UNLV | UNIVERSITY LIBRARIES

UNLV Theses, Dissertations, Professional Papers, and Capstones

8-1-2020

Resisting 'Raid-and-Rescue': Capturing the Ideograph of Victimhood in Nevada Law A.B. 166

Samantha Thies

Follow this and additional works at: https://digitalscholarship.unlv.edu/thesesdissertations

 Part of the History Commons, Law Commons, and the Rhetoric Commons

Repository Citation

Thies, Samantha, "Resisting 'Raid-and-Rescue': Capturing the Ideograph of Victimhood in Nevada Law A.B. 166" (2020). *UNLV Theses, Dissertations, Professional Papers, and Capstones*. 4029.
http://dx.doi.org/10.34917/22110098

This Thesis is protected by copyright and/or related rights. It has been brought to you by Digital Scholarship@UNLV with permission from the rights-holder(s). You are free to use this Thesis in any way that is permitted by the copyright and related rights legislation that applies to your use. For other uses you need to obtain permission from the rights-holder(s) directly, unless additional rights are indicated by a Creative Commons license in the record and/or on the work itself.

This Thesis has been accepted for inclusion in UNLV Theses, Dissertations, Professional Papers, and Capstones by an authorized administrator of Digital Scholarship@UNLV. For more information, please contact digitalscholarship@unlv.edu.

RESISTING 'RAID-AND-RESCUE': CAPTURING THE IDEOGRAPH OF VICTIMHOOD IN NEVADA LAW A.B. 166

By

Samantha Thies

Bachelor of Arts — Sociology
James Madison University
2018

A thesis submitted in partial fulfillment
of the requirements for the

Master of Arts — Communication Studies

Department of Communication Studies
Greenspun College of Urban Affairs
The Graduate College

University of Nevada, Las Vegas
August 2020

UNLV | GRADUATE COLLEGE

Thesis Approval

The Graduate College
The University of Nevada, Las Vegas

June 15, 2020

This thesis prepared by

Samantha Thies

entitled

Resisting 'Raid-And-Rescue': Capturing the Ideograph of Victimhood in Nevada Law A.B. 166

is approved in partial fulfillment of the requirements for the degree of

Master of Arts — Communication Studies
Department of Communication Studies

Jennifer Guthrie, Ph.D.
Examination Committee Chair

Kathryn Hausbeck Korgan, Ph.D.
Graduate College Dean

Emma F. Bloomfield, Ph.D.
Examination Committee Member

Carlos Flores, Ph.D.
Examination Committee Member

Barbara Brents, Ph.D.
Graduate College Faculty Representative

Abstract

Critical rhetoricians and legal communication studies scholars have long recognized that rhetoric and ideology are inherent to legal structures, shaping legislation and impacting the lives of those such laws are meant to address. Fewer look to, not just civic discourses, but also the vernacular discourse surrounding such institutions, shaping the ideologies that support it. There is a need, however, for the study of outlaw discourses to both help define ideographs and challenge their very existence through contrasting outlaw and hegemonic logics. Thus, this thesis examines debates over A.B. 166, a Nevada state law meant to alleviate sex trafficking, by establishing the crime of "advancing prostitution" and argues that the civic, vernacular, and outlaw discourses influence the construction of the ideograph of victimhood. Through a critical history of sex trafficking in Nevada, as well as an ideographic rhetorical criticism of A.B. 166, the Nevada Assembly and Senate Judiciary Committee meeting minutes concerning the law, and the relevant local news, I will explain how the ideograph of victimhood came to be and its impact on Nevada. Additionally, I make the argument that the ideograph of victimhood has become a rhetorical tool within abolitionist ideology, making gendered and racialized assumptions about sex trafficking victims that ultimately end up hurting both trafficking victims and sex workers alike. Criticisms such as these are necessary to unpack the hidden ideologies in legal discourse.

Keywords: Sex Trafficking, Ideology, Ideograph, Critical Rhetoric

Acknowledgements

I would like to briefly thank a few people who made this thesis possible. First and foremost, thank you to the Sex Worker Alliance of Nevada, and especially Caity Gwin—whose guidance and constant direction enabled the creation of this project. Thank you also to my family—Dionne, Jeff, and Allison Thies—who have been nothing but supportive of my academic endeavors, even when they take me across the country. Thank you to my partner Rylee—from reading endless chapter edits at 3:30 am to checking all (and I mean *all*) of my APA citations, you helped me every step of the way with this project, but also in everything else we do together. I will always love you (and not just because you are a fantastic editor).

Thank you to my wonderful adviser Dr. Jennifer Guthrie. It has taken countless phone calls and conversations to get this thesis to the point where it became a coherent thought, let alone a sophisticated argument. I appreciate that you let me take this project to a new and exciting place when our IRB plans fell apart. Your flexibility and patience are some of your greatest virtues, and also some of the many reasons I am forever thankful I met you. You inspire me as an academic, activist, and human being. Thank you to my committee for their feedback and tough love. Dr. Emma Bloomfield, thank you for teaching the class where I first began to conceptualize this thesis, and for the thoughtful critiques of my work that always inspired me to do better. Dr. Carlos Flores, thank you for the many, many meetings, brainstorming sessions, and borrowed books (I promise I will mail them back to you). Your empathy and support helped me stay sane when I was going through tough times. Dr. Barbara Brents, thank you for your expertise, insight, encouragement throughout the year, and for writing the materials I cite copiously throughout this thesis. Y'all will always be my academic mentors.

Dedication

This thesis is dedicated to the Sex Worker Alliance of Nevada, and those who choose to work in solidarity with them to actualize material changes, making a positive impact on the local Las Vegas community.

Table of Contents

Chapter 1: Introduction

The Federal Bureau of Investigations lists human trafficking as the third most prevalent type of criminal activity in the world (Garcia, 2019a). Some report that conservative estimates from existing worldwide data in 2016 predict around 40.3 million individuals are trafficked around the world each year. This is a large increase from a previously identified 20.5 million victims (Garcia, 2019a). In 2018, an estimated 403,000 people in the United States were thought to be trafficked (Bejinariu, 2019). Nevada is ninth in the nation for reports of human trafficking, and as such, legislation has recently been passed in an attempt to alleviate some of the sex trafficking concerns (Rindels, 2019a; National Human Trafficking Hotline, 2019). There is no doubt trafficking is a major concern and deserves scholarly attention from a vast array of disciplines, given the reports and known harms of the activity. Despite these shocking numbers, however, researchers admit that it is difficult to estimate the number of sex trafficking victims due to the variety of different and misaligned ways data is collected and analyzed (Forrey, 2014; Shaver, 2005; Weitzer, 2014). Difficulties measuring data concerning human trafficking translates into different problems with enforcing sex trafficking laws. In light of this prominent issue, however, Nevada has chosen to act legislatively to combat the crime of trafficking.

On June 5th of 2019, Nevada Governor Steve Sisolak signed Assembly Bill 166, a law concerning human trafficking in Nevada (State of Nevada, 2019). Jill Tolles (R), an Assemblywoman, crafted and sponsored this bill along with co-sponsors Assemblyman Tom Roberts (R), Senator Keith Pickard (R), and Senator Pat Spearman (D). Before A.B. 166, Tolles claimed that a lack of laws made it difficult for law enforcement to prosecute sex trafficking happening in illicit business fronts without victim testimony. Such victim testimony was needed to prove the managers responsible for such businesses were traffickers (Kaufman, 2019; Rindels,

2019a; Willson, 2019). A.B. 166 is the latest attempt to rein in Nevada's issue with prosecuting sex trafficking in fake business fronts without testimony from trafficking victims (Willson, 2019). The law intended to penalize these illicit business owners by establishing the crime of "advancing prostitution," which outlaws knowingly permitting prostitution on any given place of business or private property (Willson, 2019). Tolles and proponents champion the bill as a victim-centered approach to trafficking reform that can help save individuals trapped in the illegal industry (Kaufman, 2019; Assembly Judiciary Committee, 2019). Conversely, opponents claim A.B. 166 is a harmful and unnecessary bill that further criminalizes consensual and circumstantial full-service sex workers[1] alike, making it harder for trafficking victims to come forward for help (Rindels, 2019a; Assembly Judiciary Committee, 2019).

Given this controversial debate, I aim to investigate the following research questions: How are the contrasting logics used by differing ideologies in the debate over sex work and sex trafficking with A.B. 166 created and sustained? What rhetorical tools are used to maintain dominant discourses about sex work and sex trafficking? And how are these discourses resisted? I plan to answer these questions through a historical analysis of sex trafficking legislation in the U.S. and Nevada, as well as an ideographic criticism of civic, vernacular, and outlaw discourse. I will examine the text of Nevada law A.B. 166, the Nevada Assembly and Senate Judiciary Committee meeting minutes where the law was discussed and public testimony shared, and the news releases that mentioned A.B. 166.

[1] *Sex worker*, *sex trafficking victim*, and *prostitute* are all terms with loaded political implications. The language that we use to speak about sex work is significant and impacts our overall perception of the activity (Stella, 2013). In this paper, I use the term *sex worker* to refer to individuals consensually involved in either the legal or illegal sex trade. Because *prostitute* has deep-rooted negative implications, despite its prolific use in legal literature, I leave the use of that term to the discretion of sex workers whom it might apply unless quoting or discussing a law (Shane, 2017).

Why A.B. 166

Trafficking does not happen without victims and, consequently, victims' rights and victimhood are among some of the more complex and contested topics in the debates over sex work and sex trafficking. The image of a trafficking victim, one that comes from media and official news or governmental sources, is not necessarily representative of every victim, or even most people working in the sex trade (Baker, 2013; Berman, 2006). Instead, that image is presented and interpreted through ideological influences available in dominant discourse (Hasian Jr., 2001). In referencing ideology, I turn to what McGee (1980) calls "a political language, preserved in rhetorical [artifacts], with the capacity to dictate decision and control public belief and behavior" to conceptualize these different paradigms (p.5).

Distinct voices in the sex trafficking debates materialize differently when state legislatures draft laws about human trafficking and sex work, influencing the ideological framework codified into law. As a result, despite the debates over A.B. 166, only certain ideological perspectives are represented in the law. This law is the most recent attempt at controlling sex trafficking in Nevada, yet it is unwise to uncritically accept the law at face value as a win for victims and law enforcement because, according to Lucaites (1990), we as a society "seldom seriously engage the political and ideological implications of the relationship between rhetoric and law for life-in-society" (p. 445). Thus, A.B. 166 provides fantastic insight into the ideology that exists beneath most laws in the U.S. concerning sex trafficking because most sex trafficking laws draw upon prevailing historical context and victimology, as I will later demonstrate in Chapter 3 of this thesis.

In this project, I aim to interrogate the ways that ideologies influence the different perspectives between the proponents who assert A.B. 166 is a productive tool in the fight against

human trafficking and opponents who insist the law is putting the lives and livelihoods of sex workers at risk through criticizing an ideograph of victimhood. By examining the vernacular, civic, and outlaw discourses available and situating them within a legislative history of sex trafficking federally and in Nevada, I will show how an ideograph of victimhood emerges from, as well as supports harmful abolitionist ideology. Controversy exists over what victimhood means, who counts as a victim, and which victims deserve assistance. In the midst of this controversy over the law, there arises a need for further exploration into the discourse of victimhood surrounding sex trafficking in Nevada, which can illuminate parts of the debate and help stakeholders create solutions to better deal with sex trafficking.

In the following pages, I will argue that the dominant civic and vernacular discourse surrounding A.B. 166 reflects abolitionist ideology, particularly through the expression of the ideograph of victimhood. These perspectives negatively impact the symbolic subjectivities and material realities of sex trafficking victims and sex workers by leaving little opportunity for them to speak for themselves. Consequently, they cannot contrast the narrative of the perfect victim concerning laws and regulations that directly impact them. I will also argue that outlaw discourses are both a way to challenge these dominant discourses, as well as better understand how ideographs come to be and function in society. I do this in an effort to undertake a critical rhetorical project, as described by Ono and Sloop (2002), to make communication scholars orient their criticism "with an eye toward: (1) deconstructing the assumptions of dominant civic discourses, (2) illustrating the complicities of dominant vernacular discourses, and (3) highlight and promote […] progressive outlaw vernacular discourses" (p. 19).

Contribution

There are a few theoretical, as well as practical contributions I hope to make with this thesis. I seek to contribute to the existing knowledge on rhetoric, ideology, and the construction of ideographs in this thesis by demonstrating how both civic and vernacular discourses shape the crisis of human trafficking and, as a result, an ideograph of victimhood. First, in terms of theoretical understandings of legal discourse and rhetoric, I follow in the footsteps of Hasian Jr. (2001) by arguing that both vernacular/public and legal/institutional discourses work together to construct meanings within and concerning the law—such as understandings of sex trafficking. I further Hasian Jr.'s analysis, however, by extending a gendered criticism of A.B. 166 and the construction of victimhood embedded in it. Both these public and institutional bodies of discourse, which derive from different subject positions, can reflect hegemonic ideologies that work alongside each other to supply a dominant understanding of a given discourse.

Moreover, I also draw on work by Ono and Sloop (1997), incorporating outlaw discourses present in the Nevada Assembly Judiciary Committee meeting minutes in my criticism. The meeting minutes are where private citizens expressed concerns and opposition to A.B. 166. Their perspectives directly defy that of the dominant ideology, as I will explore later in this thesis. Additionally, I use outlaw discourse to better understand how victimhood is produced rhetorically, through an ideograph of victimhood that is created and sustained by juxtaposing it with the logic of dominant discourses. I will explain all these theoretical concepts in full in the subsequent chapter.

As for a practical contribution, I aim to do two things: First, I will bridge the gap between sex trafficking and immigration laws to show how both are inherently interconnected. This places A.B. 166 in its historical context, both federally and for Nevada in particular. Such

context is necessary in order to comprehend the creation and continuation of controlling ideologies. Second, I will build on legal studies in rhetoric by focusing on a gendered analysis of victimhood. Critical rhetoricians should continue to invest in this endeavor insofar as it provides a productive and insightful look into the hidden ideologies written into the law that harm and revictimize people, especially women. Moreover, if there is any tangible contribution of this thesis, it is that the criticism serves as a rejection of abolitionist ideology codified into sex trafficking laws in Nevada. It opens up more space for dialogue surrounding the law and uplifts the outlaw discourses present in the debates. Such partisan criticism is morally motivated, since it seeks to reveal these structures with the hope that it alleviates the oppression embedded in those structures (Klumpp & Hollihan, 1989; Swartz, 2005). As such, there is a moral imperative to further critique laws such as A.B. 166—especially when they seem to be about a seemingly non-partisan issue. Assumptions like those can be dangerous and put people in harm's way, as I hope to illustrate in this thesis.

Study Framing and Preview

This ideographic study of vernacular, civic, and outlaw discourse surrounding sex trafficking in Nevada will take an intersectional feminist approach, centering gender/sex at the forefront of the analysis. By this, I mean I will examine the particularly gendered elements of the law in the context of other axes of power (Hayden & Hallstein, 2012). Specifically, gender/sex in this instance intersects with race, immigration status, and nationality—so while I make arguments about the way gender and femininity is constructed through the use of the ideograph of victimhood, it is always under the backdrop of these other axes of oppression which shape different experiences. Such nuance is central to my analysis because it is the best way to understand the overlapping power structures impacts on different people in the sex trade. With

this intersectional methodology, I hope to emphasize how gender is inherently wrapped up with issues of race and citizenship in human trafficking, while at the same time creating a focus on gender and sex.

I plan to first examine A.B. 166, the public Assembly and Senate Judiciary Committee meeting minutes, and local Nevada news articles about the passage of A.B. 166. The testimonials in the meeting minutes and news articles on the topic serve as vernacular sources of discourse, while the text of the law itself and officials speaking in the meeting minutes serve as a civic source of discourse. Public responses to the meeting minutes constitute the outlaw discourse I will examine. I will then perform an ideographic criticism of the civic, vernacular, and outlaw discourses of victimhood present in the debates over sex trafficking. In the following pages, I will also show how the dominant civic and vernacular discourse surrounding A.B. 166 reflects abolitionist ideology, particularly through the expression of the ideograph of victimhood. These perspectives negatively impact the symbolic subjectivities and material realities of sex trafficking victims and sex workers by leaving little opportunity for them to speak for themselves or contrast the narrative of the perfect victim concerning laws and regulations that directly impact them. Finally, I will argue that outlaw discourses are both a way to challenge these dominant discourses, as well as better understand how ideographs come to be and function in society. Through analyzing the text of A.B. 166, publicly available minutes of the Assembly and Senate Judiciary Committee debates over the law, and local news articles, I aim to illuminate how critical rhetoric can shed light on the sexed and gendered aspects of the law regarding how it constructs the victimization of both sex trafficking victims and sex workers through different discourses. By performing an ideological criticism of sex, gender, and victimhood in the law, I hope to extend the work of other communication scholars claiming that, while certain legal

ideologies influence sex workers and trafficking victims, their vernacular voices can challenge such ideologies.

In Chapter 2: Literature Review, I will refine working definitions for, and functions of, aforementioned: discourses, critical rhetoric, ideology, and ideographs, among other related concepts. I will also provide a preview of the ideological debates over sex work and sex trafficking. Next, I discuss Nevada's legal relationship to sex trafficking, as well as victimology and victimhood present in the sex trafficking debates. All this is to set up the critical history and ideographic criticisms to come later in the thesis.

In Chapter 3: A Critical History of Intersecting Trafficking and Immigration Legislation, I will provide an account of federal and Nevada state sex trafficking laws. As will soon be mentioned, immigration and sex trafficking legislation overlap extensively—so this critical history includes information on immigration in the United States. This history provides a framework for understanding how certain discourse is borne, and how ideologies and ideographs are shaped by it. This critical history is integral to understand how victimhood functions rhetorically for abolitionist ideology. In Chapter 4: Ideographic Rhetorical Criticism, I perform an ideographic criticism of victimhood in abolitionist ideology, seen in the rhetorical artifacts listed above.

My findings and subsequent arguments contributes to our rhetorical understanding of the influence of ideographs of victimhood on sex workers and sex trafficking victims, as well as the use of vernacular, outlaw, and civic discourses to construct the perfect victim. This, in turn, can help policymakers and stakeholders learn from past legislative mistakes and make necessary corrections so that the lives and livelihoods of the people involved in the sex trade are protected.

Throughout the course of this thesis, I aim to inspire critique and skepticism of current legal structures and provide space for a new, outlaw discourse to be heard.

Chapter 2: Literature Review

Discourse, Rhetoric, and Ideology

Throughout this thesis, I will refer to the discourses and rhetorics concerning sex trafficking in the public debates about A.B. 166. I intend to break down the definitions for these terms, as well as lay the basic theoretical groundwork necessary to understand my arguments later in this thesis. In the following section, I will explain the theoretical foundations embedded in my argument, including the use of the loaded terms discourse, rhetoric, and ideology.

Discourse. Discourses, as envisioned by Foucault (1972) in the germinal text *Archeology of Knowledge*, are social and political conversations that constitute social reality. Rhetoric is distinct from discourse. Rhetoric is argument in action, whereas discourse is the context and memory of that argument in action (Lee, 2009). Discourses can be understood as a set of historically influenced and socially situated concepts that are legitimized by their (re)production in society (Foucault, 1972). These concepts are neither true nor false in their own right—they merely represent the perceived experiences of a social group (Foucault, 1972; McHoul & Grace, 1997). In this sense, discourses can constrain and facilitate what we come to know as reality (McHoul & Grace, 1997). Moreover, discourses are bodies of knowledge that show the relationships between disciplines (or fields of study) and disciplinary practices (or forms of social control); this conceptualization moves discourse further away from a simple linguistic discussion into a system which contains power and influence (McHoul & Grace, 1997).

Culture influences discourses over time (McHoul & Grace, 1997). By this, I do not mean to say that discourse is monolithic or singular; there are a plurality of discourses that describe different bodies of knowledge, all with the ability to be produced from different subject positions (McHoul & Grace, 1997; Miller, 1990). These positions influence the reality depicted in a given

discourse. This is because they are influenced by social institutions, which morph malleable social arrangements and reify existing hegemonic structures. As such, some discourses are necessarily more powerful than others, insofar as they have a greater social influence on the dominant understandings of reality in that society (Ono & Sloop, 2002). Power is inscribed within discourses, constitutive of social relations, and as such, "all knowledge, all talk, all argument takes place within a discursive context through which experience comes to have, not only meaning for its participants, but shared and communicable meaning within social relations" (Purvis & Hunt, 1990, p. 492). Subsequently, meanings assigned to communication phenomena are highly contestable and in constant flux, according to their histories and current trajectories (Purvis & Hunt, 1990).

McHoul and Grace (1997), in their breakdown of Foucault's use of the term, note that "'discourse' refers not to language or social interaction but to relatively well-bounded areas of social knowledge," further explaining how "'a discourse' would then be whatever constrains—but also enables—writing, speaking, and thinking within such specific historical limits" (p. 31). Discourse is often discussed in the field of communication studies because "discourse must and does have a communicative function" (Miller, 1990, p. 121). This communicative function organizes thinking, understanding, and experience by providing specific medium through which communication takes place (Purvis & Hunt, 1990). Therefore, communication studies scholars examine the ways in which discourses are constructed and (re)produced by certain communicative acts.

Different kinds of discourse. In this thesis, I examine different kinds of discourses found in the rhetoric surrounding A.B. 166. Ono and Sloop (2002) elaborate on how:

> discourse can be distinguished along two key axes, one representing the difference between the producers, content, and audience of a text (ie. civic and vernacular) and one representing the logic in which an argument or position "makes sense" (dominant and outlaw).

Such discourses emanate from different social positions and, as mentioned above, this results in some discourses having more social power than others to shape the conversation. Next, I will briefly review four different kinds of discourses that arise from varying social locations. To do so, I will primarily be drawing on Ono and Sloop's characterization of civic, vernacular, dominant, and outlaw discourses.

When discussing the distinctions created between the term *vernacular* or *civic discourses*, I describe the potential target audience for a given discourse (Ono & Sloop, 2002). Civic discourses are meant to be universal, formal, and accessible, made up of common-sense claims and concepts. Often, these concepts are codified into law, reinforcing their hold on society. The audience is large and, because it is meant to appeal to so many, touts itself as being formalized, objective, and non-biased (Ono & Sloop, 2002). There is no real truth in discourse because discourse is influenced by ideologies and, therefore, not objective; yet the denial of rhetoric in civic discourse is a way to maintain this objective front (Wetlaufer, 1990). Vernacular discourse, on the other hand, is discourse which originates outside formal institutions such as legal institutions, and instead localizes discourse (Howard, 2005; Ono & Sloop, 2002). Essentially, vernacular discourse is discourse closely circulated between a group of people, which does not quite reach mainstream level audiences. Therefore, civic and vernacular discourses differ in their position.

Another useful way to label discourses is based on the appeal to their "logics of judgement" (Ono & Sloop, 2002). Dominant discourses use logics, or rationalities, judgements, etc., which appeal to commonly socially accepted narratives. They are hegemonic because they reflect the "general cultural ideology" found in discourse, such as legal documents (Ono & Sloop, 2002). These discursive understandings are institutionally supported and produced. Contrary to dominant discourses are outlaw discourses. Outlaw logics are niche logics that stand in stark contrast to dominant logics (Ono & Sloop, 2002). They usually come from marginalized populations and challenge discourse found in social structures (Ono & Sloop, 2002). Outlaw logics are incoherent to dominant logics, defying that way of knowing (Ono & Sloop, 1997). That is because they operate under different and contrasting assumptions than dominant logics, impacting the ability for people come to understand outlaw logic or arguments.

These discourse descriptors—civic, vernacular, dominant, and outlaw—are not mutually exclusive labels. For example, dominant civic discourse is endorsed by governing bodies, and can be legal codes and legislation. On the other hand, dominant vernacular discourse is "constructed out of fragments of popular culture" (Ono & Sloop, 1995, p. 23). Just because a discourse is vernacular does not mean it challenges dominant logics; vernacular discourse can endorse dominant perspectives, like mainstream TV news channels that support positions reflected in dominant discourses. Outlaw vernacular discourses are those discourses that stand in contrast to the dominant logic with a new way of rationalizing. It exists outside the understanding of the common-sense discourses generally found in society. The category of civic outlaw discourse, however, is illusory. Either, civic outlaw discourses become reproduced largely and thus ceases to be outlaw, or they are rejected by dominant logics and remain vernacular outlaw discourses (Ono & Sloop, 2002).

Ono and Sloop (2002) claim that a critical rhetorical project should orient itself towards criticism through "(1) deconstructing the assumptions of dominant civic discourses, (2) illustrating the complicities of dominant vernacular rhetoric, and (3) highlighting and promoting […] progressive outlaw vernacular discourses" (p. 19). In this thesis, I intend to orient my own criticism towards doing just this, by examining the sex trafficking discourse surrounding A.B. 166 and describing the ideologies and implications. This includes examining the A.B. 166 legal text, official Assembly and Senate Judiciary Committee meetings with local opponents and proponents' concerns voiced, and local Nevada media coverage on the law to which all contain traces of civic or vernacular, dominant or outlaw discourses. Before I undertake this critical rhetorical project in the subsequent chapters of this thesis, I will first define and explain my use of the term critical rhetoric.

