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Invisible Victims: American Indian Women and Adolescent Involvement in the Domestic Sex Trade

Lena Campagna

AMERICAN INDIAN VICTIMIZATION AND ATTENTION TO THE PROBLEM

Sex trafficking has generated a great deal of media and policy attention both nationally and internationally. However, much of this response highlights sex trafficking stories of female adolescents abroad. The media's portrayal of the problem as only impacting international victims ignores its salience domestically, considering that in the United States, 83 percent of the victims of sex trafficking in 2008 through 2010 were US citizens.¹ While the issue has garnered attention, the United States has failed to recognize the disproportionate increase in the sex trafficking of American Indian women and adolescents. Reservation communities in Alaska, Washington, Oregon, and Minnesota have reported higher rates of American Indian women and adolescents recruited into the sex trade.² This paper addresses constructions of victimhood and the invisibility of American Indian women and adolescents in the sex trade. I focus on how historical context, social context and social institutions are instrumental in framing narratives of victimhood, and employ criminology and victimology theories to deconstruct the factors that shape notions of victimhood.

In relation to the United States as a whole, Native Americans make up approximately 2 percent of the population. Within that 2 percent, there are 566 federally recognized American Indian or Alaska Native tribes.³ When comparing victimization statistics among the American Indian population to the United States population as a whole, the results are startling. This is particularly evident when looking at the

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victimization of American Indian women. Criminal justice and public health statistics have highlighted the higher rates of rape and sexual assault, particularly intimate partner victimization for American Indian and Alaska Native women.⁴ Statistics also underscore the fact that violent crimes against American Indians, particularly American Indian women, are committed by non-AIAN -perpetrators.⁵

Although sex trafficking of American Indian women and adolescents has become a serious problem on and around certain reservations, it has sparked only limited action within the research community because it is often framed as an international issue.⁶ This speaks to the way in which both historical and current perceptions of victimhood are crucial in framing the operation of formal social institutions, particularly the law. Drawing a line between criminals and the victims of sex trafficking is often complex, and this is reflected in the high arrest rates of sex-trafficking victims, particularly minors.⁷ Variables such as age increase the complexity of victim identity, and this is particularly true for Native Americans with their historical experience of colonizers' justifications of American Indian sexual abuse.⁸ Existing literature has highlighted the complexities in public and criminal justice perception of non-white female adolescents as sex trafficking victims and the tendency for criminalization by social institutions.⁹

THE ROLE OF HISTORICAL CONTEXT

This failure to recognize the increase in sex trafficking in Native American women and adolescents stems from multiple factors that contribute to the invisible victimhood rooted in systemic and institutional racism. The complex and diverse histories of American Indians have inevitably shaped the way that Native women and children remain largely invisible as victims. It is well established in social science, particularly in criminology, that historical context is instrumental in shaping public responses to crime and perceptions of victimhood. When analyzing crime, historical analysis of ongoing and inherent power dynamics within a given society is necessary. Generational trauma becomes a key variable in fully comprehending the connection between American Indian women and violence.¹⁰ The focus on power dynamics becomes paramount when looking American Indian constructions of victimhood. As with African Americans, American Indians are still affected by their shared negative histories and colonial experiences, and the aftermath of these histories is evident today, especially when looking at larger, formal social institutions like the criminal justice system. The criminal justice system has amplified this stigmatization of "otherness" and mirrors a racial caste system.¹¹ This perception continues to negatively impact narratives surrounding victimhood. Social institutions, namely the criminal justice and legal system and their histories, continue to perpetuate an environment in which needs of non-white, marginalized populations remain highly unaddressed or blatantly ignored.

In addition to an analysis of institutional racism, a comprehensive analysis of American Indian history will provide a foundation for analyzing the construction of American Indian victimhood. In an effort to gain ownership of desired lands and assert colonial dominance over American Indians, European settlers implemented removal policies that forced many tribes to relocate from their ancestral lands (e.g., the

Trail of Tears and the Navajo Long Walk). Federally initiated assimilation policies, such as Indian boarding schools, forced many American Indian children to abandon tribal traditions and values. The aftermath of these policies continues to have an enormous impact on many tribes and the representation of American Indians in the broader American narrative.

Moreover, it is necessary to consider the complex historical experiences of American Indian women in order to fully understand perceptions of American Indian victimhood. The sexualization of American Indian women dates back to colonization and initial European contact.¹² Through the colonial gaze, Native women were viewed as rapeable, and as such, invading the Native female body was justified.¹³

Other practices and policies targeted American Indian women's corporal autonomy. During the 1970s, Indian Health Services (IHS), performed tubal ligations on Native women and girls without patient informed consent.¹⁴ These unethical practices occurred simultaneously with the placement of many American Indian children in white foster families. The implementation and acceptance of unethical policies and research practices complicated perceptions of American Indian women as victims. Such assaults on American Indian women's bodies underscore how laws and policies privilege the needs of the dominant culture and restrict the autonomy of those who are marginalized.

