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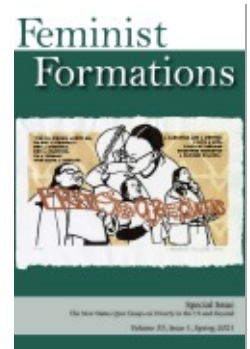
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The Trafficking Deportation Pipeline: Asian Body Work and the Auxiliary Policing of Racialized Poverty

Elena Shih

In the past decade, a wave of municipal ordinances has swept through North America seeking to police Asian massage work in the name of combating human trafficking. These municipal ordinances have led to sensationalist sting operations that nearly universally subject massage workers to policing and, for those who are undocumented, deportation. This paper thinks through the enduring virility of the trafficking-deportation pipeline by considering forms of auxiliary policing that anti-trafficking responses have enacted on working-class immigrant communities. They justify increasingly diverse modes of criminalization while upholding notions of legitimate and illegitimate labor organized within racial capitalism. This paper extends Bill Ong Hing's concept of "vigilante racism" (Hing 2002) to understand how the neoliberal policing of poverty has collided with the anti-trafficking movement. This paper focuses on new municipal license regimes for Asian massage workers to reveal how these mechanisms configure hierarchies of labor predicated on markers of race, gender, poverty, and citizenship.

Keywords: Human trafficking / neoliberal policing / racial vigilantism / racialized poverty / sex work

Just two weeks after the New England Patriots finished their Super Bowl run to victory in February 2019, a scandal erupted that placed the team's general manager Robert Kraft in the middle of a sex trafficking sting on Orchids of Asia spa, an Asian massage business in Palm Beach, Florida. National news media reveled in narratives designed to agitate fears of sex trafficking. Reports reified perceptions of trafficking as ubiquitous, with the lead prosecutor of Palm Beach County State Attorney Dave Aronberg stating that "modern-day

slavery can happen anywhere, including in the peaceful community of Jupiter” (Markowicz 2019).

While the national hysteria centered concerns of sex trafficking and modern-day slavery, the initial sneak and peek warrant that broke the case was issued after a public health inspector arrived at Orchids to conduct a routine health investigation—the initial arrests were prompted by a citation unrelated to prostitution or trafficking. In the public records around the case, inspector Karen Herzog’s report noted that she had received training on how to identify human trafficking, which included the presence of suitcases, clothes, a fridge full of food, and condoms as evidence. At Orchids, she recorded that the signs of trafficking present included a young Asian woman who was “dressed provocatively,” spoke “little English,” appeared “nervous,” and avoided eye contact with her (Jeong 2019).

Despite the public health investigator’s suspicions, the Palm Beach District Attorney’s public assertions, and national hysteria around allegations of trafficking in the Kraft case, by April 2019, prosecutors conceded that there was not a single case of human trafficking among all the workers who had been arrested and interviewed that day. Speaking to the local news media, Florida Assistant State Attorney Greg Kridos reported, “We’ve vetted this case, we’ve done our due diligence, there is no human trafficking that arises out of this investigation” (Hohler 2019). He confirmed that all of the masseuses caught on camera engaging in sexual acts would be charged with felonies or misdemeanors.

While Robert Kraft’s legal team rejoiced at the news of no trafficking—with all of Kraft’s misdemeanor prostitution solicitation charges summarily dropped in September 2020 (Winston 2020)—several of the low-wage, migrant Chinese sex workers arrested in the raids were turned over to ICE custody because they were undocumented. One worker, Lei Chen, was held for months in ICE custody, awaiting deportation proceedings while being transferred to multiple immigration and detention facilities. During this time, the state seized \$2,900 from her personal bank account under civil forfeiture proceedings, while another worker, Yaping Ren, was held for five months before being released (Jeong 2019). Other workers with green cards, or citizenship status, were jailed, fined, and released, only to find their old workplace shut down, forcing them into the precarious position of looking for new options for work—massage work being one of a limited number of options for migrant, low-wage workers in the service and manufacturing sectors.

