

March 19, 2019

RE: Robert Kraft, Owner, New England Patriots—Normalization of and Participation in Sexual Exploitation of Women

Mr. Roger Goodell, Commissioner
280 Park Avenue,
15th Floor
New York, NY 10017

Dear Commissioner Goodell:

As survivors of prostitution and sex trafficking and/or subject matter experts, social service providers, and advocates for the abolition of sexual exploitation,¹ we write to express our deep concern regarding the criminal charges of soliciting prostitution brought by Martin County Florida police against Mr. Robert Kraft, owner of the New England Patriots.

Specifically, in accordance with its Personal Conduct Policy, we call on the National Football League (NFL) Executive Committee to immediately undertake an investigation of the criminal charges against Mr. Kraft. If the results of said investigation show Mr. Kraft to have engaged in the purchase of women for sex, the NFL must banish Mr. Kraft from team ownership because men who purchase others for sex inflict inestimable amounts of human suffering on those they exploit for sex. They are the very reason why prostitution—the organized systems of sexual exploitation—and sex trafficking exist. In light of these and previous allegations involving other NFL players and personnel, the NFL must also take immediate, rigorous measures to create a corporate and sport culture that respects others by rejecting all forms of sexual objectification, harassment, assault, and exploitation of women by owners, coaches, players, team personnel, and others associated with the NFL.²

As the NFL investigation of the charges against Mr. Kraft unfolds, it is imperative that NFL leadership recognize that payment for sex, whether with money or something else of value, is the hallmark of unwanted sex. Properly understood, payment for sex is a form of sexual coercion used to abrogate the lack of consent in sexual exchanges. Thus, as prostitution researcher Melissa Farley has explained, “If you remove unwanted sex acts, there is no prostitution.”³ Put another way, prostitution is ontologically a form of sexual violence and is always exploitative of the prostituted person.

The prostitution marketplace is the context in which most sexual exploitation and sex trafficking transpire. The prostitution marketplace encompasses any of the various modes by which prostitution is marketed: strip clubs, massage parlors, “escort” services, Internet-based prostitution websites, brothels, as well as pimp-facilitated, street-level prostitution, and pornography (i.e., prostitution for mass consumption). These systems of marketing prostitution constitute a supply chain of organized sexual exploitation by which people, principally women, are rendered public sexual commodities.⁴

The prostitution marketplace is marked by a predatory dependence on vulnerable persons to make up its supply: runaway and “throwaway” minors, economically marginalized women, ethnic minorities, displaced persons and refugees, the sexually abused, the learning disabled, the homeless, widows, orphans, and drug addicted are among its principal targets. As to be expected, we see evidence of this in the case involving Mr. Kraft who purportedly purchased foreign women with limited English language skills.

If accurate, news reports of Mr. Kraft’s purchase of women for sex at the Orchids of Asia Day Spa supply indicia typical of severe sex trafficking including the following:

- the presence of foreign women in an illicit massage business
- restricted movement (no access to transportation; living in the same premises in which they performed sex acts on numerous men every day)
- poor living conditions (lack of proper sanitation)
- long hours
- no time off
- false promises of other work
- confiscation of passports

In such circumstances, whether or not the sex buyer is aware that the individual they have purchased is sexually trafficked or not does not mitigate the victim’s experience of their sexual encounter as one of rape. As sexually trafficked persons, the women performing sex acts are not “consenting,” thus the sex acts in which they are involved are inherently sexual assault and rape.⁵ As psychologist Wendy Freed has observed, “When an individual . . . has become passive and accepting of what is done to her because she is a captive, then any sexual encounter she has is rape. Even if she has worked hard to attract the customer, because she has no right to refuse consent, she is being raped.”⁶

We also know that when men purchase sexual access to another human being, they believe they are purchasing temporary, total control. The fact that sex buyers feel a sense of sexual entitlement and “right” to do what they please to those they engage for prostitution, whether sexually trafficked or not, is supported in research, for instance:

Once a prostituted person “has consented to any exchange of sex for money, these women see many men as assuming that she has given up the right to refuse consent in any situation. Once her sexuality has been ‘purchased,’ her body ‘belongs’ to the purchasers to use. This was the constant theme in the interviews. Many women encountered men who treated their agreement to engage in some form of sex as permission to abuse the women’s bodies in any way they wished, as long as they gave the women monetary compensation.”⁷

