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HUMAN TRAFFICKING, HOMICIDE AND CURRENT PREVENTION EFFORTS IN THE UNITED STATES OF AMERICA

The article focuses primarily on the question of why human trafficking is often overlooked as a contributing factor in homicide cases. As a case study, the author analyzes one of the most infamous serial murder cases in United States history, the John Wayne Gacy case, in which the human trafficking element remained hidden for almost 40 years. The case is examined from five different perspectives: (1) the prosecution; (2) the defense; (3) the police; (4) the culture; and (5) political corruption. In addition, the piece provides an overview of current efforts in the United States to prevent trafficking in persons, including a summary of the Trafficking Victims Protection Act, the annual Trafficking in Persons Report, with its informative regional and country narratives, and the White House's National Action Plan to Combat Human Trafficking.

Keywords: trafficking, homicide, Gacy, corruption, John David Norman

I. INTRODUCTION

To begin my analysis on the topic of human trafficking in the United States, I wish to first address why human trafficking is often overlooked as a contributing factor in homicide cases. As a case study example, I will address why it took almost 40 years to uncover the nationwide human trafficking component in one of the most infamous serial murder cases in United States history, the John Wayne Gacy case, which occurred in the late 1970s in and around Chicago.

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Following this discussion, I will outline the various efforts currently being undertaken in the United States to prevent human trafficking.

II. HUMAN TRAFFICKING AND THE JOHN WAYNE GACY CASE

John Wayne Gacy was charged with murdering thirty-three teenage boys and burying the majority of them in the crawl space under his home in a suburb just outside of Chicago.¹ He was arrested on December 21, 1978.² He was tried as the sole perpetrator in the homicides.³ At trial, his attorneys asserted the defense of insanity.⁴ Gacy was convicted by a jury and sentenced to death.⁵ After a series of unsuccessful appeals in state and federal court, Gacy was executed at the Stateville Correctional Center in 1994.⁶

It took almost four decades to discover that there was a direct connection between a nationwide human trafficking ring operating in Chicago and John Wayne Gacy. The purpose of this analysis is to try to answer the question of why the human trafficking element remained hidden for so many years, with the hope that it will help to give guidance in assessing other homicide cases so that a potential human trafficking link is not similarly overlooked.

John David Norman was a lifelong pederast, convicted felon, and human trafficker of young teenage boys throughout the United States and beyond. Norman was the subject of extensive Federal Bureau of Investigation files,⁷ as well as a detailed Criminal Intelligence Bulletin produced by the Illinois State Police that was devoted entirely to Norman as a case study.⁸ Norman, who moved throughout the continental United States, formed more than 30 different organizations and some 25 different publications devoted to human trafficking and sexual exploitation of teenage boys.⁹

One author, who wrote a full chapter on Norman in a book addressing child sexual exploitation, described him as follows:

¹ *People v. Gacy*, 103 Ill. 2d 1, 18 (1984). “Excavation of the crawl space and the area surrounding defendant’s home recovered 29 bodies. In addition, four bodies were recovered from the Des Plaines and Illinois rivers . . .” *Id.* at 19.

² Terry Sullivan, *Killer Clown: The John Wayne Gacy Murders* 147-61 (2nd ed. 2013).

³ *Gacy*, 103 Ill. 2d at 18.

⁴ *Id.* at 44.

⁵ *Id.* at 18.

⁶ Sullivan, *supra* note 2, at 386.

⁷ On file with author.

⁸ Illinois State Police, Criminal Intelligence Bulletin No. 39, *John David Norman – A Case Study* (Dec. 1986) [hereinafter “Criminal Intelligence Bulletin”].

⁹ *Id.* at 4 (listing organizations and publications).

If there were an Olympics for chicken hawks,¹⁰ John [David] Norman would rate a gold medal for persistence.

He is a veteran of more than a quarter of a century in the Boy-Love business and has a record of more than a dozen arrests in cities including Los Angeles, Sacramento, Santa Monica, and Santa Ana, California; Dallas and Houston, Texas; and Chicago and Homewood, Illinois.