Critical Rhetoric. All human communication is rhetorical to an extent, insofar as it is motivated speech (Howard, 2005; Klumpp & Hollihan, 1989). Critical rhetoric, however, includes both what is said *and* what is left out of the conversation (McKerrow, 1989). It moves rhetoric beyond simply public address and into the vernacular aspects of social interactions (McGee, 1980; McKerrow, 1989; Ono & Sloop, 2002)[2]. Doing critical rhetoric means interrogating different discourses of power as part of the criticism process. Power, in this sense, can be understood as a controlling discourse that permeates throughout society and dictates certain social relations (McKerrow, 1989). It is located within the state and larger civic institutions, but also in mundane vernacular actions that sustain such institutions. A critical rhetor looks at a multitude of truths that result from these discourses and the material

[2] McGee (1980) complicates the notion that discourse is distinct from rhetoric. For the purpose of this project, I find it beneficial to make a slight distinction between the two, as noted. Exploring the greater arguments concerning this distinction is beyond the scope of this thesis.

implications of that truth (Wander, 1983). They do not begin with finished texts but rather unfinished fragments, which can be used to make sense out of discourses (McGee, 1980; McGee, 1990; McKerrow, 1991).

Scholars have challenged critical rhetoric insofar as they claim the power of it to "make a difference" is dubious (McKerrow, 1991). They indicate this is so because there is a tendency to refrain from taking a stance with any kind of negative critique. McKerrow (1991), however, argues in response that a critical rhetoric in theory is not regressive, but rather progressive. It does not preclude taking a stance in criticism (McKerrow, 1991). Critical rhetoric understands discourse as performance, and rhetors construct those discourses through fragments of "text" (McGee, 1990). Critical rhetoric, therefore, is theory and praxis which weaves together fragments of text to make a specific argument about power in society (McKerrow, 1991).

Critical rhetoric does not look at fragments of text of their own, but rather incorporates "the elements of 'context' [which are] so important to the 'text' that one cannot discover, or even discuss, the meaning of text without reference to them" (McGee, 1990, p. 283). In other words, discourse needs context, and providing context allows one to better comprehend the discourse(s) in question[3]. As Ono & Sloop (1992) write, "the goal for a critical rhetoric is to get behind the all-encompassing history that promises to bind the present to itself and move to a newly articulated future, conceived out of webs of traditional knowledge" (p. 58). Critical rhetoricians do not accept the status quo for what it is—they envision a transformative future through a critical rhetoric that actively dissects the power found in discourses. Looking at civic structures

[3] Instead of being understood as true or false, discourses should be seen as a reflection of culture. Critical rhetoric in practice is critiquing the power/knowledge in culture and specific discourses in order to articulate a transformative future (McKerrow, 1989).

and legal institutions, such as the state, as well as vernacular everyday activities, are ways we can use critical rhetoric to examine how discursive power operates in society.

Legal Rhetoric. Scholars have long established the various ways rhetoric gives authority to the law (Condit, 1987; Harrington, Series & Ruck-Keene, 2019; Hasian Jr., 2001; Hasian Jr., Condit, & Lucaites., 1996; Hasian Jr., & Croasmun, 1996; Klinger, 1994; Lucaites, 1990; Scallen, 1994; Wetlaufer, 1990). The law represents hegemonic standards and touts itself as objective, all the while yielding rhetorical influence to achieve its main goals—whatever those goals may be (Hasian Jr. et al., 1996). Yet, it is through the paradoxical denial of rhetoric in civic discourse that gives it this objective status and influence (Wetlaufer, 1990). In other words, it is through this conscious rejection of rhetoric's forceful hand in shaping the law and embedding ideologies within it that the authority of the law is able to stand unquestioned as objective truth. Contrary to the rejection of rhetoric in the law is a view of law that is a communicative, rhetorical one. When the law is understood as a process of communication, "it becomes a practice more accessible to the people over whom it reigns [… and] human agency is reinvigorated under a communicative paradigm" (Klinger, 1994, p. 246). As such, a rhetorical understanding of the law enables agency not previously afforded to the subjects of laws. It allows for the interrogation of the law by conceptualizing it as a mechanism for propping up certain ideologies, instead of a neutral entity existing outside the realm of discourse.

In communication studies, scholars who analyze legal rhetoric rarely derive their analyses from more than purely dominant civic discourses—taking the official and highly public aspects of the conversation as the only relevant discourse to consider while ignoring other vernacular sources of discourse (Hasian Jr., 2001). Some legal and rhetorical communications scholars have called out this privileging of judicial voices, highlighting how it leaves out important aspects of

the debates[4], yet there is still progress to be made in terms of incorporating dominant and outlaw vernacular discourses into analyses of legal communication (Ono & Sloop, 2002). This is especially true in terms of deconstructing gendered legal norms through vernacular, and particularly outlaw, discourses. In this thesis, I intend to answer Ono and Sloop's (2002) call to engage in a critical rhetorical project, including the critique of dominant civic and vernacular discourses, as well as outlaw discourses, surrounding A.B. 166. I intend to do so using ideographic criticism to uncover the fragments of popular discourse influencing the conception and adoption of laws concerning sex trafficking in Nevada. In the next few sections, I will explain my understanding of ideology, criticism, and ideographs.

Ideology. McGee (1980) labels ideology a political language, a system of ideas that directly influence political action. This is a useful concept that enables focus on the contradictions that exist within ideologies but are overlooked due to the common-sense adoption of these viewpoints. Lee (2009) writes "at root, ideology concerns the relationship among discourse, power, and truth," (p. 290). Truth here is conceptualized dependent on particular standpoints or perspectives. Ideology is distinct from discourse, since ideology maintains power relationships through manipulating a perception of truth in discourses, whereas discourse serves as the vehicle for communication and, thus, a way to make meaning of ideologies (Lee, 2009; Purvis & Hunt, 1993). Put simply, ideology is always working in someone's favor, to the disadvantage of another, and discourse is communication through systems and signs that convey messages (Purvis & Hunt, 1993).

[4] See Hasian Jr.'s (1994; 2001) papers which explicitly incorporate vernacular and legal discourse in an ideographic analysis of a specific legal debate. A significant scholarly search brought forward few communication-focused rhetorical critiques of the construction of gendered legal norms, such as Condit's (1990) book on abortion rhetoric and the law. As such, there is a need to expand upon existing literature about the vernacular impact on constructions of gendered dimensions of the law.

Ideologies become codified into governmental and legal structures by the mere act of marking boundaries between acceptable and unacceptable behaviors. This works to reify ideology within social structures and onto individual bodies (Lucaites, 1990; Showden & Majic, 2014). Moreover, these ideologies that represent the hegemonic social norm go unnoticed by the public and are, as previously mentioned, read as plain common sense—normalizing such political stances and continuing their reification (McGee, 1980; Ono & Sloop, 2002). Wander (1983) mentions how efforts to unearth ideology from rhetoric are ways to unmask rhetoric in light of its historical context and reveal the social assumptions that underlie ideologies.

Ideographs and criticism. If ideology is a political language, then ideological criticism focuses on the ways power, through unconscious ideologies, permeate throughout society (Lucaites, 1990). Cloud (1994) contributes by claiming that ideologies are both intertextual and material and, thus, ideological criticism addresses both the linguistic and material implications of such power. The material implications of dominant ideologies often benefit those in influential or institutional positions, inherently privileging their civic discourse over others and feeding into a constant cycle of preconditioned, mutually reinforcing, and unchallenged attitudes and beliefs (McGee, 1980). When criticism takes an ideological turn, it recognizes the interests of the powerful and how they benefit from the rhetoric they produce (Wander, 1983). In other words, uncovering ideologies in everyday rhetoric helps to expose taken-for-granted assumptions made that are baseless and harmful and, therefore, can open up the possibility to challenge dominant social order—leading to material changes that can help marginalized populations.

Andersen (1993) notes how ideological criticism can benefit society, claiming that ideological criticism has taken an activist turn. Andersen states, “the logical conclusion of the ideological turn is a move to political and social activism” by using such criticism to attempt to

"solve real political and social problems" (p. 248; p. 252). Scallen (1994) puts this in a legal context and claims that "rhetorical criticism is the means to a more complete understanding of legal discourse, an understanding not only of the reasons for its success or failure in a time-bound context, but also its significance for the legal community and society as a whole" (p. 69). Scallen indicates that the usefulness and purpose of criticism is to situate laws in society so as to learn from them and use that knowledge to benefit society in some way.

Ideographs, according to McGee (1980; 1990) are fragments of political (or ideological) slogans used by people to signify something bigger than just that term or phrase. Through rhetoric, these ideographs provide "a vocabulary of concepts that function as guides, warrants, reasons, or excuses for behavior and belief" (McGee, 1980, p. 6). Ideographs exist in discourse as agents of political consciousness, and as such, they are historically informed and situated—meaning something very specific in the time and place in which it is used (McGee, 1980; McGee 1990). Certain ideologies, then, are made up of a bunch of different ideographs that signify significant concepts within that ideology (Lee, 2009; McGee, 1980).

Ideographs use normal language found in political discourse, abstracted to maintain a dominant meaning similar for all those who use it (Lee, 2009). Ideographs are tools of ideology; "the essential function of an ideograph is to warrant the exercise of power" (Lee, 2009, p. 295). The way ideographs maintain power is through the socialization of those in a certain society to be predisposed to reading into a given ideograph, like how the United States' version of *Freedom* is culturally specific, bound to this time and place, but maintains a shared meaning across the nation (Lee, 2009). This shared meaning becomes the dominant ideology expressed by a social group. The ideographic words themselves are abstract—only when they are placed in context is it possible to actualize their specific meaning in that moment.

Since ideologies influence social and political life, the goal for this criticism of the debates over A.B. 166 is to reveal the ideologies that uphold dominant ideographs of trafficking and victimization. This rhetorical project is meant to reimagine discussion about A.B. 166 through a critical legal lens as "an exercise in persuasive communication rather than as the mere application of laws" (Klinger, 1994, p. 246). This thesis, although differing from the traditional methods of ideographic criticism and combining methods of ideological criticism, still uses ideographic assumptions for three reasons. First, I will refer to the history of the word *victim* and its context, which is necessary to understand an ideograph through its different usages (McGee, 1980). Second, I will explain how that ideograph functions presently, through its two current uses by abolitionists (McGee, 1980). For me, that is explaining the two current uses of the ideograph of victim. Third, I assume that the audience here is rhetorically constructed, and that rhetoric constitutes reality (Lee, 2009). This thesis links the celebration of values with the justification for power, as well as diachronically shows the development over time of these words and phrases regarding discourses of victimhood. This, in turn, highlights the overarching ideologies within (Lee, 2009). In this next section, I focus on describing some of the competing ideologies that exist in the larger sex trafficking debates—including abolitionist, empowerment feminism, and polymorphous perspectives—as well as some of the noted implications of these ideologies on legal structures.

Sex Trafficking and Sex Work

Controversy. The debate over the nature of human trafficking and sex work has been raging for decades, with little to no resolve over the deeply contested solutions to the harms they might present (Blithe, Wolfe, & Mohr, 2019; Showden & Majic, 2014; Vanwesenbeeck, 2001). There are several regulatory regimes and nuanced positions within the literature (Blithe et al.,

2019; Scoular, 2007; Weitzer, 2014). There are generally three recognized paradigms for understanding the commercial sex industry, as well as three major legal approaches to handling sex work and trafficking, which I will review below. These represent the different political languages surrounding sex trafficking and sex work.

In the literature, there are several different names for the varying feminist stances on sex work and trafficking that individuals can adopt (Vanwesenbeeck, 2001; Weitzer, 2009). Weitzer (2009), one of the most prominent scholars in the field, indicates that there are three overarching paradigms one can adopt as an outlook on sex work and sex trafficking: oppression, empowerment, and polymorphous paradigms. The oppression paradigm refers to individuals who "argue that the sex industry should be entirely eliminated because of its objectification and oppressive treatment of women, considered to be inherent in sex for sale" (Weitzer, 2007, p. 450). This is also labeled as an abolitionist perspective because their goal is to abolish the sex industry. They consistently view sex for sale as violence against women—some would even claim that any kind of prostitution is a form of rape (Vanwesenbeeck, 2001; Weitzer, 2007; Weitzer, 2014). This is because abolitionists under this paradigm believe sexual services cannot be separated from the oppressive, patriarchal structures that supposedly support the notion that men are owed sex. Notably absent from abolitionist feminists' explanation of violence against women is a discussion about non-binary, trans, or masculine-presenting sex workers (Browne & Minichiello, 1995; Vanwesenbeeck, 2001). The existence of these people problematizes abolitionist claims that sex work embodies patriarchal violence towards women, since non-binary, trans, and masculine-presenting sex workers do not fit within abolitionist narratives. Therefore, violence against women does not seem to be an inherent part of sex work, but a result of other confounding variables that abolitionists overlook. Consequently, the oppression

paradigm only understands the sex industry as patriarchal oppression towards women (Browne & Minichiello, 1995; Vanwesenbeeck, 2001; Weitzer, 2014).

The oppression paradigm does not distinguish differences between trafficking victims and sex workers because they see all individuals in the commercial sex industry as always already a victim; thus, for hardline abolitionists, there is no such thing as consensual sex work (Showden & Majic, 2014; Scoular, 2007; Weitzer, 2009). Abolitionists are motivated by the goal to diminish the sex industry—or ideally, to destroy it in its entirety (Blithe et al., 2019; Weitzer, 2007; Weitzer, 2014). The rhetoric of abolitionist feminists exemplifies a victimhood focus; Weitzer (2007) indicates that abolitionists use words and phrases in the past tense, such as "prostitution causes" or "prostituted women" in published studies. This denies the potential for agency in sex work by presenting sex work as something done to someone, not something they could ever want to do (Stella, 2013). Such differentiation takes away agency from the workers in creating their own identity and experience and erases "the notion of 'sex work' from public discourse" (Weitzer, 2007, p. 451). The language of victim abolitionists use to describe sex workers under the oppression paradigm, and the conflation they cause with actual trafficking victims, is particularly important in redefining the problem of trafficking through expanding the definition into consensual sex work (Blithe et al., 2019; Vanwesenbeeck, 2001; Weitzer, 2009). Redefining trafficking victimhood through this broad and unrepresentative definition denies consensual sex workers the ability to control the narrative about their job, health, and safety.

Conversely, the empowerment paradigm takes a more sex-positive and worker friendly approach to commercial sex. They claim that there is a significant difference between coerced victims of trafficking and sex workers who willingly choose to be in the sex industry (Showden & Majic, 2014). Empowerment feminists work to reclaim the agency of sex workers through

denying victim rhetoric offered by abolitionists and, instead, offering their own voices or positive experiences to directly challenge that dominant ideology (Blithe et al., 2019; Scoular, 2007). Abolitionist ideology is pervasive and harms empowerment stances, creating grounds to overly-victimize those in the industry or otherwise demonize workers-by-choice as dirty sluts and whores. Empowerment feminism directly influenced sex and sex worker positive movements, such as collective action and unionization (Vanwesenbeeck, 2001). Whereas empowerment feminism is gaining traction socially, due to its gaining popularity among certain feminist social groups, but there is still institutional and moral backlash to their message. That being said, "both the oppression and empowerment paradigms are one-dimensional" because they do not fully capture the variety of experiences that exist in the sex trade. Therefore, Weitzer (2009) offers a third paradigm to view sex work and sex trafficking: the polymorphous paradigm (p. 215).

There are flaws to both the abolitionist and empowerment paradigms. Abolitionism prescribes victimhood onto all those involved in the sex trade, and empowerment feminism is privileged and ignores a lot of the social and structural factors influencing people's decision to enter the sex trade. The polymorphous paradigm, while supportive of commercial sex, does not believe all sex work is beneficial or safe; sex workers and advocates alike can acknowledge that there are serious harms associated with underground sex work and sex trafficking (Mac & Smith, 2018; Weitzer, 2009). This paradigm argues that consent in the sex industry is complicated by the workings of capitalism, nationalism, and migration (which I will unpack further in this thesis); thus, strict consensual and non-consensual distinctions fail to capture the full spectrum of

experiential differences that exist[5] (Mac & Smith; Vanwesenbeeck, 2001; Weitzer, 2009). Instead of trying to end the industry, however, empowerment and polymorphous feminists offer different regulatory perspectives to handle trafficking, which they argue better suits workers and victims by providing the nuance necessary to understand their distinct experiences (Scoular, 2007; Weitzer, 2009).

A large, material difference between these ideologies exists: Abolitionists have access to state authorities through popular, religious activism and moralist governmental support, while empowerment and polymorphous feminists rarely have the political opportunity to have their voices heard because sex work is so heavily stigmatized (Blithe et al., 2019; Sanders & Campbell, 2014; Vanwesenbeeck, 2001). Sex workers are often vilified as supporters of sex trafficking or immoral harlots and, thus, never invited into the conversation about legal regulations or new legislation in the same way anti-trafficking activists are (Sanders & Campbell, 2014). Denying access to these legal conversations bypasses the concerns of sex workers, ensuring their continued silencing, leaving abolitionist rhetoric unchallenged. Free reign of abolitionism continues to legally enforce victimization as a primary model for understanding people's experiences with sex work. Now that I have outlined these prominent ideologies, I will explain the differences in the multitude of legal regulations influenced by them.

[5] Later in this thesis, I will discuss the intersections of immigration and sex trafficking. I mention this intersection in brief here, however, because arguing that sex work is not sex trafficking, nor can it ever be sex trafficking, "mirrors the error of [abolitionist] anti-trafficking campaigners by positioning trafficking as an inexplicable evil, shorn of the crucial context of the conditions of migration and the impact of immigration enforcement on the labour rights and safety of migrants" (Mac & Smith, 2018, p. 85). In other words, migrant sex trafficking might not look like consensual work, due to deceit or coercion on behalf of smugglers/traffickers, but it might not fit the parameters of what we would typically think of as trafficking because the migrants involved were willing participants in their movement. These individuals might be circumstantial workers, or those who chose to be in the sex industry under socioeconomic or other societal pressures, but otherwise would not pick this line of work. These stories contrast binary understandings of consensual sex work and coercive sex trafficking, complicating both empowerment and abolitionist ideologies.

Legal regulation of sex work. The complex ideologies concerning sex work are evident in the various way activists and politicians propose solutions to one agreeable, overarching social ill: sex trafficking. Here, I mean ideologies, in the plural, to represent culturally specific political languages that exist in our society (McGee, 1980). Weitzer (2014) claims that these ideological leanings underpin the ways we define sex trafficking and sex work in laws. This claim is significant because these definitions are often conflated or used uncritically in academic, public, private, and other social service research projects. Categorizing different types of sex work or trafficking under a single definition results in a horde of sensationalized headlines and scary statistics about human trafficking, which end up being wildly over-inflated due to poor research methods and unstandardized definitions for key terms like sex worker or sex trafficking victim (Vanwesenbeeck , 2001; Weitzer, 2010; Weitzer, 2014). These statistics and stories, a representation of only part of the sex industry, become the tools used by abolitionists to enforce the oppression paradigm and gain a morally righteous public reputation. This, in turn, allows abolitionists to maintain dominance over legislative solutions to issues they specifically constructed—such as the problem of sex work, controlled through its criminalization (Blithe et al., 2019).

Sanders and Campbell (2014) argue that "tensions between regulation and ideology are reflected in policy and practice with a range of consequences for the lived experiences of sex workers" (p. 536). This is true regardless of the kind of regulations placed on the industry, but different regulations affect the subjectivities of sex workers differently (Auger, 2014; Blithe et al., 2019). Despite the countless regulations that exist worldwide, there are three major divisions in the approaches to sex trafficking and regulating sex work, all of which align with particular

ideologies about the sex industry: decriminalization, total or partial criminalization, and legalization.

Empowerment and polymorphous feminists champion decriminalization, ultimately claiming it would help sex workers maintain their safety and allow them to go to authorities to get help when they see issues such as trafficking, without fear of legal repercussions (Showden & Majic, 2014). A different form of empowerment ideology is embedded in the partial criminalization approach used in, for example, some counties in Nevada (Brents, Jackson, & Hausbeck, 2010). A hardline abolitionist approach would advocate for total criminalization, like most of the United States and several other nations around the world, or a softer stance that criminalizes the individuals seeking to purchase sexual services, but not those providing them (Showden & Majic, 2014; Sanders & Campbell, 2014). Abolitionists often claim this legal approach that criminalizes buyers is a good way to help women transition out of the sex industry, while other sex workers claim it just pushes their work underground. This means sex workers can no longer meet or vet clients online, making available work more dangerous and less accessible. As such, job insecurity in sex work is amplified every day they remain in the industry (Showden & Majic, 2014; Sanders & Campbell, 2014). The legalization approach has a mixed response from empowerment and polymorphous feminists. Some claim it is a great way to regulate and provide safety in sex work while others claim it overregulates individuals engaging in the sex trade (Showden & Majic, 2014). In the proceeding section, I will outline how these regulations impact indoor sex work.

Indoor sex work. Brothel work, or otherwise in-call/indoor work, has not been studied with the same frequency as street-walking or out-call sex workers, otherwise known as escorts (Brents & Hausbeck, 2005; Brents et al., 2010; Lewis, Maticka-Tyndale, Shaver, & Schramm,

2005; Nemoto, Iwamoto, Wong, Le, & Operario, 2004; O'Doherty, 2011). The differences between locations create varied experiences specific to the types and places where sex work takes place, thus, producing different risk exposure while working (Lewis et al., 2005). Indoor sex work, according to the multitude of cited research, is generally safer with less instances of violence than street-work (Brents & Hausbeck, 2005; Lewis et al., 2005; Nemoto et al., 2004; O'Doherty, 2011).

O'Doherty (2011) claims that "criminalization produces working conditions that facilitate violence against sex workers" and further argues that indoor sex workers are more often shielded from overt criminalization than street-walking workers (p. 945). Sanders and Campbell (2007) argue that indoor sex work fosters the conditions where organizational and cultural closeness can thrive, which can offer protection from violence and other job risks. Two comprehensive accounts of Nevada brothels from Brents and Hausback (2005), as well as Brents, Jackson, and Hausbeck (2010) claim safety precautions in place at legal indoor sex work locations mitigate the risk factors that lead to violence. Additionally, there was no evidence found that trafficking victims were working in the brothels, or for that matter that anyone was working in the brothels against their will (Brents et al., 2010). Studies seem to suggest that generally, violence and exploitation happen more often to "street-walking" sex workers, as opposed to indoor sex workers (Brents & Hausbeck, 2005; Brents et al., 2010; O'Doherty). There is a significant gap in the literature concerning illegal indoor sex work, such as examining workers in unauthorized brothels or, for example, massage parlors. This necessitates more research to substantiate the claim that there is a clear pattern of violence and victimization for those working in such illicit conditions (Nemoto et al., 2004).

As mentioned previously, Nevada has legalized sex work in brothels under strict regulation. A.B. 166, according to Assemblywoman Tolles and law enforcement, is an attempt to take down illegal brothels from operating within the state. This includes prosecuting massage parlors and other small businesses serving as fronts for illegal sex work—all under the guise of saving trafficking victims from terrible working conditions and violence (Assembly Judiciary Committee, 2019; Willson, 2019). Las Vegas law enforcement stated that the population of sex workers in illicit business locations in Las Vegas tend to be Asian and undocumented—a vulnerable population due to their lack of citizenship status (Assembly Judiciary Committee, 2019; Senate Judiciary Committee, 2019). In light of such information, it is important to take into consideration how different legal approaches tend to exacerbate or reduce levels of violence sex workers face by fully interrogating the discourses utilized to draft the bill, as well as the corresponding impacts to the legislation. Now that we have covered the basic debates and ideologies in the literature, I will put them in the legal context of Nevada.

Nevada sex work/trafficking. Nevada is the only state in the U.S. that has some legal forms of sex work, limited to brothel work in certain counties in the state (Brents & Hausbeck, 2005; Brents et al., 2010; Blithe et al., 2019). The Nevada state laws regarding sex work listed under chapter 201 of the Nevada Revised Statues (N.R.S.), titled *Crimes Against Public Decency and Good Morals*, define *prostitution* as "engaging in sexual conduct with another person in return for a fee, money, or something else of value" (NV. Rev. Stat. § 201.295). *Sexual conduct* is defined as "sexual intercourse, oral-genital contact, or any touching of the sexual organs (or another intimate part) of a person for the purpose of arousing or gratifying the sexual desire of either party," and *solicitation* as "offering or agreeing to engage in prostitution" (NV. Rev. Stat.

§ 201.295; NV. Rev. Stat. § 201.300). These legal definitions are referenced throughout regulations surrounding the sex industry in Nevada.