The following quotes from sex buyers elucidate this point with chilling clarity:

- “They will do anything you ask them for with no complaints and nothing said back. ‘Your wish is my command,’ like a genie jumping out of a bottle.”⁸
- “. . . she gave up her rights when she accepted my money.”⁹

- “If we agree on something, half way through she can’t change her mind.”¹⁰
- “There are no boundaries.”¹¹
- “You’re more in control of the situation. You’re more in control of everything, you choose most of the factors.”¹²

In addition, it is vital to understand that the day-to-day sex of prostitution is of the same warp and woof as rape. Rachel Moran, a sex industry survivor, explains this well:

Prostitution and rape are commonly distinguished by the logical fact that to buy something and to steal something are two different things; but when we consider that the sex bought in prostitution is the same type of sex stolen in rape, sex that is, as Kathleen Barry puts it: “. . . disembodied, enacted on the bodies of women who, for the men, do not exist as human beings, and the men are always in control”—it is then that we understand how deeply traumatising it is for the woman whose body is so used. When we understand that the sex paid for in prostitution shares so many of its characteristics with the sex stolen in rape, it makes sense that so many prostituted women make clear parallels between the two experiences. One woman described her experience of the sex of prostitution very succinctly when she referred to it as: “**Paid rape.**” Canadian campaigner Trisha Baptie, who was first prostituted as a child, describes it as “**pay-as-you-go rape.**” Another woman described it as “**like signing a contract to be raped**” and I wrote an article for the *Irish Examiner* in 2012 where I described prostitution as “**being raped for a living.**” That was first said to me by another former prostitute. Many of us describe our feelings towards the sex of prostitution in these ways.¹³

Every man who buys sex from a person in prostitution chooses to use the power of money to temporarily gain access to a “sex slave”—someone who they expect and demand carry out their sexual bidding. Every man who buys sex from a pimp-controlled (i.e., sexually trafficked) person contracts out the job of violence, intimidation, and coercion to the pimp/trafficker.¹⁴ Every man who buys a person for sex contributes to the existence of the supply chain of organized sexual exploitation.

Further, male demand for a pool of people who they can use for sex is why sex trafficking exists. Because there is never a sufficient “supply” of people available for purchase in the prostitution marketplace, pimps/sex traffickers are in business to fill that gap. Thus, the choice of Robert Kraft, and millions of men like him, to buy other human beings for sex is why the supply chain of organized sexual exploitation exists.

We note that the NFL’s Personal Conduct Policy states:

Conduct by anyone in the league that is illegal, violent, dangerous, or irresponsible put innocent victims at risk, damages the reputation of others in the game, and undercuts public respect and support for the NFL. We must endeavor at all times to be people of high character, we must show respect for others inside and outside our workplace; and we must

strive to conduct ourselves in ways that favorably reflect on ourselves, our teams, the communities we represent, and the NFL.¹⁵

NFL policy also holds that:

It is not enough simply to avoid being found guilty of a crime. We are all held to a higher standard and must conduct ourselves in a way that is responsible, promotes the values of the NFL, and is lawful.

Players convicted of a crime or subject to a disposition of a criminal proceeding (as defined in this Policy) are subject to discipline. But **even if the conduct does not result in a criminal conviction, players found to have engaged in any of the following conduct will be subject to discipline.** Prohibited conduct includes but is not limited to the following:

. . . Assault and/or battery, including sexual assault or other sex offenses . . . (emphasis added).¹⁶

Further, the NFL's Personal Conduct Policy holds owners to a higher standard and subjects them to stricter discipline than players:

With regard to violations of the Personal Conduct Policy that involve: (i) criminal assault or battery (felony); (ii) domestic violence, dating violence, child abuse and other forms of family violence; or (iii) **sexual assault involving physical force or committed against someone incapable of giving consent**, a first offense will subject the offender to a **baseline suspension without pay of six games**, with consideration given to any aggravating or mitigating factors. **The presence of possible aggravating factors may warrant a longer suspension.** Possible aggravating factors include, but are not limited to, a prior violation of the Personal Conduct Policy, similar misconduct before joining the NFL, violence involving a weapon, choking, repeated striking, **or when an act is committed against a particularly vulnerable person**, such as a child, a pregnant woman, or an elderly person, or where the act is committed in the presence of a child (emphasis added).¹⁷