For 25 years he has been a travelling salesman of sex, dealing in children's tears. He has sodomized children; photographed and sold pictures of nude boys engaged in various homosexual acts; established a series of sex rings trafficking in the bodies of boys delivered to hungry chicken hawks across the country; and published several B-L journals.¹¹

Norman's human trafficking operations first came to light on a national scale when he was arrested in Dallas, Texas, on the belief that he may have been supplying teenage boys to Houston serial killer Dean Corll, who, with the help of two teenage accomplices, sexually assaulted, tortured, and murdered at least 28 boys.¹² Although Norman was not charged in connection with the Corll murders, more than 30,000 index cards were seized during the raid of his apartment that contained the names of sponsors/clients of the Odyssey Foundation, a human trafficking operation run by Norman.¹³ "The cards carried the names of men from almost every state and Canada. Several of the names were of prominent people, some, of individuals known to be federal employees."¹⁴ The index cards were sent to the United States Department of State to determine whether there were any passport violations.¹⁵ Inexplicably, the Dallas police did not make copies, and the Department of State destroyed all of the index cards without transferring the evidence to the Department of Justice for further investigation.¹⁶ This resulted in several congressional investigations into the spoliation of the index cards.¹⁷

After fleeing criminal charges in Texas, Norman came to Homewood, Illinois, where he sexually assaulted multiple boys, ranging from ages 10 to

¹⁰ "Chicken hawks" are adult men who seek out young or teenage boys for sexual activities.

¹¹ Clifford L. Linedecker, *Children in Chains* 212 (1981).

¹² *Id.* at 213; Criminal Intelligence Bulletin, *supra* note 8, at 17.

¹³ Linedecker, *supra* note 11, at 213.

¹⁴ *Id.*

¹⁵ George Bliss & Michael Sneed, *Probe Destruction of Mail-Order Sex List*, Chicago Tribune, May 30, 1977, at 1.

¹⁶ *Id.*

¹⁷ *Id.* See Letter from Douglas J. Bennett, Jr., Department of State, to Hon. John C. Culver, Chairman, Subcommittee on Juvenile Delinquency, dated June 27, 1977 (concluding that "[t]he file cards received from the Dallas Police were determined not to qualify as records relevant to the Department's statutory purpose and were destroyed").

16, after which he was arrested and subsequently pled guilty.¹⁸ Another 5,000 index cards were seized by the police.¹⁹

While Norman was housed in the Cook County Jail in Chicago awaiting trial, he, unbeknownst to the authorities, used the printing facilities in the jail to send out three newsletters soliciting additional funds for his defense and advertising his trafficking operation.²⁰ In addition, while in jail, Norman met “and developed a close association with a fellow inmate, Phillip Paske. Norman, in one of his newsletters, referred to Paske as his ‘right hand man.’ Paske had been arrested on the same day as Norman for a murder committed during a robbery and money from Norman’s defense fund was used to obtain Paske’s release in July 1976.”²¹

Norman’s human trafficking operation in Chicago, which was known as the Delta Project, involved Delta Dorms: “Dormitories were established in various states for boys (cadets) that were under the direction of one member acting as a ‘don’ (adult with a sexual preference for children). The ‘don’ sexually exploited these boys while acting under the pretense of protection or management.”²²

In May 1977, the Chicago Tribune ran a series of articles on human trafficking in children.²³ In a cover story entitled “Chicago is Center of National Child Porno Ring,” the newspaper explicitly named John Norman and Phillip Paske as the ringleaders in this trafficking operation and described its activities in great detail: “The ring trafficking in young boys goes under the name Delta Project. According to police in Chicago, Los Angeles, and Dallas, it is masterminded by 49-year-old John D. Norman: a convicted sodomist serving a four-year sentence in the Illinois state prison in Pontiac. His close associate is Phillip R. Paske, 25, a convicted murderer and thief who police said is now on probation and is carrying on the project in Norman’s absence.”²⁴

On May 27, 1977, United States Senate subcommittee hearings began in Chicago on the topic of the protection of children against sexual exploitation. Extensive testimony was given about John Norman, Phillip Paske, and the Delta Project by Cook County State’s Attorney (CCSA) Bernard Carey, CCSA’s Office investigator Jack Lehman,²⁵ and Chicago Tribune reporters George Bliss and Michael Sneed.²⁶

¹⁸ Criminal Intelligence Bulletin, *supra* note 8, at 17-18.

¹⁹ Linedecker, *supra* note 11, at 214.

²⁰ *Id.* at 214-15; Criminal Intelligence Bulletin, *supra* note 8, at 18.

²¹ Criminal Intelligence Bulletin, *supra* note 8, at 19.

²² *Id.* at 19-20.

²³ *Id.* at 18.

²⁴ *Chicago is Center of National Child Porno Ring*, Chicago Tribune, May 1, 1977, at 1.