This troubling bait and switch, in which ostensible human trafficking “rescue” often ends in criminalization and deportation, reveals paradoxes that organizers, scholars, and policymakers have grappled with for years. They remain unabated nearly two decades after the passage of the 2000 United Nations Palermo Protocol and the 2000 US Trafficking Victims Protection Act, which together ushered the issue of human trafficking onto the global stage and brought unbridled funding and attention to the problem of human trafficking. This

paper thinks through the enduring virility of the trafficking-deportation pipeline by considering forms of auxiliary policing that anti-trafficking responses have enacted on working-class immigrant communities in the United States. Drawing on ethnographic participant observation as an outreach worker with two sex worker rights groups in Rhode Island and New York, I argue that new municipal license regimes for Asian massage workers configure hierarchies of labor predicated on markers of race, gender, poverty, and citizenship.

Building on an interest in vigilante racist anti-trafficking efforts (Shih 2016), this article examines the mechanisms of mundane and auxiliary policing that have dispatched the carceral state into the hands of new brokers of anti-trafficking work. In particular, this paper focuses on municipal massage ordinances that target working-class, immigrant communities of color under the guise of combating trafficking. Since 2010, a number of municipal license ordinances have popped up throughout North America and have been used to police Asian massage work, collapsing all Asian body work as potentially criminalized sex work.¹ These ordinances serve to justify increasingly diverse modes of criminalization while upholding notions of legitimate and illegitimate labor organized within racial capitalism. The dispatching of victim identification to new bureaucrats like public health officers and building code inspectors offers insight into how the anti-trafficking movement has ushered in new brokers of racialized policing via the rote and bureaucratic processes of municipal licensing ordinances. The work of these brokers and the determining logics they employ to execute their work index particular racial and class characteristics to the presence of trafficking without evidence of any such correlations. Such logics uphold the popular imaginaries of human trafficking and modern-day slavery that encourage neoliberal carceral interventions, inattentive to larger national, economic, and gendered structures of power.

Policing Trafficking; Policing Poverty

The policing of Asian massage parlor work as a site of trafficking is not new, but Robert Kraft's prominence made it slightly more apparent to the public. Writing about Asian body work in military camp towns in South Korea, Sealing Cheng (2011) warns that Asian women's sexual labor has become the facile lynchpin of what Laura Agustín (2007) has labeled the anti-trafficking "rescue industry" due to the combined moral panics of sex, gender, and migration. In recent years, the amplification of policing of Asian massage work has had deadly consequences. In 2017, a Chinese migrant worker Song Yang, working in Flushing, Queens, fell out of a window to her death while trying to avoid an NYPD raid on the massage business where she worked. Song Yang had previously been arrested three times for alleged prostitution and had confided in a fellow worker that she would rather die than be arrested again. The deadly November raid on her Flushing, New York workplace came after Song Yang's 2016 testimony that a

man claiming to be a police officer held a gun to her head and threatened to arrest her if she did not provide oral sex (Nolan Brown 2020). Organizers of Red Canary Song, a grassroots collective of migrant workers, sex workers, and allies that formed after her death, have amplified this troubling assertion that Song Yang would have rather fallen to her death than risk arrest and potential deportation. The same night that Yang died, another migrant worker hid on the fire escape all night long without a jacket in the brutal cold of late November to avoid arrest. In the wake of Yang's death, local politicians and police forces have turned to the two-pronged approach of amplifying police surveillance and crackdowns of Asian massage businesses, while offering civilian trainings in "how to spot human trafficking" in places like the Flushing library.

Over a decade ago, Elizabeth Bernstein (2007, 2012) warned of a prevalent carceral feminist commitment that underlies all efforts to combat trafficking, in which nearly every attempt to stop prostitution has been realized as surveillance and policing of these populations. Grace Chang and Kathleen Kim (2007) have further argued that policing of sex trafficking has had dangerous consequences including the deportation of immigrant sex workers. Their data have shown that the targeted raids of Asian massage businesses in the name of combating human trafficking, dating back to 2005, have resulted in the deportation of hundreds of Asian migrants from the United States. The specific targeting of Asian migrants has been further illustrated by Elizabeth Nolan Brown, whose media analysis of massage business raids between June and September 2019 yielded ninety-seven cases nationwide involving suspected sex trafficking and/or prostitution in massage businesses across the United States. Across thirty-one states, Nolan Brown found that the majority of those suspects listed—76 out of 102 suspects—were Asian, revealing the disproportionate targeting of Asian migrant businesses in the conflation of massage work and human trafficking (Nolan Brown 2020).