In light of the current criminal allegations against Mr. Kraft, the NFL's own Personal Conduct Policy, and its actions against other NFL players or employees who engaged in sexually harassing or exploitive activities (e.g., Ryan Murphy, Warren Sapp, Marshall Faulk, Heath Evans, Ike Taylor), at a minimum Mr. Kraft must be suspended for six games. However, assuming that the allegations against Mr. Kraft prove to be true, as explained above, the aggravating circumstances of his behavior demand his banishment from NFL team ownership. Anything less will send the signal that owners are not held to a higher standard, that their power, influence, and wealth permit them to get away with despicable actions, and that the NFL abets sexual exploitation and trafficking.

We also call on the NFL to take immediate and rigorous measures to create a corporate and sport culture that respects others, by rejecting all forms of sexual objectification, harassment, assault, and exploitation of women by owners, coaches, players, team personnel, and others associated with the NFL.

In closing, we invite the NFL to join with us in fighting against the normalization of all forms of sexual abuse and exploitation, and standing for the human dignity of all. As sad and lamentable as the circumstances which precipitated this letter are, we recognize that they represent opportunity—the opportunity to close a chapter on sexist and exploitative attitudes and behaviors, and to work collaboratively to build a world where all are free from sexual abuse and exploitation. We hope you will stand with us in fighting for that world.

Sincerely,

Survivors and Survivor-Led Organizations:

Aliza Amar

Founder CEO

Breaking the Silence Together

Barbara Amaya

Author, Advocate, Survivor

Brook S. Parker Bello

CEO

More Too Life

Rebecca Bender

CEO & Founder

Rebecca Bender Initiative

Tammy Bitanga

Peer Support Specialist/Advocate

Ho'ola Na Pua

Lucy Bloom

Executive Director

Veronica's Voice

Autumn Burris

Founding CEO

Survivors For Solutions

Rebekah Charleston

Executive Director

Valiant Hearts

Teresa A Forliti

Executive Director

Breaking Free

Kathi Hardy

Founder/Executive Director
Freedom From Exploitation, Inc.

Loni Kuriakose

Founder
Streetlight

Jasmine Grace Marino

Founder & Director
Bags of Hope Ministries

Shannon Martinez

Human Trafficking Survivor Leader
Shame Eaters

Kathleen Mitchell

Founder
DIGNITY House

Kimberly Mull

Survivor, Consultant, & Advocate
Kimberly Mull Advocacy & Consulting

Darlene Pawlik

Survivor Speaker
The Darling Princess

Marjorie Saylor

Board President
Survivor Leader Network

Kristen Tebow

CEO, Advocate
Youth Trust Project

Russell Glenn Wilson

Human Trafficking Subject Matter Expert
Consultant

Anti-Sexual Exploitation and Trafficking Organizations:

Cecilia Lopez

President- Board of Directors

A21 Freedom Chasers

Menica Mammí
Programmes Manager
Associazione DORAD

Esohe Aghatise, Ph.D
Executive Director
Associazione Iroko Onlus

Ashleigh S. Chapman, JD
President/CEO
Alliance for Freedom, Restoration, and Justice

Melissa Holland
Founder, Executive Director
Awaken

Rev. Chauncey R. Black, Ms.D, Ps.D
Advisor
Boston Heights and Mount Hope Neighborhood Association (KCMO)

Kaethe Morris Hoffer, JD
Executive Director
Chicago Alliance Against Sexual Exploitation

Grégoire Théry
Executive director
Coalition Against Prostitution international

Taina Bien-Aime
Executive Director
Coalition Against Trafficking in Women

Michael W. Jensen
President
CC4RG (Concerned Citizens Four Responsible Government)

Estela De Los Rios
Executive Director
CSA San Diego County

Shea Rhodes
Director & Co-Founder
CSE Institute, Villanova Law

Sr. Kathleen Coll
Executive Director
Dawn's Place

Mary DeFusco, Esq.
President of the Board
Dawn's Place

Shelby Quast
Americas Director
Equality Now

Benjamin Sr. Nolot
CEO
Exodus Cry

Bethanee Syversen
Executive Director and Director
ExPOSE and NHTF Traffick Free Coalition

Laura Fiyak
CEO
Heavenly Hope International

Rachel White, LMHC
Founder & Executive Director
Her Song Jacksonville, Inc.

