

## *Relocation Revisited*

### The Sex Trafficking of Native Women

IN JULY 2009, after years of effort, local community members renamed a hiking trail in coastal Yachats, Oregon, in remembrance of a brutal journey experienced by a Coos woman known only as “Amanda.”<sup>1</sup> Amanda’s Trail sits on property owned by Yachats resident Joanne Kittel, who told reporters, “This property is so precious, so that I didn’t really feel like an owner, I felt like a steward.”<sup>2</sup> The story of the trail’s namesake, Amanda, is a grisly and brutal account of a young, blind Coos woman who was kidnapped by U.S. Cavalry in 1864 and forced to walk eighty miles along the jagged rocks of the Oregon coast to the so-called Great Reservation.<sup>3</sup> According to tribal council member Wendy Williford (Confederated Tribes of Coos, Lower Umpqua, and Siuslaw), the cuts on Amanda’s feet left a “trail of blood in her wake.”<sup>4</sup> Little else is known about Amanda or her eleven-year-old daughter, Julia, whom Amanda was forced to leave behind because she had a white father. U.S. soldiers accompanied Amanda, forcing her to walk the eighty miles to ensure that not a single Coos person was left to roam free within the borders of the state of Oregon.<sup>5</sup> Oregon, which had achieved statehood only a few years earlier, in 1859, had criminalized assault and abduction. But Amanda would not have been considered worthy of equal treatment under the law. Even the murder of Indians was, for all intents and purposes, legal at that point in time in Oregon.<sup>6</sup> There are no doubt dozens of tribal communities scattered across the United States who have their own “Amanda”

stories, still circulating as common knowledge in the community, cautionary tales and lessons that carry with them fear and terror in their retelling.

In this chapter I consider the many forced walks by Native women like Amanda, walks both literal and metaphorical. Most urgently today, these “forced walks” take the form of the scourge of sex trafficking of Native women. Sex trafficking is really a contemporary phrase for sexual slavery. I first started thinking seriously about sexual slavery in the lives of Native women after attending a local event focused on human rights violations in the Minneapolis/St. Paul area in 2008. A local study had discovered that nearly 30 percent of women arrested for prostitution in arrests in a particular Minneapolis neighborhood were Native women. Native people make up only 2–3 percent of the Twin Cities’ population. As I thought more about the historical documentation of coerced “sexual favors” on reservations, I wondered if things had changed much over the past hundred years. I wondered if the Native women in Minneapolis were experiencing the same kind of traumatic walk as that of Amanda.

In 2000 Congress passed the Trafficking Victims Protection Act (TVPA)<sup>7</sup> and funded a comprehensive public relations campaign to bring attention to this form of “modern day slavery.” As a result an unprecedented amount of attention has been given to sex trafficking in the United States during the past fifteen years. Congressional appropriations have funded dozens of task forces to develop collaborative relationships among law enforcement, prosecutors, and victim advocates to combat sex trafficking in several metropolitan areas. The United States has also undertaken an extensive research agenda to better understand the nature of human trafficking, funding more than twenty-five studies and reports on human trafficking since 2000.<sup>8</sup>

Many of these reports proclaim the United States as a world leader in the international efforts to address this crime.<sup>9</sup> The federal government has often framed human trafficking as an “import problem”—in that the victims are being smuggled into the United States from foreign countries.<sup>10</sup> In truth, America is not only a destination for the commercial trade in human beings but also a point of origin.<sup>11</sup> In fact, the primary trafficking problem in the United States is domestic trafficking, wherein women and girls are sold within

the United States for use in the commercial sex industry (primarily pornography, stripping, and prostitution). Domestic trafficking within the United States is as much a problem as, if not a bigger problem than, international trafficking into the United States. The full extent of modern sex trafficking is extraordinarily difficult to document because the sex industry involves both legal and illegal activities. Moreover, the victims of this crime are often reluctant to come forward for fear of the legal system or their captors.

Failure to acknowledge the truth about domestic trafficking makes the U.S. government's efforts seem disingenuous, if not dishonest, in the eyes of victim advocates around the world. The government's pronouncements on sex trafficking reflect an inconsistent double standard that absolves the United States and its allies of blame.<sup>12</sup> Vine Deloria Jr. aptly summed up this dynamic in 1969 in his book *Custer Died for Your Sins*: "There has not been a time since the founding of the republic when the motives of this country were innocent. Is it any wonder that other nations are extremely skeptical about its real motives in the world today?"<sup>13</sup> Focusing on foreign governments as the source of the problem erases the brutality Native women have experienced as a result of actions within the United States. The contemporary definition in this country of human trafficking is, in many ways, a perfect descriptor of the experience of many Native women throughout the history of American imperialism.