Telescoping out, Inderpal Grewal's book *Saving the Security State* posits rescue and policing work in tandem to construct "citizen-subjects of welfare and militarization in the context of American imperial power" (Grewal 2017, 1). As changing politics of race, class, gender, and sexuality stoke tensions and contradictions within the American empire, subjects on the margins are scrutinized as threats to national security, social cohesion, morality, and capitalist democracy. The security state is thus turned on these individuals through surveillance, policing, and humanitarian rescue efforts in order to resolve the contradictions they present to American empire. Anti-trafficking initiatives, which rely heavily on markers of race, class, gender, and sexuality to identify subjects for "rescue" and carceral interventions, exemplify this active governance of marginalized "citizen-subjects" who stoke moral panic. The "victims" targeted for the anti-trafficking interventions examined here in the crackdown on Asian massage businesses operate in the low-wage sector and informal margins of the economy, are heavily racialized as an ethnic "other," and often lack access to

rights, claims of citizenship, and national belonging due to their undocumented status. These “victims” additionally challenge conventions of care and labor, sexual politics, and distinctions between the formal and informal economy.

The racialized surveillance and policing in anti-trafficking initiatives are part of a much larger neoliberal effort to manage deviant populations and reassert moral authority, sovereign power, and legitimacy in the face of internal contradictions. As the focus on citizen victim identification of human trafficking has grown in the United States, a new brand of anti-trafficking racial vigilantism (Shih 2016) has marshaled everyday citizens into law enforcement efforts. These outreach projects mobilize the language of human trafficking rescue to justify civilian vigilantism and surveillance over predominantly working-class immigrants in cities throughout North America. These practices reflect an underlying pathology of what urban planners have called NIMBY-ism (NIMBY referring to “Not in My Backyard”), an effect that describes community aversion to undesirable elements—in this case, crimes associated with immigration, low-wage and informal work, and errant sexuality (Dear 1992; Tewdwr-Jones and McNeill 2000).

Outside of the United States context, Roxane Galusca has detailed how American investigative journalism has succeeded in targeting sex workers throughout the global South (Galusca 2012), while Gretchen Soderlund (2005) and the Thai sex worker rights organization Empower (2012) have reported nearly two decades of instances in which sex workers have “run from their rescuers” and demanded “rights not rescue.” Such transnational rescue optics have allowed trafficking to function time and time again in the service of anti-migrant policing in the United States and abroad (Chapkis 2003; Fukushima 2019; Hwang 2017; Kempadoo et al. 2015; Parreñas 2011; Shah 2008; Sharma 2005). But scholarship has yet to examine the full set of legal mechanisms that allow for these disparate forms of policing. While scholars of sex work have certainly pointed to the heightened policing of prostitution that has occurred in the name of combating human trafficking, this paper focuses particularly on a new set of auxiliary and proxy licensing laws that have emerged to allow the continuation of policing, albeit in a humanitarian and benevolent guise.

Auxiliary and Proxy Policing Functions Under Penal Welfare

Writing about pernicious interagency partnerships between state and civil society to combat the domestic sexual exploitation of children, Jennifer Musto (2016) has suggested that law enforcement uses carceral logics to justify protection. Musto’s case study of the new ways in which law enforcement agents, social service providers, and nongovernmental advocates have joined forces to foster “carceral protectionism” reveals how these collaborations consolidate state power and carceral control. The partnerships forged in the name of fighting domestic sex trafficking have blurred the boundaries between punishment

and protection, victim and offender, and state and non-state authority. Similarly focusing on such strange bedfellows as alliances and interagency commitments, Kimberly Hoang (2016) extends work on carceral feminism and carceral protectionism by highlighting key entanglements between nongovernmental organizations (NGOs) and the police in the case of sex workers in Vietnam. Building off Hoang, Musto, and Bernstein's insights, this article integrates a story of race, immigration, and deportation into the scholarly conversations on anti-trafficking's inherent carcerality. While these aforementioned works have discussed the varying ways in which prostitution has been criminalized, they have rarely taken immigration status into account. I argue that racial difference becomes the clear marker by which an entire industry—Asian massage work—has been policed in the wake of anti-trafficking. The focus on race and immigration, as understood through the threat and practice of deportation, is the focal contribution of this paper.

