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Blanche Cook

University of Kentucky, BLANCHE.COOK@UKY.EDU

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Flesh Markets: Sex Trafficking, Opioids, and the Legal Process to Eradicate the Demand

ARTICLES

FLESH MARKETS: SEX TRAFFICKING, OPIOIDS, AND THE LEGAL PROCESS TO ERADICATE THE DEMAND

*Blanche Bong Cook**

The physical craving the body develops for opioids is profound and unrelenting. Add extreme brainwashing, psychological manipulation, and physical trauma and you end up with someone who is trapped in a cycle. The power of addiction combined with the coercion of a trafficker can be a lethal combination. We have seen a number of these patients die from overdose, suicide, and infections.²

On February 5, 2021, the University of Kentucky J. David Rosenberg College of Law, grateful steward of the community it serves, held a symposium for students, practitioners, stakeholders, and the public. The symposium, the first of its kind, examined the converging and rising tides of sex trafficking vulnerability and opioid dependency. The *Kentucky Law Journal* and the University of Kentucky Department of Gender and Women's Studies sponsored the symposium.

In order to provide necessary context, the following introduction briefly outlines sex trafficking and is followed by an overview of the symposium. For a more detailed review of the generous expertise shared, the full symposium is available for review on the Rosenberg College of Law's website,³ as well as our website dedicated to an intersectional approach to sex trafficking, "Disarming the WHP."⁴

* Robert E. Harding, Jr. Associate Professor of Law, University of Kentucky J. David Rosenberg College of Law. B.A. Vassar College. J.D. University of Michigan School of Law. Assistant United States Attorney, 2005–2014, United States, Department of Justice. Special thanks to Maya Marshall and Rachel K. Bierman, my brilliant, hardworking, dedicated, and fearless research assistants.

² Katherine Chon, *Human Trafficking and Opioid Abuse*, ADMIN. FOR CHILD. & FAMILIES (May 17, 2016), <https://www.acf.hhs.gov/archive/blog/2016/05/human-trafficking-and-opioid-abuse> [<https://perma.cc/C4L7-AJH9>].

³ *Sex Trafficking and Opioids Symposium*, UNIV. KY. J. DAVID ROSENBERG COLL. L., <https://law.uky.edu/academics/sex-trafficking-and-opioids-symposium> [<https://perma.cc/P9VA-FTQP>].

⁴ *Disarming the WHP*, <https://disarmingthewhp.createuky.net/> [<https://perma.cc/5ZKT-WHGC>].

I. SEX TRAFFICKING VULNERABILITY AND OPIOID DEPENDENCY

Our nation is experiencing a meteoric rise in opioid overdoses. The sheer power of opioid dependency has left few untouched and many devastated in its wake. In the United States, the vicious opioid tripartite—prescription pills, fentanyl, and heroin—results in overdose deaths every eleven minutes.⁵ Opioid-related deaths have killed more people than H.I.V., at the height of the AIDS epidemic, or the wars in both Vietnam and Iraq combined.⁶ Inextricably intertwined with opioid dependency is an equally epidemic rise in sex trafficking. Like no other point in its 5,000-year history, sex trafficking is on a sharp upsurge: the internet has expanded the insatiable demand for vulnerable human flesh. As the internet increases the scope of the flesh trade, opioid addiction adds to its sting. Millions are feeding their dependency through the buying and selling of flesh. The mutually imbricating lines of opioid dependency and the insatiable appetite for vulnerable flesh have produced a societal powder keg.

