

Abuse on the Reservations
To Native American Women
Layson Heugly
Copper Hills High School

Introduction

On the Native American reservations of the United States, women are three times more likely to experience violent crime than the national average, with which 70% of sexual assaults on the reservation are never reported. (Bhungalia, 2001) The history of any crime involved within the reservations has always been overlooked by the government. Even though the reservation system has a set constitution within each individual tribe, the federal government still feels they have to be involved, so whenever serious crimes like rape and abuse happen, in which the federal government has to be in charge of, they simply overlook it and do not take any call to action. The result has been a high crime rate within the reservations especially towards women, and little, to no, action against the attackers in providing justice. Justice needs to be provided to these women by bringing up the statistics to the federal government, providing better programs and facilities to help those who have been victimized, and make the reservations a better place to live in. When it comes to funding and providing assistance to these women the government is not quick to respond, to show how serious this issue is, there are the statistics to provide a picture to what is going on.

Statistics

“The U.S. Department of Justice estimates that 1 of 3 Native women will be raped and 6 of 10 will be physically assaulted. Native women are stalked at a rate at least twice that of any other population.” (Circle, 2005) In a nation that already has a high rate of rape and physical assault, this is unacceptable. For women on the reservation, this is a fear that they feel may never go away, especially when they do not leave the reservation. Especially to the women, natives born and raised on the reservation usually never leave. This is an alarming rate that should not be

excused. This is almost two times as high from the national average which states: “1 of 6 U.S. women...has experienced an attempted or completed rape as a child and/or an adult.” (Colorado Coalition Against Sexual Assault, 1998) Having such a high rate of woman experiencing rape in a nation should be alarming enough, but having the rate about two times higher in just a small percentage of that same nation should result in some sort of action. To help solve it, the government passed the Violence Against Women Act in 1994, devoting the whole section IX just to native women.

Title IX does give hope for the women, but in actuality it does not provide much additional help to the native women on the reservations. “...Title IX creates a Tribal Deputy Director within the Office on Violence Against Women.” (Circle, 2005) Although it does do that, when you are living in a nation where you have 2.3 full-time sworn police officers per 1,000 residents it doesn't do much of a difference. (Hart & Lowther, 2008), This is yet another huge problem on the reservations.

The lack of authority on the Indian reservations in the United States has been an issue for many decades now. There are so many people, and in some nations so much area, but not enough police officers. Whenever a call is made to a police officer about some sort of sexual assault or stalking, the officer typically will have to end up doing is call the suspect to determine whether it is worth it for them to go out to the scene. In this instance it is not rare for the abuser to answer the phone and tell them that nothing is wrong, or that the suspect will answer and not say anything because their attacker is right there. (Bhungalia, 2001) This is no way that the justice system should react to a scene, but when the police offices are getting so many calls about the same thing and there is not enough police force to handle every situation, this is what it results to.

“Approximately 73% of charges filed in U.S. district courts involving Indian Country crimes were for violent crimes, compared to the national total of about 5%.” (Hart & Lowther, 2008) The worst part about this statistic is that almost none of them will be trialed. This is because there are apparently so many other, more, important things happening that the federal courts cannot provide justice for the victimized women from the reservations. The charges would not have to go to the U.S. district courts if it was a native man attacking the women, but more than 80% of women that were victimized identify their attacker as non-Indian. (Duthu, 2008) This is a loop-hole in the way native courts are to act, because they are not allowed to trial against anyone that is not from the tribe. This statistic is also upsetting because the national average for violence against women from other minority groups is from the same race. A lot of these statistics can be solved by providing better facilities and programs against native women who have experienced violence.