Methods

This paper is based on four years of ethnographic participant observation as an outreach worker between 2016 and 2020, coupled with insights gleaned from two distinct community action research projects with sex worker rights organizations that organize and advocate for Asian massage parlor and street-based sex workers. Since 2015, I have worked closely as a researcher with COYOTE Rhode Island, the state's only sex worker rights organization. (COYOTE stands for Call Off Your Old Tired Ethics.) A seed grant from the American Sociological Association Community Action Research Initiative Fellowship allowed us to conduct research, outreach, and advocacy with Rhode Island-based sex workers to examine the impact of the 2009 recriminalization of indoor prostitution in the state. In early 2016, the assault on Asian massage work in Providence and Pawtucket became the focus of a great deal of our research, advocacy, and biweekly outreach work. COYOTE's ongoing research and outreach to the Asian massage worker community includes distributing condoms and "know your rights" materials to Asian spas, sitting in on court hearings, pulling public arrest records, and connecting workers with local attorneys through a local network against state-sponsored violence.

The research also builds on ethnographic participant observation as a facilitator of an ongoing oral history project with Red Canary Song, the group founded in 2018 after Song Yang's death in 2017. This oral history project similarly seeks to understand the different consequences of policing Asian massage work in New York City. While the specific data drawn from each of the research projects for COYOTE Rhode Island and Red Canary Song—survey data and oral history research—are not discussed in this paper, the process of conducting monthly outreach and provisions assistance to migrant massage workers has been central to the ethnographic data herein.

Operation Rub Down: Rhode Island

Pulling up into an empty parking lot in Pawtucket, Rhode Island, our outreach team of three members of COYOTE was taken aback to find all the lights in a strip mall completely turned off. Though usually only sparsely lit by the establishment's sign hanging over the entryway and one bright red neon "OPEN" sign, we were surprised to find no activity in a business that we habitually visited twice a month to deliver harm reduction supplies and "know your rights" materials translated into Korean and Chinese. Familiar with the workers in the pizza shop next door, we walked in and asked what happened. The staff responded that the massage shop had been shut down the previous week in what appeared to be a swift sting operation by the police.

From reading journalistic accounts, we learned that in early December 2019, the Pawtucket Police Department and Department of Homeland Security raided three Asian massage businesses in Pawtucket and arrested nineteen people who were charged with violations ranging from solicitation and/or prostitution to offering massages without a license. Notably, most of the Asian massage parlor employees arrested in the raid were charged with not having a massage therapy license; only three employees were charged with prostitution. The criminalization of solicitation and prostitution are standard, but the massage license–related citations in these raids point to a new regime of racialized policing of migrant women's work, stoked by fears of human trafficking. Yet rather than rescue the purported victims, these interventions often result in the criminalization, incarceration, and deportation of the migrant Asian women employed at these establishments.

This most recent rash of raids that occurred in December 2019 was part of a statewide effort to crack down on massage parlors and spas, which have been cast as breeding grounds for illegitimate business and human trafficking. In early 2016, Rhode Island Governor Gina Raimondo signed into law a municipal ordinance that established a new category of "body work" requiring a distinct license from that of a massage therapist (State of Rhode Island 2016).² The law allows cities and towns in Rhode Island to regulate the operation of any massage businesses in their jurisdiction and lays out the requirements for licensing, continued education, and renewal. In order to receive licenses, "body workers" must submit to certain licensing requirements, including criminal background checks, citizenship requirements, and technical certificates. The municipal ordinance instigating this law sought to target Asian massage businesses in particular, following "Operation Rubdown," first initiated in 2003, which has sought to close Asian massage businesses down due to fears of association with human trafficking (Ehrenfreund 2015).³ The law was crafted to target specific kinds of Asian body work in Asian-owned businesses under the guise of cracking down on "brothels masquerading as legitimate businesses" (Milkovitz 2016). The law carefully lays out the terms and descriptions that licensed and non-licensed businesses may officially use in their advertisements and employee titles as a

way to separate unlicensed “body work” parlors from legal operations within the massage industry. The new municipal ordinance tried to draw a line between licensed massage and unlicensed Asian bodywork, defining licensed massage as “the manual manipulation of the soft tissues of the human body through the systematic application of massage techniques” and specifically noting that “massage shall not include the touch of genitalia . . . [or] high-velocity thrust applied to the joints or spine” (State of Rhode Island 2016).