I seek to set the record straight. Although women from all segments of society are victims of sex trafficking, I focus on the history of the trafficking of Native women. I use the United States' definitions and descriptions of sex trafficking to help frame the analysis. The aim of this chapter is not merely to lay blame but to understand how historical events and policies continue to shape the lives of Native women and girls today. Amanda's journey is not an isolated, historical event. Native women today continue to take their own, arduous marches whenever they are sold, bought, and objectified.

### The Colonial Roots of Prostitution

The tactics of contemporary traffickers are consistent with many of the tactics used by colonial and American governments to subjugate Native women and girls. The commoditization and

exploitation of the bodies of Native women and girls, although theoretically criminalized through contemporary prostitution laws, have not been the subject of rigorous investigation and intervention. In fact, this ubiquitous form of predation was not only legal throughout most of history but encouraged by dominant culture. Today, the eroticized image of Native women is so commonplace in our society that it is unremarkable—the image of a hypersexual Indian woman continues to be pervasive in American culture. For example, a popular Halloween costume is a racist rendition of “Poca-hottie,” and an entire fetish porn industry has developed around the image of the “rez girl”—an erotic woman who is perpetually sexually available.

Dispossession and relocation of indigenous peoples on this continent both necessitated and precipitated a highly gendered and sexualized dynamic in which Native women’s bodies became commodities—bought and sold for the purposes of sexual gratification (or profit), invariably transporting them far away from their homes. As European and American law gradually supplanted indigenous law, Native women’s bodies became increasingly commercialized. Removing Native women from their lands, homes, and families was an essential factor in depriving them of their personal liberty. The result was that the transport and sale of sex slaves throughout the Americas became so widespread because criminal laws—if they existed—were rarely enforced. Often, this exploitation was *de jure* legal (in that it was sanctioned by the government). Even in those instances where sex slavery was explicitly illegal, it continued to flourish as a result of official indifference and in large part institutionalized racism and prejudice. Racism and Indian sex slavery were, therefore, *de facto* legal.

Trafficking in North America long predates the U.S. government; the tactics used by sex traffickers today were used against Native peoples from the first moment of contact. These tactics were pioneered by the Spanish, Portuguese, French, English, Dutch, and Russians. Colonial legal systems historically protected (and rewarded) the exploiters of Native women and girls and therefore encouraged the institutionalization of sexual subjugation. This dynamic continues today, albeit in a different guise.

## Indian Enslavement and Exploitation

In describing trafficking in the TVPA, Congress explicitly states that “traffickers often make representations to their victims that physical harm may occur to them or others should the victim escape or attempt to escape” and further acknowledges that “such representations can have the same coercive effects on victims as direct threats to inflict harm.” This description is really a sanitized description of slavery enforced by violence, and Native people experienced these realities in multiple ways. The federal law goes on to acknowledge that trafficking is “often aided by official corruption in countries of origin, transit, and destination.”

The European governments that purported to “settle” North America also instituted widespread slavery of Native bodies. Most early European settlements were largely financed through the slave industry, and once the institution became the foundation of local and regional economies, it took centuries to eradicate. Europeans usually employed legal mechanisms (in addition to physical force) to stake their claim in the land and the people. Settlers kidnapped Native people to facilitate western expansion, often forcing them to work as interpreters or informants. While no European government officially condoned the institution of slavery, settlers and soldiers of Spanish, Portuguese, French, and English origins engaged in the behavior with little or no interference from their respective continental monarchies. Far from being criminalized, much of this behavior was encouraged or incorporated into the transplanted colonial legal systems.

Enslavement of Indians continued to be widely practiced in many regions of the United States after the 1700s. Although human enslavement was technically abolished throughout the United States upon the ratification in 1865 of the Thirteenth Amendment, slavery-like conditions persisted for many years. In California, for example, the “Law for the Protection of the Indian,” (passed in 1850) allowed Indians convicted of certain crimes (including vagrancy) to be bonded out to “the best bidder.”<sup>14</sup> The Indian would then be compelled to work for said “best bidder” until such time as the fine was paid in full.<sup>15</sup> Sexual slavery is part and parcel of chattel slavery. Most forms of human slavery throughout history can be

characterized as de facto sex trafficking; historically, enslavement of Indian people in the Americas facilitated widespread sexual abuse.

Legal definitions of slavery almost always include language referencing ownership by the enslaver, which strips the enslaved of legally recognized personal autonomy.<sup>16</sup> Sexual exploitation is a logical result of enslavement, and trafficking flows naturally from the combination of slavery and sexual violence.<sup>17</sup> First, the slave, by virtue of her captivity, is contained and unable to freely travel or migrate without the permission of her captor or captors. Second, under most forms of legal slavery, she has no legal right to refuse sexual contact with her captors.<sup>18</sup>

The ironic undercurrent to documented accounts of mistreating Native women is that state actors and settlers often prided themselves on “rescuing” Native women from sexual subservience.<sup>19</sup> Because American perspectives on sexuality (especially in the late nineteenth-century Victorian era) contrasted sharply with indigenous perspectives on healthy sexuality, many European and American policies penalized Native women for engaging in consensual sexual activity. Even seemingly sympathetic reformers, such as the “Friends of the Indians,” minimized the harm caused by sexual exploitation by pointing to the failure of Native women to adhere to Western standards of femininity.<sup>20</sup> This perception of Indian women as demure, helpless, or sexually exploited facilitated significant paternal and patriarchal constraints on their behavior.