²⁵ Hearings Before the Subcommittee to Investigate Juvenile Delinquency of the Committee on the Judiciary, U.S. Senate, 95th Congress, 1st Sess., *Protection of Children Against Sexual Exploitation*, May 27 and June 16, 1977, at 48-57 (Gov. Printing Office 1978).

²⁶ *Id.* at 57-64.

In August of 1977, Paske was fired from his summer job at a city swimming pool after his connection with the Delta Project was exposed.²⁷ The Chicago Tribune published a full article about Paske's dismissal, along with his mugshot, describing his collaboration with Norman in the human trafficking operation: "A convicted thief and close associate of the leader of a nationwide human prostitution ring was fired Monday from his city job as children's supervisor at a fire department swimming pool."²⁸

After Norman's release from prison, he was again arrested on June 16, 1978, for additional sexual crimes with teenage boys.²⁹ On this occasion, the police seized between 50,000 to 100,000 indexed file cards.³⁰

John Wayne Gacy was arrested on December 21, 1978,³¹ just six months after Norman's latest arrest. Gacy's trial was conducted during the term of Cook County State's Attorney Bernard Carey. Moreover, Phillip Paske was listed as a witness on the State's discovery disclosures, as well as a possible witness for the defense.³²

It was not until 2016 that the author, in connection with his investigation into the whereabouts of Michael Marino,³³ who had been misidentified as "Body Number 14" in Gacy's crawl space, learned that Phillip Paske, who was John Norman's second-in-command in operating the Chicago-based Delta Project, had been employed by none other than John Wayne Gacy himself in Gacy's P.D.M Contractors business. There are payment checks, time records signed by Gacy, and business ledgers to prove this fact.³⁴ In addition, Gacy provided the following handwritten description of Paske, whom he

²⁷ Linedecker, *supra* note 11, at 215.

²⁸ *City Fires Porno-Ring Associate from his Job at Swimming Pool*, Chicago Tribune, August 16, 1977, n.p.

²⁹ Criminal Intelligence Bulletin, *supra* note 8, at 20.

³⁰ Tom Page Seibel, *Paroled Sodomist Seized in Taking Boy Porn Photos*, Chicago Sun-Times, June 17, 1978, at 10 (indicating 100,000 index cards were seized); Linedecker, *supra* note 11, at 214 (noting that more than 50,000 index cards were seized).

³¹ Sullivan, *supra* note 2, at 147-61.

³² *People v. Gacy*, Case No. 79 C 69 et al., State's List of Witnesses, at 4, April 24, 1979 (on file with author); *People v. Gacy*, Case No. 79 C 69 et al., Defense's Second Supplemental List of Witnesses, at 21, January 24, 1980 (on file with author).

³³ See generally David Nelson, *Boys Enter the House: The Victims of John Wayne Gacy and the Lives They Left Behind* 282-85 (2022); Tori Telfer, *Unearthing Justice: How One Lawyer Is Trying to Solve a John Wayne Gacy Murder Mystery*, 107/3 American Bar Association Journal 32-41 (June/July 2021); Steven W. Becker, *Post-Conviction DNA Testing, Actual Innocence, and Cold Cases: A Practitioner's Guide to Freeing the Innocent, Exhuming the Past, and Resurrecting the Truth – Making a Case for Seeking Justice over Finality*, 2016 The Global Community: Yearbook of International Law and Jurisprudence 15, 36-44.

³⁴ On file with author. These were graciously provided to the author by Mr. Randy White, an independent researcher and former correspondent of John Wayne Gacy.

identified as a “[f]ormer employee”: “Has apartment live[s] with a prostitute, which he pimps off”; “[d]eals in drugs (hard), and sex for money. White slavery”; “I believe he [is] bi-sexual but unknown to me”; “[d]eal[s] in drugs, takes hard drugs, smoke[s] pot. Pimp[s] girls, boys for sex or movies”; and “[h]e has been at my home.”³⁵

The discovery of a direct and verifiable connection between a ringleader of a nationwide human trafficking ring actively engaged in the procurement of teenage boys in Chicago and John Wayne Gacy, who killed at least 33 teenage boys, was first presented to the public on WGN television in Chicago by veteran anchor Larry Potash.³⁶

This revelation raises multiple profound questions. Why did it take almost 40 years for this information to become known to the public? How could this identifiable connection between a human trafficking ring and John Wayne Gacy possibly have been missed by the prosecution in the most prolific serial murder case in United States history at the time? Was this omission negligent, strategic, or intentional? What other considerations may have played a role in obscuring this critical aspect of the case? In answering these questions, I will focus on five factors: (1) the prosecution; (2) the defense; (3) the police; (4) the culture; and (5) political corruption.