Nevada laws allow certain counties, with populations of less than 700,000 people, to establish "houses of prostitution," commonly known as brothels (Blithe et al., 2019; NV. Rev. Stat. § 201.360). Major cities in the state, such as Las Vegas and Reno, do not allow sex work, as their populations within the county is too large under the county population restriction (Blithe et al., 2019; Brents et al., 2010). Local governments maintain the right to outlaw sex work should they so choose, despite meeting the county population requirement (Blithe et al., 2019; Brents et al. 2010). The primary statute charting sex work laws differentiates between the legal, brothel-employed sex worker and the illegal street-walking sex worker. If full-service sex work takes place outside of a licensed brothel, then those individuals would be charged with a misdemeanor (Blithe et al., 2019; NV. Rev. Stat. § 201.345).

Apart from the stringent laws and regulations on sex workers and their conduct, Nevada's form of legalization also concerns the regulation of brothels. To become a licensed brothel in the state of Nevada, an owner is required to go through a professional licensing board that reviews potential brothels, distributes licenses, and disciplines misconduct in brothels (Blithe et al., 2019; Brents et al, 2010; NV. Rev. Stat. § 244.345). Sex workers in brothels also must meet a plethora of requirements: Workers must be at least 18 years old, conduct and submit regular HIV and STD testing to the state, and are required to use condoms. Brothels must be at least 400 feet away from a religious site or school, cannot be on a "principle" street, and cannot publicly advertise their services (Blithe et al., 2019; Brents et al., 2010; NV. Rev. Stat. § 201.345).

In Nevada, state law indicates that it is illegal to force people into sex work via sex trafficking, obviously. Pandering, or sex trafficking, is the coercive or forcible arrangement of

another person into sex work, which is illegal (NV. Rev. Stat. § 201.300). Sex trafficking laws are punitive; trafficking, through either coercion or physical force, has various felony charges associated with it. Facilitating trafficking is also a federal and Nevada state crime (Blithe et al., 2019).

Sex trafficking and A.B. 166. A.B. 166 amends chapter 201 of the N.R.S. to establish the crime of "advancing prostitution" (A.B. 166, 2019). Chapter 201 includes a section covering *pandering, prostitution, and disorderly houses*. A.B. 166 makes amendments to ten of the statues under this heading, including significant changes to: "pandering and sex trafficking", "living from the earnings of a prostitute", "forfeiture of assets", and "placing a person in a house of prostitution" (A.B. 166, 2019). The law clarifies existing legislation to state that any person aiding another in solicitation faces increased felony charges: a category C felony if force is used and a category D felony if force is not used or cannot be proven (A.B. 166, 2019). The aim of this law, as stated by Jill Tolles and others who helped create the bill, was to investigate and shut down illicit businesses acting as houses of prostitution (Kaufman, 2019; Rindels, 2019a; Willson, 2019).

A.B. 166 does a few things regarding new punitive measures against people who aid others in solicitation. It severely penalizes any party who knowingly takes money from the proceeds of a sex worker, establishes the crime of *advancing prostitution*, and details what that new crime entails. The legal term "advancing prostitution," in this instance, entails knowingly managing businesses or private properties where sex work is taking place, having knowledge of trafficking on the premises, and failing to take proper steps to abate such illegal activities (A.B. 166, 2019). Apart from the definitional differences written into the law creating the crime of advancing prostitution, there are also some functional differences A.B. 166 has in terms of

enforcement tools. Previously, owners of "illegal houses of prostitution"—non-regulated brothels, happy-ending massage parlors, or fake tax services to name a few—could not be charged with trafficking if police did not have victim testimony confirming the perpetrator's status as a trafficker (Assembly Judiciary Committee, 2019; Senate Judiciary Committee, 2019). Additionally, any money seized on the premises had to go back to the accused if no charges were issued (Assembly Judiciary Committee, 2019). A.B. 166 allows law enforcement to charge traffickers with the crime of advancing prostitution without needing victim testimony confirming the traffickers' status (Assembly Judiciary Committee, 2019; Senate Judiciary Committee, 2019). It also allows law enforcement to keep seized money to prevent it going back to potential traffickers (Assembly Judiciary Committee, 2019).

Tolles claims that her intention with A.B. 166 was to alleviate sex trafficking issues in Nevada, but the unintended consequences might negate some of the good-will written into the law. Supporters of the bill claim that sometimes victims of sex trafficking are too scared of their traffickers to speak with law enforcement, furthering their position by pointing out how A.B. 166 provides police with techniques that better help them catch traffickers without needing victim testimony (Rindels, 2019a; Assembly Judiciary Committee, 2019). They argue that it closes an existing loophole that fails to hold illicit business owners, or facilitators, accountable for their role in illegal sex work and allows them to continue their illegal activities. Opponents to the law challenge this claim, stating that there are alternate, complicated causes for not reporting—such as a lack of citizenship status and fear of the criminal justice system—arguing that further penalties only push trafficking further underground (Rindels, 2019a; Assembly Judiciary Committee, 2019). There is a marked disconnect between the political discourses of proponents

who assert that A.B. 166 is a productive tool in the fight against human trafficking and opponents who insist that the law is putting the lives and livelihoods of sex workers at risk.

In the proceeding section, I will survey some major claims made in the critical trafficking literature about the trends in and usefulness of sex trafficking policy. In doing so, I will demonstrate a connection between sex trafficking and immigration issues and legislation, emphasizing a need to look at both to understand the whole picture of anti-trafficking discourse. Then, I will discuss the recurrent theme of victimhood in this context.

Critical Trafficking Studies

Critiques of anti-trafficking discourse. There is an area of focus within the larger field of communication studies, called critical trafficking studies (or CTS for short), which examines the ways anti-trafficking discourses are constructed by policies and used to make legislative or regulative changes that materially affect the lives of those in the sex industry (Hill & Chávez, 2018). Critical trafficking scholars focus their efforts on critiquing the discourse of anti-trafficking measures put out by governments, NGO's, and other agencies in positions of power over legislative policy and changes—failing to accept uncritically loaded enthymematic terms such as "trafficking victim," "asylum seeker," or "economic migrant" (Hill & Chávez, 2018). By dissecting these discursive terms, scholars can gain better insight into how ideologies become embedded in terminology, creating, and reproducing the crisis of sex trafficking (Hill, 2018). Communication scholars must further examine this sex trafficking crisis to reveal the underlying assumptions that sustain it, with the ultimate goal of improving decision and policy making efforts that attempt to alleviate sex trafficking.

CTS is not only useful for critiquing anti-trafficking measures. It also intersects with other feminist bodies of literature and uses criticism to explore gender, race, socioeconomic

status, nationality, and more within the lives of those in the sex trade. In fact, there are many points of overlap within CTS and queer migration studies (QMS), or migration studies in general, which links the two topics together (Hill & Chávez, 2018). This would indicate that there are numerous connections between anti-trafficking and anti-immigration legislation: both discursively in the subject formation of those affected and materially in its impacts. Although the fields of communication studies, sociology, and legal studies have established clear connections between migration and anti-sex trafficking legislation[6], some of those same scholars have called for others to examine "when or where […] anti-trafficking and anti-immigration agendas converge or contradict with each other" in order to remedy the conflicting discourses around sex trafficking (Hill & Chávez, 2018). Ultimately, CTS acknowledges trafficking as a serious problem, but negates the image of the crisis portrayed by dominant anti-trafficking rhetoric.

Anti-trafficking discourse tends to use Eurocentric language and Western assumptions about intersecting identities, from a limited view of gender and race, to construct the trafficking crisis (Desyllas, 2007). Acknowledging these faults, CTS uses critique to illuminate how these assumptions actively harm sex workers and sex trafficking victims, as well as attempts to break down the discourses surrounding trafficking. In the words of Hill and Chávez (2018), "CTS exposes how anti-trafficking and anti-immigration agendas mobilize sexuality, race, gender, class, and nationality to combat and control labor and mobility" (p. 302). In this sense, CTS is the counterpart to abolitionist ideology because it rejects the constant victimizing of those in the sex trade.

Critiques of anti-trafficking policies. Because CTS scholars are critical of the discourse surrounding anti-trafficking policy, many have come to challenge the strategies generally used in

[6] Communication scholars, see Hill, 2018; Hill & Chávez, 2018; Petillo, 2018. Sociological scholars, see Anderson & Andrijasevic, 2008; Chapkis, 2003. Legal scholars, see Chacón, 2010; Desyllas, 2007; Wagner & McCann, 2017.

anti-trafficking efforts by the U.S. and, due to American foreign policy pressures, other nations around the world. The Trafficking Victims Protection Act of 2000 (or the TVPA) created a tiered-ranking system, among many other things, which enabled it to rank these other countries (Berman, 2006; Desyllas, 2007, Trafficking Victims Protection Act, 2000). This ranking system measured anti-trafficking efforts according to a standard created and controlled by the United States federal government, hinging on threats of funding withdrawal to nations who did not comply with minimum standards (Desyllas, 2007). Therefore, U.S. influence on foreign sex trafficking efforts is extremely high[7], and the need to study U.S. specific policy is evident—even globally. The strategies used by different nations to combat trafficking in persons, although not homogeneous, tend to lean on criminalization and punitive punishments to curtail sex trafficking—it is often similar to U.S. policy, but exported across its borders.

Anti-trafficking strategies in the United States are characterized by a raid and rescue model (Ditmore & Thurkal, 2012). Here the focus is on rescuing the people, oftentimes solely articulated as women, from trafficking situations through an investigation and raid process that prioritizes arresting and charging traffickers (Hill, 2016). Police raids are the result of undercover police operations where officers attempt to catch people soliciting inside small businesses, such as massage parlors (Assembly Judiciary Committee, 2019; Senate Judiciary Committee, 2019). Once they are solicited, they raid the premises and arrest those involved (Ditmore & Thurkal, 2012; Hill, 2016; Assembly Judiciary Committee, 2019). The outcome of these raids are long prosecution processes with an emphasis on punitive measures against law violators (Ditmore & Thurkal, 2012).

[7] Interestingly enough, nations that have deep-rooted political tensions with the United States are consistently ranked the lowest on the tiered system created by the United States (Berman, 2006; Desyllas, 2007). There seems to be differing motives to the rankings, apart from purely measuring anti-trafficking efforts. This inconsistency is discussed in more detail in the following chapter.

The impacts of the raid and rescue process can be inefficient at best, but threatening and traumatic at worst. Often times, due to fear of arrest or deportation, those captured in trafficking raids refuse to work with police—victim or not (Ditmore & Thurkal, 2012; Hill, 2016; Assembly Judiciary Committee, 2019; Senate Judiciary Committee, 2019). In cases where those caught up in the raid do not want to help law enforcement, services and other aid may be denied to them (Ditmore & Thurkal, 2012; Hill, 2016). For example, receiving a T-visa, which are visas especially made for trafficking victims, is contingent upon being identified by officers as a victim and, sometimes, necessitates their participation in prosecution efforts (Berman, 2006). It is standard for local and federal law enforcement officers, under minimal training or input from other members of the sex industry, to make the sole determination of who fits the mold of a trafficking victim and who is just a regular criminal sex worker. In this scenario, either officers do not know how to identify trafficking victims because they are taught to recognize a monolithic victim fitting only abolitionist discourses, or they overcompensate and treat all women in the sex trade as victims in need of being saved (Hill, 2016).

There is much skepticism among scholars about the effectiveness of raid-and-rescue processes. Hill (2018) writes that "anti-trafficking strategies resist targeted groups, *not* trafficking, when they entail surveilling migrants and alerting police to their presence or offering care only to women in rehabilitation services" and goes on to continue that "the structural and causal factors subtending migrant labor and sexual labor are sidelined when 'crisis' calls for surveillance and rehabilitation as its resolution" (p. 318). Hill's main claim is that underlying push and pull factors which influence trafficking and human migratory patterns are ignored when the legislative focus is solely on criminalization, not on the humanitarian efforts to help those trapped in slavery.

The material consequences of raids are plentiful. Ditmore and Thurkal (2012), through a study of federally recognized trafficking victims in the United States, found that participants described their raid experiences as chaotic, traumatic, frightening, confusing, disrespectful, and they often had no sense of what was happening to them. Continuing raids are reasons why deep distrust breeds between those in the sex trade and police. In fact, "the use of raids to combat trafficking in persons is inherently not premised upon the needs of the trafficked people but rather on the goals of prosecution" (Ditmore & Thurkal, 2012). Additionally, failure to properly train local law enforcement in effective anti-trafficking measures and trafficking victim identification means there is very little police oversight or accountability in the raid and rescue process (Ditmore and Thurkal, 2012).

Not only is there a practical impact to police raids, like the arrest or deportation of trafficking victims or sex workers (which has serious material consequences), but there are also theoretical implications made through the spectacle of raids about the power of the U.S. government. Hill (2016) notes that "raids serve the interests of the state, rather than the victims they produce" (p. 55). Moreover, raid and rescue missions are rhetorical, insofar as "raids form a kind of persuasion and a spectacular performance of state power that purports to show evidence of trafficking and the need for proactive policing" (Hill, 2016). Essentially, raids are used to (re)construct the crisis of trafficking by serving as evidence of its own end, encouraging more policing with every "successful" raid (Hill, 2016). The state is, thus, cast in the role of savior, rescuing victims from dirty criminals (Baker, 2013; Hill, 2016). Throughout this literature review there has been reference to victims of sex trafficking, yet this term has not been fully explored. In the next section, I will outline how discourse shapes victimhood—a primary focus of critical trafficking studies.

Perpetual victimhood. A common discussion in critical trafficking studies is the use of victimhood and victimization by organizations and the state, which impact the way that people view sex trafficking victims and policy[8]. The study of victimization is well-founded within critical trafficking studies, sociology, and gender studies more generally, yet there is a gap in existing literature looking at the vernacular construction of victimhood (Anderson & Andrijasevic, 2008; Baker, 2013; Desyllas, 2007; Kapur, 2002; Srikantiah 2007; Uy, 2013). The fact that these studies only examine the dominant civic discourse surrounding the victimhood debate means that those analyses are missing components of outlaw discourses that counter dominant discourses. These discourses can illuminate how victimhood is reproduced and circulated socially, as well as how people resist that narrative. This can shed light on ways to fight back against overtly victimizing rhetoric. Thus, this thesis hopes to accomplish filling that gap by examining the dominant, civic, vernacular, and outlaw discourses of A.B. 166.

The humanitarian agenda of the state in regards to combatting trafficking de-politicizes anti-trafficking and immigration policies. Despite trends showing there are far more economic migrants trafficked into the United States in exploitative labor conditions outside the sex trade, sex trafficking is still the major focus of anti-trafficking legislation (Berman, 2006). The way the anti-trafficking debate is constructed is not an accident—there is a specific purpose to manipulating victimhood and controlling other aspects of policy under the guise of helping the vulnerable. Anti-trafficking legislation almost always receives near unanimous bipartisan support

[8] There is debate in the communication studies discipline over whether or not the term *victim* is disempowering. Best practices in this discipline is to allow people who have experienced gender violence or sex trafficking to determine for themselves whether they prefer the terms *victim*, *survivor,* or *people first language* such as 'a person who has experienced violence' (Freitag, 2018). This thesis will use the term victim almost exclusively, since that is the language used by abolitionist discourse and is a primary way such ideology is replicated. Interrogating the use of victim(hood) through criticism is preferable to sanitizing the victimizing language used in abolitionist ideology, as it puts the ideograph of victimhood in context. The debate over victim and survivor language only furthers my claim that ideographs can impact the way we view survivors and laws impacting them.

(Berman, 2006; Wagner & McCann, 2017). This support is due to the seemingly uncontroversial stance anti-trafficking legislation takes—plus, why would anyone want opposition to protective anti-trafficking measures on their voting record? As we have seen thus far, however, the policies are anything but neutral. They are laden with ideologies, which gives states the ability to construct an ideal victim to save while at the same time pushing through different agendas.

Many scholars have written on the perfect victim narrative and how it impacts various state actors, organizations, and people (Anderson & Andrijasevic, 2008; Baker, 2013; Desyllas, 2007; Kapur, 2002; Srikantiah 2007; Uy, 2013). These scholars describe ideal victimhood, portrayed by the laws and images put out by the state, as "a universal subject: a subject that resembles the uncomplicated subject of liberal discourse" (Kapur, 2002, p. 6). In this description, they note that perfect victims are almost exclusively women and children, disregarding entirely men involuntarily in the sex trade or in other contexts of trafficking that are otherwise ignored (Kapur, 2002; Srikantiah, 2007). Otherness and weakness are highlighted as primary characteristics of victims (Uy, 2011).

Srikantiah (2007) argues that the "iconic victim" is one that is young, female, trafficked for sex, fits stereotypes of backwards, meek foreign women, makes a good witness, and made to be passively rescued (as opposed to actively escaping). Since most individuals trafficked in the United States are migrant workers, this kind of depiction of victimhood creates a good/bad immigrant dichotomy: Either the immigrant is a sex slave and had no choice in coming illegally (hence, justifying their stay with special visas and protections), or they were an economic migrant who willingly came to steal social services from the United States and, thus, don't deserve to be here—let alone be helped out of an abusive situation (Desyllas, 2007). The position

of victim is contrasted with the position of the *illegal alien*[9] trafficker. This trope is an evil, economically motivated, lawbreaking alien set against the state as an enemy to it, in need of control (Srikantiah, 2007). When framed this way, border control becomes a humanitarian issue of anti-trafficking and, thus, diminishes its overt political agenda.

Over time, there has been a shift in rhetoric of the ideal victim. According to Srikantiah (2007), the 19th century sex slave was "a white woman, victim of the animal lusts of dark races," and in the 21st century, the racism changes its focus to exaggerate the new sex slave as "passive, un-emancipated women from the developing world" (Desyllas, 2007, p. 61). Racism and sexism influenced the construction of victimhood in both eras; although materially different, the anxieties around racism and sexism collapsed the idea of the victim "into Victorian/colonial assumptions of women as weak, vulnerable, and helpless" (Kapur, 2002, p. 36). Here, foreignness is construed as otherness, as dangerous, and as in need of surveillance.

Victimization rhetoric, as seen above, allows the state to declare itself the savior to helpless women victims of sex trafficking (Baker, 2013). The state assuming to have knowledge about what is best for both the victims of human trafficking, as well as other voluntary workers in the sex trade, is paternalistic. Baker (2013) writes that this "paternalistic discourse also re-inscribes relations of power based on race, nationality, and can be used to justify relationships of domination" (Baker, 2013, p. 20). This means that the state not only gets to prescribe perfect victimhood onto people in the sex trade, but also gets to use such actions to demonstrate that they are a "good" state actor helping the women (McKinnon, 2010; McKinnon, 2011). Anderson and

[9] The term "illegal alien" is offensively ignorant and implies a direct link between criminality and immigration status—one which does not exist (Johnson, 1997). In this thesis, when using the term, I merely wish to convey the ideology that underpins the language used to describe certain populations of people, as it is a significant element to my argument. While the use of this term is unreasonable in other contexts, it is important to linguistically examine the specific words and phrases used in dominant civic discourses in this thesis.

Andrijasevic (2008) write that "this helps to install the image of trafficking within a simplistic and stereotyped binary of duped/innocent (foreign women) and evil traffickers (usually foreign men)" (p. 137). Gender, race, and nationality all intersect to create the perfect victim of trafficking—an ideograph of victimhood that gets written into U.S. legal structures (McKinnon, 2010). The impact to this is that people in the sex trade are robbed of their agency and ability to either remain in the industry or else seek help outside the parameters of ideal victimhood (Uy, 2011). Accordingly, only a fraction of actual victims are captured under this paradigm; thus, it should be re-conceptualized.

Conclusion

In this chapter, I have given a detailed account of my intended use of theoretical terms, as well as reviewed the overarching controversy and legal paradigms surrounding sex work and sex trafficking. To do this, I first unpacked the meanings of discourse, critical rhetoric, ideology, and ideographs—all central to my main argument later in this thesis. Next, I described the different ideologies that exist concerning sex work and sex trafficking, including three major paradigms that influence legal regulations, including: abolitionist, empowerment, and polymorphous ideologies. After laying this groundwork, I then explained the particular legal context for sex trafficking in Nevada, as well as reviewed A.B. 166 in some detail. Finally, I engaged with some previous research on critical trafficking studies and victimization. All of this information sets the main claim in my thesis—that A.B. 166 has abolitionist ideologies embedded itself into A.B. 166 which, in turn, creates an ideograph of victimhood influencing the subjectivities of sex workers and sex trafficking victims alike. Past rhetorical legal scholars have explored race and legal structures (Hasian Jr. et al, 1996), as well as ideographs in vernacular and legal contexts (Hasian Jr., 2001), but this kind of criticism does not often extend to gendered critiques of the law—

specifically constructions of victimhood within the civic and vernacular discourse surrounding the law. Therefore, this chapter both reveals the complexity of the sex industry debates, but also unravels a gap in the literature—mainly that victimhood is not theorized through the lens of ideographic criticism. In the proceeding sections of this paper, I will provide the context necessary to understand how the ideograph of victimhood took hold. In this critical history of sex trafficking laws federally and in Nevada, I illustrate how current ideologies come to be and are replicated. Such history is crucial in order to place the ideograph of victimhood in its historical context.

Chapter 3: A Critical History of Intersecting Trafficking and Immigration Legislation

Legislation, once codified, becomes a discursive phenomenon which simultaneously influences and is influenced by history (Hassian, 1994). By this, I mean the law is socially constructed and manipulated by controlling civic discourses which reflect the dominant social views of a particular time and place (Ono & Sloop, 2002). Such social constructions not only give the law its symbolic meaning, they also maintain the social power that keeps those dominant ideologies alive (Ono & Sloop, 2002). Before examining A.B. 166 through ideographic criticism, in this chapter I aim to reveal the prominent historical contexts, as well as federal and state legal influences, which prompted the creation of A.B. 166—establishing the crime of "advancing prostitution*"* (A.B. 166, 2019). Sex trafficking was not an explicit federal crime until 2000, despite its existence and prosecution under different criminal codes since the 19th and 20th centuries (Wagner & McCann, 2017). This rich context can illuminate some of the existing and often contradictory ideologies underpinning different laws throughout the ages, both tangentially and directly relating to human trafficking. It is imperative to trace federal and state legislation related to or influenced by sex trafficking back to its legal inception and historic legacies; such work is necessary in order to better understand how the ideograph of victimhood was born out of these laws.

Intersections of Trafficking and Immigration in the 19th and Early 20th century

The first law impacting trafficking in America would arguably be the 13th amendment to the U.S. Constitution in 1865, which ended most forms of slavery (Wagner & McCann, 2017). Yet, "narrow legal interpretation of the Amendment in its early years restricted the extrapolation of the Amendment to cover all forms of slavery" (Wagner & McCann, 2017). Such forms of slavery, like indentured servitude and debt bondage, were sustained during that time. The Black

Codes and other Jim Crowe era legislation also enabled a legacy of slavery to continue (Wagner & McCann, 2017). In an attempt to bolster the second section of the 13th amendment, Congress passed the Civil Rights Act of 1866 and 1875, as well as the Anti-Peonage Act of 1867. Those laws criminalized indentured servitude and debt bondage (Wagner & McCann, 2017). Despite these new acts revitalizing the 13th amendment and strengthening its human rights framework, the amendment was still not used as a primary method of prosecuting trafficking cases in the 19th or even 20th century (Wagner & McCann, 2017). The federal government chose a different route to prosecute trafficking. Shifting from a human rights framework allowed for the government to draw attention away from rights protections towards more punitive criminal measures.

Instead of using the 13th amendment, the federal government applied the commerce clause found in article one of the U.S. Constitution to prosecute sex trafficking cases. This fundamentally shifted the focus of trafficking from that of human rights and protections to one of movement and borders, necessarily intersecting it with legislative issues of immigration (Wagner & McCann, 2017). According to Wagner and McCann (2017), "Congress first misidentified sex trafficking as a solely 'foreign' crime with foreign victims. This was partly due to concerns about the relationship between immigration, transnational crime, and commercial sex" (p. 28). The stigma against sex work—stemming from the idea that moral women were pure, celibate, and white—allowed people to associate immigrants and sex work with organized crime, slavery, and immorality (Petillo, 2018).

Both immigration and trafficking were political issues typically handled by individual states during this time (Chapkis, 2003; Wagner & McCann, 2017). The commerce clause, however, enabled the federal government to usurp jurisdiction over immigration and trafficking from the states (Chapkis, 2003). The connection between trafficking and immigration, brought

about by apprehensions associated with foreign immigration and crime, is the convergence point between the two seemingly unrelated legal fields. Therefore, it is imperative to explore these legislative issues in tandem, as "it is […] important to put the state back into the analysis, and to address the role the state's immigration and labour regulations in creating the conditions on which trafficking and the exploitation of migrant labour are able to flourish" (Anderson & Andrijasevic, 2008).