The nineteenth century is replete with examples of brutality against Native people. Jesuit scholar Francis Paul Prucha notes that “the frequency of offenses committed against Indians by the frontier whites—among which outright murder was commonplace—was shocking.”<sup>21</sup> Rape of Native women, like the rape of other nonwhite women, was not truly considered rape and received little (if any) response from the legal system. Lawrence Friedman has noted that

the law really protected only “respectable” white women (and their menfolk). Women who were not “respectable,” or who were black, or Native American, were effectively outside the circle of protection. Of course, the words of the statutes never said as much, but that was the practical result; it was rare for poor or black women to seek or get justice after rape.<sup>22</sup>

The failure to enforce laws or apply them to Native people resulted in the de facto legalization of sexual servitude. Collusion, indifference, and corruption all played roles.<sup>23</sup> Consider that Native women who were exploited by frontier settlers had little recourse, even when suffering extreme forms of physical violence. In my research, I discovered the advice of a “Rocky Mountain hunter” who purchased a Native girl in 1868: “The girl, when sold to a white man, is generally skeary for a while and will take the first chance to run away. . . . Should you take her again, and whip her well, and perhaps clip a little slice out of her ear, then she will stay.”<sup>24</sup>

Once Native people were confined to reservations, they were often completely dependent on the military and local traders for food, clothing, and shelter. Indian agents throughout the West documented how soldiers exploited this dynamic to secure sexual “favors” from women. In 1885, W. L. Lincoln, an agent in Montana, wrote:

There is but little said in their favor regarding their moral standing, and for this there is no doubt but that the Government is largely to blame. . . . [When I first came here] the soldier had also come to stay. The Indian maiden’s favor had a money value, and what wonder is it that, half clad and half starved, they bartered their honor . . . for something to cover their limbs and for food for themselves and their kin.”<sup>25</sup>

Prostitution was (and is) often the last resort in order to avoid starvation and death. In this historical framework, “prostitution did reflect the destruction of the Indian social order.” William B. Hennessy, a Minnesota historian, explained that after the 1862 U.S.–Dakota war, Dakota women were forced to prostitute themselves “in a large measure [owing to] their indigence. They would resort to anything to the end that they might procure wherewith to eat.”<sup>26</sup> These practices were well known and widespread, but I have never located any evidence of a soldier being prosecuted for the mistreatment of a Native woman.

### **Commoditizing Native Women through Marriage**

Among the myriad ways Native women have been subjugated throughout history, one method is seldom discussed: the commoditization of Native women through marriage. At isolated times

in American history (largely related to the discovery of oil or other valuable natural resources on tribal lands), a white man could profit handsomely from marrying an Indian woman and thereby gaining access to her wealth.

In the early nineteenth century, a complicated intermarriage dynamic developed in the southeastern United States when non-Indians sought valuable farmland held by tribes. At that time, most tribal legal systems did not readily make these lands alienable to nonmembers. Some non-Indians devised a plan to become legal owners of tribal land by marrying into the tribe. When the Cherokee Nation was engaged in ongoing legal disputes with the state of Georgia regarding land holdings, “marrying Indian wives was the only way for non-Cherokee men to gain control over land and citizenship rights within the Nation.”<sup>27</sup> After allotment, when federal law required a dissection and dispersal of tribal lands to individual Indians, white men married Indian women as an attempt to gain ownership of valuable land. Thomas Priestly, who was the federal Indian agent for the Yakama Agency in Washington State in the 1880s, noted that the white men who married Indian women for such purposes were “not of the better class.”<sup>28</sup>

In the early twentieth century, a few tribes benefited from cash windfalls after the discovery of oil or other natural resources. In these cases, a non-Indian man could gain access to the riches if he married into the tribe. This made Indian women and girls particularly attractive to outsiders. A 1910 Oklahoma City newspaper article titled “Dusky Maidens Are in Demand” reported that

dusky maidens of the Yakima Indian reservation are receiving no end of attention from white suitors. Many a mixed blood marriage has been made lately because of the money that Indian maids bring their husbands. A Toppenish quarter-breed was recently married to a white man after a two weeks' courtship. She owns a well-placed allotment of Indian lands and her mother's real estate is figured at \$50,000. [The] very pretty Indian belle, who is still heart whole and fancy free . . . has many admirers among the palefaces, as well as among the redskins.<sup>29</sup>