First of all, the prosecution’s role in deciding how to litigate a case is critical. Because of prosecutorial discretion, the State may decide whether or not to prosecute, what crimes to charge, and how to present its case to the finder of fact.

In the Gacy case, the State chose to prosecute Gacy as the sole principal in 33 murders. From a practical perspective, this appears to be a rational choice, given that more than 25 bodies were found in the crawl space under Gacy’s home. Because the State’s goal is to secure a conviction, it may decide on the best theory to bring about this result. Alleging that Gacy was the sole killer simplifies the case for the jury, avoids tangential issues that may distract the jury’s attention, and ensures that all the focus in such an emotionally charged case will be directed solely on the defendant.

In addition, in furtherance of this theory, the State utilized two of Gacy’s most trusted employees, who admittedly dug and/or directed others to dig trenches in Gacy’s crawl space, as State witnesses against Gacy. This, however, was somewhat unusual, as the State would generally charge such individuals

³⁵ On file with author. This undated, handwritten description of Paske, which was apparently prepared by Gacy for his defense team in April 1979, was also provided to the author by Mr. White.

³⁶ Larry Potash, WGN Television, *Cover Story: Was John Wayne Gacy Connected to a Human Trafficking Ring?* June 16, 2016, available at <https://wgntv.com/news/cover-story/what-really-happened-to-michael-marino-investigation-begins/> (last visited February 6, 2022).

with murder as co-defendants under an accountability theory and then obtain cooperation from the witnesses in the form of favorable testimony in exchange for a lesser sentence.

Yet, with respect to the human trafficking aspect of the case, there are several very important questions to ask. Initially, did the prosecution know of the human trafficking element involved in the Gacy case at the time of the trial? The evidence suggests that there is no way that the prosecution could have missed this vital connection.

Gacy was prosecuted under the administration of Cook County State's Attorney Bernard Carey. CCSA Carey and his investigator both personally testified at the U.S. Senate subcommittee hearings in the summer of 1977 about John Norman and Phillip Paske's direct involvement in the Delta Project. Gacy was arrested the following year. Carey's testimony followed on the heels of a major exposé in the Chicago Tribune about human trafficking in Chicago in which both Norman and Paske were identified by name as being the ringleaders of the Delta Project. Moreover, in August 1977, the Chicago Tribune ran a separate article about Paske's firing as a city employee due to his involvement in human trafficking.

Furthermore, the State itself specifically named Phillip Paske on its witness list in early 1979. Presumably, its staff had interviewed Paske prior to this time and must have known from his criminal history that Paske had previously been charged with murder – thus making him a prime subject of intense scrutiny given that he was employed by Gacy, had been at Gacy's home where the vast majority of the bodies was found, had already been involved in a homicide, and trafficked nationwide in teenage boys – the identical profile of the type of victims found in Gacy's crawl space.

Given all these facts, it is simply not credible to assert that the prosecution was unaware of the direct connection between John Wayne Gacy and the Chicago-based human trafficking ring run by John Norman and Phillip Paske – Gacy's own employee.

Next, considering the reality that the State must have been keenly aware of the potential role of human trafficking in the Gacy murders, could the prosecution have made a strategic decision to exclude any reference of this aspect of the case? Again, this is a possible explanation, as it would have substantially complicated the presentation of the State's case, diverted the jury's attention away from the defendant, and presented a basis for the acquittal of Gacy on certain charges should the jury conclude that some of the bodies found in the crawl space were attributable to the agency of Paske and the human trafficking ring.

Finally, was there a more nefarious motive in the State's intentional omission of the human trafficking aspect from the Gacy prosecution? This will be explored below in the discussion on political corruption.

Secondly, Gacy's defense team raised the insanity defense on Gacy's behalf.³⁷ Based on this strategy, the defense – like the prosecution – wished to avoid the introduction of any evidence of accomplices or the involvement of a human trafficking ring. The reason for this is that any knowing and deliberate participation with others would undermine the theory that Gacy was insane at the time of the murders. In other words, both the State and the defense had an interest in avoiding reference to any involvement of a human trafficking ring.