As occurred in the Robert Kraft case, there has rarely been any distinct connection between Asian massage parlors in Rhode Island and human trafficking. As Scott Cunningham and Manisha Shah (2014) attest, cities such as Providence have seen demographic changes in the last two decades or so with an increase in Asian, especially Korean, immigrants. During years of weekly outreach to massage parlors, in which COYOTE distributed “know your rights” information and harm reduction supplies, we learned that in Rhode Island, these establishments are predominately run and operated by migrant women from South Korea. Many arrive in Rhode Island after spending several years working in New York City, relocating because they are priced out of living in New York. When Asian massage businesses are targeted, these migrant workers face dire legal and economic consequences—they are often working their way out of poverty, and the closure of Asian massage businesses subjects them to further economic precarity. While news media outlets are quick to herald these closures as efforts to stop human trafficking, not a single newspaper article discusses the dozens of women who, once arrested, are turned over to the Department of Homeland Security and Immigration and Customs Enforcement (ICE) in order to begin deportation proceedings.

In direct outreach efforts with massage parlor workers over the past three years, COYOTE has learned that most workers in these massage parlors are voluntary, consenting adults in their 40s and 50s. These demographic figures corroborate Nolan Brown’s aforementioned media research of ninety-seven cases of massage work in 2019, in which 80 percent of suspects were in their 40s and 50s (Nolan Brown 2020). Many have migrated to Rhode Island from Flushing seeking out different types of low-wage and service sector employment as a means of survival. Many choose massage work as the most lucrative of these jobs, and sometimes erotic sex acts happen during their massage sessions. To confound the situation further, even though the number of overall prostitution arrests continues to fall, the crackdown of Asian massage parlors (as sites of sex work) seems to be increasing.

Policing Poverty Through Licensure: New York City

Since Song Yang’s death in 2017, massage workers in Flushing have faced a nefarious collaboration between the police and local property developers hoping to revitalize the newly imagined “Flushing Commercial Business District.”

The recent crackdown on Asian massage work on 39th and 40th avenues in downtown Flushing conveniently folds anti-trafficking panics into the service of budding commercial real estate interests in downtown Flushing. Such evidence illustrates Nicola Mai's concept of "moral gentrification," where the capital interests of real estate development are amplified alongside the larger moral panics around "cleaning up the streets" and ridding it of vice (Mai 2018). The melding of gentrification with anti-trafficking policing has been highlighted through Red Canary Song's support of the Flushing Anti-Displacement Alliance (FADA), which aims to curb new efforts at real estate development and rezoning that threaten to hasten the ongoing displacement of working-class people from Flushing ("Fight for Flushing" 2020).

In the years since Yang's death, massage workers have reported to Red Canary Song weekly intrusions of their workplaces by police asking them to show massage licenses. Legal aid lawyers who are assigned to represent Asian massage workers have noted that the majority of prostitution-related arrests for Asian women in New York apply a violation of New York Education Law 6512, which prohibits a person from practicing unlicensed massage therapies and from knowingly aiding three or more unlicensed persons to practice.

The new licensing barriers are discriminatory on the basis of their English language requirements and anti-immigrant undertones, but they also subject workers to significant new financial pressures and administrative barriers to work. Since the fall of 2019, I have served as the facilitator of monthly outreach sessions with massage workers and street-based workers who are members of Red Canary Song. In monthly meetings over the past year, workers have consistently said that one of the most significant challenges they face has been the focus on acquiring licenses. Mimi, a worker in her 50s, shared that she recently spent \$7,000 on a licensing program that promised her a license in Massachusetts. After aggressively marketing the licensing opportunity in massage worker circles and chat rooms on WeChat, the popular Chinese social media platform, the business disappeared, absconding with thousands of dollars from workers. Others report that they spent \$1,000 to complete a program that earned them an aromatherapy certificate in New York, only to discover that the supposed certification would not protect them from arrest under New York laws. These workers' earnings are unpredictable—often under \$100 a day depending on tips—and these exorbitant fees create even more barriers for people living in poverty.

Building off the national trends in new municipal license ordinances, a roster of New York laws is slated for the 2020 legislative docket. These laws reflect urgent moves to dispatch the policing of massage work to citizens, landlords, and other extra-law enforcement entities. Sponsored by Democratic State Assemblyman Mike Miller, proposed Assembly Bill A810 mandates that a landlord end a lease and evict a tenant if a city or state agent notifies them that an unlicensed massage or prostitution business is operating on the premises (New York State Senate 2019a). Relatedly, New York Assembly Bill A1210, which