Once a white husband had access to the land and/or wealth, the Native women were often abandoned or mistreated. The social



dynamic, then, was one in which Native women were valued not as human beings but rather as commodities to leverage land and power. In Oklahoma a number of Osage women were murdered for their land rights in the early twentieth century—so many that the Federal Bureau of Investigation initiated one of its earliest serial murder investigations.<sup>30</sup>

### Removal and Relocation

When you hear the term *sex trafficking*, what images come to mind? In contemporary American culture, the phrase often conjures up images of a woman who has been abducted or tricked into leaving her homeland (usually an Asian or Eastern European country) by organized criminals who then coerce her into sexual slavery once she arrives in a foreign country, a country where she has no friends or family, no language fluency, and an illegal alien status that will lead to deportation should she try to escape. Isolation and distance are key tools of the contemporary international sex trafficking trade—no different from the isolation and forced removal to distant, unfamiliar reservations to which Native people were subjected through forced migration, mandatory boarding school education, and urban relocation.

For many Native people, leaving ancestral homelands is traumatic in and of itself because of the spiritual connections to a particular place that are broken in the process. Forced removals of Native people are not just an infringement on liberty and autonomy; the removals harm entire nations.<sup>31</sup> When coupled with rape, the forced removals completely subjugated the victims. As noted earlier, the dynamics of the Gold Rush in California during the late 1840s quickly deteriorated into wholesale abduction and sale of Native peoples.<sup>32</sup> There are numerous accounts of kidnapping, rape, sex slavery, and murder associated with the influx of white settlers into California.<sup>33</sup> The original official Humboldt County history (published by the Historic Record Company in 1915) includes several accounts suggesting that kidnapping of Native women for sexual purposes was quite common in the 1800s. In one example, the description is that “bands of white men, consisting of three or four depraved wretches, would often catch a young squaw or two

and detain them for several days or weeks at their cabins and then permit them to make their way home as best they could.”<sup>34</sup>

One Lassik woman, T’tcetsa (also known as Lucy Young), “fell prey to men engaged in the widespread practice of kidnapping Indian children and selling them as servants to white settlers” during the 1860s.<sup>35</sup> After numerous escapes and recaptures, T’tcetsa was sold to a white trader, Arthur Rutledge, who “kept her chained at his place because she always ran away.”<sup>36</sup> Rutledge’s sexual abuse of T’tcetsa resulted in so many pregnancies and miscarriages that she lost count.<sup>37</sup> T’tcetsa’s story is a rare first-person account of this widespread treatment. In the early twentieth century, she was interviewed by several ethnologists who were able to record her poignant perspective:

White people come find us. Want to take us all to Fort Seward. We all scared to dead. . . . I hear people tell ’bout what [Indian] do early days to white man. Nobody ever tell what white man do to [Indian]. That’s reason I tell it. That’s history. That’s truth. I seen it myself.<sup>38</sup>

### *Forced Migrations and the Many Trails of Tears*

The history of the United States is replete with examples of using military authority to force the relocation of Native people.<sup>39</sup> Nineteenth-century “Indian removal” was originally developed as a solution to the challenges posed by conflicts between white settlers and Indians in the southeastern United States and federal removal law was often explicit in its terms. The Indian Removal Act (1830), for example, provided legal authority and military funding to move Indians to an area west of the Mississippi.<sup>40</sup> The “Trail of Tears” of southeastern Indians (Cherokee, Mvskoke [Creek], Seminole, Chickasaw, and Choctaw Indians) in the 1830s is the best known of these forced marches, but there were numerous other forced migrations and “relocations,” almost all of which were hardest on women and children, who were at the mercy of a colonial military that neither prevented nor punished rape. Forced migrations decimated Indian nations, with many dying from crippling fatigue, starvation, and disease.<sup>41</sup> Losing both the very young and the very old in large numbers during the journey meant that the wisdom and cultural

knowledge of the elders, and the sense of hope for the continuance of the tribe, died with them.

It is impossible to count the number of rapes that occurred during these forced migrations, just as it is impossible to count the number of deaths. All we have are glimpses of the brutality offered through accounts that survive in the historical literature. Navajo scholar Laura Tohe writes that the Diné people call Fort Sumner (the place where they were marched), “Hwéeldi” (the Place of Extreme Hardship) because of their experiences of starvation and rape at the hands of the U.S. government.<sup>42</sup> Native people often arrived at their new “home” or place of captivity with little more than the clothes on their back; soldiers often took advantage of this state of affairs to coerce Native women into providing sexual services to receive food, clothing, and blankets.<sup>43</sup>

Firsthand oral narratives from this time are exceedingly rare—probably because, as scholar Tohe notes, “the response to such death and violence was to not speak of it in any casual way.”<sup>44</sup> Most records of these experiences have been preserved, not on paper, but in the oral histories of tribal people. A typical passage in this rare oral history comes from a series of stories transcribed by a Creek woman, describing her grandmother’s recollection of the Trail of Tears: “Sometimes, as weeks went by these soldiers would tear the clothing off young girls twelve years of age . . . or young mothers and molest them.”<sup>45</sup> Women and girls in this scenario had no legal system to turn to for justice.