Trafficking in human flesh for purposes of both labor and sex is “the third largest source of income for organized crime (exceeded only by arms and drugs trafficking), and is the fastest growing form of international crime.”⁷ Worldwide, sex trafficking generates an estimated \$33.9 billion per year.⁸ By way of definition, sex trafficking is a form of sexualized violence and exists on a continuum from sexual harassment to sexual assault. As a legal matter, under federal law, there are two forms of sex trafficking: (1) sex trafficking of children and (2) sex trafficking of adults, where force, threats of force, fraud, or coercion is used to make a male or female engage in a commercial sex act.⁹ As for the first form, child trafficking, federal law criminalizes sex trafficking anyone under the age of eighteen.¹⁰ Under federal law, minors cannot consent to sex trafficking.¹¹ Consequently, proof of force, fraud, or coercion is not required in child sex trafficking cases.¹² The converse is true for

⁵ Shreeya Sinha, *A Visual Journey Through Addiction*, N.Y. TIMES (Dec. 18, 2018), <https://www.nytimes.com/interactive/2018/us/addiction-heroin-opioids.html> [https://perma.cc/H2JA-PCBR]; 2016 NATIONAL DRUG THREAT ASSESSMENT SUMMARY, U.S. DEP’T JUST. v (2016).

⁶ Sinha, *supra* note 5.

⁷ *Human Trafficking – Questions & Answers*, GLOB. INITIATIVE TO FIGHT HUMAN TRAFFICKING, https://www.unglobalcompact.org/docs/issues_doc/labour/Forced_labour/HUMAN_TRAFFICKING_-_BACKGROUND_BRIEFING_NOTE_-_final.pdf [https://perma.cc/3UQ6-LEGQ].

⁸ Patrick Belser, *Forced Labour and Human Trafficking: Estimating the Profits* 14 (Int’l Lab. Off., Working Paper No. 42, 2005), https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_081971.pdf [https://perma.cc/FKV4-W2UH].

⁹ See 18 U.S.C. § 1591(a).

¹⁰ *Id.*

¹¹ See *United States v. Robinson*, 508 F. App’x 867, 870 (11th Cir. 2013) (rejecting defendant’s assertion that a minor sex trafficking victim was not forced because “minors cannot consent to prostitution”) (internal citation omitted); *United States v. Brooks*, 610 F.3d 1186, 1199 (9th Cir. 2010) (“[t]he victim’s willingness to engage in sexual activity is irrelevant, in much the same way that a minor’s consent to sexual activity does not mitigate the offense of statutory rape or child molestation.”) (internal citations omitted); *United States v. Campbell*, 764 F.3d 880, 888 (8th Cir. 2014) (excluding evidence of other acts of prostitution because minors cannot consent).

¹² *Campbell*, 764 F.3d at 888.

persons over the age of eighteen—evidence of force, the threat of force, fraud, or coercion is required.¹³

Accurate sex trafficking data is highly contested due to the complexity of the crime and difficulty in identifying victims.¹⁴ Sex trafficking survivors may be reluctant to identify themselves, particularly given the moral opprobrium unleashed on sexual conduct less than the Victorian standard of primness. Additionally, the underlying precarities that render survivors vulnerable (in the first instance) also make them invisible for purposes of humanity and hypervisible for purposes of criminal prosecution. Consequently, sex trafficking data varies. Despite these difficulties, as of 2012, the International Labor Organization (ILO) stated that 4.5 million people worldwide who had been victims of human trafficking and forced labor were also victims of sex trafficking.¹⁵ The ILO also claims that internationally, women and children constitute fifty-five percent of the forced-labor trade.¹⁶ In 2015, one study estimated fourteen to be the average age of entry for girls in the sex trade.¹⁷ In another study, the average age of first exploitation was eleven or younger.¹⁸ With regard to trafficking across international borders, women and minors constitute

¹³ *Id.*

¹⁴ A note about the use of the word victim:

The use of the term “victim” to reference both male and female sex trafficking victims remains a highly controversial issue. Many activists, scholars, judges, and practitioners prefer to use the term “survivor,” when referencing sex trafficking victims. I use the term “victim” to highlight, underscore, and bring into sharp relief the offensive, violative, and assaultive conduct that constitutes sex trafficking, which is not to argue or insinuate that victims are only victims or should be reduced to victimization alone. Rather, sex trafficking victims are clearly entitled to the entire spectrum, plethora, and panoply of human complexity, including resiliency and brilliance. The use of “victim” in this piece is meant to highlight the criminal behavior of the perpetrator. Sex trafficking victims are no more enveloped by victimization than burglary victims; however, burglary victims are entitled to identify themselves as “victims” (persons who have been aggrieved) without directly or indirectly questioning their agency. The operation of sex trafficking victims’ “agency” is a major theme in this piece. This piece asserts that agency cannot be viewed outside the context of power. Moreover, a sex trafficking victim’s victimization can be announced without calling into question her ability to exercise agency.

Blanche Bong Cook, *Stop Traffic: Using Expert Witnesses to Disrupt Intersectional Vulnerability in Sex Trafficking Prosecutions*, 24 Berkeley J. Crim. L., Spring 2019, at 153, 153 n.15.

¹⁵ *New ILO Global Estimate of Forced Labour: 20.9 million victims*, INT’L LAB. ORG. (June 1, 2012), http://www.ilo.org/global/topics/forced-labour/news/WCMS_182109/lang-en/index.htm [<https://perma.cc/V7VG-7ZUL>].

¹⁶ *Id.*

¹⁷ Jody Raphael & Katie Feifer, *Human Trafficking and Sexual Exploitation: The Statistics Behind the Stories*, WORLD WITHOUT EXPLOITATION 39 (Jan. 2020), <https://www.worldwithoutexploitation.org/stats> [<https://perma.cc/2UX4-BNCK>] (citing Jody Raphael & Brenda Myers-Powell, *From Victims to Victimizers: Interviews with 25 Ex-Pimps in Chicago*, DEPAUL UNIV. COLL. L. (Sept. 2010), https://law.depaul.edu/about/centers-and-institutes/schiller-ducanto-fleck-family-law-center/Documents/interview_ex_pimps.pdf [<https://perma.cc/D6LC-MZSB>]).

¹⁸ *Id.* at 59 (citing Frances Gragg, Ian Petta, Haidee Bernstein, Karla Eisen, & Liz Quinn, *New York Prevalence Study of Commerically Exploited Children*, N.Y. OFF. CHILD. & FAM. SERVS. (Apr. 2007), <http://www.ocfs.state.ny.us/main/reports/csec-2007.pdf> [<https://perma.cc/UB4G-NPP4>]).

fifty-five percent of trafficking victims.¹⁹ Domestically, an estimated 200,000 to 300,000 minors are commercially traded for sex in the United States each year.²⁰

Sex trafficking exists conterminously with drug dependency because “vulnerability is the lynchpin of exploitation.”²¹ Traffickers profile their victims “for vulnerability and use that vulnerability to manipulate, groom, and exploit their victims”²² Traffickers often profile for drug dependency because they desire victims to be slavishly addicted and hopelessly strung out. As one trafficker famously observed, “[w]eakness is the best trait a person can find in someone they want to control. If you can’t find a weakness, you have to create one.”²³ Opioids, like heroin, powdered cocaine, or fentanyl, induce an immediate sense of palpable euphoria, only to ensnarl the victim in a vicious cycle of dependency and withdrawal.²⁴ The cycle actually rewires the brain and leaves the body defenseless.²⁵ One user described her opioid euphoria as, “being ‘hugged by Jesus.’”²⁶ Opioid dependency, thus, opens a wide chasm inside its subject, where the trafficker can press the victim into the trade. By inducing or exacerbating drug dependency, traffickers use tranquility for the sole purpose of unbridled exploitation, exerting a ruthless, unmitigated, and often treacherous control over their prey.