Miller introduced in January 2019 and is currently in the Judiciary Committee, requires landlords to verify that massage therapist tenants are licensed by the state before allowing them to sign a rental agreement (New York State Senate 2019b). The landlord of a tenant who is charged with promoting prostitution could face a civil penalty of one thousand dollars if substantial evidence shows they did not verify the tenant's massage therapy license. The bill's justification states that this law would "discourage landlords from renting their premises to a tenant who intends to practice illegal massage therapy" (New York State Senate 2019b). These new forays dispatch the policing of low-wage service industries to new brokers of legitimacy, enacting the effects of criminalization without needing a traditional police force. While policing and licensure have been relegated to landlords (who do so by way of tenant relationships and threats of eviction), they are under the umbrella of Representative Miller's broader platform to protect victims of sex trafficking. Their particular focus on landlord-tenant relationships and threats of eviction due to noncompliance further underscores the spurious relationship between anti-trafficking efforts and the rapid gentrification of Flushing's commercial business and luxury real estate districts.

Spectacle and Money—Nonprofit Collusion

The policing of Asian massage work via building code violations, public health violations, and massage licenses is a strategy that has gained enormous traction in the war against human trafficking. Supporters of this approach have taken their cue from a curious alliance of advocates that includes both anti-trafficking NGOs and professional massage agencies, like the American Massage Therapy Association (AMTA). The Polaris Project, one of the largest anti-trafficking organizations in the United States, which operates the nation's primary anti-trafficking hotline, has an entire project focusing on "illicit" massage businesses in relation to human trafficking. Their publications call attention to the dangers of Asian massage work and warn the public of visual signs of trafficking in massage parlors.

The vulnerability of Asian massage parlor work is central to the Polaris Project's founding story. Founder Katherine Chon said one of her primary motivations for starting the organization came as an undergraduate student at Brown University in Providence, Rhode Island, after reading a *Providence Journal* article from the late 1990s about a massage parlor in the downtown Providence area that subjected its female workers to slave-like conditions. "Just to acknowledge that slavery exists in the twenty-first century was shocking in itself, but to read an article about that happening in our own backyard—in Providence—was shocking," Chon said (Park 2007).

The Polaris Project's 2019 report on "illicit" massage businesses includes numerous suggestions to "shut down massage parlor trafficking" ("Reimagine" 2019). The report includes an emphasis on creating new laws that explicitly tie

the migrant massage industry to human trafficking and bolstering law enforcement. Reporting on Polaris's own inventory of national massage license laws, the report states that "while 46 states have some regulation of or industry standards for massage therapists, or state law acknowledging the massage profession, the key to ending trafficking is strong laws regulating the business operations" ("Human Trafficking" 2019, 9). The further onus on licensing is tied to "exposing anonymous shell companies," which they describe as "a staple of criminal enterprises seeking to disguise who really owns and therefore benefits from a company" ("Human Trafficking" 2019, 10). Efforts to seek out suspicious business owners also require the introduction of new registration and licensing requirements for immigrant businesses. The report asserts that "both state and federal law should require businesses to register official operators and primary owners (beneficial owner, partner, etc.) both of which should be required to provide a valid phone number and address." Polaris also recommends the "vetting [of massage parlors] on sites like Yelp and Groupon," giving a role to civilians in the authentication of massage businesses ("Human Trafficking" 2019, 10).

The well-documented challenges of vulnerability in the massage industry have been used to justify the deployment of law enforcement. Rather than focusing on a rights-based perspective of harm reduction or attending to workers' demands for increased occupational health and safety and police and client accountability, these advocates insist on the complete abolition of massage work. Examining the particular labor dynamics of the industry, a 2019 report titled *Illicit Massage Parlors in Los Angeles and New York City: Stories from Women Workers* found that since the provision of massages is a cash-based transaction, massage workers are particularly vulnerable not only to rape but also to robbery. However, massage workers' fear of arrest for prostitution almost always supersedes their fear of being robbed or assaulted by clients (Chin et al. 2019). Among respondents in New York City and Los Angeles, most women, when asked about threats to their safety, first answered in terms of their fear of being arrested. Refocusing on licensure has attempted to erase this structural precarity by framing massage work as inherently dangerous *because* it is a form of human trafficking.

In addition to partnering with law enforcement, in 2017, Polaris found a natural ally in the AMTA. Together, they advocated for the introduction of Senate Bill 548 in North Carolina (General Assembly of North Carolina 2017). This local ordinance required all massage therapists to display posters in their waiting rooms that showed the phone numbers for the human trafficking hotline. It also required that workers have a high school diploma and demonstrate satisfactory proficiency in the English language. Such blatantly xenophobic requirements underscore how labor is legitimated through national and class markers, creating a category of illegitimate laborers subject to carceral forces enacted by the state and further subordination in the labor market.