Asian immigrants were some of the first subjected to federal regulations on immigration in the name of assuaging human trafficking (Chapkis, 2003; Kilty, 2002; Wagner & McCann, 2017). From the period of 1875-1907, "congress explicitly addressed sex trafficking through immigration laws" like the Page Act, otherwise known as the Alien Prostitution Importation Act (Wagner & McCann, 2017, p. 28). These economic immigrants were Asian, primarily Chinese, and they often worked in the West Coast as laborers on the railroads or as sex workers, among other less popular occupations (Chapkis, 2003; Kilty, 2002; Wagner & McCann, 2017). The Page Act was simultaneously the first federal law to regulate incoming immigration and the first federal law to regulate sex work (Chapkis, 2003; Wagner & McCann, 2017).

The Page Act barred entry into the United States for Asian women based on the premise that they would immigrate to sell sex (Petillo, 2018). The law permitted immigration officers to make judgement calls about the morality of certain immigrants and to determine whether they were immigrating for "immoral purposes"—prohibiting them based on their perceived occupation (Chapkis, 2003; Petillo, 2018; Wagner & McCann, 2017). Those judgement calls were based in racist assumptions about Asian people's involvement with organized crime and inherent immorality. While there was a large West Coast population of Asian sex workers that existed before the law took effect, unfounded fears of international crime and trafficking ensured

almost no Chinese immigration into the United States during this time (Chapkis, 2003). Following the Page Act of 1875 was the Chinese Exclusion Act of 1882, which expanded on those restrictions and barred all Chinese people (and eventually other Asian nationalities) from entering the United States. Westward expansion and the discovery of gold on the west coast generated a large demand for workers, which Asian migrants had once been able to fill. However, the renewed immigration restrictions against race in the late 1800s increased based on nativist fears of the Asian "other," who was perceived by white society as a threat to the safety and job security of American citizens in the United States (Ewing, 2012; Jaggers, Gabbard, & Jaggers, 2014; Kilty, 2002; Wagner & McCann, 2017).

These immigration concerns came in the wake of "Yellow Peril" anxieties surfacing over an increasing number of economic migrants coming to the United States (Kilty, 2002). Class-based worries generated racist and xenophobic reactions from white America, reproducing the idea that immigrants were a threat to the class structure of the United States (Kilty, 2002). The perceptual problem of economic immigration and sex trafficking, then, was handled through federal regulations on movement over state lines (Wagner & McCann, 2017). Use of the commerce clause demonstrates how "prostitution legislation reveals border anxieties […which] informed (and continue to inform) U.S. trafficking legislation" (Petillo, 2018, p.331). Thus, the distinctions between sex trafficking legislation and immigration legislation remains blurry.

Exclusions within immigration regulations continued with the Immigration Act of 1891, expanding the list of immigration exclusion criteria, and permitting the deportation of unauthorized immigrants. The law also made bringing unauthorized immigrants into the United States a misdemeanor, criminalizing the movement of unauthorized immigrants over the border (Cohn, 2015). Bringing in unauthorized immigrants, when criminalized, aligns closely with

trafficking—more than voluntary migration. Therefore, legal conflations are made between forced and voluntary migration, caused by the incessant criminalization of the movement of some immigrants. This law kick started the federal centralization and control of immigration as it became a growing political issue in the United States (Ewing, 2012). Through criminalizing the movement of certain people based on race (often conflating non-white people with immorality), the United States used immigration laws to start to control the population of the state and regulate those deemed unworthy of entry (Ewing, 2012). This included controlling the number of criminals entering the United States.

In a similar vein, the Immigration Act of 1903, also called the Anarchist Exclusion Act, attempted to further restrictions based on criteria extending beyond race—including political ideology and, again, perceived immoral behaviors. With this law, all "importers of prostitutes" were banned, as well as sex workers of all races (Cohn, 2015). The Immigration Act of 1903 exemplifies another intersection between immigration, sex work, and sex trafficking, insofar as the law was a response to changing tides of immigration and resulting fears brought up by it. Additionally, it was an attempt to control the makeup and morality of the population through racial purity of the nation (Ewing, 2012).

20th Century Developments in Trafficking and Immigration Legislation

Blatant anti-sex work and, similarly, anti-immigration sentiments were expressed in legislation from the late 19th and early 20th century. An example of this can be seen in another federal extension of the commerce clause, with the 1910 Mann Act, also known as the White Slave Traffic Act. This law criminalized crossing state lines with the purpose of engaging in full-service sex work. The law's primary focus was addressing "forced prostitution" (Wagner & McCann 2017; Weiner, 2008). Yet, "reliance on the clause created an undue legislative focus on

the intersections between forced prostitution, physical and interstate movement, and immigration" (Wagner & McCann, 2017, p. 29). The Mann Act was the first federal anti-sex work legislation, before full-service sex work was outlawed, and was subsequently used to prosecute sex trafficking (Kaigh, 2009).

The Mann Act was a product of the new industrial revolution in the U.S., when women were gaining more independence and financial freedom, there were rapid shifts in immigration, and gendered social roles were becoming cemented in U.S. culture (Ewing, 2012; Petillo, 2018; Weiner, 2008). There was a growing moral backlash in response to this changing environment, in which women were freer to express their sexuality and become more financially independent than was previously allowed (Desyllas, 2007). White Americans expressed apprehensions concerning women's sexual and racial purity in the midst of this societal shift (Petillo, 2018). The media frequently featured stories about immigrant cartels snatching women off the street and forcing them into sex work and produced general suspicion of non-white people (Baker, 2013; Petillo, 2018; Weiner, 2008). In fact, the white slavery scare was almost entirely made up but publicized by a few newspapers in 1909, which gave the myth huge popularity (Donovan, 2006). Because the ideal women of the time were white, pure, submissive, and sexually unavailable until marriage, people began "conflating white slavery with sexual immorality"—combining their xenophobic fear of immigrants with their socially constructed fear of trafficking and female sexuality (Petillo, 2018, p.331). This shared belief was a crucial point in the history of the construction of sex trafficking victimization. Fragile, pure white women were painted as the default victim of sex trafficking, cementing notions of ideal womanhood and ideal victimhood.

The two worries of trafficking and female sexuality are interconnected—in order to sustain the fear of white slavery, there needed to be a common enemy with which to band against and protect women from the threat of forced sex work (Petillo, 2018). The immigrant became that enemy, and this anti-immigration ideology underscored federal sex trafficking legislation, primarily concerned with locating and rescuing sex trafficking victims. Constructing the immigrant as a threat to female sexuality reinforced the idea that immigrants in general were suspect, and that they should be monitored and regulated by the government to prevent criminal activity from happening in the United States—or more truthfully, prevent those who were indiscriminately criminalized from entering. This stood in stark contrast to the innocent white victim, both reinforcing each other. The Mann Act, in this sense, helped create the crisis of human trafficking.

Anxieties over growing immigration rates spurred interest in sex trafficking (Desyllas, 2007; Weiner, 2008). Unease associated with white slavery was born out of a growing fear of the unknown population of immigrants and was the dominant civic reaction to societal shifts. This framed the crisis of white slavery and shifted the conversation from one of general human trafficking to specifically that of exploitative sex trafficking, revealing much about the standards of sexual purity and subsequent social fears surrounding female sexuality at that time (Baker, 2013; Desyllas, 2007). The crisis of white slavery, which was shaped by the xenophobic fear of immigration, illuminated prominent social attitudes people held about sex work. These attitudes were overwhelmingly negative and "[resulted in] laws restricting women's mobility in the interest of protecting them" (Baker, 2013, p. 2).

The fear generated from the crisis of white slavery in part shaped the coming immigration regulations of the 20s. The Emergency Quota Act of 1921 created a numerical quota system to

limit the number of immigrants coming in per year. The quota system allowed for only 3% of immigrants from each nationality, based on a 1910 census of the United States (Cohn, 2015). Quotas were used as a way to keep the American population in balance, and reflected the anxieties associated with such changing populations. Similarly, the Labor Appropriations Act of 1924 created border control to combat illegal immigration and smuggling, closely aligned with human trafficking (Cohn, 2015). In that same year the Immigration Act of 1924 was established, decreasing the percent of immigrant from 3% of one nationality to 2% of that nationality, as well as decreased the quotas of allotted immigrants from 350,000 down to 165,000—more than half the number previously allowed in (Cohn, 2015).

This version of the quota system used the 1890 census to calculate the percent of immigrants allowed in from each nationality, which reflected the desire to control the American population and return it to pre-WWI European immigration levels, further restricting the immigration of people of color (Ewing, 2012; Cohn, 2015). The government chose to use an older version of the census data to manipulate the percent of immigrants allowed into the United States that would favor Northern Europeans (Cohn, 2015). Immigrants were seen as destroying the American way of life; thus:

> racist immigration laws passed in the 1920s, […and they] led to strengthening the U.S. borders and the restriction of migrants from Eastern and Southern Europe and Asia. The period afterwards did not see trafficking on the U.S. and international agenda to such an extent or urgency as it was seen to resurface again in the 1990s. (Desyllas, 2007, p. 61)

Although the sex trafficking crisis took a backseat until it was resurrected with full popularity in the 90s, there were other laws that impacted the development of the late 90s and early 2000s legislation regarding sex trafficking, including sex work and immigration laws. The

May Act of 1941 prohibited sex work near any Army or Navy bases (Rowley, 2007). This law was passed during war times and was meant to protect soldiers from venereal diseases (Romm, 2015). Promiscuous activity was targeted and regulated by the government in an attempt to reduce the chances of spreading venereal diseases and keep soldiers ready for war (Hegarty, 1998). Federal authorities detained and quarantined hundreds of women across the country in order to protect men (Romm, 2015). At first, the law was only applied to those thought to be sex workers, but eventually it was used indiscriminately to detain any women who was deemed suspicious or delinquent (Romm, 2015). This sex work law that was used to control women and their movement is another example of federal overreach which allowed the government to regulate the sexualities of women, reflected in trafficking legislation.

Eventually, the Chinese Exclusion Repeal Act, also known as the Magnuson Act of 1943, passed while the U.S. was increasing their level of cooperation with China during WWII (Ewing, 2012). The quota cap, however, was only set to 105 immigrants of Chinese descent. Ultimately, immigration was restored for all Asian nations, but Japanese internment camps and the denial of citizenship indicates that, although overt racial restrictions were decreasing, nationality and citizenship were still being determined by racial concerns over diluting American culture and corrupting white society (Ewing, 2012). The image cast of immigrants during this time has left its legacy on views of criminality and morality in the United States—one which ostracizes the immigrant and sees them as a threat.

Immigration started to increase as WWII progressed and more workers were needed to fill the gaps men left when they went to war (Ewing, 2012). Women and immigrants were primarily the ones who filled the employment gap in the United States (Ewing, 2012). Immigration is a key focus here insofar as many people trafficked into the United States were

(and still are) migrant workers who are influenced by immigration legislation, either as a victim or a criminal (Loftus, 2011). While not directly legislating about sex trafficking, the Immigration and Nationality Act of 1952 demonstrates the changing views on immigration during the early half of the century, which in turn influenced the image of the criminal trafficker.

Previous immigration laws were premised on generally unimpeded immigration, where most were free to come, save the undesirable immigrants (see previous Page Act, Chinese Exclusion Act). Loftus (2011) explains that "the development of U.S. immigration laws from unimpeded immigration to a highly regulated field culminated in the enactment of the Immigration and Nationality Act of 1952," which set up categories of admissibility immigrants would have to meet in order to be granted entry into the United States (p. 161). There were also other exclusion categories, such as health-related exclusions, immigration violations, poverty, or criminal record, as well as deportation stipulations (Loftus, 2011). Although the Immigrant and Nationality Act of 1952 "formally eliminated race as a basis of exclusion from the United States, it retained the racist bias of the national-origins quota system" (Ewing, 2012, p. 5). In this sense, the law reduced the number of immigrants allowed in by reducing the caps to 1/6 of 1% of each nationality from the 1920 census data. Because the census was older and reflected past immigration patterns, as opposed to more current and diverse ones, this law helped primarily immigrants from the UK, Ireland, and Germany (Cohn, 2015). Data from the census was limited due to the restrictive immigration laws in place in the 1910s, so the focus of these laws was still racial population control.

These categories of admissibility have seamlessly integrated with previously generated ideas of *good* and *bad* immigrants. On the one hand, images of the good immigrant reflect those who came to the United States legally, mostly from Europe, and represent economic prosperity

for the nation. The bad, deportable immigrants were connected to crime and vice, only seeking to degrade America. These images reflect the previously legislated crisis of sex trafficking conjured up by the Mann Act (1910), which prompted fears of white slavery at the hands of vile immigrants. Exclusions in these laws were based on immigrant violations that, for example, include moving unauthorized immigrants across the border, which mirrors trafficking violations.

The Immigrant and Nationality Act of 1965 replaced the national origin quota system of 1952 with a seven-category preference system that emphasized the immigration of skilled workers and family reunification (Cohn, 2015). Numerical restrictions still applied (Ewing, 2012). Additionally, the Western hemisphere was exempt from the preference categories and immigrant caps until 1976 (Cohn, 2015). This law ceded much of the government's power on controlling which races were allowed to immigrate, but still allowed for them to dictate what a *good* immigrant and a *criminal* immigrant looked like. As one might expect, without the race restrictions in place, there were major shifts in immigration, which in turn changed the racial makeup of the United States (Jaggers et al., 2014). Legal immigration changed from primarily Europeans to largely Asian and other immigrants from the Northern Hemisphere (Jaggers et al., 2014). With that change brought racial apprehensions and further initiatives to criminalize immigrants of color moving to the United States. The preference system put in place by the 1965 law fit into the categories set up in the Mann Act and the Immigration and Nationality Act of 1952: the scary immigrant who is a threat and the good immigrant who is hardworking and helps build the nation-state. While race might not have been an explicit factor in immigration admissibility, the regulation of morals and assimilability became the new standard of exclusion—with heavily racist undertones (Kilty, 2002). When the immigration officers understood race to be indictive of moral character, the exclusions became racial in all but name.

The conception of criminal *alien* immigrant remained unchanged throughout the 20th century in the eyes of the American public, but the concept of the ideal or perfect victim of human trafficking began to shift. According to Blithe, Wolfe, & Mohr (2019), "the dominant trafficking narrative resonates with the most familiar constructions of 'white innocent femininity'; purity, unsullied by sexual experience in the case of girls in the West, or innocent victims contaminated by the West in the case of Asian girls and women" (p. 45). Images of the innocent white woman snatched off the street revive old feelings surrounding the Mann Act, yet with world globalization and the rise of trafficking, the poor Global South migrant worker was also recognized as a victim in need of being saved. With political upheaval happening around the world, however, governmental recognition of the immigrant refugee and/or victim served as the representation of the deserving immigrant who needs to be rescued (Chapkis, 2003). As such, there were several laws put in place since the 1952 Immigration and Nationality Act that recognized refugee as a category of immigrant. Laws in 1953, 1962, 1975, and 1980 all expanded access to the United States to immigrant political refugees (Cohn, 2015).

The Refugee Act of 1980 expanded annual admission for refugees and removed refugee from the immigrant preference system, so they no longer were counted in the total numerical visa cap on immigrants (Cohn, 2015). This ended up bringing the total numerical visa cap down from 290,000 to 270,000 people. World crises in South America, China, Haiti, South Korea, and more caused a large influx of refugees to come to the United States (Cohn, 2015).

Refugee protections were juxtaposed with harsher immigration regulations and border control, along with the strict "tough-on-crime" rhetoric of the 1970-80s and political victim-blaming of immigrants for over-crowding in prisons (Kerwin, 2018). Mixing immigrant relief and immigrant criminalization only furthered the divide between the good immigrant and the bad

immigrant discourse, which influenced the public perception of immigrants and, therefore, affects and has affected future policies. I will unpack this divide in later chapters of this thesis, highlighting the ways its rhetorical construction helps inform the ideograph of perfect victimhood. The Immigrant Reform and Control Act of 1986 (IRCA), along with the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), both added to this divide. The IRCA created a path to citizenship for immigrants, but only for those who were considered skilled workers and who had lived in the U.S. since 1982 or who were essential agricultural workers (Cohn, 2015). While it was great for many immigrants to gain legal permanent residence (LPR) status, the law also put sanctions on employers who hired undocumented workers and increased border enforcement. Similarly, the IIRIRA increased immigration enforcement, consolidated deportation processes, increased the number of deportations, and increased mandatory detention of immigrants (Kerwin, 2018).

By the start of the early 90s, transnational organized crime became a major concern, due to the boom of globalization, and sex trafficking returned to the frontlines as a significant topic for public debate (Jani, 2010). The IIRIRA rode on the back of two other pieces of legislation in 1996: the Anti-terrorism and Effective Death Penalty Act and the Personal Responsibility and Work Opportunity Reconciliation Act, which expanded criminal deportation and eliminated immigrants' access to public benefits. This meant that the definition of *criminal* changed; it was widened to include offenses previously not considered deportable. Solicitation-related offenses and "aggravated felonies," which includes human trafficking, are deportable offenses that qualify for the expedited removal process under the IIRIRA (Kerwin, 2018). Here, human trafficking explicitly crosses paths with immigration law and enforcement once again. As Chacón (2010) stated, "the ability to invoke the plight of the unfortunate trafficking victim to justify

immigration enforcement puts a human face on both sides of an equation that otherwise seems to pit the economically disadvantaged migrant against the large and unsympathetic state" (p. 1642).

Additionally, the IIRIRA conflated criminality with a lack of immigration status, which in turn entrenched the concept of "criminal alienhood" (Kerwin, 2018). This, then, influenced the language adopted by anti-trafficking rhetoric campaigns, finding the immigrant as the common enemy; therefore:

> by fueling the myth of the migrant as a criminal, antitrafficking rhetoric compounds the myth of migrant criminality. If migrants are perceived as dangerous criminals, the routine prosecutions of misdemeanor illegal entry seem like a logical and desirable border-security measure. (Chacón, 2010)

The IIRIRA also created the 287(g) programs through the law, which enabled state law enforcement to act under federal jurisdiction in the case of prosecuting an immigration violation. Just before the 21st century, punitive measures against immigration were on the rise, and those immigration laws were often used to prosecute human traffickers (Chacón, 2010). This, of course, was before the crime of sex trafficking was named and addressed in the law, which I will review in the proceeding section.

Early 21st Century Legislation and the (Re)Creation of the Sex Trafficking Crisis

Sex trafficking was not an explicit federal crime until 2000 (Wagner & McCann, 2017). Before then, the act was prosecuted through immigration, involuntary servitude statutes, the Mann Act, and certain labor laws (Jani, 2010). Global pressures to address human trafficking more directly were on the rise in the early 2000s (Desyllas, 2007). The United States government decided to act on these pressures, especially after the discovery of some Asian sex trafficking rings on the West Coast in the 1990s and subsequently hyper-sensationalized the crimes through

the years, emphasizing the threat it posed to the American public (Jani, 2010; Wagner & McCann, 2017). With this media attention rising and the fear of trafficking materializing in the minds of the everyday American, radical feminists and the religious right—in an unlikely partnership—led the charge against sex trafficking (Berman, 2006). They gained media attention and their voices were amplified in the debates over sex work and sex trafficking. Some of them made arguments that claimed all full-service sex work was sex trafficking and violent towards women, necessitating a need to be addressed with sex trafficking laws (Berman, 2006). These culminating factors ultimately led to the creation of the Trafficking Victims Protection Act of 2000 (TVPA). It also led to the resurrection of the trafficking crisis seen in earlier centuries.

The Clinton administration began to push for a "U.S. position on trafficking involving the three 'Ps'—Protection, Prevention, and Prosecution," which the Bush administration continued (Jani, 2010, p.31). The TVPA gained bipartisan support and passed Congress with ease, primarily due to the attention that sex trafficking had garnered through media sensationalization of a few cases from the 90s (Berman, 2006; Wagner & McCann, 2017). The goal of the bill was to criminalize all forms of trafficking persons and put in place a system of punishments. This significantly impacted immigration policy by allowing victims to stay in the United States to testify against their traffickers, and established programs for victims' skill development and health needs (Jani, 2010). Although there was emphasis placed on protection of victims, the law was overwhelmingly punitive, seeing as "American anti-trafficking laws dealt with issues primarily concerning the punishment side with heavy involvement of law enforcement, which further increased after the 9/11 event" (Jani, 2010, p.33).

The aims of the TVPA were not only to assuage sex trafficking. The prosecution element of the law still relied on the commerce clause, which kept the crime of sex trafficking one of

movement. Efforts by radical feminists and the religious right to control sex work, by way of trafficking, had to rely on the commerce clause to ensure the crime could be prosecuted at the federal level, instead of at the state level. In fact, Wagner and McCann (2017) state that:

> the TVPA attempts to redress a *constitutional violation of human rights* that is occurring *nationally*. But the Commerce Clause makes the distance a victim is transported and the location of the crime the focal points of sex trafficking, rather than the nature of the crime. (p. 61)

As such the law drew attention to federal overreach in the law, as well as the image of the immigrant trafficker who manipulates women from the Global South into sex slavery (Chapkis, 2003). This narrative was weaponized against immigrants and, especially in the case of state agents working under the 287(g) program, trafficking legislation was caught up in "a trend toward more state participation in the regulation and criminalization of unauthorized migration" (Chacón, 2010, p.1643). Therefore, "prosecution" in the TVPA's "anti-trafficking efforts seems to have focused much more on cracking down on prostitution and [unauthorized] immigrants than really protecting innocent women from getting sucked into the organized crime of trafficking" (Jani, 2010).

The law also touts prevention as one of the three "Ps," and the TVPA's prevention measures included creating an office to monitor trafficking in persons. This office puts out an annual Trafficking in Persons (TIP) Report, which assesses foreign government's anti-trafficking measures, as well as an inter-agency task force to monitor trafficking (Berman, 2006). This report sorts countries into different tiers, according to how large of a human trafficking problem they have and the government's efforts to address that problem. This tier system allows the U.S. to judge other nations' ability to handle human trafficking, based on the explicitly anti-sex work

agenda, which informed the expansion of the TVPA. This tier system is a representation of the imperialist overreach of the U.S. government insofar as it enables the United States to police the world under the guise of addressing human trafficking (Desyllas, 2007). For example, there is an "interesting parallel between those countries that are ranked [at the lowest tier] and their poor political relations with the U.S." (Desyllas, 2007, p. 67). Because the TVPA and resulting TIP report is a form of blatant imperialism, it allows the U.S. to impact foreign policies on sex trafficking, as well as immigration (Desyllas, 2007; Jani, 2010).

Finally, the protection element of the TVPA reveals another heavy overlap between immigration law and sex trafficking. The TVPA created the T-visa, a visa that enabled victims of human trafficking to remain in the United States. While the T-visa was created with good intentions, many stipulations are attached to it that impact the amount of people who can receive it. For example, at the time, a T-visa was only attainable to undocumented victims of trafficking who could prove *inter alia* that "severe trafficking" occurred and if they returned to their home country they would face severe hardship (Rieger, 2007). *Severe trafficking*, according to the TVPA, is:

> (A) sex trafficking 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; or
> (B) 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. (Trafficking Victims Protection Act, 2000)

This means that victims not only had to be identified as a trafficking victim, as opposed to unauthorized immigrants or criminalized sex workers, but they also had to prove their trafficking

is severe enough to warrant their stay (Rieger, 2007). Force, fraud, and coercion is hard to prove, especially cases that do not include physical force or harm. In addition to those restrictions, under the 2000 TVPA, victims also had to agree to testify against their trafficker in order to receive the visa. In essence, the T-visa was made with the ability for prosecution to build a good case against traffickers in mind. Less concern was given to the victim's safety, security, or wellbeing (Rieger, 2007). Basically, in order to get a T-visa, victims would have to: be identified as a victim by law enforcement (which is often times flawed); be verified by the Department of Health and Human Services; prove that they suffered severe trafficking as per the legal definition; and agree to cooperate with law enforcement—despite threats made to victims by traffickers, which might discourage their participation in such proceedings (Rieger, 2007; Jani, 2010). In fact, the number of allocated T-visas never meet their already extremely low cap of 5,000 individuals (compared to estimations of trafficking victims in the U.S. at 403,000 people) because the conditions and stipulations are almost impossible to meet (Bejinariu, 2019; Garcia, 2019b; Jani, 2010). The line is drawn between deserving migrants who should get a T-visa and the undeserving economic migrant or voluntary sex workers who deserve their poor working conditions for choosing such a job (Berman, 2006; Chapkis, 2003).

The Bush administration that oversaw the enforcement of the TVPA was generally anti-sex. They were anti-condom use, pro-abstinence, pro-life, and pro-nation, which was reflected in the values they inflicted on their own, as well as other countries' anti-trafficking and immigration policies (Berman, 2006). The government's immigration control also reflected these sentiments in the various 2001 and 2002 immigration and border security measures, such as the Patriot Act, the Enhanced Border Security and Visa Entry Reform Act, and the Homeland Security Act. All these laws strengthened policing, border security, and restrictive immigration

regulations. These punitive punishments were typical of the administration; the "U.S. government prefers repressive strategies [in anti-trafficking legislation] because they are simple and in accordance with other agendas, such as immigration control, ending organized crime, imposing ideologies onto other countries and maintaining women's morality and sexuality" (Desyllas, 2007, p. 72).