To be clear, opioids are one of an arsenal of methods sex abusers weaponize to control their victims. Highly romanticized notions of sex trafficking obscure its brutal reality. As Laura Lederer and Christopher Wetzel explain, additional controlling devices include, bruising, beating, lacerating, punching, kicking, raping, penetrating with foreign objects, threatening with a weapon, burning with cigarettes, strangling, stabbing, slashing, shooting, forcing to have unprotected sex, exposing to deportation, luring into pornography as both a viewer and object, and making threats against family members and children.²⁷ The nightmarish brutality of sex trafficking elucidates the allure of analgesics to alleviate both trauma and pain. The use of pain killers to anesthetize, therefore, is consistent with the violence victims endure. In one study, victims reported being used for sex by approximately thirteen buyers per day with some respondents reporting typical days of as many as thirty to fifty buyers.²⁸

Researchers, practitioners, judges, and the public are just realizing and documenting the imbricating lines of sex trafficking vulnerability and opioid

¹⁹ *New ILO Global Estimate of Forced Labor*, *supra* note 15.

²⁰ Cheryl Nelson Butler, *Bridge Over Troubled Water: Safe Harbor Laws for Sexually Exploited Minors*, 93 N.C. L. REV. 1281, 1283 (2015). *See also* S. Res. 340, 113th Cong. (2014) (“according to the Federal Bureau of Investigation, an estimated 200,000 to 300,000 children in the United States are at risk of commercial sexual exploitation”); S. 1518, 113th Cong. (2013) (a bill set to “improving outcomes for youth at risk for sex trafficking”); Butler, *supra*, at 1283 n.3 (citing INST. MED. & NAT’L RSCH. COUNCIL, *CONFRONTING COMMERCIAL SEXUAL EXPLOITATION AND SEX TRAFFICKING OF MINORS IN THE U.S.* 42 (Ellen Wright Clayton et al. eds., 2013)).

²¹ Cook, *supra* note 14, at 152.

²² *Id.* at 164.

²³ PIMPIN’ KEN, PIMPOLOGY: THE 48 LAWS OF THE GAME 22 (2007).

²⁴ Sinha, *supra* note 5.

²⁵ *Id.*

²⁶ *Id.*

²⁷ Laura J. Lederer & Christopher A. Wetzel, *The Health Consequences of Sex Trafficking and Their Implications for Identifying Victims in Healthcare Facilities*, 23 ANNALS HEALTH L., Winter 2014, at 61, 74–75.

²⁸ *Id.* at 72.

dependency. In order to illustrate the proximity of drug dependency to sex trafficking, one nascent study followed 1,972 sex trafficking victims over a two-year period.²⁹ Nearly half, or 926 of these individuals, reported having drug dependency prior to being trafficked.³⁰ Many of those individuals reported, however, that drug use was either induced or exploited as a means of controlling them during their trafficking experiences.³¹ Twenty-six persons reported that their traffickers recruited them directly from drug rehabilitation centers.³²

The relationship between opioids and sex trafficking, however, extends beyond the obvious connection of drug dependency as a method of control. Law enforcement reports an ever-upward spiraling phenomenon of familial sex trafficking, where members of the same family, including parents, sex traffic other members of the family, including children, particularly very young children, to secure a “high.”³³ In other scenarios, victims report enlisting the help of a friend to assist them in securing pills, only to be raped by the pill distributor and the friend, while securing the high.³⁴ One study, published in 2015, asked 164 young adults in New York with opioid dependency about their experiences with sexual violence.³⁵ Forty-one percent of women and eleven percent of men said they had been raped while securing a high.³⁶

Opioid addiction generates new layers of vulnerability that mutually reinforce endemic patterns of precarity providing further opportunity for sexualized violence, including sexual assault and sex trafficking. Opioid addiction coupled with increased poverty rates produce ripe circumstances for increased sexualized violence. Violators actively seek out persons who are unconscious or semiconscious to facilitate their nefarious trade.³⁷ Lack of awareness and indifference among law enforcement, including prosecutors, healthcare providers, and the public, can render the suffering of opioid dependent trafficking victims invisible and can lead to their overcriminalization as drug addicts and prostitutes. When opioid dependent persons appear in emergency rooms, clearly demonstrating signs of sexual assault, ripped clothing, bruises, and cuts, first responders fail to recognize suffering and administer rape kits.³⁸ Among other reasons, many of these “addicts” are poor, women, persons of color, LGBTQIA, or persons whose addiction sparks a moral opprobrium that

²⁹ *Human Trafficking and the Opioid Crisis*, POLARIS PROJECT, <https://polarisproject.org/wp-content/uploads/2019/10/Human-Trafficking-and-the-Opioid-Crisis.pdf> [https://perma.cc/6ZLT-2S74].