### *Assimilation and Gendered Slave Labor*

The last official major military actions on Indian land occurred near the end of the nineteenth century. The experience of Native women did not improve, however, as the government’s control over Native women’s sexuality took on new, sinister forms. With the collective trauma of surviving war and relocation not yet fully addressed, new government policies launched a different kind of attack on tribal cultures: forced religious conversion and boarding schools. Unlike the earlier nineteenth-century migrations, which were the result of overt violence, boarding schools involved official coercion of a different kind. However, when viewed in the context of a century

of rape, murder, and starvation perpetrated by soldiers and Indian agents, the boarding schools strategy is clearly a continuation of the legacy of oppression.

Targeting children is one of the most sinister methods of attacking a community, because it can destroy a society from the inside out. American Indian children were easy victims for this strategy, which reached its peak in the early twentieth century. In an effort to promote assimilation of tribal people, after war failed to exterminate all of us,<sup>46</sup> the government endorsed the widespread removal of children from their communities to be “educated” in government- and church-run boarding schools throughout the United States and Canada.<sup>47</sup> Under the authority of the U.S. government, Native children were forcibly removed from their homes and taken to boarding schools at a rate exceeding 70 percent in some communities. This era brought a new level of sexual violence to indigenous communities in the form of sexual abuse of children.<sup>48</sup> The extent to which children in boarding schools were raped may never be fully known, but the volume of anecdotal accounts from survivors would lead one to believe that some boarding schools were fraught with sexual abuse.<sup>49</sup> Certainly, there are documented efforts to control the sexuality of Native girls, which resulted in more secrecy and shame in tribal communities.<sup>50</sup> In many tribal communities, then, the imposition of foreign legal systems occurred simultaneously with widespread rape.

This involuntary movement of Native children was often directly or indirectly tied to sexual exploitation. The boarding school era is synonymous with sexual abuse and sexual exploitation on a mass scale. For example, forced attendance at boarding schools, where youth often were sexually, physically, emotionally, and verbally abused, was a traumatic event with the potential for being internalized and later manifesting as psychological symptoms:

The resulting psychological symptoms may have been transmitted . . . onto family members (secondary traumatic stress) and passed onto subsequent generations (intergenerational transmission), in the absence of culturally appropriate ways for healing (unresolved grief).<sup>51</sup>

Children were sent hundreds, sometimes thousands, of miles from home on steamboats, trains and wagons.<sup>52</sup> If they refused to go,

their families were threatened with starvation and incarceration.<sup>53</sup> Some Indian schools engaged directly in the abduction of Native children in order to “maintain student enrollment levels.”<sup>54</sup> Government documents indicate that there were efforts to keep members of the same tribe apart, a tactic that was likely designed to facilitate assimilation, and the institutions themselves were “often harsh and repressive.”<sup>55</sup>

As part of the overall effort to separate children from their homeland and culture, many schools did not allow children to return home during the summer months.<sup>56</sup> Although assimilation or indoctrination was the primary goal of the boarding schools, commercialization and profit were convenient by-products of these boarding school efforts; the local non-Native communities often benefited from cheap or free labor.<sup>57</sup> In Phoenix, for example, Native girls and young women in school were required to provide domestic services for white families—often with substandard (or no) pay.<sup>58</sup> Indian girls who worked in these settings were also expected to follow strict social codes of Victorian-era morality.<sup>59</sup> “In the minds of many [V]ictorians, Indian women by nature were prone to filth, ‘animal gratification,’ lewd, licentious, and promiscuous behavior.”<sup>60</sup> The federal agenda was clear: “Train Indian girls in subservience and submission to authority.”<sup>61</sup> In other words, indoctrinate the dominant paradigm of the patriarchy into Native women.