There have been other iterations of the TVPA through its reauthorizations in 2003, 2005, 2008, 2013, 2015, and 2019. In 2003, the TVPA gave victims more freedom to sue their traffickers in federal court for damages and restitution (Rieger, 2007). There were also other measures to oversee implementation of the TVPA and generate reports on anti-trafficking efforts, as well as continue to monitor other nations' efforts. The secretary of state, in this version of the law, monitors other countries and can deny them aid if they are deemed to have a human trafficking issue (Berman, 2006). Written into the law was a restriction against giving funding to NGOs or other groups that support the sex industry in any way, including consensual full-service sex work, since the consensual distinction between full-service work and sex trafficking was not reflected in the law (Berman, 2006). Thus, while it might not consider all forms of sex work to be trafficking, it certainly imposes a view of trafficking, which erases consensual and circumstantial workers.

In 2005, the TVPA was reauthorized with a few minor changes in jurisdictional issues and grant disbursement. A set of grants were given to local law enforcement agencies through different federal and state cooperation measures (Doyle, 2015). Now, state and local law enforcement were able to act as federal agents through antitrafficking measures in the 2005 TVPA, as well as through the 287(g) programs established by the IIRIRA and resurrected by the Bush administration to fight unauthorized immigration in the United States. The 2005 TVPA

also relaxed the requirement forcing sex trafficking victims to cooperate with law enforcement as a condition of receiving their T-Visa, if conditions were met and the request was deemed unreasonable (Chacón, 2010). The 2008 William Wilberforce Trafficking Victims Protection Reauthorization Act added new measures to deter trafficking, including: adding new obstruction of justice crimes, recognizing threat of abuse as a credible claim to victimization, prosecute employers who advertise false working conditions, penalize benefiting financially from trafficking, and expanding protections for T-visas (Doyle, 2015). This iteration of the TVPA was more survivor centric, yet further criminalized human trafficking and, in turn, movement. This is because using an approach that centers criminal justice to fight organized crime and conduct border control uses "sexual harm as a justification for restricting women's movement" (Miller, 2004, p. 34; as cited in Desyllas, 2007, p. 69)

The reauthorization of the TVPA in 2013 made a few minor adjustments, including: extending the statute of limitations for civil suits, building partnerships with governmental and private entities to prevent trafficking in supply chains of goods, increasing minimum standards for the TIP report, making holding other's immigration documents a crime, and adding reporting requirements to the TIP report (Doyle, 2015). The 2015 version of the TVPA, the Justice for Victims of Trafficking Act of 2015, added more tools to address human trafficking including: adding advertisements to the mode of commission; furthering forfeitures from traffickers; and creating the national strategy to combat human trafficking. According to Wagner & McCann (2017), "the Mann Act of 1910, the Civil Rights Act of 1964, the Trafficking Victims Protection Act of 2000, and even the Justice for Victims of Trafficking Act of 2015 were all enacted pursuant to the Commerce Clause," despite movement not being a key requirement of the crime (p. 33).

Obama did not do anything particularly different or interesting with the TVPA, and his rhetoric matched that of his predecessors. In terms of immigration, however, Obama was on the face of it less harsh and more accepting of immigrants (Cisneros, 2015). Upon closer examination, however, Cisneros (2015) mentions how Obama created a good/bad immigrant dichotomy with flagship pieces of legislation like the Deferred Action for Childhood Arrivals (DACA). In delineating the good immigrants who should stay—young, innocent children and youth—and the bad immigrants who should leave—their criminal border crossing parents—he makes implicit arguments against a large group of immigrants and undocumented folks. Essentially, although Obama looked less tough on immigration, he actually reinforced immigration rhetoric seen in his predecessors and, thus, did not make significant changes to the immigration rhetoric of the time (Cisneros, 2015).

Today's Trump era sex trafficking and immigration measures might seem new and extreme in its anti-immigrant sentiments, but the foundation of his actions and policy direction towards migrant workers and families was a foundation laid by such laws as the IIRIRA, the TVPA, and various other border security measures (Kerwin, 2018). As Trump gained popularity in the republican primary elections, presidential elections, and eventually won the presidency, his rhetoric towards migrants remained deeply xenophobic (Hing, 2018). This made him popular among republican voters and, in turn, became a major platform of his campaign and presidency. There was a loud minority that agree with Trump's rhetoric, but in general the voter population held mixed opinions on immigration (Hing, 2018). Because of this, Trump implemented several different executive actions to deal with immigration, such as: the Muslim travel ban; expanded expedited deportations; issued orders to prosecute all illegal border crossing as criminal offenses; conducted mass ICE raids and deportations; made calls to build a border wall; threatened funding

to sanctuary cities; expanded the 278(g) program; and reinstituted the secure communities program (Hing, 2018). These measures were all highly controversial due to the increasing political focus on immigration policy.

Something that was not as controversial as Trump's immigration policy was the human trafficking law, Allow States and Victims to Fight Online Sex Trafficking Act of 2017 (FOSTA-SESTA). FOSTA-SESTA amended section 230 of the Communications Decency Act to remove internet "safe harbors" and hold platforms like Facebook and Instagram liable for third party content hosted on their site (Romano, 2018). This bill was meant to help reduce the amount of online human trafficking in the United States, and it had bipartisan support when it passed Congress in the wake of political upheaval from the Trump presidency (Petillo, 2018; Romano, 2018). Despite little debate in Congress, FOSTA-SESTA was highly contested by the people affected by its changes, in particular, human trafficking victims and full-service sex workers (Romano, 2018). The TVPA 2019 was also reauthorized without opposition. TVPA 2019 was a series of 4 different bills that increased penalties associated with trafficking, developed victim screening protocols for all level of enforcement, and different funding grants, among other things (Murphy, n.d.).

Trump's stance, which further criminalizes immigration, is similar to the position he has taken against trafficking. In general, the administration is moving towards more criminalization. The trope of the immigrant trafficker is only emboldened through Trump's rhetoric about criminal immigrants (Hing, 2018). Therefore, his criminal approach to immigration encroaches on his approach to criminal prosecutions of human traffickers as well. In the next section, I will review some Nevada laws concerning sex work and sex trafficking, as well as illustrate how Nevada is situated within this federal landscape.

Regulations of Sex Work in Nevada

The Nevada Revised Statutes (N.R.S) only have two sections relating to sex work (Brents & Hausbeck, 2005). According to Brents and Hausbeck (2005):

> prior to the law-making prostitution illegal in countries with populations exceeding 400,000, there was no state law on prostitution at all. Historically, there have been a patchwork of various informal practices and formal public policies employed across the state, some to criminalize prostitution and others to regulate it. (p. 276)

That law was later adjusted to populations of 700,000 or less (Blithe et al., 2019). Major cities, such as Las Vegas and Reno, do not have legalized full-service sex work because of these restrictions. These regulations extended to sex trafficking, which was recognized as a problem, yet the state did not codify the term, sex trafficking, in the law until 2013 (Doughman, 2013). Before sex trafficking was introduced as a legal term, Nevada regulated the sex industry in a variety of unofficial, quasi-legal, and legal ways. Moreover, Nevada's sex trafficking laws today are influenced by the unique legal landscape that allows and regulates full-service sex work, unlike anywhere else in the United States.

Blithe et al. (2019) note that "the history of the state of Nevada, including the history of its legal brothels, is closely linked with its mineral riches hidden in the ground" (p. 58). The minerals attracted miners, which in turn heavily increased the number of working men in the Nevada area, shaping Nevada's economic development. Because men largely outnumbered women, many were willing to pay for the company of women; thus, a relationship developed between the growth of the mining industry and the rise of brothel boardinghouses (Blithe et al., 2019). Zoning laws, passed at the turn of the century, restricted vice to a designated area within the Las Vegas township in 1901 (Brents et al., 2010). Earlier laws did not permit brothels to be

within 400 yards of a school or principal street, and were later expanded to include churches (Brents et al., 2010). In 1913, Nevada prohibited pandering, living off the earnings of an illegal full-service sex worker, and advertising (Brents et al., 2010). In 1923, a brothel licensing bill passed (Brents et al., 2010).

Brothels existed in a quasi-legal state in the early 1900s, in a designated red-light district called Block 16 (Brents et al., 2010; Rowley, 2007). Although Nevadans were accepting of sex work, there were moralists against the act and they pushed to eliminate the sex industry (Brents et al., 2010). This tolerance, if not appreciation, for sex work and vice was distinctive, and not reflected generally in the greater U.S. because it was such a major part of the local economy—something the people of Las Vegas recognized (Brents et al., 2010; Rowley, 2007). Sex workers were supposed to keep a low profile; they were not allowed to be in public places, work during the daytime, speak with respectable men, or wear provocative clothes (Blithe et al., 2019).

In the 1920s, Las Vegas turned to tourism to uplift the slowing economy (Brents et al., 2010). Tourism was conducive to the growth of sex work, particularly in Las Vegas, which capitalized on vice in the era of prohibition (Blithe et al., 2019). Increased federal presence, however, "directly influenced local policy," particularly in Southern Nevada (Rowley, 2007, p. 1). Federal involvement in communities in Southern Nevada, through events such as the construction of Hoover Dam, installation of federal buildings, and the establishment of the Las Vegas Air Gunnery school and Nevada test site, shaped the changing views concerning sex work—especially in Las Vegas (Rowley, 2007). In fact, in 1929 federal officials requested Las Vegas to disband Block 16 so a post office could be built. Locals resisted, and Block 16 remained (Brents et al., 2010).

The federal government used their influence, in the form of federal dollars going to the new construction and other work happening in southern Nevada, to demand an end to sex work in Las Vegas in 1941 via shutting down Block 16 (Rowley, 2007). In 1942, the city of Las Vegas passed an ordinance outlawing sex work within a one-mile radius around the city (Brents et al., 2010). Federal influence could not be escaped if Nevada, particularly cities like Las Vegas, wanted to enjoy the benefits of federal spending and development in the area, bringing with it jobs and economic stimulus (Brents et al., 2010; Rowley, 2007). In an attempt to bypass trying to end brothel work in Southern Nevada, Las Vegas city officials tried to set up a new red-light district, the Meadows (Rowley, 2007). This, however, was a fleeting attempt to save the brothels, and army officials preparing for WWII demanded it be shut down. City officials complied (Rowley, 2007). In 1948, brothel regulation was delegated to the localities (Blithe et al., 2019). By the mid-1950s, Las Vegas brothels had shut their doors for good (Brents et al., 2010).

WWII brought about changing attitudes towards the previously tolerated profession of sex work, leading to the end of open full-service sex work in urban areas of the state (Brents et al., 2010). During WWII, various local officials worked hard to please federal officials by implementing a policy of "forced isolation" of women suspected to be full-service sex workers to stop the spread of venereal disease (Rowley, 2007). After WWII, as the federal government's power was on the rise, the Roxy—a famously tolerated brothel in Las Vegas—was raided by the federal government in 1955 and shut down. The owners were charged with violating the Mann Act (Rowley, 2007). Rural brothels, on the other hand, were unthreatened (Brents et al., 2010). This federal imposition on a state brothel is indicative of the apparent overlap between sex work regulation and sex trafficking in Nevada, as well as federal overreach into the state dealings concerning sex work.

In 1971, a bill was passed that outlawed brothels in counties of 200,000 or more people, excluding only Clark County. It was not until a Nevada Supreme Court decision in 1980 "ruled that a county with a population of less than 400,000 people could actually regulate and license brothels, effectively establishing a pattern of 'local control' in brothel regulation" (Brents et al., 2010, p. 75). The 1980's HIV/AIDS epidemic helped cement some of the health and safety regulations brothels follow today, such as mandatory condom use. Partly in response to the scare, brothel owners banded together in 1985 to form the Nevada Brothel Association, which lobbied for brothels and their long-term interests (Brents et al., 2010). Historically, sex workers in Nevada enjoyed at least some social and political support, especially when compared with the rest of the nation. They could choose that line of work. This history in Nevada is particularly interesting because it contradicts the inherent lack of agency abolitionists prescribe onto who they consider victims of sex trafficking.

Overlapping Laws: Legislating Sex Work and Sex Trafficking in Nevada Today

Existing data from the National Human Trafficking Hotline (2019) seem to suggest that trafficking in Nevada is only increasing; in 2012 there were 56 cases of human trafficking reported, in 2014 there were 159 cases reported, 199 cases were reported in 2017, 313 cases were reported in 2018, and six months into 2019 there were 124 cases reported (Bejinariu, 2019; Garcia, 2019a; Spencer, Peck, Dirks, Roe-Sepowitz, Ryon, Bracy, Gallagher, Hogan, Leary, Massengale, & Frenzel., 2014). Of the cases reported in Nevada in 2019, 100 were sex trafficking related and 14 victims were foreign nationals (National Human Trafficking Hotline, 2019). According to the most recently available Nevada Uniform Crime Report (Nevada Department of Public Safety, 2018), law enforcement arrested 2,760 people on prostitution charges, 29 people on facilitating prostitution charges, and approximately 25 people were

arrested for human trafficking. Despite this, only 527 confirmed sex trafficking victims were located throughout the entire United States through 2008-2010, and only 21 of those people received T-visas (Heineman, MacFarlane, & Brents, 2012). Clearly, human trafficking is of major concern in Nevada—but the state provides a unique backdrop for this problem for one major reason: legal full-service sex work. Nevada is the only state in America that allows legal full-service sex work in some counties. Despite legal full-service work, there are strict laws and regulations that sex workers and brothel owners must abide by (Blithe et al., 2019; Brents & Hausbeck, 2005).

The primary statute charting full-service sex work laws differentiates between the legal, brothel employed sex worker and the illegal, unlicensed sex worker. According to N.R.S. Section 201.354, "Engaging in Prostitution or Solicitation," if full-service sex work is taking place outside of a licensed brothel—such as on a street corner, in an unauthorized brothel, or in a county that has outlawed forms of solicitation—then that full-service sex worker will be charged with a misdemeanor. The purchase of illegal sexual acts from a sex worker is also a misdemeanor (Blithe et al., 2019). "Keeping a disorderly house," or brothel, is a misdemeanor crime as well (N.R.S.§ 201.420). Additionally, people are not allowed to advertise non-licensed brothels or full-service sex work in a place of business or anywhere that selling sex is outlawed (N.R.S. § 201.440). These restrictive laws are meant to curb the presence of the sex industry, even though selling sexual acts in itself is legalized in some areas (N.R.S. § 201.320). This contradiction enables the law to prescribe a level of victimization into all sex workers—despite some of their legal status.

Apart from the stringent laws and regulations on full-service sex workers and their conduct, Nevada's legalized scheme also concerns the regulation of brothels. To become a

licensed brothel in the state of Nevada, an owner is required to go through a professional licensing board that reviews potential brothels, distributes licenses, and disciplines misconduct in brothels (Blithe et al., 2019; Brents & Hausbeck, 2005) Sex workers in brothels also must meet a slew of requirements: They have to be at least 18 years old, conduct and submit regular HIV and STD testing to the state, and are required to use condoms. Brothels must be at least 400 feet away from a religious site or school, cannot be on a principle street, and cannot publicly advertise their services (N.R.S. § 201.300; N.R.S. § 201.345; N.R.S. § 201.356; N.R.S. § 201.380). These crimes targeting illegal sex work would result in a person being charged with a misdemeanor offense in the state of Nevada. Misdemeanors, unlike felonies, do not always require offenders to serve jail sentences; however, the lasting effects of felony and misdemeanor charges can be equally inhibitory (Rhodan, 2014). Additionally, for immigrants, solicitation is considered a crime of moral turpitude in Nevada and could lead to deportation under certain conditions, such as repeat offenses and committing the crime within five years of being admitted into the United States (Las Vegas Defense Group, n.d.).

In Nevada, forcing people into sex work, via sex trafficking (otherwise known as pandering), is illegal. One of the two statutes dealing with sex work included provisions on pandering, which in 2013 was legally amended as the sex trafficking statute (Forrey, 2014; N.R.S.§ 201.300). This amendment, A.B. 67, established the crime of sex trafficking in the state of Nevada, provides victims state assistance, enables victims to sue traffickers in court, and increases penalties for trafficking (A.B. 67, 2013; Forrey, 2014; State of Nevada, 2013). Also in 2013, A.B. 311 passed, which established a contingency account for the victims of human trafficking (A.B. 311, 2013; `State of Nevada, 2018). In 2019, S.B. 173 passed, which allowed certain people identified as victims of sex trafficking to vacate or seal convictions relating to

their trafficking, such as prostitution charges acquired while in trafficking conditions. Finally, S.B. 9 also passed, which extended the statute of limitations for trafficking (Dentzer, 2019). A.B. 166 was also passed in 2019, along with A.B. 158, which loosens penalties against child sex trafficking victims, and A.B. 216, which creates a database to help victims of trafficking (Kaufman, 2019).

Pandering, now sex trafficking, is the coercive or forcible arrangement of another person, against their will, into sex work (N.R.S. § 201.300). Sex trafficking laws in Nevada are extremely punitive and criminalize all aspects of coercive trade (N.R.S. § 201.300). Child trafficking penalties include consequences for anyone convicted of trafficking a child 14 years of age or younger for the purpose of sex, with a minimum sentence of life in prison with the possibility of parole after 15 years. There is also no possibility of probation, and up to a $20,000 fine. (N.R.S. § 201.300).

Others have tried to postulate on the problem of sex trafficking in Nevada (Baker, 2014; Farley, 2007; Forrey, 2014; Human Trafficking Initiative, 2018; Letourneau, 2007; Spencer et al, 2014; Lok, 2008), but take a markedly abolitionist approach to their research, narrowing their results due to its bias. One study showed that the general public in Nevada is uneducated about the problems of sex trafficking the state faces (Letourneau, 2007). As such, victim numbers reported, such as those reported at the beginning of the paper, are unsound findings, misrepresent the current problem at hand, and authors of such studies favor inflating sex trafficking to include all full-service sex workers (Shaver, 2005; Weitzer, 2014). A different study of streetwalking sex workers revealed that the victimization approach law enforcement take with potential victims is incomplete and insufficient to fully understand the unique experiences of violence and coercion that sex workers in Las Vegas experience (Spivak, 2018).

Immigration and sex trafficking legislation is connected in a federal sense, as explored above, but they are also intertwined in the state of Nevada. Official governmental agencies like ICE and Nevada Health and Human Services are required to get involved with migrants who seek victim's protections, like T-visas—increasing their risk of deportation should they fail to meet the strict definition of severely trafficked and be charged with a crime of moral turpitude, such as solicitation (Las Vegas Defense Group, n.d.). This solidifies intersections between sex trafficking and immigration on the state level, which also enables the federal government to intervene in state affairs and determine victimhood of individuals involved in trafficking.

Conclusion

The construction of the victim of human trafficking is couched in the different laws that impact it, along with the dominant perspective elicited from those laws. Victimization rhetoric included in abolitionist narratives about sex trafficking represent political desires to remove agency from sex workers and trafficking victims alike, which are present throughout the deferral and Nevada state legislative histories. In building the discourse of the perfect sex trafficking victim, lawmakers are able to reframe the debate around sex trafficking, from one of a lack of economic and social rights to one of nation and border security (Mac & Smith, 2018). Using the perfect victim as a foil to the evil trafficker allows for such policies to regulate unauthorized immigration in the name of stopping sex trafficking (Chapkis, 2003). Legal standards such as the T-visa's required *severe trafficking* definition make proving victimhood extremely difficult, and projects victims as monolithic (Rieger, 2007). This, in turn, robs victims who don't fit that mold of their agency and denies the existence of consensual full-service sex workers, materially impacting the assistance they can receive, their safety, and even their ability to remain in the country.

Nevada is a hypersexualized state that simultaneously allows consensual full-service sex work and erases consensual full-service sex work from its legal discourse. With Nevada's adoption of abolitionist frameworks to understand sex trafficking, discourses of victimhood penetrate the legal structures that impact the lives and livelihood of those working in the sex trade. The policies described above explain how government officials and lawmakers, as well as the general public, come to view sex trafficking victims and legislate solutions to help them. All this history is to provide background to better understand how the ideograph of victimhood came to be, and the laws and dominant discourses that shaped it. In the next chapter, I will further develop this ideographic criticism of victimhood in Nevada law A.B. 166 by analyzing the aforementioned rhetorical artifacts, including the public Assembly and Senate Judiciary meeting minutes, local news about the law, and the law itself. By doing this, I hope to unveil how this understanding of victimhood can be complicated by other outlaw discourses that reject binary understandings of sex trafficking victimhood.

Chapter 4: Ideographic Rhetorical Criticism

Civic and vernacular discourses work together to construct ideographs of culture, enthymematic fragments of discourse that take on significant meanings to the society from which they originate (McGee, 1980; Ono & Sloop, 2002). Hasian Jr. (2001), as well as Ono and Sloop (2002) argue that more scholars need to examine how legal structures are constituted by both civic and vernacular discourses—that is to say, assess both official and informal discourses when analyzing the legal structures in the United States. Few scholars have done so in the context of ideographic criticism (Condit, 1990; Hasian Jr., 2001), and fewer still have articles situating ideographic criticism within a gendered analysis of the law pertaining to vernacular discourses (Condit, 1990).

Apart from looking at civic and vernacular discourses, I will also analyze outlaw discourse that arose in opposition to A.B. 166. Outlaw discourses operate on different logics from dominant discourses; in fact, the logic used is often incoherent and directly against that of the dominant logic (Ono & Sloop, 1997; Ono & Sloop, 2002). As such, outlaw discourses play a significant role in making meaning of ideographs since they challenge the very idea of them, confronting dominant discourses head on and helping to define them by capturing what they are not. Thus, I will look at dominant civic, dominant vernacular, and outlaw vernacular discourses to better understand the ideograph of victimhood constructed by federal and Nevada state trafficking laws.

In this chapter, I will explore key rhetorical artifacts central to the debates over A.B. 166 and reveal how they help shape and reproduce an ideograph of victimhood that aligns with abolitionist ideology and is actively harmful to those in the sex trade. I will highlight how civic and vernacular boundaries of discourse blur together in creating and sustaining ideographs. I do

so by contextualizing the debate over A.B. 166—focusing on both the dominant and outlaw discourses that arose. The provided examples will show how an ideograph of victimhood prescribed by the dominant civic sex trafficking discourses circulating in Nevada is written into law, legislating gendered victimhood by criminalizing all forms of sex work. When examining these rhetorical artifacts, there were four inductive themes that emerged: sex worker/victim conflation, access and agency, socio-moral obligations, and (il)legitimate work. I identified these themes by looking for similar rhetorical tools highlighting abolitionist ideology in the debates, as well as outlaw reactions to these dominant ideologies. After that, I determined the function of each strategy to the ideograph of victimhood. Each of these themes reflects a separate element of the ideograph of victimhood. I will end this chapter with a discussion about what A.B. 166 illustrates in relation to the gendered construction of the law and, in particular, the ideograph of victimhood.

Sex Worker/Victim Conflation

As I begin my ideographic analysis of the text of A.B. 166, the Nevada State Assembly and Senate Judiciary Committee meeting minutes, and public news articles available about passing the bill, I would like to come back to an argument from the second chapter. While I will make the claim in this chapter that the conflation between illegal sex worker and sex trafficking victim is one that we should highlight and problematize, there is also much validity in the statement that some migrant sex workers do not have the opportunity to fit nicely into the legal and social definition of consensual worker or coerced victim. This is significant because it muddles the narrative that trafficking is the cause of a few bad apples, and not the result of structural and systemic inequality based on nationality, citizenship status, and border control (Mac & Smith, 2018). Moreover, this precise binary replicates the harms of abolitionist

feminism, insofar as the "slogan 'sex work is not trafficking' suggests that the current mode of anti-trafficking policy is broadly correct and merely—on occasion—misfires" which defends "only documented sex workers who are not experiencing exploitation" and "say nothing about those exploited at the intersection of migration and the sex industry" (Mac & Smith, 2018, pp. 85-85). As such, this thematic discussion embraces the messiness of consent here to better capture the range of experiences existing in the sex trade. It is not my goal to claim that everyone involved in the sex trade in Nevada is willingly doing so. That being said, it is still productive to challenge both abolitionist and empowerment conceptions of victimhood and sex trafficking in order to recognize the agency and humanity of those stuck or willingly in the industry. Without such critiques, voices that currently exist in the sex trade would be further erased and face perpetual violence and exploitation. With that noted, I will continue with my analysis.