³⁰ *Id.*

³¹ *Id.*

³² *Id.*; see also Vanessa Bouché & Madeleine Bailey, *Drug-based Coercion and Sex Trafficking: Bridging the Legal Disconnect*, 109 KY. L.J. __ (2021) (discussing ways in which traffickers use drugs during sex trafficking).

³³ Kara Lofton, *W.Va. Officials Warn Of Increased Cases Of Human Trafficking*, NPR (Jan. 3, 2018, 5:03 AM), <https://www.npr.org/2018/01/03/575252524/w-va-officials-warn-of-increased-cases-of-human-trafficking> [https://perma.cc/BB75-BRU6].

³⁴ Martha Bebinger, *Women With Opioid Addiction Live With Daily Fear Of Assault, Rape*, NPR (Sept. 21, 2017, 5:01 AM), <https://www.npr.org/sections/health-shots/2017/09/21/550730474/women-with-opioid-addiction-live-with-daily-fear-of-assault-rape> [https://perma.cc/D85S-6GGW].

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

renders their suffering invisible.³⁹ Similarly, motel or hotel staff call the police, making allegations of suspected drug use or overdose, law enforcement investigate for drugs, but fail to recognize the signs of sex trafficking, including a male hurriedly exiting the room, the location of the motel or hotel in a high-prostitution zone and evidence suggesting coercion.⁴⁰

In order to raise awareness, the University of Kentucky J. David Rosenberg College of Law and the *Kentucky Law Journal* convened a symposium to examine the rising tide of the flesh trade exacerbated by opioid dependency. The symposium had three aims: Awareness, Advocacy, and Activism. Using panels of experts with first-hand experience in the intertwined effects of sex trafficking and opioids, the symposium sought to increase public awareness of the converging forces of dependency and vulnerability.

Thanks to the United States Department of Justice's ("DOJ") generosity of expertise; both the Opening Speaker and the DOJ panel framed the conference. DOJ explained how the legal process intervenes in the demand for human flesh and detailed the legal intricacies of federal sex trafficking prosecutions. DOJ also illustrated how drug dependency satisfies the evidentiary and statutory requirement of "coercion" in sex trafficking litigation.

Recognizing the humanity of sex trafficking survivors, a panel of survivors shared their personal stories of sex trafficking realities. The survivors' panel not only raised the voices of survivors, as direct witnesses, but also as advocates for social change. Specifically, the survivors called for an end to the criminalization of sex trafficking survivors in its many forms, including drug and prostitution arrests and convictions, as well as the need for a greater social net that meets basic human requirements, including health and mental care, housing, food, and a livable wage.

The first awareness panel squarely situated sex trafficking within an intersectional critique of race, class, and gender—mutually reinforcing vulnerabilities and conterminous expressions of power. Professor Isy India Thusi compellingly argued that dominant discourses of sex trafficking falsely utilize tropes of idealized victims and societally demonized perpetrators with a cross border component, typified in the movie *Taken*. These tropes obscure the realities of sex trafficking, including its proliferation within our borders. Furthermore, the attraction and traction of these tropes make actual victims—the poor, women of color, and LGBTQIA populations—invisible for purposes of humanity and hypervisible for criminalization. Professor Shelley Cavalieri cautioned against overly simplistic and limited notions of "coercion." Agency must always be evaluated in its context. Precarity itself provides preconditions for coercion. Sex trafficking is less about sex and more about coerced labor. By decentering "sex," a more nuanced analysis moves away from a Victorian sexual morality critique and toward a framework of sex work as labor exploitation. Different frameworks, like coerced labor, excavate the economics of sexual exploitation and recalibrate the mind to conceptualize it as labor

