

THE OPINION PAGES | OP-ED CONTRIBUTOR

# The Super Bowl and Sex Trafficking

By KATE MOGULESCU JAN. 31, 2014

TENS of thousands of people have descended upon the New York-New Jersey metropolitan area this week for tomorrow's Super Bowl, accompanied by the usual media frenzy. A now familiar feature of this coverage, wherever the Super Bowl is held, is an abundance of stories, from Reuters to CNN, reporting that the event will cause a surge in sex trafficking to capitalize on the influx of fans and tourists.

Representative Christopher H. Smith, Republican of New Jersey and co-chairman of the House anti-human trafficking caucus, and Gov. Chris Christie announced a law enforcement crackdown. Cindy McCain, in advance of next year's Super Bowl in Arizona, flew in to stand at Mr. Christie's side, declaring that the Super Bowl is "the largest human-trafficking event on the planet."

The problem is that there is no substantiation of these claims. The rhetoric turns out to be just that.

No data actually support the notion that increased sex trafficking accompanies the Super Bowl. The Global Alliance Against Traffic in Women, a network of nongovernmental organizations, published a report in 2011 examining the record on sex trafficking related to World Cup soccer games, the Olympics and the Super Bowl. It found that, "despite massive media attention, law enforcement measures and efforts by prostitution abolitionist groups, there is no empirical evidence that trafficking for prostitution increases around large sporting events."

Even with this lack of evidence, the myth has taken hold through sheer force of repetition, playing on desires to rescue trafficking victims and appear tough on

crime. Whether the game is in Dallas, Indianapolis or New Orleans, the pattern is the same: Each Super Bowl host state forms a trafficking task force to “respond” to the issue; the task force issues a foreboding statement; the National Football League pledges to work with local law enforcement to address trafficking; and news conference after news conference is held. The actual number of traffickers investigated or prosecuted hovers around zero.

The Super Bowl sex-trafficking hype isn’t just unfounded, though — it is actively harmful because it creates bad policy. In the days leading up to Sunday’s game, local law enforcement dedicated tremendous resources to targeting everyone engaged in prostitution.

As the supervising attorney of a project at the Legal Aid Society that represents nearly all of the people arrested on prostitution charges throughout New York City, I know firsthand the devastating consequences that aggressive arrest practices can have for both trafficked and nontrafficked people engaging in prostitution. Many, but not all, of our clients are, in fact, trafficked, and many more have survived an extensive amount of brutality, violence and trauma. Turning them into defendants and pushing them through the criminal justice system contradicts any claim of assistance.

This week’s Super Bowl-related operation has required officers to be pulled from their regular details to serve on prostitution arrest squads. The New York Police Department said it had made 298 prostitution-related arrests through Jan. 26. In Manhattan — a borough that has approximately 300 arrests for prostitution a year — there have been more than 100 arrests in the past several days. When Midtown Community Court opened on Wednesday morning, 25 women arrested on Tuesday night were sitting in holding cells waiting to be arraigned after a sting operation at the Marriott Marquis hotel in Midtown.

The New York State attorney general’s office announced another prostitution-ring bust at a Manhattan apartment building on Thursday morning. Although that investigation had been going on for 11 months, officials waited until this week to make the arrests and announcement. This was ostensibly to raise awareness of sex trafficking before the Super Bowl — even though there were no actual allegations of trafficking reported in the case.

These arrests are not indications of an increase in prostitution activity, but rather of an increase in policing. This has left the criminal courts scrambling to handle the additional cases, adding a significant strain to an already overburdened criminal justice system. Those arrested face jail, potential deportation, warrants for failure to appear and lifelong criminal records.

Human trafficking cannot be addressed by prosecuting victims in a criminal court. If, indeed, the goal is to address human trafficking, why is law enforcement targeting those believed to be victims?

When the discussion is dominated by fear-mongering, we fail to meaningfully address the actual causes of human trafficking. The annual oversimplification of the issue, in which we conflate all prostitution with trafficking, and then imply that arrest equals solution, does a disservice to year-round efforts to genuinely assist survivors of trafficking — with emergency housing, medical care and other crucial services.

Remove the guise of “preventing” human trafficking, and we are left with a cautionary tale of how efforts to clean up the town for a media event rely on criminalizing people, with long-lasting implications for those who are then trapped in the criminal justice system. If we continue to perpetuate fallacies like the Super Bowl sex-trafficking phenomenon, we will continue to perpetuate the harm caused by prostitution arrests in the name of helping victims.

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A version of this op-ed appears in print on February 1, 2014, on page A23 of the New York edition with the headline: The Super Bowl and Sex Trafficking .