A.B. 166 maintains an abolitionist ideology that rejects the possibility of consent within the sex industry, and this is apparent in the ambiguous and imprecise civic discourse used in the law. This language is especially confusing in light of the emphasis Tolles puts on dialectal precision in the meeting minutes. She thanks stakeholders for "helping [them] get this language right," and "[keeping] the victims in mind at all times during discussions" when referencing the text of the law (Assembly Judiciary Committee, 2019). They also state that "language matters," and this statement could not be more correct. Language influences the way we understand sex work and human trafficking and, consequently, how we craft legislation regarding the sex industry (Ono & Sloop, 2002; Showden & Majic, 2014). Unfortunately, the language chosen for A.B. 166 is explicitly contradictory and confusing. For example, in section two of the law it identifies a definition of *prostitution* that does not mention human trafficking or coercion, just

selling a variety of different sexual acts for material goods (A.B. 166, 2019). Yet, *sex trafficking* is when someone:

> (1) Induces, causes, recruits, harbors, transports, provides, obtains or maintains a child to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution;
>
> (2) Induces, recruits, harbors, transports, provides, obtains or maintains a person by any means, knowing, or in reckless disregard of the fact, that threats, violence, force, intimidation, fraud, duress or coercion will be used to cause the person to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution;
>
> (3) By threats, violence, force, intimidation, fraud, duress, coercion, by any device or scheme, or by abuse of any position of confidence or authority, or having legal charge, takes, places, harbors, induces, causes, compels or procures a person to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution; or
>
> (4) Takes or detains a person with the intent to compel the person by force, violence, threats or duress to marry him or her or any other person. (N.R.S. § 201.300)

Subsection three of this definition provides unique insight here. The law recognizes legal full-service sex work as a legitimate choice some make when, for example, it acknowledges that legal brothel work is separate from the force, fraud, and coercion used to get someone to work in the illegal sex industry. This seems to show that there is some level of choice involved in being in the legal sex industry, but still falls short of full acknowledgement.

Section 11 of A.B. 166, however, stipulates that the consent of a *victim* is not a defense in court against the crime of sex trafficking. Using the backdrop of the legal brothel business, illegal sex work is painted as underground, coercive, and victimizing. Furthermore, living from the earnings of a prostitute, not just a sex trafficking victim but, supposedly, any illegal sex worker (as in section 3 of the law), is punishable by a category C or D felony. This is separated only by the element of force, fraud, or coercion (A.B. 166, 2019). This is problematic because the law does not acknowledge who is a consenting or non-consenting illegal sex worker, criminalizing those who are engaging in sex trafficking, but also those just simply working in the trade. According to N.R.S. § 201.320, if someone was living from the earnings of an illegal sex worker, despite the consent of the worker, the worker is automatically considered a victim in the eyes of the law. This section simultaneously implies sharp distinction in consent, and denies the legitimacy of that distinction. It does so when ciphering out who is a victim and who should be punished, resulting in consensual sex workers being arrested or otherwise victimized and made to leave the industry. These challenges in civic discourse are only compounded by the ways in which people talk about them and use them in practice when dealing with sex workers or sex trafficking victims—thus, these issues only worsen when explained in the context of dominant logics. A.B. 166 as a civic discourse aligns with the dominant, vernacular understanding of victimhood, informing other stakeholders' views as well. It enables a harmful fluidity between the terms prostitute and victim that fails to recognize the possibility that consenting to work in the sex industry is a legitimate choice, or at least a circumstantial one (Assembly Judiciary Committee, 2019; Senate Judiciary Committee, 2019). This conflation influences almost every part of the law because it justifies the overreach of law enforcement into the lives and livelihoods of full-service sex workers, on behalf of their safety and well-being, assuming already that they

do not want to be in the trade. In addition to contradictory language in the bill, there is also contradictory language used by stakeholders talking about A.B. 166 in the Judiciary meetings. Assemblyman Howard Watts (D) addresses this contradiction: "Can you also expand upon the decision to orient the language in the amendment around prostitution as opposed to human trafficking? It sounds as if these enterprises are more like human trafficking" (Assembly Judiciary Committee, 2019). This excellent question about wording was side-stepped by proponents of the law. Tolles claimed that replacing the word would force the change of other statutes which, she argued, is simply not the goal of A.B. 166 (Assembly Judiciary Committee, 2019). Tolles claims that "[they] have to work within the language of the N.R.S." (Assembly Judiciary Committee, 2019). However, working with such language promotes more harm towards full-service sex workers because it constructs them as perpetual victims and, thus, removes their ability to define their work situation and make money to support themselves.

Abolitionist ideology is continually reflected in the public disdain shown towards sex trafficking, and the sex industry in general, specifically in the meeting minutes. Tolles, a representative of civic discourse, paints a picture in one of the meetings of economic dependency forcing unsuspecting women into sex work, stating that, "the hope is [that trafficking victims] will not be so vulnerable financially that they will enter into those same cycles of abuse and exploitation" (Assembly Judiciary Committee, 2019). This assumes sex work is a forced choice, or not a choice at all, instead of a legitimate way to make money, creating victims out of poor workers. It also removes migrant sex workers' experiences that might have pushed them into the sex trade, which might be preferable to other available options (Mac & Smith, 2018). The Mayor Pro Tem of Las Vegas stated that "these young ladies do not deserve to be treated the way they are," and a sergeant of the Reno police department mentioned that "we cannot abide by a system

that puts young women in a system designed to disadvantage them and degrade their value" (Assembly Judiciary Committee, 2019). Instead of identifying the nuances in the difference between consensual and non-consensual workers, this law instead paints sex work as always bad, always degrading to women. These individuals' rhetoric reflects an oversimplification of the people involved in the sex trade, as well as an inconsistent recognition of the distinction between sex work and sex trafficking.

In addition to this, representatives of law enforcement and other members of the public choose to label supposed victims as "young women" or "young ladies," not only in the quotes above, but throughout the meeting minutes in vernacular and civic discourses (Assembly Judiciary Committee 2019; Senate Judiciary Committee 2019). *Young women*, here, serves as a stand-in for the ideal or perfect *victim*. Officers would also use "girls" when referencing victims in the meeting minutes, regardless of age (Assembly Judiciary Committee, 2019; Senate Judiciary Committee, 2019). This deliberately infantilizing rhetoric is an extension of gendered control over victims and situates them in a role of needing to be saved by the government and individual officers. This allows officers and other officials to reinforce the gendered dynamics represented in the image of sex trafficking, which reifies an abolitionist understanding of victimhood.

Furthermore, whenever they were discussing raids or other enforcement matters in the meetings, police officers used the terms *sex trafficking victim* and *prostitute* in civic discourse interchangeably—indicating that the people who enforce these laws are unaware of the distinction between victim and worker and make judgement calls about victims of trafficking based on their flawed knowledge of the industry and victimology (Assembly Judiciary Committee, 2019; Senate Judiciary Committee, 2019). For example, police officers "[screen]

every person [they] come in contact with to determine whether he or she is a victim or a suspect," which means they make the ultimate call on who is a victim and who is a criminal with the added enforcement tools of A.B. 166 (Assembly Judiciary Committee, 2019). A lieutenant with the special investigations unit in Las Vegas mentioned that "during some interviews, the *victims* state *they prefer to be prostitutes* [emphasis added] in the United States, where they can make some money" (Assembly Judiciary Committee, 2019). In this quote, the officer both recognizes that some sex workers not only choose, but prefer to be sex workers—yet, he still uses the term *victim* to describe those who wanted to be in the sex industry. This is important, not just because the distinction is made and disregarded in the same breath, but also because it is a police officer who said it—showing how the police and people charged with determining who a victim is are rhetorically influenced by abolitionist ideologies.

Law enforcement officers claim victims do not talk to them out of fear of their traffickers; however, they also note in the meetings that they still give supposed victims misdemeanor charges and fines for soliciting when they cannot charge traffickers, further contributing to their fear (Assembly Judiciary committee, 2019; Senate Judiciary Committee, 2019). There seems to be little thought given to situations in which sex workers would refuse to talk to police out of fear of being arrested, fined, or deported, since that was the reality for them before A.B. 166 (Assembly Judiciary Committee, 2019). Moreover, in order for sex workers to clean up their record, they are required to give up their livelihood in the sex industry and, according to the Las Vegas Metropolitan Police Department, "go through treatment, get help and get out of that lifestyle" by using anti-sex work and anti-trafficking resources (Assembly Judiciary Committee, 2019). Essentially, these women must embody the role of the perfect trafficking victim if they wish to get out or stay out of trouble with the law, or even receive

resources such as the opportunity to apply for a T-visa, if they even qualify (Senate Judiciary Committee, 2019).

Popular vernacular media that covered A.B. 166's passing used similar rhetorical tools when describing victims and illegal full-service sex workers, blending the two together uncritically. An especially confusing excerpt from a news article includes discussing victimology with a police sergeant and Deputy District Attorney, stating that the women "are normally working there willingly," yet also claiming that "while many women are there willingly, Deputy District Attorney […] said they are still victims" because the "women in [such situations] don't know any other lifestyle and don't see a way out" (Totten, 2019). Not only is this statement offensively infantilizing, it is also perplexing insofar as it totally erases a distinction between consensual and non-consensual workers. The Deputy District Attorney claims he has "never seen a happy sex worker," which raises the question: Has he really talked to any sex workers? Or were they just unhappy to see him prosecuting them? (Totten, 2019). Either way, it seems as though he has only been in contact with those who do not want to be in the industry, yet projects that onto all workers in the trade. This is a dangerous position to take because it leads to the incessant criminalization of those in the sex industry, forcing them to fit within the neat box of perfect victim or fall into legal trouble. *The State of Nevada,* a podcast connected to this article—and another example of vernacular discourse—provided more detail on the insights of the Deputy District Attorney. When asked if people who knowingly come to the U.S. to work as illegal sex workers are still considered victims in his eyes, he claimed they were because they were forced into that work with no way out (KNPR, 2019). These sweeping generalizations, some of which are not wholly untrue, patently denies the validity of sex work as a job, which is an abolitionist ideological approach viewing all of the sex industry as violence. Abolitionist

ideology is common in vernacular media covering A.B. 166 such as (but not limited to): The Nevada Independent, Las Vegas Sun, Nevada Forward, and Nevada Public Radio (Kaufman, 2019; KNPR, 2019; Rindels, 2019a; Rindels, 2019b; Totten, 2019; Willson, 2019).

Despite the overwhelming support for A.B. 166, self-identified sex workers utilized outlaw discourse to challenge the lack of abolitionists distinction between sex workers and sex trafficking victims. At the Assembly Judiciary Committee meeting, one sex worker made the argument that "there [are …] general [misconceptions] that all sex workers are victims of coercion and trafficking. In actuality, the majority of sex workers do their job consensually and out of free choice" (Assembly Judiciary Committee, 2019). Those same sex workers attempted to examine the civic discourse used by the law, claiming it is vague and can have unintended consequences, similar to what was noted above (Assembly Judiciary Committee, 2019). These sex workers used vernacular discourse to contest the dominant discourse informing the decisions relating to the law (Ono & Sloop, 2002). In the next section, I will discuss the problem of agency with A.B. 166.

Additionally, some of the vernacular discourse located in the media coverage of A.B. 166 made note of and relayed outlaw arguments against the new law. Rindels (2019b) mentions how "massage practitioners illegally offering sex may have varying degrees of choice in the matter" going against the dominant understanding and complicating the civic discourse in A.B. 166, yet this statement is not in support of the opposition, and merely lists the opposing arguments without advocating for a specific side. Thus, it is not outlaw in itself, but reports on outlaw discourses that were present in the Assembly Judiciary Committee meeting minutes.

Access and Agency

The worker/victim conflation influences the amount of agency afforded to sex workers and trafficking victims. When examining agency, I am primarily looking at questions of access—as in, who has access to change the laws, as well as who created the laws in the first place. I do this because those questions of access become important when determining the direct impacts of the law because those most affected often do not have their voices reflected in legislation and dominant conversations about sex trafficking. Tolles champions a victim-centric approach to A.B. 166 that forefronts the trauma sex trafficking can cause, repeatedly using statements in relation to victims such as "sexual exploitation," "sexual abuse," and constantly referencing modern day "slavery" (Assembly Judiciary Committee, 2019) She claims that she is using the law to assist and give agency to victims of sex trafficking through allowing law enforcement to prosecute their traffickers (Assembly Judiciary Committee, 2019). Yet, the law itself gives over a lot of power to authoritative stakeholders, such as the police, to impose that agency to those victims. This power imbalance does not often favor the illegal sex worker.

Because of the bad experiences some sex workers have with law enforcement, they are often skeptical of police help or involvement, yet the text of A.B. 166 requires "reasonable steps" be taken by managers and owners to cooperate with law enforcement in order to comply with the new law (A.B. 166, 2019; Assembly Judiciary Committee, 2019). This removes the agency from consensual sex workers to define the parameters of their situation and instead leaves it up to the police to decide what is required or reasonable for the business to do. Law enforcement has the freedom to look for signs of human trafficking, but determining what those signs may be is solely up to them. A.B. 166, with its provisions concerning workers or business owner's compliance with law enforcement, requires them to allow things like "unrestricted, undercover

operations" or forced interrogations of sex workers, even when they resist (Assembly Judiciary Committee, 2019). As noted in the section above, even identifying a victim is difficult due to the conflation between sex workers and sex trafficking victims. This increase in state control comes at the expense of agency for victims and workers, since it allows the police to inscribe victimhood and criminality onto individuals without their input, to their detriment.

A.B. 166 also allows law enforcement to make executive decisions about business owners' involvement with sex trafficking, without any kind of testimony from witnesses or victims (A.B. 166, 2019; Assembly Judiciary Committee, 2019). This allows law enforcement officers, acting as agents of the state, to determine who is a victim of trafficking, a criminal sex worker, an undocumented migrant, a sex trafficker or facilitator, as well as determine forfeitures and whether a business "knows or should know" that sex work is happening on their premises (A.B. 166, 2019; Assembly Judiciary Committee, 2019). Use of the phrases such as *should know*, *reasonable steps*, and *facts and circumstances* when related to police discretion begs the question: Who gets to determine what is reasonable, what should be known to whom, and which facts and circumstances are relevant to each case? The answer is that the government and agents of the government—in this case, law enforcement—get to make those decisions without much social oversight (Assembly Judiciary Committee, 2019). The freedoms afforded to law enforcement through this law are emblematic of the dominant civic discourses present. The law mentions how one should know illegal sex work is happening on their premise if a "reasonable person" would believe it was happening, but this is dependent on individual officer evaluations (Assembly Judiciary Committee, 2019). Additionally, the law states that a person taking "reasonable steps" to abate illegal sex work on their premises must file a report with police, cooperate with police, and promote ongoing education (A.B. 166, 2019; Assembly Judiciary

Committee, 2019). These stipulations give police more access, agency, and power, but it comes at the expense of victim and worker agency—driving workers underground and making them even more vulnerable.

The civic discourse of A.B. 166 impacts the way the public speaks about the law and, in turn, sex trafficking in general. Dominant vernacular and dominant civic discourses build on one another in this way, reinforcing each other to help co-construct the ideograph of victimhood. Tolles notes in the beginning of their first address to the Assembly Judiciary Committee that they had "worked with stakeholders in [the] community" to craft A.B. 166 (Assembly Judiciary Committee, 2019). Tolles makes it a point throughout the meetings to share that she had "done well with the input of many stakeholders," "valued the input of stakeholders," and her efforts were the result of "many meetings and conversations with prosecutors, defense attorneys, victims, advocates, and businesses" (Assembly Judiciary Committee, 2019). Two meetings, one Assembly Judiciary Committee meeting and one Senate Judiciary Committee meeting, held on A.B. 166 featured support for the bill from such stakeholders, including: various assembly people, the Las Vegas Metropolitan Police Department (LVMPD) and Reno Police Department, the Deputy Planning Director, Reno Mayor and Mayor Pro Tem of Las Vegas, the Sherriff of Washoe County, the Nevada District Attorneys Association, the City of Henderson, various religious organizations, the Nevada Attorney General, Dignity Health—St. Rose Dominican, various health officials, the Nevada Women's Lobby, the State Board of Cosmetology, the Retail Association of Nevada, Nevada Families for Freedom, and private citizens who self-identified as trafficked (Assembly Judiciary Committee, 2019; Senate Judiciary Committee, 2019). They shared their backing for the law, and all advocated for a 'yes' vote (Assembly Judiciary Committee, 2019). Their affirmation perpetuated the abolitionist ideology contending that people

in the commercial sex industry are victims in need of saving from the horrors of sex trafficking. This is reminiscent of abolitionist-aligned policy, which aims at reducing the size and frequency of sex work.

Noticeably absent from the slew of people supporting the bill, or even consulted on the initial construction of it, are consensual legal and unauthorized sex workers and other members of the sex industry. Their input is valuable insofar as they work in close proximity to sex trafficking victims and can use their knowledge of the industry and impact on consensual workers to inform policy. These are stakeholders directly affected by the bill and its implementation, yet they are not featured in the production of legislation. Sex workers, all private citizens from organizations such as the Las Vegas Sex Worker Collective (now renamed the Sex Worker Alliance of Nevada, or SWAN), used outlaw discourse to contest the overwhelming institutional support (Assembly Judiciary Committee, 2019). A self-identified sex worker who spoke against the bill notes in their address how "it is clear to [them] that none of [the proponents of the bill had] spoken to any sex workers" (Assembly Judiciary Committee, 2019). The self-identified sex workers who opposed the bill noted how they felt the law was insensitive to sex worker concerns primarily due to the lack of access they had to the policy making process. Such exclusion is not uncommon for sex workers and advocates to face (Weitzer, 2009). One of the sex workers present at the meeting notes how "if [the government strips] agency from consensual sex workers, [they] are not helping" (Assembly Judiciary Committee, 2019).

The victimhood rhetoric of sex trafficking discourse necessitates women in the sex industry must be saved from their circumstances, since they could never have chosen to enter such a line of work. This notion, as previously mentioned, infantilizes the women in the industry.

There are several points where men, such as the police director and sergeants, mention how the "girls", meaning trafficking victims of all ages, could not care for themselves in their situation and needed assistance from law enforcement (Assembly Judiciary Committee, 2019; Senate Judiciary Committee, 2019). Thus, the seemingly unconscious use of the identifier *girls* is a rhetorical strategy used to deny the workers or victims full control over their own bodies and circumstances by addressing them as young, naïve, and incapable of making decisions for themselves. This maintains the silencing of sex worker voices because their concerns are never taken seriously when they are denied true personhood, allowing abolitionist rhetoric to remain intact and enforce a gendered understanding of victimhood. Outlaw discourses from sex workers in Las Vegas countered this view, claiming that the state should be working to decriminalize sex work and give agency back to workers in order to better address sex trafficking. For example, a sex worker, in the public comment section of the Assembly Judiciary Committee (2019), mentioned that "the police should not be wasting their time arresting adults who are engaging in consensual sexual activities" and instead "pass legislation [for the] decriminalization of sex work." This call to end criminalization and remove barriers to worker agency is in itself an outlaw response to A.B. 166 because it works against the criminalization logic that the law operates under.

Vernacular discourse in a newspaper article encouraged the public to report instances of supposed trafficking to licensing boards, based on the public's understanding of what sex trafficking looks like (Rindels, 2019b). This is significant because the image the public refers to is one crafted by the vernacular and civic discourses in the law and debates surrounding it. This means that the public involvement in sex trafficking can work to reify an abolitionist idea of victimhood, as well as replicate the harms of police intervention by calling for victims to be

saved—including workers who may not be victims at all. In the next section, I will discuss some socio-moral obligations within the civic, vernacular, and outlaw discourses in my artifacts.

Socio-Moral Obligations

One of the best ways to visualize how victimhood is shaped through abolitionist ideology is to look at the socio-moral obligations embedded in A.B. 166. The law is an amendment to the N.R.S. "Chapter 201: Crimes Against Decency and Good Morals." The legal name of the chapter is telling—sex trafficking, sex work, and immigration laws become moral imperatives that must be controlled and regulated. Additionally, the word *against* automatically sets up illegal sex work as being contrary to good morals. The wording of *advancing prostitution* in the title of the bill, then, illuminates how there is an apparent moral necessity to stop its continuation. This civic discourse has perhaps some of the most lasting impacts on shared vernacular logics, which are stigmatizing towards the illegal sex worker but supportive of the idealized sex trafficking victim, innocent and blameless young women who were stolen away and forced into sexual slavery.

Because there is a moral imperative to control sex trafficking on all ends (and, by proxy, sex work and immigration), proponents of A.B. 166 utilize public moral grandstanding to convince the audience on issues of sex trafficking (Assembly Judiciary Committee, 2019; Senate Judiciary Committee, 2019). Without denying the true horrors of human trafficking and the importance of combating it, it is also crucial to recognize that some of the expert testimony given during the Assembly and Senate Judiciary meeting was lacking in terms of evidence to back up the more sinister moral claims made. The term *sex slavery* is used to describe human trafficking, invoking a visceral response from the audience and building up the perception that human trafficking and, thus, sex work, is morally unacceptable and must be stopped (Assembly Judiciary Committee, 2019). In all actuality, the women doing this kind of work (identified by

the LVMPD as mostly Asian and undocumented) are not often in America against their will, although they can experience fierce exploitation once here (Assembly Judiciary Committee, 2019). Other vernacular narratives in the public comment section of the Assembly Judiciary Committee meeting minutes evoke violent images of victims having their documents taken from them, being beaten, and being desperate for help from authorities (Assembly Judiciary Committee, 2019; Senate Judiciary Committee, 2019). It creates the image of the perfect victim, which the law enforces though its victimization and, consequently, savior complex. Vernacular expressions in support of the law in local newspapers also mentioned the need to "give teeth" to existing legal frameworks used by law enforcement in capturing sex traffickers (Rindels, 2019a).

Although this vernacular discourse in the meeting minutes and newspapers is meant to pull at the heartstrings of the public, there are some cases where there is little evidence to support the claims made, which truncates the usefulness of the overall rhetoric. For example, a police director mentioned that "the trauma a victim experiences from law enforcement coming into a business with a search warrant is minute compared to the trauma and impact of living a life of servitude underneath a human trafficker" (Assembly Judiciary Committee, 2019). Whereas police officers might believe the trauma of being a victim is greater, this is likely not the case for consensual sex workers. Those workers would be terrified of a raid because it could get them in legal trouble or deported. The director severely underestimates the trauma such an event can cause, even to those in the most severe trafficking circumstances. Additionally, several stories were mentioned in the meetings about trafficking crimes solved by the LVMPD, but the rational they provided for their conclusions were lacking (Assembly Judiciary Committee, 2019). They claimed that each of the women mentioned in the meeting were examples of victims, yet they also claimed that almost none of the women came forward and said they were, in fact, trafficked.

The evidence they provide of trafficking is sparse, including money, receipts in a notebook, shoe racks, clothes, food, and women with no documentation. This all implies illegal work, but nothing here suggests coercion or force. Their rhetoric, however, implies otherwise: A LVMPD Special Investigations Lieutenant mentioned how "the owners of these businesses prey upon these girls' vulnerability and exploit them for their own monetary gain," but later stated that "the refusal of these prostitutes/victims to give statement out of fear and/or to testify to police lies at the heart of law enforcement's frustration and is the basis for this proposal" (Assembly Judiciary Committee, 2019). While it is true these elements can be a sign of human trafficking, this alone is not enough evidence to prove whether the sex workers were victims being coerced or just trying to work for a living while undocumented. Yet, the LVMPD acts as if this is surefire evidence against business owners and seek to circumvent sex worker testimony to the contrary (or lack of victim testimony). There are several scenarios where this circumstantial evidence could point to an alternative explanation as opposed to sex trafficking, but because of the moral obligation placed on individuals to act against human trafficking, sweeping assumptions are made.

These moral imperatives that have been laid out by the proponents of this law serve as a justification for intervention and judgement in human trafficking cases. It creates the conditions for the state to become the ultimate moral arbitrator and decision-maker. Law enforcement can now not only charge someone with trafficking without testimony and based on their own collection of evidence, but they also prescribe a pervasive version of victimhood onto sex workers and trafficking victims. In a podcast, a police sergeant mentions that "no little girl wants to grow up being a prostitute, okay? No one goes to school to be a prostitute" (KNPR, 2019). With such an outlook clouded by abolitionist ideology, sex work is delegitimized and

disregarded, never a choice to be made and instead always a circumstance one finds themselves in. Other news articles mentioned innocent, abused, undocumented Asian women in their descriptions of trafficking victims, but all sources seem to come from the same police descriptions listed in the meeting minutes. These descriptions, as I mentioned above, are comprised of largely circumstantial evidence that do not prove coercion or force. This is worrying because, if there is not a way to prove force or coercion, illegal sex workers can be charged with solicitation and, under certain circumstances, become subject to deportation.