³⁹ *Id.*

⁴⁰ Lindsey Roberson & Shan Patel, *Prosecuting Sex Trafficking Cases Using a Drug-Based Theory of Coercion*, 65 U.S. ATT'YS BULL., Nov. 2017, at 175, 177.

exploitation, not sex.⁴¹ Professor Vanessa Bouché, co-author of *Who's disproportionately prosecuted for human trafficking? Young black men*, provided empirical evidence that young Black men are disproportionately prosecuted for sex trafficking.⁴² Her study noted that fifty-seven percent of the defendants in minor sex-trafficking cases are black—compared with forty-three percent in adult sex-trafficking.⁴³ Each panelist agreed with the sage counsel of Professor Thusi that the means of eradicating sex trafficking is to create a society where human needs are well supported, and basic needs met.

Having centered sex trafficking squarely within an intersectional critique, the second awareness panel provided the intellectual and experiential connective tissue between sex trafficking and the imprisoning properties of opioids. Professor Jennifer Cole gave a broad overview of opioid rewiring of the brain. Professor Cole further demonstrated how opioids become an elixir for domination and control within the sex trafficking context. Professor Richard Ausness is a recognized expert on legal interventions in the opioid crisis. Professor Ausness laid out his astonishing scholarship involving the role of drug manufacturers in facilitating dependency by fraudulently creating a demand for opioids, in contravention of the prevailing standards of care, as well as the attributable wrongdoing of drug distributors and retail sellers. More specifically, Professor Ausness discussed how drug manufacturers deliberately changed prescribing protocols in order to increase the demand for opioids and mislead medical professionals as well the public about the addictive properties of opioids. Christine Raino, Senior Director of Public Policy, Shared Hope, International,⁴⁴ addressed current problems in the criminal justice system's attempt to ameliorate the intertwined problems of drug dependency and sex trafficking through mass incarceration. Specifically, she highlighted the work of Shared Hope in incentivizing states to decriminalize juvenile sex trafficking victims.

Barbara Maines Whaley, Assistant Attorney General, Office of the Kentucky Attorney General, sparked the Advocacy Panel.⁴⁵ Whaley discussed her successful prosecution of Tim Nolan, a judge in Campbell County, Kentucky. For decades, Nolan used his office to coerce sex with multiple women, including minors. As part

⁴¹ As an example of reconceptualizing sex trafficking as coerced labor, put into legal practices, consider the charging decision of Danna Nessel, Attorney General for Michigan. Nessel charged John Geddert, former U.S. Olympic gymnastics coach with multiple felonies, including human trafficking, related to his sexual violence against aspiring gymnasts, alleging that Geddert had subjected his athletes to forced labor or services under extreme conditions that caused them physical injury. *Former USA Gymnastics Coach Charged With Sexual Abuse Dies By Suicide*, NPR (Feb. 26, 2021, 5:01 AM), <https://www.npr.org/2021/02/26/971681219/former-usa-gymnastics-coach-charged-with-sexual-abuse-dies-by-suicide> [https://perma.cc/NA8Q-5EKA].

⁴² Vanessa Bouché & Mark Daku, *Who's disproportionately prosecuted for human trafficking? Young black men*, WASH. POST (Jan. 11, 2019, 6:00 AM), <https://www.washingtonpost.com/news/monkey-cage/wp/2019/01/11/young-black-men-are-disproportionately-likely-to-be-prosecuted-for-human-trafficking-this-explains-why/> [https://perma.cc/B3EW-M72H].