It is worth speculating why the Polaris Project, in conjunction with state actors, has shifted so decidedly towards the practice of licensing. By targeting

Asian massage businesses and offering a facile victim in the form of the Asian sex slave, Polaris taps into public anxieties about sex and crime, decreasing property values, and threats to “honest business,” and in so doing builds its own capital. The neoliberal policing of poverty is tremendously profitable. In the 2019 fiscal year, Polaris grossed an annual revenue of over \$13.4 million dollars, facilitated by the far-reaching impacts of their narratives against trafficking (“Reimagine” 2019). The incredible wealth amassed by the Polaris Project—deriving from a liberal cultural machine of moralized giving that subsists on sensationalist narratives around sex trafficking—underscores the larger dynamics of class relations at play within the auxiliary policing of trafficking. Polaris’s work exemplifies the kind of cooperation by state and non-state actors that is a defining feature of apparatuses of power in the neoliberal era, in this case to criminalize communities and laborers living within systems of poverty. It is this highly funded and well-oiled machine, referred to by sex worker rights activist Carol Leigh as the anti-trafficking industrial complex (2015), that has been mobilized in the service of recent Asian massage parlor raids across North America.

Paradoxes of Licensure and the False Promises of Vocational Training

The turn to massage licensure as a way of policing sex, poverty, and migration presents one additional paradox. The National Employment Law Project’s Fair Chance Licensing Campaign identified over forty industries that prohibit those with prior criminal offenses from receiving licenses, drastically limiting the upward mobility of those released from prison. Among the professions that prohibit the granting of licenses to those with criminal records are barbers, beauticians, nail technicians, security guards, athletic trainers, and massage therapists. Their national campaign reveals the spurious relationship between vocational training in prison and its benefits upon reentry by focusing on the discriminatory practice of occupational licensing. After enduring workforce development programs in prison, many people, upon release, discover new bureaucratic barriers to the low-wage industries they were “trained” for while incarcerated. Licensure, thus, has historically presented a dead-end for many working-class, undocumented, immigrant and hyperpoliced communities.

In the wake of the war on trafficking, “alternative sanctions” to jail time have become vastly popular among judges who rule on prostitution cases. In particular, New York City’s human trafficking intervention courts, introduced in 2014, propose rehabilitative alternatives to those arrested for prostitution (*Un-Meetable Promises* 2018). Exemplifying the interests of “penal welfare” (Gruber et al. 2016), they once again reveal how the humanitarian promises of anti-trafficking rescue justify carceral responses. Rather than jail time, sex workers report being “sentenced” to alternative sanctions that include six weeks of mandatory yoga classes, mental health counseling, and unpaid job training. If they refuse these alternative sanctions, they face harsher penal sentences. These

court-prescribed alternatives—which tout the label of being “trauma-informed” models of policing, rehabilitation, and jurisprudence—enact further shame and stigma, which troubles workers when they return to the sex industry, as many are compelled to do because of unmitigated financial circumstances. There are no options for long-term affordable housing or access to high-paying work for those without American university degrees or for those who have criminal records. For people who seek to exit the industry, nearly all anti-trafficking solutions lay out pathways towards mundane “redemptive” labor—like making handicrafts, jewelry, or silk pajamas or a myriad of other social enterprises that call on so-called ethical consumers to “Buy for Freedom” (Shih 2014). However, the administrative neutrality and “moral alternative” such programs propose are merely a false neoliberal facade because they fail to attend to the economic and material needs of low-wage workers around the world.

Popular discourses posit licensing and vocational training programs as responsible ways for society to respond to the changing technological workplace. These discourses imagine that women in particular can be empowered and uplifted as laborers in a shifting global market through licensing and certification, deemed alternative and accessible vehicles of career acceleration. Absent from this narrative is the way licensing programs are organized around criminalizing particular forms of low-wage and racialized labor, justifying carceral forms of intervention that ultimately inhibit social mobility. Licenses not only create the conditions for more widespread criminalization but also postulate a model of a particular moral, legitimate feminine laborer in the market. Further analyses might consider how licensure has always been used to police race and poverty and how it is related to other technocratic infrastructures, such as the explosion of new technological surveillance tools to stop sex trafficking.⁴ Licenses are not agnostic, despite the fact they are so often pitched as such. This is particularly the case when employed in efforts to see and stop slavery that center on racializing certain bodies as criminal offenders.