Vernacular discourse in the newspaper articles about A.B. 166 referenced a national news event that authors then related back to the new law—the arrest of Robert Kraft for receiving a happy ending massage in Florida (Kaufman, 2019). This famous individual made headlines about the resurgence of sex trafficking rings in massage parlors, which proponents of the law then used to frame the urgency of the legislation and the need to act, even in Nevada. This goes to show that even the local discourse is shaped by the national conversation around sex trafficking, which is in turn influenced by civic and dominant abolitionist understandings of victimhood.

Proponents of this law are not the only ones making rhetorical appeals to morality, though. Vernacular outlaw discourse from the self-identified sex workers in the meeting minutes also made grand claims about harm sex workers face in light of this piece of legislation, stating how it is "redundant, unnecessary, and will bring harm to the most marginalized members of our communities" (Assembly Judiciary Committee, 2019). These sex workers are demanding harm reduction by opposing further criminalization of sex work and outright rejecting the victimhood prescribed onto those in their industry, directly challenging dominant civic discourse (Assembly Judiciary Committee, 2019). Although they appeal to the same logic of caring for vulnerability,

the private citizen sex workers' use of the Assembly Judiciary Committee meeting to discuss an opposing logic of vulnerability—one which stood outside the victimhood narrative crafted by dominant discourses—expressed an outlaw logic that acted as a counternarrative to victimhood. They claim that this bill pushes sex work into the streets and away from safety, risking the lives of sex workers and trafficking victims (Assembly Judiciary Committee, 2019). Additionally, outlaw demands called for more resources directed to their communities, not an increase of policing and arrests (Rindels, 2019a). Their dissent did not go unnoticed by the public, though. In The Nevada Independent, in two articles both written by Rindels (2019a; 2019b), there was expressed objection to the law on the basis that it would "disproportionately affect vulnerable communities and goes against a broader trend toward decriminalizing sex work" raised and evaluated against the dominant discourse. Although this represented an extremely brief segment of the articles, it shows that outlaw discourses did not go unnoticed, and that such vernacular discourses were impacting attitudes and perceptions of the law. In the next section, I will discuss immigration and the division between legitimate and illegitimate sex work in Nevada.

(Il)Legitimate Work

The text of A.B. 166, as repeatedly mentioned in the Assembly and Senate Judiciary Committee meetings, makes a distinction between legal, legitimate massage parlor (and other) businesses, legal (brothel) sex work, and illegal sex work (Assembly Judiciary Committee, 2019; Senate Judiciary Committee, 2019). The goal of this distinction, according to Tolles and proponents, was to make sure "legitimate" massage parlor businesses are not implicated in A.B. 166, while "illegitimate," illegal massage parlors are criminalized by the law (Assembly Judiciary Committee, 2019). A.B. 166 makes business owners legally responsible for sex work happening on their premises, whereas they were not previously the individuals penalized. Rather,

sex workers or victims were arrested and charged with the misdemeanor crime of solicitation (Assembly Judiciary Committee, 2019).

The differences being made here between legitimate and illegitimate businesses is indicative of the split between the good and the bad immigrant—especially when given the context that most individuals supposedly helped by this law are undocumented Asian women (Rindels, 2019a). The bill is designed to leave legal and legitimate businesses intact, even in the sex trade. It also delineating what served as an appropriate job and an inappropriate, criminal one (A.B. 166, 2019; Assembly Judiciary Committee, 2019). Therefore, indoor sex work in illicit businesses is further criminalized—and consensual sex workers are victimized in the process. Yet, when juxtaposed with illicit businesses, the legitimate businesses where citizens work act as a foil to and justification for the crackdown on illegal brothels where undocumented folks work. The result is usually negative for the illegal undocumented worker; either the immigrant is seen as a victim needed to be saved and forcibly stopped from working or as an economic migrant who illegally came to the country and is not deserving of financial or other support.

This kind of dualistic mentality has severe impacts: Either illegal sex workers are criminalized and punished, or they are otherwise forced to leave their work and receive "help" in the form of losing employment and a means to support themselves. Immigrant workers who do not fit the mold of the typical victim are at risk. For example, this could be someone who chose to come to the U.S., but ended up working under exploitative conditions once they were here, and who at the same time does not want to go back to their home country. This is far more probable than the idea of the victim captured off the streets, but such considerations are rarely given significant thought (Mac & Smith, 2018).

Illegal full-service sex workers who do not fit the mold of a sex trafficking victim as prescribed by abolitionist ideology are at risk of arrest and deportation, which are very considerable harms. The concerns of migrant sex workers were briefly brought up in the meeting minutes; Senator Scheible asked of Tolles et al., "is there any guarantee illegally documented victims will not be deported after that raid?" (Senate Judiciary Committee, 2019). The respondent from the police department claimed that all people are treated as victims under LVMPD policy[10], and that even if individuals are charged with the misdemeanor crime of solicitation, they can still have their records sealed if they agree to get "treatment" (Senate Judiciary Committee, 2019). Scheible pressed again, asking about the rest of Nevada's police policies, not just the LVMPDs, and if this law would be used "as a tool to find and arrest women who have been brought here illegally" (Senate Judiciary Committee, 2019). Respondents, tellingly, replied "no," and that there was no way to guarantee it was not used for this purpose, but continued to confirm that it was not the intention of the law[11] (Senate Judiciary Committee, 2019). These responses are confusing when contrasted with *The State of Nevada* podcast on the law featuring the Deputy District Attorney and a police sergeant that seem to indicate otherwise.

The police sergeant in this podcast notes that, when doing undercover operations where they find illegal sex work happening, they "will get these soliciting charges on these women almost every time," arresting them (KNPR, 2019). Arresting victims outright seems like a far cry from the victim-centered approach backed by the LVMPD and Tolles. Additionally, the sergeant contradicts the supposed policy more, stating that "if we're solicited inside while we're doing an

[10] A substantial search brought up no official record of such policy.
[11] Currently, the LVMPD has ended their 278(g) agreement with ICE (Emerson, 2019). This means they no longer need to report arrestees to ICE. Although that might be the case for Las Vegas, other rural counties have chosen to maintain their 287(g) agreements, in which case it is extremely likely criminal sex workers arrested will be deported if they are undocumented (Rindels, 2019c; Rindels 2019d).

undercover operation, uh, we'll make that determination out there to arrest or not. And *a lot of the time we do*, to get them out of that situation and to start the process of getting them help [emphasis added]" (KNPR, 2019). While, to the public, in the meeting minutes the LVMPD and other police officials try to posture their victim-aware policies, actual practice seems to contradict those same elusive policies. This is an important framing because it then conflates officer intervention with help for victims, which is not always the case. Arresting undocumented migrant women on one or multiple counts of solicitation can be a deportable offense (Las Vegas Defense Group, n.d.). This is especially problematic if such a person does not align with the typical view of victimhood and innocence embedded in the law, so accessing services to help them in their exploitative working condition becomes nearly impossible, both at the state and federal level.

In line with the good/bad immigrant dichotomy, the freedom of law enforcement to determine the victim status of those in the illegal sex trade is also troubling. This is because the intersection of sex trafficking and immigration is a muddy one that cannot be easily assigned into identifiers of trafficked or consensual; therefore, victimhood systematically excludes these individuals, and they are criminalized, deported, arrested, or otherwise put in harm's way. While civic discourses about law enforcement policies (and contradictions) are present in the debates over A.B. 166, notably absent is vernacular discourse. This is because the issue of sex trafficking is not commonly seen as overlapping with immigration; thus, there is no commentary on the complicated consent process in evaluating these tricky cases. Instead, vernacular rhetoric relating to immigration and sex trafficking just focused on the fact that Asian undocumented women who speak little English are at major risk by evil traffickers in Nevada (Kaufman, 2019; Rindels, 2019a; Totten, 2019; Willson, 2019). This lack of vernacular discourse is substantial because it

shows just how controlling the discourse about sex trafficking is and how powerful dominant discourses are able to shape public opinion. In the next section, I will discuss the ideograph of victimhood in the context of these four themes.

The Ideograph of Victimhood

A.B. 166, the Assembly and Senate Judiciary Committee meeting minutes, and relevant news articles all employed the ideograph of victimhood in their discussions of sex trafficking. Examining the use of this ideograph is useful insofar as it provides the historical and discursive insight into the creation of the sex trafficking crisis in the U.S. writ large, and Nevada in particular. Dominant discourse in debates over A.B. 166 contains four different rhetorical elements that uphold abolitionist ideologies of sex work and sex trafficking, including: a conflation between sex work and sex trafficking, limiting access and agency within the law, claims of socio-moral obligations to society, and creating a dichotomy of legitimate and illegitimate work. These rhetorical strategies all intertwine to craft a vision of the perfect victim, which is the ideograph of victimhood. Abolitionists use the ideograph of victimhood to do two very crucial things: First, it creates a standard by which gendered notions of victimhood are upheld and written into the law, demarcating appropriate and inappropriate female sexuality. This inappropriate sexuality becomes a moral justification for intervention and further criminalization of women under the guise of protecting them. Second, the ideograph is used as a foil to the evil trafficker, extended to all "criminal" immigrants—or more accurately, economic migrants. The ideograph of victimhood, in this sense, is used as a rhetorical building block by dominant discourses to maintain the criminalization of the illegal sex trade by contrasting the good, innocent victim with the bad, economic migrant or trafficker. I will explore both of these in more detail below.

Delineating what are appropriate and inappropriate expressions of sexuality through legislation containing ideographs of victimhood is a means of controlling women's sexuality. This governing discourse is shaped by the historic legacies of Victorian standards of pure white femininity and sexuality, tainted by the threat of the white slave trade at the turn of the 20th century, and contrasted with the notion of the criminal immigrant (Desyllas, 2007; Kapur, 2002). This image of the fragile and broken white woman sex slave was replaced over time (and with progressing globalization) by the image of helpless women from the Global South who needed to be protected from the oppressions of their own culture (Chacón, 2010; Petillo, 2018). This is done through criminalization and intervention, or *raid-and-rescue,* justified by the claim that such interventions are the best way to keep women safe. Never mind that such operations might cause physical and emotional trauma to the women involved, as well as force them to lose income, their livelihood, and possibly their ability to remain in the country. The moral imperatives to save women from their circumstances, despite acknowledgements that such women prefer to work in the United States than their home countries, is a paternalistic imposition of socially preferred sexuality—one which is non-threatening and paints women as vulnerable and defenseless against sexual monsters in the industry.

Additionally, the binary created with an ideograph of victimhood contrasting sex trafficking victims with economic migrants allows for the issue of sex trafficking to be reframed away from one of borders and structural inequality to that of evil individuals. Shifting the focus in this way ensures that those systemic, underlying socio-economic conditions that produces sex trafficking remain in place, obscured by the individualistic recognition of a few bad apples. The impact is twofold: Not only are immigrants criminalized for coming to the United States willingly, despite their exploitation, victims are also criminalized in the process through intense

vetting measures and are punished if they do not fit the mold of a perfect victim. This leaves out the experiences of consensual workers and circumstantial workers alike, functioning more as border control and enforcement than humanitarian aid. The failure to identify the distinction between sex worker and sex trafficking victim in illegal work creates a legitimate/illegitimate split between legal sex work and illegal work, framing all illegal sex work as victimizing. Both of the uses of this ideograph help build abolitionist ideology, which gets codified into law and, in turn, reified in both civic and vernacular discourses.

An analysis including both vernacular and civic discourses, as well as outlaw discourses, provides important insights about the ideograph of victimhood; this enables us to understand how victimhood is constructed through anti-trafficking and immigration legislation, and the public perception of those measures, as well as how those narratives are resisted. Civic discourses incorporate the ideograph of victimhood inasmuch as they maintain ideological leanings that characterizes those in the illegal sex trade as victims of circumstance. Vernacular discourses serve to replicate this dominant ideology by mimicking the attitudes of dominant civic discourses, creating a circular cycle where the dominant civic logic is confirmed by vernacular discourse, which influences the construction of future civic discourse—ensuring the survival of abolitionist ideology in the law. This is clearly seen in the lack of agency and access to the law deprived from illegal consensual full-service sex workers, as well as the calls for a morally motivated social action against the abolitionist idea of sex trafficking. Ideographs are socially constructed and historically situated; they contain the civic and vernacular discourses available, which can either reify or defy existing power structures, especially in a legal context (Hasian Jr., 2001).

Challenging the hegemonic logics influencing vernacular and civic discourse is a key element in the project of doing critical rhetoric (Ono & Sloop, 2002). A rhetorical perspective that displaces apathy with advocacy against harmful structures is encouraged by communication scholars in legal studies, since such a perspective recognizes there are only contingent truths, and each one must be interrogated to reveal the true motivations behind it (Swartz, 2005; Swartz, 2006). The outlaw discourse in the Assembly Judiciary Committee meeting minutes, broached by private citizens identifying as sex workers, helps to reveal such motivation, as they function as a direct challenge to the logic of victimhood used in dominant discourse.

When compared, the two logics are antithetical; one recognizes the rights and agency of sex workers in the illegal sex trade, while the other fails to distinguish between a worker and a victim, prescribing victimhood onto all illegal full-service sex workers. This not only illuminates how the sex workers' testimony became a vernacular expression of outlaw discourse, but it also highlights the way that ideographs can be best understood when contrasted with logics that challenge it. In this sense, ideographs are defined not only by what they are—fragments of culture that contain static, enthymematic meaning to a given society—but also by what they are *not*. For example, outlaw discourse explores the agency afforded to consensual sex workers in the industry through laws like A.B. 166, which serve to emphasize the lack of access and agency inherent in the ideograph of victimhood. Outlaw discourse used in the debates over A.B. 166 are a rejection of dominant victimhood logic and an injection of a different discourse, one that is historically accurate and informed. In essence, outlaw logics are best understood when contrasted with civic logics to interrogate the assumptions of both. This does not mean that outlaw discourses are not sufficient to study in their own right—I simply mean that, to better understand

dominant discourses, we can use outlaw discourses and examine the contradictions to have a more complete conception of both dominant and outlaw logics.

Chapter 5: Conclusion

In this thesis, I have examined the ideograph of victimhood present in the debates surrounding the passing of A.B. 166, seeking to better understand and situate the historical influence of discourse on the creation of the sex trafficking crisis in Nevada. I have argued that, through legislative histories and social influence, the crisis of sex trafficking has been carefully constructed by abolitionist ideology to portray certain kinds of victims as legitimate and deserving of support. I have also provided both a critical history of sex trafficking (and immigration) laws federally and in Nevada, as well as performed an ideographic criticism of victimhood in abolitionist ideology. In a theoretical sense, discourse from civic and vernacular locations work together to generate a dominant conception of victimhood, as opposed to just civic and legal discourse. Both the civic and vernacular dominant discourse, however, work in tandem to (re)produce victimhood in sex trafficking. Outlaw discourses help to better understand dominant ideographs because they illuminate what it is *not* through juxtaposing logics. In this sense, outlaw discourses can highlight flaws in the logic of hegemonic discourse and offer up a counter-logic—incoherent to the original. This divide helps define the parameters of an ideograph and, thus, serves an extremely useful function in both revealing conscious and unconscious motivations behind the ideology supported by the ideograph, as well as outlining the outlaw logic that has the power to upend such ideologies entirely.

In terms of practical implications, there are two primary ways abolitionists employ the ideograph of victimhood that end up harming sex workers and sex trafficking victims. First, the ideograph creates a gendered legal standard that separates appropriate and inappropriate work for women, seemingly indicating that women cannot possibly pick an occupation like illegal sex worker and, therefore, must be a victim of sex trafficking. This works to reinforce Victorian era

female sexuality of pure white womanhood, which was then exported onto women in the Global South with the increase in globalization, framing them as helpless and in need of a savior state figure to rescue them. This then becomes a justification for the intervention of law enforcement and other governmental agencies who claim to be working in the best interest of these women, but still put them through traumatizing raids, criminalization, and possibly deportation. Second, the ideograph of victimhood maintains that a trafficking victim stands in direct contrast to an economic migrant. By claiming victims as helpless and innocent, the opposite framing is imposed onto the economic migrant, which is that of being demonized and criminalized. This is significant because it obstructs structural issues causing sex trafficking, like socio-economic and migration concerns, in favor of a narrative where a few bad apples cause the problem of sex trafficking—veering away from issues of exploitation, borders, nationalism, and capitalism. Both of these rhetorical strategies work together to reinforce the raid-and-rescue model which, as argued throughout this thesis, can be very damaging and counterintuitive to the harm reduction goal of fighting sex trafficking.

In this thesis, I provided a linkage between sex trafficking and immigration legislation, both federally and in the state of Nevada, to provide the context for the above outlaw discourse, as well as how the dominant abolitionist ideology developed and sustained itself over time. Outlaw discourses contest ideographs, and in Nevada local sex workers used their positionality and expertise to shed light on a subversive outlaw perspective that turned traditional, abolitionist conceptions of victimhood on its head. While communication scholars such as Hasian Jr. (2001) claim that vernacular and legal discourse should be examined to best understand ideographs in the law, others such as Ono and Sloop (2002) encourage uplifting outlaw discourses that challenge dominant ones as a practice of critical rhetoric. In this thesis, I have combined civic,

vernacular, and outlaw discourses in an attempt to comprehend the victimization that is inherent in abolitionist ideology. In doing so, I hope to have crafted a rich history and telling criticism of past and current sex trafficking laws in Nevada.

I recommend that Communication Studies scholars reinvigorate a legal focus within critical rhetoric, not just through the dominant discourses and legal structures, but also through the position of vernacular and outlaw discourses—with particular attention to ideographic criticism. Ideographic criticisms and outlaw discourse have seldom been combined in the context of gender/sex and legal structures; consequently, this thesis serves to fill a gap in the literature base that further interrogates power and discourse in the law from various different social positions. Future studies should investigate the way outlaw discourse and ideographs interact with one another, especially in a legal context, because it can lead to a better understanding of both the ideograph and the outlaw discourse which counters it.

References

A.B.67, 77th Legislative Session, (Nev. 2013)

A.B.311, 77th Legislative Session, (Nev. 2013)

A.B.166, 90th Legislative Session, (Nev. 2019)

Andersen, P. A. (1993). Beyond criticism: The activist turn in the ideological debate. *Western Journal of Communication, 57*(2), 247-256. https://doi.org/10.1080/10570319309374447

Anderson, B. & Andrijsevic, R. (2008). Sex, slaves and citizens: The politics of anti-trafficking. *Soundings, 40*(1), 135-145. https://doi.org/10.3898/136266208820465065

Assembly Committee on Judiciary. (2019, March 12). *Minutes of the meeting of the assembly committee on judiciary*. Nevada Electronic Legislative Information System, Nevada.

Auger, C (2014). Criminalized and licensed: Local politics, the regulation of sex work, and the construction of 'ugly bodies'. In Showden, C. R. & Majic, S. (Eds.), *Negotiating sex work: Unintended consequences of policy and activism* (pp. 99-119). Minneapolis, MN: University of Minnesota Press.

Baker, C. N. (2013). Moving beyond "slaves, sinners, and saviors": An intersectional feminist analysis of US sex-trafficking discourses, law, and policy. *Journal of Feminist Scholarship, 4*(1), 1-23. Retrieved from https://digitalcommons.uri.edu/jfs/

Baker, P. A. (2014). *Challenges for combatting human trafficking in the state of Nevada* (Master's Thesis). Retrieved from ProQuest Dissertations & Theses Global. (1645788504).

Bejinariu, A. (2019, June). Human trafficking: A comparison of national and Nevada trends [PDF]. Retrieved from https://www.unlv.edu/sites/default/files/page_files/27/HumanTrafficking-ComparisonNationalNevadaTrends.pdf

Berman, J. (2006). The left, the right, and the prostitute: The making of U.S. antitrafficking in persons policy. *Tulane Journal of International and Comparative Law, 14*(2), 269-294. Retrieved from https://tjicl.scholasticahq.com/

Blithe, S. J., Wolfe, A. W., & Mohr, B. (2019). *Sex and stigma: Stories of everyday life in Nevada's legal brothels.* New York, NY: New York University Press.

Brents, B. G. & Hausbeck, K. (2005). Violence and legalized brothel prostitution in Nevada: Examining safety, risk, and prostitution policy. *Journal of Interpersonal Violence, 20*(3), 270-295. https://doi.org/10.1177/0886260504270333

Brents, B. G., Jackson, C. A., & Hausbeck, K. (2010). *The state of sex: Tourism, sex, and sin in the new American heartland.* New York, NY: Routledge.

Browne, J. & Minichiello, V. (1995). The social meanings behind male sex work: Implications for sexual interactions. *The British Journal of Sociology, 46*(4), 598-622. https://doi.org/10.2307/591574

Chacón, J. M. (2010). Tensions and trade-offs: Protecting trafficking victims in the era of immigration enforcement. *University of Pennsylvania Law Review, 158*(6), 1609-1653. Retrieved from https://www.pennlawreview.com/

Chapkis, W. (2003). Trafficking, migration, and the law: Protecting innocents, punishing immigrants. *Gender & Society, 17*(6), 923-937. https://doi.org/10.1177/0891243203257477

Cisneros, J. D. (2015). A nation of immigrants and a nation of laws: Race, multiculturalism, and neoliberal exception in Barack Obama's Immigration Discourse. *Communication, Culture, & Critique, 8*(1), 356-375. https://doi.org/10.1111/cccr.12088

Cloud, D. (1994). The materiality of discourse as oxymoron: A challenge to critical rhetoric. *Western Journal of Communication, 58*(3), 141-163. https://doi.org/10.1080/10570319409374493

Cohn, D. (2015, September 30). How U.S. immigration laws and rules have changed through history. Retrieved from https://www.pewresearch.org/fact-tank/2015/09/30/how-u-s-immigration-laws-and-rules-have-changed-through-history/

Condit, C. M. (1987). Democracy and civil rights: The universalizing influence of public argumentation. *Communication Monographs, 54*(1), 1-18. https://doi.org/10.1080/03637758709390213

Condit, C.M. (1990). *Decoding abortion rhetoric: Communicating social change*. Chicago, IL: University of Illinois Press.

Dentzer, B. (2019, February 18). Nevada bill would let sex trafficking victims expunge criminal records. *The Las Vegas Review Journal.* Retrieved from https://www.reviewjournal.com/

Desyllas, M. C. (2007). A critique of global trafficking discourse and U.S. policy. *Journal of Sociology & Social Welfare, 34*(4), pp. 57-80. Retrieved from https://scholarworks.wmich.edu/jssw/

Ditmore, M. & Thukral, J. (2012). Accountability and the use of raids to fight trafficking. *Anti-Trafficking Review, 1*(1), 134-148. https://doi.org/10.14197/atr.201218

Donovan, B. (2006). White slave crusades: Race, gender, and anti-vice activism, 1887-1917. Chicago: University of Illinois Press.

Doughman, A. (2013, February 20). Sex trafficking victims plead with lawmakers to strengthen law. *Las Vegas Sun.* Retrieved from https://lasvegassun.com/

Doyle, C. (2015, June 25). Sex trafficking: An overview of federal criminal law. Retrieved from https://www.everycrsreport.com/reports/R43597.html

Emerson, E. (2019, October 23). City of Las Vegas, LVMPD suspend ICE program due to California ruling. *Fox 5 Vegas.* Retrieved from https://www.fox5vegas.com/

Ewing, W. A. (2012, January). Opportunity and exclusion: A brief history of U.S. Immigration Policy. Retrieved from https://www.americanimmigrationcouncil.org/research/opportunity-and-exclusion-brief-history-us-immigration-policy

Farley, M. (2007). *Prostitution and trafficking in Nevada: Making the connections*. San Francisco, CA: Prostitution Research & Education.

Forrey, C. K. (2014). America's Disneyland of sex: Exploring the problem of sex trafficking in Las Vegas and Nevada's response. *Nevada Law Journal, 14*(3), 970-999. Retrieved from https://scholars.law.unlv.edu/nlj/

Foucault, M. (1972). The archology of knowledge (A. M. S. Smith, Trans.). New York, NY: Pantheon.

Freitag, J. L. (2018). Four transgressive declarations for ending gender violence. In J. C. Dunn & J. Manning (Eds.), *Transgressing feminist theory and discourse: Advancing conversations across disciplines* (pp. 134-150). New York, NY: Routledge.