⁴³ *Id.*

⁴⁴ *University of Kentucky Rosenberg College of Law: Kentucky Law Journal Volume 109 Symposium: Sex Trafficking and Opioids*, KY. L.J. 14 [hereinafter *Biographies*], https://law.uky.edu/sites/law.uky.edu/files/docs/events/KLJ/Sex%20Trafficking%20and%20Opioids%20Symposium%20Panelist%20Bios%20and%20Headshots_1.pdf [https://perma.cc/C8YQ-HB2R].

⁴⁵ *Id.* at 17.

of his scheme, Nolan volunteered at drug dependency clinics to prey on the vulnerable. He facilitated entrapment by giving these women drugs, and when they refused his assaults, he threatened them with his political and legal connections. Kelly Carter, Assistant Attorney General, Office of the Michigan Attorney General,⁴⁶ discussed her trail blazing efforts to use drug dependency as evidence of coercion in sex trafficking prosecutions. She also shared her success in amending the Michigan sex trafficking statute to specifically include drug manipulations as a form of “coercion” within the plain language of the statute.

In the final panel, Gretchen Hunt, Human Trafficking Consultant and original drafter of the Kentucky sex trafficking statutes,⁴⁷ illustrated the severe conceptual and ideological limitations of the criminal justice framework in eradicating sex trafficking. The criminal justice system reifies the functions of power, vulnerability, and dependency that give rise to trafficking in the first instance. By way of illustration, incarceration leads to economic distress, which incites trauma, which further exacerbates the preexisting precarities, all contributing to more vulnerability to abuse and exploitation.⁴⁸ As a concrete example, criminalization of victims makes them ineligible for social services, including housing and employment, thereby reinscribing power, dependency, and vulnerability. Instead, a public policy framework is necessary to both understand sex trafficking and to provide needed treatment and services. More humanizing frameworks may provide the sturdy presence of mind necessary to counteract the pathologizing condemnation of victim blaming. We cannot, according to Hunt, arrest and convict our way out of the crisis. If we arrest and convict every sex trafficker, drug dealer, and sex worker across the nation, we will not eliminate the underlying forces that give rise to both sex and drug trafficking. As a nation, we cannot afford the mistakes made during the War on Drugs, namely mass incarceration and a simultaneous epidemic of dependency. Instead, eradication requires addressing the economics of sex trafficking by, for example, increasing the minimum wage, which verifiable data demonstrates would decrease all crime.⁴⁹ In addition, we need societal investment in community based services, including dependency treatment and childcare. Tiana The, Graduate Student, University of Kentucky,⁵⁰ discussed the role of pornography in normalizing sex trafficking, specifically the use of pornography in grooming victims and desensitizing the public to sexual exploitation. Mikaela Pflueger, Law Student, University of Kentucky Rosenberg College of Law,⁵¹ summoned boundless courage and intellectual heft to discuss her experience as a sexual violence survivor in a problematic legal system that so often blames the victim. With tremendous fortitude, Pflueger has used her vanquishing power as a lodestar in her burgeoning legal career. Her experiences provide a critical framework for her legal studies, scholarship, and

⁴⁶ *Id.*

⁴⁷ *Id.* at 21.

⁴⁸ *How The Legal System Can Better Address A Rise In Domestic Violence Amid The Pandemic*, NPR (Feb. 25, 2021, 4:46 PM), <https://www.npr.org/2021/02/25/971525846/how-the-legal-system-can-better-address-a-rise-in-domestic-violence-amid-the-pan> [<https://perma.cc/LC5F-8S9N>].

⁴⁹ *Id.*

⁵⁰ *Biographies*, *supra* note 44, at 20.

⁵¹ *Id.*

advocacy. Pflueger is actively designing training modules for law enforcement, including prosecutors, that center trauma and victim centered approaches in both investigations and prosecutions in order to avoid retraumatizing victims. Pflueger is a shining example of a survivor who has used her pain and trauma to fashion discerning politics into practice and a profession, not just for herself, but for others whose pain she sees and resonates.