Corporal punishment was commonly deployed in boarding schools, combining identity destruction with physical punishment. Most tribal cultures did not use corporal punishment as a disciplinary tool, but school beatings were acceptable, expected, and, in fact, were the subject of some well-publicized controversies in the early twentieth century.<sup>62</sup> Moreover, boarding school facilities often included jail cells used to punish children who disobeyed orders.<sup>63</sup> At Chilocco Indian School in Oklahoma, “Punishment . . . was solitary confinement in the ‘dark room,’ where the only light entered through a four-inch square in the door.”<sup>64</sup> In recent years, some survivors of the boarding schools have disclosed that sexual abuse was common in the schools.<sup>65</sup> In some, corruption and cover-ups allowed for the continuous sexual abuse of Native children for decades.<sup>66</sup> There was rarely any option for filing grievances in these situations—indeed, children were powerless to take any action to stop the abuse.<sup>67</sup>

### *Relocation Revisited: Urban Migration*

Under the TVPA, Congress established that “traffickers lure women and girls into their networks through false promises of decent working conditions at relatively good pay as nannies, maids, dancers, factory workers, restaurant workers, sales clerks, or models. Traffickers also buy children from poor families and sell them into prostitution or into various types of forced or bonded labor.”<sup>68</sup> Replace “traffickers” with “the United States government”—and the definition aptly describes the next phase of American Indian policy.

This section seeks to reframe the relatively sanitized word *relocation*, which has often been used to refer to the Indian urbanization policies of the 1950s. In practice, “relocation” is a continuation of the colonial determination to destroy the inherent protection offered by one’s relatives in one’s own homeland and apathy toward the conditions in which the relocated people find themselves. As with other strategies implemented by the United States and its European predecessors, this process created new avenues for predators to manipulate, coerce, and force Native women into the commercial sex industry.

In the 1950s, as tribal communities continued to make efforts to remobilize and establish roots in the prescribed space, the government again retooled its approach to tribal people—this time, moving them from their reservation communities to urban centers.<sup>69</sup> When viewed through the lens of contemporary human trafficking laws, these federally facilitated migrations left Native people vulnerable to victimization. Indeed, these relocations ensured that yet another generation of Native women would be exposed to sexual abuse and degradation and the genocide of Native peoples would be advanced.

The federal actions were swift and effective. In 1940 only 7.2 percent of Native people lived in urban areas.<sup>70</sup> In 1943 the BIA launched a pilot program to transition Indian people from the reservations to the cities, followed by a second, more comprehensive initiative in 1952. The goal of these projects was clear: no more tribal identities; no more reservations. Native people should assimilate completely into the American body politic. Within a few short years, the number of Native people living away from their tribal community had dramatically increased.<sup>71</sup> By 1960, 33,466 Indians had been

relocated and the number continued to rise. Today, nearly 60 percent of Native people reside in urban areas.<sup>72</sup>

The relocation project was often presented to young Native people as a generous opportunity.<sup>73</sup> Living conditions on many reservations had deteriorated to a level of abject poverty by the mid-twentieth century.<sup>74</sup> Representatives of the BIA traveled to reservations and recruited young Native people to move to the city, where, it was promised, jobs and housing were plentiful. The BIA presented some of the opportunities as competitive and highly valuable by implementing an application, interview, and approval process. A successful applicant would receive a small stipend to cover travel expenses.<sup>75</sup> Usually, there was no stipend to support a return home (even in cases of family illness or death).<sup>76</sup> Not surprisingly, there were no documented efforts to ensure that Native women had access to any social services should they fall victim to sexual exploitation in the cities, which is significant since Native people often found themselves unemployed soon after arriving in the city.<sup>77</sup> In 1965 one social scientist concluded that “more than 75 percent of the Indians who have relocated would choose to return to their reservations as soon as possible.”<sup>78</sup> By 1969 the average per capita income for Native people was less than half of the national poverty level, and the unemployment rate had skyrocketed to nearly ten times the national average.<sup>79</sup> All these “urbanization” factors created the perfect opportunity for pimps and predators to gain a foothold in the lives of Native people.

Situating Native people within urban settings also provided more convenient opportunities for social scientists to “study” Indian culture and adaptation styles. A review of this literature is illuminating, as it becomes clear that non-Indians blamed tribal culture as the root cause of “deviant” behavior, rather than considering the effects of forced acculturation, institutionalized racism, and poverty.<sup>80</sup> In one sociological report, the author explained that Indians suffered poverty and other social ills in the urban locations because they were incapable of comprehending the “basic instrumental values of modern urban industrial society.”<sup>81</sup>

Although most of the studies of urban Indians focused on men (who relocated at a higher rate than did women—at least initially), some reports did devote attention to gender dynamics, and a few focused exclusively on women. Social scientists often described

sexual exploitation by white men, but the exploitation was rarely characterized as predatory behavior—sometimes vulnerable Native women were described as engaging in experimentation as a result of alcohol use. Social scientists often concluded that Native women were simply behaving promiscuously with non-Native men—with no indication that some of the women might have been victims. Consider the following observation from 1963: “For the young [Native] females, drinking seems to help them overcome sexual inhibitions; this is crucial to their popularity with many of the young Whites.”<sup>82</sup> Another social scientist in the same decade wrote:

This rejection of native males, and the valuing of transient white males, results in a situation of *mutual* exploitation between the transients and the [Native] girls. The girls will go so far as to seek out Navy men, construction and barge workers (both single and married), gaining presents from them, most notably in the form of beer.<sup>83</sup>

