand.aspx.
4. Shared Hope International, accessed December 2012, <http://sharedhope.org/trafficking/faqs/#HowoldarethechildrenexploitedthroughsextraffickingintheUnitedStates-15>.
5. Protecting Innocence Initiative, Executive Briefing live broadcast, recorded Thursday, December 1, 2011.
6. The Health Law Firm blog, "The Number of Massage Licenses Suspended in Florida Now Almost Doubled," accessed November 2012, www.thehealthlawfirm.com/blog/posts/the-number-of-massage-licenses-suspended-in-florida-now-almost-doubled.html.
7. Florida Department of Health, "Florida Massage Therapy Schools Transcript Integrity Report," September 26, 2012, www.thehealthlawfirm.com/uploads/MT-School-Transcript-Integrity-Report_9-26-2012.pdf.
8. US Department of Health & Human Services, "Administration for Children and Families," accessed December 2012, www.acf.hhs.gov.
9. Federal Bureau of Investigation, accessed December 2012, www.fbi.gov/news/news_blog/operation-cross-country.

Heather McCutcheon is a freelance writer, massage therapist, Reiki Master teacher, and philanthropist. She can be reached at mindfulmarketing@gate.net.

Not in Our Name

Not in Our Name! Massage Therapists Against Sex Trafficking is a collaborative effort between massage practitioners, business owners, and the Chicago Alliance Against Sexual Exploitation (CAASE). Visit this online resource for the latest news and to join the nationwide effort to eradicate modern-day slavery: www.not-in-our-name.org.

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25188 Genesee Trail Road, Suite 200, Golden, CO 80401 :: 800-458-2267 :: Fax 800-667-8260 :: expectmore@abmp.com

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