Finally, Shea M. Rhodes, Co-Founder and Director of the Institute to Address Commercial Sexual Exploitation (CSE), Villanova Law,⁵² provided a broad, comprehensive, and compelling overview of the converging domains of sex trafficking vulnerability and opioid entrapment. Drawing from her extensive experience as a prosecutor, Rhodes gave witness to the limitations of the criminal justice system, particularly the overcriminalization of sex workers and the undercriminalization of purchasers. Rhodes, however, provided concrete examples of working within the criminal justice system to effect change. By joining a multidisciplinary collaborative team, called “The Project Dawn,” Rhodes was able to effect systemic change in the criminal justice system while remaining a prosecutor. Her team was comprised of a prosecutor, public defender, probation officer, judge, and other stakeholders, including case managers and substance abuse professionals. The team knew that the criminalization of sex workers served no purpose other than to reinscribe the cycle of vulnerability and dependency, carelessly exacerbating trauma. Eventually dissatisfied with the limitations of the criminal justice system, Rhodes left her life as a prosecutor, and co-founded CSE with a specific vision to drive policy and legislative reforms around sex trafficking and prostitution. The CSE is grounded in one fundamental belief: Prostitution is gender violence, and the dominant discourses refuse to target the gender causing the violence. Rhodes cited the National Johns Suppression Initiative, an organization that targets purchasers of sex in order to eradicate sexual exploitation. The Initiative has collected data revealing that sex purchasers are typically white, married, educated, middle-aged, and employed men. Fixation on victim blaming, agency, and choice obscure the often brutal truths of precarity and render invisible the suffering and humanity of women and girls of color, the under educated, the drug dependent, and child abuse survivors. Rhodes asks, “[i]s it a choice when the alternative is homelessness, dope sickness, hunger, or death?” As a remedy, cross sectional training is necessary to ameliorate the cycle of trauma, abuse, and self-harm. This training requires cross departmental implementation, including law enforcement, health care providers, and others who come into contact with at-risk populations. Additionally, lawyers and future lawyers must use the legal process to arrest the culpable while exercising compassion for those in crisis.

This cursory description of the symposium does little justice to the great wealth of expertise, insights, and talents shared during a full day at the University of Kentucky J. David Rosenberg College of Law. The full symposium is available for viewing on the aforementioned websites for the Rosenberg College of Law as well as “Disarming the WHP.” We greatly encourage you to take in the wealth of knowledge shared. The audience included students, scholars, practitioners, activists,

⁵² *Id.* at 10.

and other stakeholders from across the University, members of the community, and the larger public. We chose to open the sometimes silo-like atmosphere of the legal academy because we serve and are indebted to the public.

Lastly, but most importantly, a very special thank you to our brilliant opening speakers, Kentucky Governor Andy Beshear⁵³ and United States Sixth Circuit Court of Appeals Judge Eric L. Clay.⁵⁴ With stunning professionalism and intellectual heft, one of our students moderated each of our panels. For their brilliance, preparedness, and attentiveness, we thank Layne K. McDuffie, Rashmi Khatiwada, Chase Thomas, Kendra Craft, Kaci Christopher, and Raleigh Dixon. Additionally, we owe an unbounded and limitless debt of gratitude to the students of the *Kentucky Law Journal*, particularly Kami Griffith, the Symposium Chair, and Erica Ashton, the Editor-in-Chief. Griffith and Ashton typify compelling leadership in a time of crisis. “Legal scholarship is a rare discipline that places its scholarly production largely in the hands of students.”⁵⁵ The students of the *Kentucky Law Journal* stand among the finest of these thought leaders. The success of the symposium is a credit to their hard work and intellectual daring in triumphant defiance of chaos.

Thank you to all and most especially the Rosenberg student leaders. Our destiny is in such beautiful hands.

⁵³ *Id.* at 2.

⁵⁴ *Id.* at 3.

⁵⁵ Melynda J. Price, *Monumental Questions and How We Honor Them*, 108 KY. L.J. 577, 583 (2020).