Thirdly, in the 1970s in Chicago, there was an epidemic of missing children. As one author describes the situation at the time of the Gacy case: “For four years boys and young men literally disappeared from the streets of Chicago and its suburbs without any serious efforts by the police to determine their whereabouts. Family members and friends of the missing persons were unable to induce effective investigation, and other victims were unable to persuade authorities to instigate prosecutorial action.”³⁸ In fact, multiple families of Gacy's victims were informed that their sons were runaways,³⁹ although they knew this was not true.

Thus, because of the posture of the police, as well as the sheer magnitude of the problem faced by law enforcement and the limited staffing devoted to this crisis, identifying the possible involvement of human trafficking in such disappearances was simply not a priority.

Fourth, one must consider the cultural context of the times. In the 1970s, there was still a societal stigma attached to being a homosexual. Gacy himself used this to marginalize and denigrate his victims. Families were afraid to come forward for fear of having their son branded in this manner. Therefore, it was less likely that investigations of sexual assaults and murders of boys presumed to be a part of the homosexual community would be conducted with a view toward discovering the presence of organized human trafficking activity.

Fifth, one must ask the delicate but wholly reasonable question of whether political corruption may have played a role in the suppression of the human trafficking element in the Gacy case.

In this regard, it is important to recall that the index cards seized from John Norman in connection with his arrest in Dallas contained the names of prominent people, some of whom were federal officials from Washington, D.C. The index cards were then sent to the Department of State, without any copies being locally retained, and were ultimately destroyed by the Department of State before they could be transferred to the Department of Justice for possible

³⁷ See Donald H.J. Hermann et al., *People of the State of Illinois v. John Gacy: The Functioning of the Insanity Defense at the Limits of the Criminal Law*, 86 West Virginia Law Review 1169, 1170 (1984).

³⁸ *Id.* at 1169.

³⁹ Nelson, *supra* note 33, at 4.

prosecution of the offenders. The spoliation of this important evidence generated several congressional requests for investigations. The justification given by the Department of State for the destruction of this critical material was wholly inadequate.

Tens of thousands of index card files were seized from John Norman in connection with his arrests in Homewood and Chicago in the 1970s. These contained the names of untold thousands of men who were clients of the Delta Project, as well as some of the trafficking victims. To date, none of these lists has been made public. All of the author's attempts to obtain these index cards have been thwarted.

As with Norman's index cards from Dallas, which contained the names of federal employees from the nation's capital, one must wonder whether the cards seized from the two Illinois raids similarly included the names of state and local politicians and government officials. If so, it would explain why the identities of those on the index cards have remained hidden all these years, why none of those individuals was ever prosecuted for their involvement in the Delta Project, and why the human trafficking component of the Gacy case was intentionally buried deep by the prosecution at the time of Gacy's trial with the intention that it never resurface.

Furthermore, this is not mere speculation. It has long been known that Gacy had deep ties to the Democratic political machine in Chicago and that he was repeatedly protected from prosecutions for sexually assaulting and torturing boys and men who actually lived to tell their tales of survival.⁴⁰ This took political clout.

Regrettably, the most recent *2021 Trafficking in Persons Report* from the U.S. Department of State contains a section on human trafficking "misinformation" that states that "[i]n recent years, participants in online forums have spread a number of false and misleading claims about child sex trafficking, sometimes deliberately deceiving the public through disinformation efforts connected to conspiracy theories unrelated to human trafficking," including that "politicians and celebrities are exploiting children."⁴¹ The problem with such an overgeneralization is that it makes it appear that any allegations involving politicians and trafficking must be conspiratorial in nature. Evidence, not narratives or labels, however, should control the search for the truth.

For nearly 40 years, the verifiable connection between a Chicago-based nationwide human trafficking ring specializing in prostituting teenage boys and John Wayne Gacy, the most prolific serial killer in the United States at the time whose victims of choice were teenage boys, was suppressed from the public.

⁴⁰ See Jeff Rignall & Ron Wilder, *29 Below* (1979).

⁴¹ U.S. Department of State, *2021 Trafficking in Persons Report* 34 (June 2021) [hereinafter "*2021 TIP Report*"].

Phillip Paske, who was the second-in-command at the Delta Project and Gacy's own documented employee, was on the prosecution's witness list. Given the national publicity surrounding Norman and Paske in the year preceding Gacy's arrest, one cannot plausibly argue that the prosecution was unaware of the human trafficking element in the murders.