THE ROLE OF SOCIAL CONTEXT

As criminologists and victimologists almost uniformly emphasize, social context plays a critical role in determining victim classification and legal response. Stereotypes and misrepresentations of American Indians, along with other ethnic groups, disproportionately shape public attitudes.¹⁵ Popular culture images of black Americans, as seen in television programs and media accounts, provide society with an image of the black, criminal "other."¹⁶ American Indians, particularly men, are often still portrayed as evil and barbaric, while American Indian women have been characterized as hypersexual and immoral.¹⁷

Before further considering the critical role social context plays in how American Indian victimhood is constructed, it is necessary to examine how victimhood is constructed more broadly. Because power dynamics in the United States operate in a patriarchal society, patriarchal values continue to shape attitudes toward victimhood, particularly victims of sexual violence. Although most men never sexually or physically assault women, both urban and rural North American men live in a "rape culture" where no man can avoid exposure to patriarchal or pro-rape attitudes.¹⁸ This social context inevitably influences society's notions of acceptable crimes and sends the message that violence against women is tolerated.

In social learning theories of crime and victimization, acceptable and unacceptable behavior is learned.¹⁹ Rape culture is learned not only through interaction with peers and adults, but also through elements of pop culture, such as popular electronic games. Electronic games promoting sexual violence against American Indian women include "Custer's Revenge," in which players earn points each time they rape an Indian woman.²⁰ While this video game was marketed in 1982, this type of participation in rape culture

normalizes violence against women, particularly those women who, like American Indian and African American women, share histories of colonial sexual exploitation.

In addition to electronic games, the pornography industry is highly lucrative and accessible on the internet.²¹ Much of this pornography contains violent and degrading imagery that is racially charged or fetishized. The porn industry's normalizing of this degradation and violence further perpetuates patriarchal values, the perception that sex crimes are victimless, and social acceptance of objectifying women. Furthermore, by adding another layer of anonymity to sexual transactions, the internet has become a major recruitment and marketing tool for pimps and traffickers.²² Reports indicate that traffickers target American Indian women and adolescents because their appearance allows them to be advertised as many different races.²³ Marketing Native women and children as different varieties of racial types—their sexual exploitation as generically non-white others—is further evidence of their invisibility as American Indians.

LEGAL CYNICISM AND REPORTING VICTIMIZATION

For many tribes, legal relationships with the United States have been inconsistent, particularly relationships with the criminal justice system and law enforcement. Paradoxically, many reservation communities are plagued by simultaneous over- and under-policing, and thus law enforcement is not perceived as reliable and trustworthy.²⁴ This distrust discourages many victims from reporting to police or turning to legal authorities for assistance, and manifests in many marginalized communities as a form of legal cynicism.²⁵ Legal cynicism and attitudes toward formal institutions of social control are often culturally transmitted throughout generations.²⁶ This leaves victims, particularly those of sexual violence, with little alternatives for seeking help, including emergency medical or psychological care.

Another factor contributing to cynicism and deterrence from reporting is the stigma that can come from reporting to criminal justice and court systems.²⁷ In many circumstances it may not be appropriate to discuss sexual victimization, particularly if the perpetrator is known. As a result, female victims of sexual violence in a patriarchal society can confront obstacles in reporting victimization. Native women who decide to report instances of sexual victimization may be faced with audiences or authority figures known to them, which can be uncomfortable.²⁸ Consequently, many victims of sexual violence do not report and their needs go unmet. American Indian survivors of sexual violence need to navigate a confusing web of tribal, state, and federal laws.²⁹ It is clear that American Indian women still face multiple barriers in reporting sexual victimization, and as a result their victimization remains invisible.

LEGAL POLICIES, POLICE RESPONSE, AND THE CRIMINAL JUSTICE SYSTEM

Ambiguity in crime response policies have added yet another layer of complexity to these roadblocks to reporting sexual violence. Jurisdictional confusion has complicated the responsibility to intervene when victimization or criminal activity occurs on or around tribal lands.³⁰ Indeed, the exact location of the crime has proven to be a critical factor in determining adequate legal response; in many instances the location of the

crime is the first point of question before actually responding to it.³¹ The time that it takes to answer location questions makes adequate response to emergency situations difficult and can leave victims in unsafe situations. Seminal theories in victimology stress that legal and social contexts are critical in creating elevated risks for victimization, particularly when examining spaces plagued by social disorganization.³² The jurisdictional confusion in reporting creates legal loopholes and consequently, for motivated sexual predators such as pimps or traffickers, creates potential opportunities. Throughout much of US history, the majority of crimes committed against Native peoples were not acknowledged by the legal system. In addition, the confusion surrounding state and jurisdictional boundaries complicated enforcement.³³ The inadequacy of formal institutions, including the law, implies that there are no consequences, and assaults on American Indians remain void of consequence.