This typical characterization of the relationships as “mutual exploitation” is directly followed by observations that reveal a more one-sided dynamic:

Generally speaking, the [Native] girls do not profit in the long run from this mutual sexual exploitation. Many of them are burdened with illegitimate children and contract venereal diseases which are especially prevalent. Very few of the transients marry native girls.<sup>84</sup>

No empirical data are available to determine the extent to which sex traffickers in the mid- to late twentieth century may have targeted Native women. Anecdotal evidence, however, indicates that Native women who left the reservations for urban areas were vulnerable to such exploitation.<sup>85</sup> For instance, testimony provided to Congress by Amabel Bulin in 1944 indicates that the sex trafficking of Native girls was common in Minneapolis. Bulin, an advocate for Native women and girls in Minneapolis in the 1940s and 1950s, testified in 1944 in front of a U.S. House committee that Indian girls in Minneapolis were illegally being sold liquor and that this made them vulnerable to “exploitation” and “immorality.”<sup>86</sup>

A 1970 article titled “Promiscuity and Prostitution in Urbanized Indian Communities” provides some insight into the approach



mainstream (white male) experts had toward prostituted Native women.<sup>87</sup> In one of the only articles written about Native women in prostitution before 1990, the authors conclude that Native prostitutes are “habitual liars” and “chronic alcoholi[cs].”<sup>88</sup> The authors further claim that “random factors and forces” are responsible for Native women entering prostitution, ignoring the role of sexual predators (and history) in the criminal ecosystem of sexual slavery.<sup>89</sup>

### **Contemporary Sex Trafficking in the Lives of Native Women**

Sex trafficking is formally criminalized in the United States, but the legacy of enslavement, exploitation, and exportation is reflected in the lives of Native women who are victimized by prostitution and sex trafficking. Of course, the U.S. government has, for the most part, ceased officially engaging in the reprehensible activities described throughout this chapter. The military no longer permanently occupies reservations or forces Native people at gunpoint to travel hundreds of miles on foot. Tribal members are no longer directly pressured by federal agents into leaving the reservation for the city. However, the legacy of relocation, chronic poverty, and historical trauma significantly reduces the opportunities available to Native women and makes them vulnerable to prostitution and sex trafficking.

#### *Documenting the Invisible*

As explained in chapter 1, providing “proof” of widespread crime is often a critical prerequisite to reform. But trafficking of any kind is notoriously difficult to research because of the invisibility of the victims.<sup>90</sup> We do know a few things, however. For example, statistics indicate that most women become prostitutes as juveniles.<sup>91</sup> We also have evidence that most women used in prostitution have experienced child sexual abuse and extreme poverty. These so-called risk factors are certainly elevated in a tribal community, suggesting that Native women are victimized by prostitution at a higher rate than other women. Recent studies bear this theory out. There is significantly more research on Native women

in prostitution in Canada, which shares a boundary with the United States and also a similar history when it comes to the oppression of its indigenous population.<sup>92</sup> Canadian statistics have demonstrated that indigenous women and girls are prostituted at disproportionate rates.<sup>93</sup> “A study conducted in 2000 estimated that 70 percent of street prostitutes working in the most dangerous and lowest paying ‘tracks’ in the Downtown Eastside [Vancouver] were Aboriginal women under the age of twenty-six, and most are mothers.”<sup>94</sup> In Winnipeg, one advocate reported that hundreds of teen and pre-teen girls, some as young as eight and averaging about thirteen, are working the streets.<sup>95</sup> Even more are abused behind closed doors, with about 80 percent of child prostitution taking place in gang houses and “trick pads.”<sup>96</sup> An estimated 70 percent of these girls were indigenous.<sup>97</sup>

Native women as sex trafficking victims in the United States have only recently received attention in a few select regions. For example, in September 2009 the Minnesota Indian Women’s Resource Center issued a report titled *Shattered Hearts*, which offered a graphic description of the lives of Native women and girls who have experienced prostitution and sex trafficking.<sup>98</sup> In 2011, I was invited to contribute to a report about contemporary sex trafficking titled *Garden of Truth: The Prostitution and Trafficking of Native Women in Minnesota*. *Garden of Truth* was the product of a partnership between the Minnesota Indian Women’s Sexual Assault Coalition and Prostitution Research & Education. The study was designed by Native women (Nicole Matthews, Cristine Davidson, Guadalupe Lopez, Eileen Hudon, and Christine Stark) in collaboration with Dr. Melissa Farley, who has studied prostitution in more than seven countries.<sup>99</sup> *Garden of Truth* presents findings from a multiyear research project that involved interviews with more than one hundred Native women in Minnesota who self-identified as prostitutes or former prostitutes.<sup>100</sup> The findings include the following:

- About half of the women met a conservative legal definition of sex trafficking which involves third-party control over the prostituting person by pimps or traffickers. Yet most (86%) interviewees felt that no women really know what they’re getting into when they begin prostituting, and that there is deception and trickery involved.