Rather, the most reasonable explanation for the obfuscation of this pivotal aspect of the case is that, just as with Norman's client cards in Dallas, which were ostensibly destroyed to protect the federal employees named therein from prosecution,⁴² Norman's index card files from his Chicago arrests likely contained similar sensitive information, including the names of state and local governmental officials who could not afford the light of public scrutiny. Therefore, in the author's opinion, political corruption is the most likely factor in why the human trafficking component of the Gacy serial murders was never exposed until now.

III. CURRENT EFFORTS IN THE UNITED STATES TO PREVENT TRAFFICKING IN PERSONS

More than 20 years ago, the United States Congress enacted the Trafficking Victims Protection Act (TVPA).⁴³ The TVPA separates trafficking offenses into two general categories: (1) sex trafficking; and (2) forced labor. "Sex trafficking" is defined as the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act, in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age.⁴⁴ "Forced labor" is defined as 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 subjugation to involuntary servitude, peonage, debt bondage, or slavery.⁴⁵

The TVPA operates on four pillars: (1) prevention; (2) protection; (3) prosecution; and, more recently, (4) partnership. In furtherance of these goals, the U.S. Department of State publishes an extensive *Trafficking in Persons Report* each year that highlights current issues related to trafficking and provides comprehensive Country Narratives.

⁴² Nelson, *supra* note 33, at 289 ("Among Norman's belongings, police found thousands of index cards with names of high-profile clients. In a twist of either sheer stupidity or a blatant cover-up, the cards were later destroyed by police, after being deemed 'not relevant' to the case.").

⁴³ 22 United States Code (U.S.C.) §§ 7101-7114.

⁴⁴ 22 U.S.C. § 7102(11)(A), (12).

⁴⁵ 22 U.S.C. § 7102(11)(B).

Each country is ranked in one of four tiers that represents the nation's efforts to meet the TVPA's minimum standards.⁴⁶ These minimum standards to prevent human trafficking are: (1) "The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking"; (2) "[f]or the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or trafficking which includes rape or kidnapping or which causes a death, the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault"; (3) "[f]or the knowing commission of any act of a severe form of trafficking in persons, the government of the country should prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense"; and (4) "[t]he government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons."⁴⁷

Those countries in Tier 1 fully meet the minimum standards for the elimination of trafficking.⁴⁸ Nations in Tier 2 do not fully meet these standards but are making significant efforts to do so.⁴⁹ Countries on the Tier 2 Watchlist do not fully meet the TVPA's standards and for which "the estimated number of victims of severe forms of trafficking is very significant or is significantly increasing and the country is not taking proportional concrete actions" or "there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecutions, and convictions of trafficking crimes, increased assistance of victims, and decreasing evidence of complicity in severe forms of trafficking by government officials."⁵⁰ Nations in Tier 3, on the other hand, do not meet the minimum standards set forth by the TVPA and are not making significant efforts to comply.⁵¹ The President of the United States may deny financial assistance or impose other monetary restrictions to countries in the Tier 3 category.⁵² Each individualized nation is then provided with prioritized recommendations for compliance, assessed according to the pillars of prosecution, protection, and prevention, and given a trafficking profile.⁵³

For example, in the *2021 Trafficking in Persons Report*, the following nations were listed in Tier 3: Afghanistan, Algeria, Burma, China, Comoros,

⁴⁶ *2021 TIP Report*, *supra* note 41, at 51.

⁴⁷ 22 U.S.C. § 7106(a)(1)-(4).

⁴⁸ *2021 TIP Report*, *supra* note 41, at 52.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.* at 53.

⁵² *Id.* at 54.

⁵³ *Id.* at 74.

Cuba, Eritrea, Guinea-Bissau, Iran, North Korea, Malaysia, Nicaragua, Russia, South Sudan, Syria, Turkmenistan, and Venezuela.⁵⁴

With respect to regions, the following statistics were reported as of 2020, with the numbers in parentheses indicating the slave labor component: (1) Africa: convictions – 1,493 (251); prosecutions – 382 (107); victims identified – 28,538 (6,947); (2) East Asia & Pacific: convictions – 1,838 (70); prosecutions – 1,502 (12); victims identified – 2,884 (691); (3) Europe: convictions – 2,355 (101); prosecutions – 1,291 (33); victims identified – 18,173 (1,082); (4) Near East: convictions – 533 (106); prosecutions – 677 (84); victims identified – 3,461 (1,827); (5) South & Central Asia: convictions – 2,747 (532); prosecutions – 831(74); victims identified – 45,060 (3,275); and (6) Western Hemisphere: convictions – 910 (55); prosecutions – 588 (27); victims identified – 11,100 (626).⁵⁵