Nita Belles
Executive Director and Founder
In Our Backyard

Brent A. Woody, J.D.
Lead Attorney/Executive Director
Justice Restoration Center

Carol Moody
President & CEO
Legal Momentum the Women's Legal Defense and Education Fund

Michelle Richardson
Board Member and Child Advocate
Mercy Gate Ministries

Patrick J. Lambertz, M.Ed.
Chief Executive Officer
Men Against The Trafficking Of Others

Maureen Reintjes
Executive Director of Communications
Missouri Missing

Lisa Goldblatt Grace, LICSW, MPH
Executive Director
My Life My Choice

Patrick A. Trueman
President and Chief Executive Officer
National Center on Sexual Exploitation

Pam Strickland
Founder and CEO
NC Stop Human Trafficking

Kay Duffield
Executive Director
Northern Virginia Human Trafficking Initiative

Wendy Ricketts, J.D.
Director of Policy
Northern Virginia Human Trafficking Initiative

Dr. Que English
Executive Director
Not On My Watch Inc.

Debra Altschiller
Representative
NH House of Representatives

Marissa Furnanz
Director
NH Traffick Free Coalition

Ashlee Hatcher
Site Pastor
Out of Darkness-Atlanta Dream Center

Dacia Hamby
Program Director
OneVoiceHome

Melinda Izzo
Program Coordinator
Orion Communities

Felicia Ingram
Assistant Director of Operations
Prevention Works Joint Task Force and Coalition

Leah Clancy
Minor Safe House Coordinator
RAHAB Ministries

Teresa Ulloa Ziáurriz
Director
Regional Coalition Against Trafficking in Women and Girls in Latin America and the Caribbean

Jeremy Vallerand
CEO
Rescue: Freedom International

Char Talmadge
Director
Rescue Upstream

Susan C Norris
Founder/Executive Director
Rescuing Hope, Inc.

Jeanne Pride
Adjunct Professor
River Valley Community College

Russ Tuttle
President
The Stop Trafficking Project

Brittany Dunn, MBA
Chief Development Officer
Safe House Project

Jeanne L. Allert
Founder and Executive Director
The Samaritan Women

Elizabeth Melendez Fisher
CEO
Selah Freedom

Theresa Anderson
Owner/President
Sierra Mountain Behavior Consulting

Clare Nolan, LCSW
Social Worker
Sisters of the Good Shepherd

Kathleen Chester
Program Coordinator
Street Ransom

Mahri Irvine, PhD
Founder
THRIVE Education and Research, LLC

Pamela Gonzalez, RN
Board Member
Tigerlili Resources

Holly Otten
Founder/Ex Director
Tin Man Ministries

Dr. Donna M Hughes
Professor
University of Rhode Island

Alison R. Phillips, MS
Adjunct Instructor- Criminal Justice & Criminology
University of Missouri- Kansas City

Janice G Raymond, PhD
Professor Emerita
University of Massachusetts, Amherst

Carl Springer
Anti-Trafficking Team Leader
Village Church

Jody Barrett
Leader, STOP Trafficking Ministry
Vineyard Church

Anne K. Ream
Founder
The Voices and Faces Project

Susan Ingram
President
Walk Her Home

Melea Stephens, LPC, MMFT
Marriage and Family Therapist
Wellspring Christian Clinic

Lynda Dearlove
CEO
Women at the Well

Lauren Hersh
National Director
World Without Exploitation

Brenda Sandquist
Executive Director
Xquisite

Alison Whitaker, MA
Human Trafficking Abolitionist Missionary

Holly Joshi, MA
National Anti-Trafficking Trainer

¹ Sexual exploitation is defined as, “Any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another,” and includes transactional sex, as well as solicitation of transactional sex, see: United Nations, *Glossary on Sexual Exploitation and Abuse: Thematic Glossary of Current Terminology Related to Sexual Exploitation and Abuse (SEA) in the Context of the United Nations*, 2nd Edition (July 24, 2017), retrieved from [hr.un.org/sites/hr.un.org/files/SEA%20Glossary%20%20\[Second%20Edition%20-%202017\]%20-%20English_0.pdf](http://hr.un.org/sites/hr.un.org/files/SEA%20Glossary%20%20[Second%20Edition%20-%202017]%20-%20English_0.pdf) (March 1, 2019).

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