Recent reports describe both the cultural and legal impediments to effective detection and prosecution of commercial sexual exploitation of Native Americans, which include the bureaucracy surrounding the legal jurisdiction of tribes and federal law enforcement's longstanding unwillingness to intervene.³⁴ The resulting lack of reporting means research and data are missing, contributing to the relative invisibility of this issue for policymakers in the criminal justice system. Again, it is evident how policies and social institutions such as the law can continue to uphold and privilege the ideals of the dominant group and perpetuate a society where marginalized people are excluded from being classified as crime victims in their actual numbers.

Despite the increase in sex trafficking plaguing certain tribal lands and surrounding areas, the issue has not provoked a substantive amount of legal and policy action until very recently. Among the multiple reasons for this lack of action are obstacles to law enforcement data collection, including tribal law enforcement, which can often be attributed to lack of funding and resources.³⁵ American Indian communities and Alaska Native villages are often provided scant resources for law enforcement by the federal and state government.³⁶ As a result, tribal law enforcement and community members may face numerous difficulties, such as inconsistent police response to crime and victimization. In addition, law enforcement officials may not be competent in tribal culture and well versed in the heterogeneity of tribes in the United States.³⁷

Beyond lack of funding and cultural incompetence, discrimination by non-Native police officers toward American Indians, particularly American Indian women, can impact crime response and perceptions of victim worthiness. The issue of overpolicing persists in Indian country,³⁸ as evidenced by the disproportionate arrest rates, particularly for nonviolent, alcohol-related offenses.³⁹ The overpolicing and underpolicing paradox can create a situation of victim-blaming and inadequate victim response.

Historically, large-scale, national crime and victimization surveys such as the National Crime Victimization Survey have not fully accounted for American Indians as victims, rather classifying American Indian victimizations under the racial category of "other." Lack of acknowledgment in such large-scale reports reinforces the relative invisibility of American Indian victims. The lack of acknowledgement by formal institutions has longstanding impact, further perpetuating the fallacy that American Indian issues are not pertinent and do not demand attention from policymakers.

DISCUSSION AND CONCLUSION

As this paper has outlined, in various ways historical context and social context play a key role in determining American Indian victimhood. Especially when reporting victimization and attempting to leave situations of sexual violence, American Indian women face numerous obstacles embedded in social and historical contexts. To address these obstacles effectively, future work is needed. Those working in outreach should be aware of the unique barriers that impact American Indian women when reporting crimes and the high potential for inconsistent and unsatisfying legal responses. Future research should explore how outreach workers may become better aware of the factors that may discourage Native women in reporting sexually based crimes or that complicate their self-perception as victims. In addition, outreach workers and criminal justice professionals should be adequately trained in Native culture, with training specific to the particular tribe they intend to reach. Lastly, more work is needed to determine how outreach workers and professionals, including law enforcement, social workers, child protection services, and the like, can best identify potential victims of trafficking and other forms of sexual violence.

The police play a critical role in assessing and documenting instances of victimization, particularly when linking potential victims to services, and thus their role should be further addressed to determine how police can most efficiently respond to victims. While it is well established that most victims do not report to police, for those who do, they remain integral in linking victims to services.⁴⁰ A gendered approach should be implemented in law enforcement and legal response, given the nature of the crime. Lastly, police training should emphasize a culturally competent approach that privileges the heterogeneity of tribes and their diverse historical relationships with the criminal justice system. Many of these recommendations have been proposed in recent reports addressing the sex trafficking of American Indian women.⁴¹

Finally, future scholarship should address factors that contribute to ongoing constructions of invisible victimhood. The problem of sex trafficking in certain American Indian communities has been vastly underacknowledged in academic research, as trafficking itself has been overwhelmingly framed as an international issue.⁴² The responsibility should be borne by multiple disciplines. It is imperative that the criminal justice system, health and outreach workers, and social scientists, scholars, and practitioners work together in order to bring the issue of sex trafficking of Native women and adolescents to the attention of policymakers. The invisibility of sex trafficking and lack of accurate representations of Native women as victims demonstrate how social context, historical context, and the influence of social institutions are integral in framing victimhood.

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