One of the special topics addressed in the *2021 Trafficking in Persons Report* highlights the complexities of familial trafficking situations. After noting that an estimated 41 percent of child trafficking originates with family members or care givers, the *Report* observed that “[i]n these cases, the trafficker may begin grooming the victim at an early age, using their close proximity to take advantage of the child’s development stage and inability to verbally express concerns or safety issues. One study estimates that the trafficker is a family member in about 31 percent of child sex trafficking cases. In these cases, the child’s inherent loyalty to and reliance on the family structure make familial trafficking difficult to identify and challenging to prosecute. Harmful misperceptions about where and how familial trafficking happens, such as the belief that familial trafficking only occurs within neighborhoods, communities, or countries of low socioeconomic status, contributes to challenges to prosecution, prevention, and protection efforts.”⁵⁶

A second subject of interest is a call to reform the *kafala* system, which is utilized in many of the Gulf States. The *Report* defines the *kafala* system as “a sponsorship-based visa category that gives employers full control over the migrant workers’ residency permits, movements in and out of the country, and ability to change employers. Under this sponsorship system, migrant workers who leave their place of employment without permission from their employer forfeit their legal status and thereby increase their risk of arrest and deportation.”⁵⁷ Furthermore, “[t]he *kafala* system’s rules and limitations enable abusive employers to use unscrupulous employment practices that can constitute forced labor; including excessive work hours; retention of passports and travel

⁵⁴ *Id.* at 67.

⁵⁵ *Id.* at 68-73.

⁵⁶ *Id.* at 30.

⁵⁷ *Id.* at 42.

documents by the employer; non-payment of wages; and physical, psychological, and sexual abuse or threats of abuse. These trafficking victims have little or no recourse; they are coerced either to remain in an exploitative position or leave their sponsor and face arrest, detention, or deportation for immigration offenses, or even punishment for unlawful acts their traffickers compelled them to commit.”⁵⁸

A third timely topic explores direct governmental involvement in human trafficking. In 2019, the TVPA was amended to include reference to a “government policy and pattern” to acknowledge this reality.⁵⁹ The *Report* names the following governments as participating in human trafficking: Afghanistan, Burma, China, Cuba, Eritrea, North Korea, Iran, Russia, South Sudan, Syria, and Turkmenistan.⁶⁰ A special section is included on China’s forced labor and exploitation of the Muslim Uyghur population in the Xinjiang province.⁶¹

Moreover, the White House very recently published its own *National Action Plan to Combat Human Trafficking (Action Plan)*.⁶² It follows the four pillars of the TVPA.

With regard to prevention, the *Action Plan* recommends, *inter alia*, increased educational outreach, research into demand reduction, and the appointment of designated senior officials within certain select agencies to ensure effective implementation of anti-trafficking acquisition rules and best practices, which would aid in identifying human trafficking in supply chains and ventures.⁶³

As to protection, the *Action Plan* outlines numerous proposals, including a victim-centered, trauma-informed approach, safeguarding victims from incarceration and fines for acts related to trafficking, expunging arrests and convictions based upon offenses related to being trafficked, and immigration options to ensure that eligible victims are not removed.⁶⁴ These include “continued presence,” which is “a temporary immigration designation provided to individuals identified by law enforcement as victims of ‘severe forms of trafficking in persons’ who may be potential witnesses”; T visas, which are an immigration benefit available to eligible victims of severe forms of trafficking and generally require that the victim comply with reasonable requests for assistance from governmental authorities in the investigation and prosecution of human traf-

⁵⁸ *Id.*

⁵⁹ 28 U.S.C. § 7101(b)(3)(B).

⁶⁰ 2021 *TIP Report*, *supra* note 41, at 46.

⁶¹ *Id.* at 47.

⁶² White House, *The National Action Plan to Combat Human Trafficking* (December 2021).

⁶³ *Id.*, Principles 1.1, 1.2, and 1.3.