- 98% of the women were currently or previously homeless.
- 92% wanted to escape prostitution.
- 92% had been raped.<sup>101</sup>

The stories in *Garden of Truth* are heartbreaking. I struggled with the material myself, and I did not participate in the face-to-face interviews that MIWSAC and PRE conducted. Reports like *Garden of Truth* can help educate law enforcement, prosecutors, and judges about the invisible reality that has been ongoing for centuries.

In 2010 the Anchorage Police Department and the Federal Bureau of Investigation confirmed that they had identified a pattern wherein Alaska Native girls and women were coming to Anchorage “only to be lured into prostitution by pimps and the promise of security.”<sup>102</sup> Apparently, Alaska Native women are particularly valuable because they can be marketed to fetish markets as Native, Asian, and Hawaiian.<sup>103</sup> Girls are trapped almost immediately—one in three Alaska Native runaway girls are targeted for prostitution within forty-eight hours of arrival.<sup>104</sup> In 2010 law enforcement agencies said that about one-third of women and girls arrested for prostitution were Native, even though less than 10 percent of the city’s population is Native.<sup>105</sup>

### *Organized Crime, Fracking, and Man Camps*

Native women are still “trafficked” today, both literally and figuratively. The methods of trafficking have changed, but organized crime and corporate greed are intersecting in yet another perfect storm. Perceived and actual limitations on tribal criminal authority attract criminals, including sex traffickers. Global trafficking research has suggested that “poverty or political instability” can create environments conducive to predatory criminal enterprises.<sup>106</sup> Gangs are a particular problem in impoverished communities throughout the nation, and the isolation of some Indian reservations makes them even more attractive to drug manufacturing rings. Generally, the sex industry is inseparable from organized crime rings. There is ample evidence that organized criminal behavior and gangs have infiltrated many tribal communities. The federal government itself has acknowledged this problem and in response funded programs

to focus on the illegal drug traffic associated with some tribal communities.

In the past five years, a phenomenon that is all too familiar to Native women has begun making news again. The dynamic has to do with large numbers of non-Native men relocating to temporary living quarters near reservations. In North Dakota these shantytowns are commonly called “man camps.” Descriptions of these camps are eerily similar to the frontier dynamic as chronicled in the history of the discovery of gold and oil. The following description comes from the Fort Berthold Reservation in western North Dakota, but presents perpetrators in a sympathetic light:

These oil workers usually come from desperate conditions. These workers usually have a family they have left elsewhere so they are not looking to start new relations. These workers are paid an excessive amount of money. These workers are well aware their employment is only temporary. These workers know they are living in a remote environment where law enforcement is already stretched beyond its limits and the temptation for criminal behavior is very strong.<sup>107</sup>

There has been a significant increase in crime committed against Native people in North Dakota since 2008, likely attributable at least in part to the man camps associated with the oil boom.<sup>108</sup> Journalists and tribal leaders have described a higher-than-usual rate of prostitution, drug use, and crime in the man camps.<sup>109</sup> Law enforcement officers struggle to respond effectively to crime in these boomtowns. The crime that Native women are experiencing as a result of the exploding fracking business has parallels with the harm being done to the planet—the land and water are being poisoned as the hearts and spirits of Native women break. Thus another generation experiences displacement and abuse.

### Conclusion

The U.S. State Department has found that prostitution and related activities “fuel the growth of modern-day slavery,”<sup>110</sup> yet the standard American law enforcement response to prostitution continues to be to arrest and prosecute women and girls who are prostituted.<sup>111</sup> Incarcerating and stigmatizing the women and children

engaged in prostitution further alienates these victims from networks of assistance and safety. Native women are already overrepresented in the prison population, and some common reasons are related to the traumatic experience of many young Native women today.<sup>112</sup>

The time has come to ensure that all Native women are accorded full value and protection by the American legal system. Native women and girls deserve tailored interventions that recognize the historical legacy they live under. We can start by recognizing that transporting (or coercing) a Native girl or woman across sovereign lines (i.e., from a reservation to a city in the United States or Canada or from one reservation to another) for the purpose of slavery and/or sex work should be considered “international trafficking.” Defining it in such a way will help ensure that more appropriate and stringent measures are taken by tribal, state, and federal governments to stop it.

The victimization of Native people is a story five hundred years in the making and we cannot remedy these problems overnight, but our best chance of breaking the cycle of victimization is the development of culturally appropriate interventions to help Native women and girls break the shackles of history and prejudice. The “Amandas” in the twenty-first century may not leave physical blood in their wakes, but the psychic and physical harm continues. Holding perpetrators accountable for trafficking Native women and girls should be compulsory.