Garcia, J. (2019a, October 14). Nevada attorney general's office strives to fight national human trafficking issue. *Nevada Appeal.* Retrieved from https://www.nevadaappeal.com/

Garcia, V. (2019b, December). Identifying humanitarian forms of relief for derivatives: T-nonimmigrant status [PDF]. Retrieved from https://www.ilrc.org/sites/default/files/resources/t_nonimmigrant_status_derivatives_final.pdf

Harrington, J., Series, L., & Ruck-Keene, A. (2019). Law and rhetoric: Critical possibilities. *Journal of Law and Society, 46*(2), 302-327. https://doi.org/10.1111/jols.12156

Hasian Jr., M. (1994). Myth and ideology in legal discourse: Moving from critical legal studies towards rhetorical consciousness. *Legal Studies Forum, 17*(4), 347-365. Retrieved from https://home.heinonline.org/titles/Law-Journal-Library/Legal-Studies-Forum/?letter=L

Hasian Jr., M., Condit, C. M., & Lucaites, J. L. (1996). The rhetorical boundaries of 'the law': A consideration of the rhetorical culture of legal practice and the case of the 'separate but

equal' doctrine. *Quarterly Journal of Speech, 82*(4), 323-342. https://doi.org/10.1080/00335639609384161

Hasian Jr., M. & Croasmun, E. (1996). Rhetoric's revenge: The prospect of a critical legal rhetoric. *Philosophy & Rhetoric, 29*(4), 384-399. Retrieved from http://www.psupress.org/journals/jnls_pr.html

Hasian Jr., M. (2001). Vernacular legal discourse: Revisiting the public acceptance of the 'right to privacy' in the 1960s. *Political Communication, 18*(1), 89-105. https://doi.org/10.1080/10584600150217677

Hayden, S. & Hallstein, D. L. O. (2010). Placing sex/gender at the forefront: Feminisms, Intersectionality, and Communication Studies. In K. R. Chávez & C. L. Griffin (Eds.), *Standing in the intersection: Feminist voices, feminist practices in communication studies* (pp. 97-121). New York, NY: State University of New York Press.

Hegarty, M. E. (1998). Patriot or prostitute: Sexual discourses, print media, and American women during World War II. *Journal of Women's History, 10*(2). 112-136. https://doi.org/10.1353/jowh.2010.0315

Heineman, J., MacFarlane, R. T., & Brents, B. G. (2012). Sex industry and sex workers in Nevada. In D. N. Shalin (Ed.), *The Social Health of Nevada: Leading Indicators and Quality of Life in the Silver State* (pp. 1-26). Las Vegas, NV: University of Nevada Las Vegas Center for Democratic Culture Publications.

Hill, A. (2016). How to stage a raid: Police, media and the master narrative of trafficking. *Anti-trafficking Review, 7*(1), 39-55. https://doi.org/10.14197/atr.20121773

Hill, A. (2018). Producing the crisis: Human trafficking and humanitarian interventions. *Women's Studies in Communications, 41*(4), 315-319. https://doi.org/10.1080/07491409.2018.1544008

Hill, A. & Chávez, K. R. (2018). Introduction: Inciting communication across queer migration studies and critical trafficking studies. *Women's Studies in Communication, 41*(4), 300-304. https://doi.org/10.1080/07491409.2018.1544000

Hing, B. O. (2018). Entering the Trump ice age: Contextualizing the new immigration enforcement regime. *Texas A&M Law Review, 5*(2), 253-322. Retrieved from https://scholarship.law.tamu.edu/lawreview/

Howard, R. G. (2005). A theory of vernacular rhetoric: The case of the "sinner's prayer" online. *Folklore, 116*(2), 172-188. https://doi.org/10.1080/00155870500140214

The Human Trafficking Initiative. (2018). Nevada's online commercial sex market [PDF]. https://endsexualexploitation.org/wp-content/uploads/FINAL_Nevada_March2018-1.pdf

Jaggers, J., Gabbard, W. J., & Jaggers, S. J. (2014). The devolution of U.S. immigration policy: An examination of the history and future of immigration policy. *Journal of Policy Practice, 13*(1), 3-15. https://doi.org/10.1080/15588742.2013.855695

Jani, N. (2010). Analyzing legal paradoxes in anti-trafficking policies. *Journal of Comparative Social Welfare, 26*(1), 27-42. https://doi.org/10.1080/17486830903190004

Johnson, K. R. (1996/1997). "Aliens" and the U.S. immigration laws: The social and legal construction of nonpersons. *The University of Miami Inter-American Law Review, 28*(2), 263-292. Retrieved from https://inter-american-law-review.law.miami.edu/

Kaigh, E. (2009). Whores and other sex slaves: Why the equation of prostitution with sex trafficking in the William Wilberforce Reauthorization Act of 2008 promotes gender discrimination. *Scholar: St. Mary's Law Review on Minority Issues, 12*(1), 139-172. Retrieved from https://commons.stmarytx.edu/thescholar/

Kapur, R. (2002). The tragedy of victimization rhetoric: Resurrecting the 'native' subject in international/post-colonial feminist legal politics. *Harvard Human Rights Journal, 15*(1), 1-38. Retrieved from https://harvardhrj.com/

Kaufman, C. (2019, March 1). 2019 legislature focusing on trafficking and sexual assault. *Nevada Forward.* Retrieved from https://nevadaforward.com/

Kerwin, D. (2018) From IIRIRA to Trump: Connecting the dots to the current US immigration policy crisis. *Journal of Migration and Human Security, 6*(3), 192-204. https://doi.org/10.1177/2331502418786718

Kilty, K. M. (2002). Race, immigration, and public policy: The case of Asian Americans. *Journal of Poverty, 6*(4), 3-41. https://doi.org/10.1300/j134v06n04_03

Klinger, G. D. (1944). Law as communicative praxis: Toward a rhetorical jurisprudence. *Argumentation and Advocacy, 30*(4), 236-274. https://doi.org/10.1080/00028533.1994.11951591

Klumpp, J. F. & Hollihan, T. A. (1989). Rhetorical criticism as moral action. *Quarterly Journal of Speech, 75*(1), 84-96. https://doi.org/10.1080/00335638909383863

KNPR. (Producer). (2019, March 26). Bill targets massage parlors used as prostitution fronts [Audio Podcast]. Retrieved from https://knpr.org/knpr/2019-03/bill-targets-massage-parlors-used-prostitution-fronts

Las Vegas Defense Group. (n.d.). Nevada state crimes that will cause deportation. Retrieved from https://www.shouselaw.com/nevada/immigration/deportable-offenses

Lee, R. (2009). Ideographic criticism. In J. A. Kuypers (Ed.), *Rhetorical criticism: Perspectives in action* (pp. 285-319). Lanham, MD: Lexington Books.

Letourneau, K. J. (2007). *Attitudes on human trafficking in Nevada* (Master's thesis). Retrieved from ProQuest Dissertations & Theses Global. (304767418).

Lewis, J., Maticka-Tyndale, E., Shaver, F., & Schramm, H. (2005). Managing risk and safety on the job. *Journal of Psychology & Human Sexuality, 17*(1-2), 147-167. https://doi.org/10.1300/J056v17n01_09

Loftus, B. S. (2011). Coordinating U.S. law on immigration and human trafficking: Lifting the lamp to victims. *Columbia Human Rights Law Review, 43*(1), 143-214. https://doi.org/10.1163/2210-7975_hrd-9947-0040

Lok, A. M. (2008). *Asian massage parlors in Clark County* (Master's thesis). Retrieved from ProQuest Dissertations & Theses Global. (304403955).

Lucaites, J. L. (1990). Between rhetoric and "the law": Power, legitimacy, and social change. *Quarterly Journal of Speech, 76*(4), 435-449. https://doi.org/10.1080/00335639009383935

Mac, J. and Smith, M. (2018). *Revolting prostitutes: The fight for sex workers' rights*. London, England: Verso.

McGee, M. C. (1980). The "ideograph': A link between rhetoric and ideology. *Quarterly Journal of Speech, 66*(1), 1-16. https://doi.org/10.1080/00335638009383499

McGee, M. C. (1990). Text, context, and the fragmentation of contemporary culture. *Western Journal of Communication, 54*(3), 274-289. https://doi.org/10.1080/10570319009374343

Mchoul, A. & Grace, W. (1997). Discourse. In A. Mchoul & W. Grace (Eds.), *A Foucault Primer: Discourse, Power, and the Subject* (pp. 26-56). New York, NY: New York University Press.

McKerrow, R. E. (1989). Critical rhetoric: Theory and praxis. *Communication Monographs, 56*(2), 91-111. https://doi.org/10.1080/03637758909390253

McKerrow, R. E. (1991). Critical rhetoric in a postmodern world. *Quarterly Journal of Speech, 77*(1), 75-78. https://doi.org/10.1080/00335639109383945

McKinnon, S. L. (2010). Excavating gender in women's early claims to political asylum in the United States. *Women's Studies in Communication, 33*(2), 79-95. https://doi.org/10.1080/07491409.2010.507540

McKinnon, S. L. (2011). Positioned in/by the state: Incorporation, exclusion, and appropriation of women's gender-based claims to political asylum in the United States. *Quarterly Journal of Speech, 97*(2), 178-200. https://doi.org/10.1080/00335630.2011.560176

Miller, S. (1990). Foucault on discourse and power. *Theoria: A Journal of Social and Political Theory, 76*(1), 115-125. Retrieved from https://www.berghahnjournals.com/view/journals/theoria/theoria-overview.xml

Murphy, C. J. (n.d.). Trafficking Victims Protection Reauthorization Act becomes law. Retrieved from https://www.traffickingmatters.com/trafficking-victims-protection-reauthorization-act-becomes-law/

National Human Trafficking Hotline. (2019, June 30). Nevada. Retrieved from https://humantraffickinghotline.org/state/nevada

Nemoto, T., Iwamoto, M., Wong, S., Le, M. N., & Operario, D. (2004). Social factors related to risk for violence and sexually transmitted infections/HIV among Asian massage parlor workers in San Francisco. *AIDS and Behavior, 8*(4), 475-483. https://doi.org/10.1007/s10461-004-7331-4

Nevada Department of Public Safety. (2018). Uniform crime reporting 2018 report [PDF]. Retrieved from https://rccd.nv.gov/uploadedFiles/gsdnvgov/content/About/UCR/The%20Book%202018%20FINAL%20(25%20June%2019%202).pdf

Nev. Rev. Stat. § 201.295

Nev. Rev. Stat. § 201.300

Nev. Rev. Stat. § 201.320

Nev. Rev. Stat. § 201.345

Nev. Rev. Stat § 201.354

Nev. Rev. Stat. § 201.356

Nev. Rev. Stat. § 201.360

Nev. Rev. Stat. § 201.380

Nev. Rev. Stat. § 201.420

Nev. Rev. Stat. § 201.440

Nev. Rev. Stat. § 244.345

O'Doherty, T. (2011). Victimization in off-street sex work. *Violence Against Women, 17*(7), 944-963. https://doi.org/10.1177/1077801211412917

Ono, K. A. & Sloop, J. M. (1992). Commitment to *telos*—a sustained critical rhetoric. *Communications Monographs, 59*(1), 48-60. https://doi.org/10.1080/03637759209376248

Ono, K. A. & Sloop, J. M. (1995). The critique of vernacular discourse. *Communication Monographs, 62*(1), 19-46. https://doi.org/10.1080/03637759509376346

Ono, K. A. & Sloop, J. M. (1997). Out-law discourse: The critical politics of material judgement. *Philosophy & Rhetoric, 30*(1), 50-69. Retrieved from http://www.psupress.org/journals/jnls_pr.html

Ono, K. A. & Sloop, J. M. (2002). *Shifting borders: Rhetoric, immigration, and California's proposition 187*. Philadelphia, PA: Temple University Press.

Petillo, A. (2018). Marking embodied borders: Compulsory settler sexuality, indigeneity, and U.S. law. *Women's Studies in Communication, 41*(4), 329-334. https://doi.org/10.1080/07491409.2018.1544013

Purvis, T. & Hunt, A. (1993). Discourse, ideology, discourse ideology, discourse, ideology… *The British Journal of Sociology, 44*(3), 473-499. https://doi.org/10.17572/mj2014.1.936

Rhodan, M. (2014, April 24). A misdemeanor conviction is not a big deal, right? Think again. Retrieved from https://time.com/76356/a-misdemeanor-conviction-is-not-a-big-deal-right-think-again/

Rieger, A. (2007). Missing the mark: Why the Trafficking Victims Protection Act fails to protect sex trafficking victims in the United States. *Harvard Journal of Law & Gender, 30* (1)*,* 231-256. Retrieved from https://harvardjlg.com/

Rindels, M. (2019a, March 13). Police say they're losing battle against massage parlors that are fronts for illegal prostitution, ask for stronger law. *The Nevada Independent.* Retrieved from https://thenevadaindependent.com/

Rindels, M. (2019b, August 12). Licensing board director says prostitution at massage parlors is pervasive but hard to prevent. *The Nevada Independent.* Retrieved from https://thenevadaindependent.com/

Rindels, M. (2019c, October 23). Metro suspending controversial 287(g) collaboration with ICE; Federal agency says public safety will be compromised. *The Nevada Independent.* Retrieved from https://thenevadaindependent.com/

Rindels, M. (2019d, November 22). Laxalt calls for special session on ICE agreement, in spite of proposal's bleak chances. *The Nevada Independent.* Retrieved from https://thenevadaindependent.com/

Romano, A. (2018, July 2). A new law intended to curb sex trafficking threatens the future of the internet as we know it. *Vox.* Retrieved from https://www.vox.com/

Romm, C. (2015, October 8). During World War II, sex was a national-security threat. *The Atlantic.* Retrieved from https://www.theatlantic.com/

Rowley, M. K. (2007). *So much for fond five-dollar memories: Prostitution in Las Vegas*, *1905-1955* (Master's thesis). Retrieved from ProQuest Dissertations & Theses Global. (1038361270).

Sanders, T. & Campbell, R. (2007). Designing out vulnerability, building in respect: Violence, safety, and sex work policy. *The British Journal of Sociology, 58*(1), 3-19. https://doi.org/10.1111/j.1468-4446.2007.00136.x

Sanders, T., & Campbell, R. (2014). Criminalization, protection and rights: Global tensions in the governance of commercial sex. *Criminology & Criminal Justice, 14*(5), 535-548. https://doi.org/10.1177/1748895814543536

Scallen, E. A. (1994). Judgment, justification and junctions in the rhetorical criticism of legal texts. *Southern Journal of Communication, 60*(1), 68-74. https://doi.org/10.1080/10417949409372963

Scoular, J. (2004). The 'subject' of prostitution: Interpreting the discursive, symbolic and material position of sex/work in feminist theory. *Feminist Theory, 5*(3), 343-355. https://doi.org/10.1177/1464700104046983

Senate Committee on Judiciary. (2019, May 13). *Minutes of the senate committee on judiciary*. Nevada Electronic Legislative Information System, Nevada.

Shane, C. (2017, June 14). Calling my work what it is. Retrieved from https://psmag.com/economics/calling-my-work-what-it-is

Shaver, F. M. (2005). Sex work research: Methodological and ethical challenges. *Journal of Interpersonal Violence, 20*(3), 296-319. https://doi.org/10.1177/0886260504274340

Showden, C. R. & Majic, S. (2014). Introduction: The politics of sex work. In Showden, C. R. & Majic, S. (Eds.), *Negotiating sex work: Unintended consequences of policy and activism* (pp. xiii-xxxix). Minneapolis, MN: University of Minnesota Press.

Spencer, P., Peck, C., Dirks, S., Roe-Sepowitz, D., Ryon, S., Bracy, K., Cmdr. Gallagher, J., Hogan, K., Leary, L., Massengale, L., & Frenzel, R. (2014). 2014 Las Vegas Sex Trafficking Case Study [PDF]. Retrieved from https://www.mccaininstitute.org/wp-content/uploads/2017/02/las-vegas-sex-trafficking-report.pdf

Spivak, A. L. (2018). Trafficking, pimping, sex work and the police: Street prostitutes' perceptions in Las Vegas. In T. Sanders & M. Laing (Eds.), *Policing the sex industry: Protection, paternalism and politics* (pp. 127-141). New York, NY: Routledge.

Srikantiah, J. (2007). Perfect victims and real survivors: The iconic victim in domestic human trafficking law. *Boston University Law Review, 87*(157), pp. 158-211). Retrieved from https://www.bu.edu/bulawreview/

State of Nevada. (2013, June 1). Attorney General Masto's sex trafficking legislation passed by Nevada legislature. Retrieved from http://ag.nv.gov/News/PR/2013/Human_Trafficking/Attorney_General_Masto%E2%80%99s_Sex_Trafficking_Legislation_Passed_by_Nevada_Legislature/

State of Nevada. (2018, July 31). Attorney General Laxalt announces fifth annual benefit diner supporting survivors of human trafficking .Retrieved from http://ag.nv.gov/News/PR/2018/Attorney_General_Laxalt_Announces_Fifth_Annual_Benefit_Dinner_Supporting_Survivors_of_Human_Trafficking/

State of Nevada. (2019, June 6). Governor Sisolak signs 60 bills, including K-12 budget, a measure strengthening lifetime supervision for sex offenders, and a bill to improve schools' ability to report child abuse or neglect. Retrieved from http://gov.nv.gov/News/Press/2019/Governor_Sisolak_Signs_60_Bills,_Including_K-12_budget,_a_Measure_Strengthening_Lifetime_Supervision_for_Sex_Offenders,_and_a_Bill_to_Improve_Schools%E2%80%99_Ability_to_Report_Child_Abuse_or_Neglect/

Stella (2013). Language matters: Talking about sex work [PDF]. Retrieved from https://www.nswp.org/sites/nswp.org/files/StellaInfoSheetLanguageMatters.pdf

Swartz, O. (2005). *In defense of partisan criticism: Communication studies, law, and social analysis.* New York, NY: Peter Lang Publishing, Inc.

Swartz, O. (2006). *Social justice and communication scholarship.* New York, NY: Routledge.

Totten, K. (2019, March 26). Bill targets massage parlors used as prostitution fronts. Retrieved from https://knpr.org/knpr/2019-03/bill-targets-massage-parlors-used-prostitution-fronts

Trafficking Victims Protection Act of 2000, 22 U.S.C. §§ 7101-7110.

Uy, R. (2011). Blinded by red lights: Why trafficking discourse should shift away from sex and the "perfect victim" paradigm. *Berkley Journal of Gender, Law & Justice, 26*(1), 204-219. Retrieved from https://genderlawjustice.berkeley.edu/

Vanwesenbeeck, I. (2001). Another decade of social scientific work on sex work: A review of research 1990–2000. *Annual Review of Sex Research, 12*(1), pp. 242-289. Retrieved from https://www.jstor.org/journal/jsexresearch

Wagner, A., & McCann, R. W. (2017). Prostitutes or prey: The evolution of congressional intent in combatting sex trafficking. *Harvard Journal on Legislation, 54*(17), 17-100. Retrieved from https://harvardjol.com/

Wander, P. (1983). The ideological turn in modern criticism. *Communication Studies, 34*(1), 1-18. https://doi.org/10.1080/10510978309368110

Weiner, E. (2008, March 11). The long, colorful history of the Mann Act. Retrieved from https://www.npr.org/templates/story/story.php?storyId=88104308

Weitzer, R. (2007). The social construction of sex trafficking: Ideology and institutionalization of a moral crusade. *Politics & Society, 35*(3), 447-475. https://doi.org/10.1177/0032329207304319

Weitzer, R. (2009). Sociology of sex work. *Annual Review of Sociology 35*(1), pp. 231-234.

Weitzer, R. (2010). The movement to criminalize sex work in the united states. *Journal of Law and Society, 37*(1),61-84. https://doi.org/10.4135/9781529714944.n1

Weitzer, R. (2014). New directions in research on human trafficking. *The ANNALS of the American Academy of Political and Social Science, 653*(1), 6-24. https://doi.org/10.1177/0002716214521562

Wetlaufer, G. B. (1990). Rhetoric and its denial in legal discourse. *Virginia Law Review, 76*(8), 1545-1597. Retrieved from https://www.virginialawreview.org/

Willson, M. (2019, April 1). Nevada bill would target owners of illicit massage parlors, a growing concern in Las Vegas. *Las Vegas Review Journal*. Retrieved from https://lasvegassun.com/

Samantha Thies | scthies1996@gmail.com

CURRICULUM VITAE

EDUCATION

University of Nevada, Las Vegas
M.A. in Communication Studies **Summer 2020**
Concentration in critical rhetoric

James Madison University, Harrisonburg, VA
B.A. in Sociology **Spring 2018**
Concentration in communities, inequalities, and public policy
Minor: Philosophy
Minor: Women and Gender Studies

ACADEMIC CONFERENCES AND CREATIVE ACTIVITIES

Law and Society Association
Panel Participant **May 2020**
"Enabling victimization: A criticism of the legal rhetoric in the Allow States and Victims to Fight Online Sex Trafficking Act of 2017"*
**Could not attend*

Western States Communication Association
Panel Participant **February 2019**
"Victim or Worker? An Ideological Criticism of Human Trafficking Rhetoric in the Allow
States and Victims to Fight Online Sex Trafficking Act of 2017"

National Communication Association
Scholar to Scholar **November 2019**
"Regulating Sex: Examining Social Perceptions and Legal Management of Sex Work in Nevada"

Rebel Grad Slam 3-Minute Thesis Competition, University of Nevada, Las Vegas
2nd place preliminary rounds; Semi-finalist **October 2019**
"Regulating Sex: Investigating the Effects of Nevada Law A.B. 166 on Sex Workers"

The Organization for the Study of Communication, Language & Gender
Panel Participant **October 2019**
"'Rights Not Rescue': Examining Cyber-counterpublics through SWOP USA's Social Media Posts about FOSTA-SESTA"

Madison Global Conference, James Madison University
Panel Participant **February 2018**
Faculty nominated, "Prostitution and Proper Womanhood: Examining the Extent of Legally Enforced Morality in Brazil"

Madison Global Conference, James Madison University
Panel Participant **February 2018**
Faculty nominated, "Towards a Transnational Understanding of Racism: Examining Settler-colonial Domination and the Imperial Occupation of Okinawa"

Writing, Rhetoric, and Technical Communication (WRTC) Department, James Madison University
Intern **Summer 2015–Spring 2016**

Faculty nominated, created and produced a visual Exhibit with a team: "Less Stockings, More Radios: Student Identity and Activism at Madison College during World War II"

PUBLICATIONS

Thies, S. (2020). Storytelling. In S. Schiffman (Ed.) *Speaker's Primer*.
Las Vegas, NV: Fountainhead Press. **January 2020**

Thies, S. (2020). Effective Communication Using Technology. In S. Schiffman (Ed.) *Speaker's Primer*.
Las Vegas, NV: Fountainhead Press. **January 2020**

Thies, S. (2020). Effective Teamwork. In S. Schiffman (Ed.) *Speaker's Primer*.
Las Vegas, NV: Fountainhead Press.
January 2020

LEADERSHIP POSITIONS

Debate Alumni Board Member, James Madison University
Student Representative **Spring 2018**
Coordinated alumni events and served as the primary contact for debate alumni.

Debate Team Executive, James Madison University
Alumni Outreach Coordinator **Fall 2015–Spring 2018**
Contacted Alumni and provided debate team updates.

ACOMPLISHMENTS

Communication Studies Department, University of Nevada, Las Vegas
COM 101 Course Assistant **Summer 2019-Fall 2019**
Appointed position, helped produce and reform the COM 101 basic course

TEACHING EXPERIENCE

COM 101, "Oral Communication in the 21st Century" Lecturer
Graduate Teaching Assistant **Spring 2019-Summer 2020**
Stand-alone hybrid in-person/online class, four sections total

COM 101, "Oral Communication in the 21st Century" Online Lecturer
Graduate Teaching Assistant **Summer 2019**
Faculty appointed, stand-alone online class, one section

COM 317, "Organizational Communication" Teaching Assistant
Graduate Teaching Assistant **Summer 2019**
Faculty appointed, assisted with grading and online learning

COM 330, "Communication and Pop Culture" Teaching Assistant
Guest Lecture **Spring 2018**
Presented on "Sex Work, Queer Theory, and FOSTA-SESTA"

COM 217 "Argumentation and Debate" Teaching Assistant
Guest Lecture **Fall 2018**
Presented on "Flowing: Note-taking for Debate"

Assistant Debate Coach
Graduate Debate Assistant **Fall 2018-Spring 2019**
Contributed to coaching, research, and travel for the UNLV Debate team

SERVICE TO THE DISCIPLINE

National Communication Association
Reviewer **Spring 2020**
Reviewed NCA submissions for the Activism and Social Justice division

National Communication Association
Access Assistant **November 2019**
Help with participant navigation and physical assistance

Volunteer, Las Vegas Debate League
Debate Coach **Fall 2015–Spring 2018**
Met bi-weekly with students, assisted with argumentation strategy and preparation

Volunteer, Turner Ashby High School
Debate Coach **Fall 2015–Spring 2018**
Met weekly with students, assisted with argumentation strategy, and traveled to tournaments to coach and judge

AWARDS & CERTIFICATIONS

Graduate College Research Certificate, UNLV **2020**
Graduate College Teaching Certificate, UNLV **2020**
Graduate Recruitment Scholarship Recipient, UNLV **2018-2020**
Madison Achievement Scholarship Recipient, JMU **2014-2018**
Madison Connection Outstanding Student Worker Award, JMU **2016**
James Madison University Debate Team Scholarship Recipient, JMU **2014-2017**

PROFESSIONAL AFFILIATIONS

National Communication Association
Member **September 2018-Present**
The Organization for the Study of Communication, Language, and Gender
Member **September 2019-Present**

The Western States Communication Association
Member **November 2019-Present**