⁶⁴ *Id.*, Principles 2.1, 2.2, and 2.3.

ficking offenses; and U visas, which are available to victims of certain crimes, including human trafficking.⁶⁵

With respect to prosecution, the *Action Plan* points out that “[m]any human trafficking cases rely on victim testimony, yet there are challenges in securing human trafficking victims’ participation as witnesses. Some may not identify as crime victims, may fear retaliation from their trafficker, and may suffer from complex trauma, requiring intensive support to victims. Accordingly, significant resources over multiple years must be prioritized to bring a human trafficking enterprise to justice.”⁶⁶ Therefore, the *Action Plan* suggests increased cooperation in the form of an interagency anti-trafficking coordination team, capacity building within law enforcement, and the use of a broader range of non-criminal tools in the fight against human trafficking.⁶⁷ In this latter regard, “[t]he United States Government can deploy a range of federal enforcement tools including civil forfeiture actions, civil injunctions, False Claims Act litigation, federal contracting suspension and debarment, financial tools including sanctions and anti-corruption measures, travel restrictions, export control, and enforcement of reporting requirements in conjunction with or as an alternative to criminal prosecutions of human trafficking crimes, in order to disrupt human trafficking networks and enhance accountability.”⁶⁸ Two agencies within the Treasury Department were specifically mentioned: the Office of Foreign Assets Control (OFAC) and the Financial Crimes Enforcement Network (FinCEN).⁶⁹

Finally, with respect to partnership, the *Action Plan* recommends that survivor input should be incorporated to a greater extent into the government’s efforts, as well as that international connections within maritime domains and seafood supply chains be strengthened, as “[t]hese frameworks will address forced labor and other forms of labor exploitation on vessels, as well as other potential risk areas throughout the seafood supply chain, such as shore-based processing operations.”⁷⁰

In sum, the United States remains a world leader in the prevention of trafficking in persons. Through its annual reports, the U.S. Department of State provides valuable information and assessments to countries around the world in the fight against sexual trafficking and forced labor. In addition, such reports provide innovative solutions to address contemporary topics surrounding the everchanging evil that is human trafficking.

⁶⁵ *Id.*, Appendix A.

⁶⁶ *Id.*, Pillar 3, Introduction (citation omitted).

⁶⁷ *Id.*, Principles 3.1, 3.2, and 3.3.

⁶⁸ *Id.*, Principle 3.3.

⁶⁹ *Id.*

⁷⁰ *Id.*, Principles 4.3, 4.4.

IV. CONCLUSION

The link between human trafficking and homicide is an area that remains ripe for further criminological investigation. For example, in the John Wayne Gacy case, not only did the revelation of the human trafficking component help to fill a critical historical gap in the infamous case, but, as a practical matter, it may dramatically aid in the identification of multiple victims still unknown after more than four decades. The names of some of those victims may, in fact, be contained in the index card files seized from John Norman. Could certain victims buried in Gacy's crawl space have been killed because of their involvement in the Delta Project or in connection with "snuff" films⁷¹ purportedly being produced at the time? At least these leads may provide new hope for possible identification of the victims.

Furthermore, the various factors analyzed in this article should be employed in considering other homicide cases in which human trafficking has been overlooked and in establishing best practices so that, where human trafficking is a contributing cause, its nefarious role is not deliberately ignored or otherwise obfuscated for the sake of prosecutorial expediency or other political considerations.

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⁷¹ "Snuff films" are movies or videos in which a participant is actually killed on film, generally for the sexual gratification of the viewer.

Sažetak

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AKTUALNA PREVENTIVNA NASTOJANJA PROTIV TRGOVANJA S LJUDIMA I UBOJSTVA U SJEDINJENIM AMERIČKIM DRŽAVAMA

Članak se prvenstveno usredotočuje na pitanje zašto se trgovanje ljudima često zanemaruje kao čimbenik koji pridonosi slučajevima ubojstava. Kao studiju slučaja, autor analizira jedan od najozloglašnijih slučajeva serijskih ubojstava u povijesti Sjedinjenih Država, slučaj Johna Waynea Gacyja, u kojem je element trgovanja ljudima ostao skriven gotovo 40 godina. Slučaj se ispituje iz pet različitih perspektiva: (1) tužiteljstva, (2) obrane, (3) policije, (4) kulture i (5) političke korupcije. Osim toga članak daje pregled trenutačnih nastojanja u Sjedinjenim Državama usmjerenih prema sprječavanju trgovanja ljudima, uključujući sažetak Zakona o zaštiti žrtava trgovanja ljudima, Godišnjeg izvješća o trgovanju ljudima, s njegovim informativnim regionalnim i nacionalnim narativima, kao i Nacionalnog akcijskog plana Bijele kuće za suzbijanje trgovanja ljudima.

Ključne riječi: trgovanje ljudima, ubojstvo, Gacy, korupcija, John David Norman

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