Conclusion

In the days after the Orchids raid, tourists flocked to the Palm Beach strip mall, disrupting business for other immigrant entrepreneurs, like a small Thai restaurant, crowding for selfies in front of the closed establishment, and posting them on social media with hashtags like #happyending, or #NewEnglandPatriots suck (Waller 2019). Curiously peeking inside the now banned establishment and eager to be part of the spectacle, their interest neatly captured American hysteria around modern-day slavery. Equally, it demonstrated that rescue serves the emotional needs and priorities of people doing the rescue, but at the expense of the rights of those such projects aim to serve, ultimately fortifying gendered and racialized economies of labor and morality. The Orchids of Asia case serves as an apt reminder of why sex workers around the world have continually

organized around demands of “rights not rescue”—though more often than not, this call has gone unheeded.

Within the anti-trafficking movement, licensure has already been weaponized as a mechanism to categorize certain types of low-wage immigrant work in order to facilitate its criminalization. While the standard raid and evict policing practices still undoubtedly prevail, the new legal category of Asian women’s “bodywork” is significant because it aims to distinguish this form of ethnic work from “licensed” massage. Such rote bureaucratic processes of licensure create new pathways to ethnicize and criminalize Asian low-wage workers. Most significantly, the threats of policing, eviction, and deportation, foreclose possibilities of worker organizing in favor of the more popular humanitarian raid and rescue approach.

These lessons about the virulence of new municipal licensing ordinances, and the way they police poverty and sexuality, may offer some suggestions for policymakers and those engaged in advocacy. Recent progressive organizing efforts and discourses, for instance, have focused on the elimination of ICE as a principal way of mitigating the violence enacted by the nation’s immigration system. While noble and fruitful in its aims, progressives must also consider the shifting practices of policing and criminalizing poor migrants and the ways these practices operate on logics of gendered labor. The diffusion of power to volunteers and citizen vigilantes has created an apparatus of criminalization that could ostensibly exist without the presence of ICE. Even in the absence of ICE, we would remain entrapped in a culture that upholds sensationalist and criminalizing narratives around particular forms of work.

In closing, the work of policing sex trafficking, dispatched to auxiliary entities and enforced through licensing, fortifies existing structures of racialized policing and anti-immigrant deportation, softened with the humanitarian gaze and guise of rescue. These new forms of control exemplify the combined policing of poverty, sexuality, and migration, facilitated through the widely acceptable humanitarian movement to combat human trafficking. As new instances of penal welfare, they dispatch state and law enforcement control over migrants, communities of color, sex workers, and low-wage workers to new brokers of policing, including public health officials and landlords. Such interventions cannot be separated from the neoliberal state’s active disciplinary management, governance, and policing of marginalized groups whose economic and cultural poverty present problems and insecurities for the nation.

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Notes

1. This article focuses on municipal license ordinances in the United States. For comprehensive research on the policing of Asian massage work in Canada, see the research and policy reports of Butterfly, a Toronto-based Asian and migrant sex workers network, which are available online at <https://www.butterflysw.org>.

2. In legal, media, and popular contexts, the terms *bodywork*, *body work*, and *body-work* are used interchangeably. When quoting particular laws or referencing the names of businesses, I use the same spelling as the original text, however, in my own formulations herein, I have chosen to refer to this new category of racialized massage work as “body work” as a gesture to historic advocacy around the platform of sex work, and to situate this scholarly intervention within the genealogy of work on intimate labor.

3. Operation Rubdown’s 2003 targeting of Asian massage businesses was so successful at stoking public fears around human trafficking that it eventually led to the recriminalization of indoor prostitution in the state in 2009. Scott Cunningham and Manisha Shah (2014) have found that during the period of decriminalization, rates of gonorrhea among women decreased by 39 percent and the number of reported rapes decreased by 31 percent.

4. See for example the *Anti-Trafficking Review*’s April 2020 special issue on “Technology, Anti-Trafficking, and Speculative Futures,” edited by Jennifer Musto, Mitali Thakor, and Borislav Gerasimov, available online at https://gaatw.org/ATR/antiTraffickingReview_issue14.pdf. See also Blunt and Wolf (2020); Grant (2015); “Hacking//Hustling” (2020); Musto and Boyd (2014); and Taylor and Shih (2019).

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