Programs and Facilities

As stated in the previous section, it essential now for the over 550 federally recognized Indian tribes to have a better police force, but they also need jails, rehabilitation programs, and some sort of charges pressed against offenders. Less than 8% of tribes operate correctional facilities on their respective reservations, and those that do have them are considered to have small jails only capable of holding less than fifty prisoners. (Hart & Lowther, 2008) That is, out of the 561 federally recognized tribes only 70 have jails. And, in those jails there is a ratio of 2.5 inmates per correctional facility staff, whereas everywhere else in the country there is 2.0 inmates per correctional facility staff. (Hart & Lowther, 2008) These types of jobs are not just given to people, they typically require some forms of training, which for people on the reservation, require government assistance that the government is not providing. This can host a

huge problem in that if enough workers were to quit or lose their job in some form, the tribe can lose the facility.

Another problem that can be fixed is how the court defines an assault charge. An assault charge is defined as:

“[An assault charge] requires ‘serious bodily injury,’ defined as a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.” (Clarkson, 2007)

So, when the women goes up to an attorney with a broken nose or cigarette burns, the attorney tells them they are fighting for a case they cannot win because they are not, by definition, “assaulted”. (New York Times, 2005) This is why many women who fight against their offenders can never win because they either are not by definition assaulted or they do not have the evidence to back up what happened to them. And, this is just on the reservation, most other times anywhere else in the country the attorney who is defending the women who has been victimized will try to find a way to win their case, but on the reservation it is so hard to fight for the women that they do not even bother.

For women, the hardest part about being attacked is trying to file a report on it. There is no anonymous helpline specific for native women to call to get guidance or to put in a report. The result is in having 70% of attacks not being reported. (Bhungalia, 2001) Also, with the growing number of women being assaulted, it is not uncommon to see the youth relationships acting the same way. The youth know no better and do not know any other way to resolve issues

than to take the situation physical, and those girls that are attacked have nowhere to go to, because the schools do not offer any guidance programs or a hotline to resort to. Having some form of hotline for those native women who are suffering may help find solutions to the problem so much faster than now. Even though it seems like the government is, to some degree, ignoring the situation, if enough voices are spoken they will take action.

The Reservation Issue¹

To most people whenever they think of the Native American reservations they may think of a land stricken by poverty, poor families, and a people trying to keep their centuries-old traditions alive through times of advancement in western civilization. That is just it. Not all tribes are on their native lands that they have lived on for centuries, but for some, far from it. It is almost a land completely forgotten by the United States government, and almost rejected as being a part of America. This is why the woman who has been violated and abused needs to be given justice.

The Indian Reservations of the United States are, ideally, not the best place to grow up and live on. There is very little opportunity, and as portrayed through this report, a high crime rate and low sense of security. If this major issue was to be brought up to the high courts up in Washington D.C., then other issues may be brought up from the reservation to be fixed.

Growing up on the reservation is not easy. For some kids, it requires every morning getting up early to get on the bus for an hour and a half bus ride from home to school, which in itself may be very badly outdated. And then, for the teenagers, there is simply nothing to do, so

¹ A lot of the information associated in this section is gathered from personal experience. I myself have experienced life on the reservation, and know from first-hand accounts what it is like to live an everyday life as a Native American on the reservation.

many find themselves engaging in risky behavior from underage drinking, drugs, and sexual activity. This is where a lot of the abuse comes from. It is a mixture from all three mentioned previously, but is nonetheless an issue that needs to be solved. The abuse of girls, especially during adolescence, is known to result in mental health issues including anorexia, problems with self-image, and sexual attitudes. (Miller, 1993) This is the big problem with the woman today that face abuse issues and mental problems; in that, they experienced in some form or abuse when they were younger. The prosecutors usually against the girls are never put up to trial so it is possible for them to do it more than one time. If the justice system was better organized and executed, there would be far less women on the reservations that are being abused or having security issues.

Conclusion

Justice needs to be provided to these women by bringing up the statistics to the federal government, providing better programs and facilities to help those who have been victimized, and make the reservations a better place to live in. Although those people up in Washington do not agree that abuse against Native American women within the reservations is a big deal, they need to pull their heads out and look around and see what is going on. They are strong women who are a vital part to their society being broken down through violence and rape. This is all happening while those higher authorities could be working to fight against it, but choose not to do anything about because it is not a “big issue”.

It is one thing to be Native American living in America fighting for rights, but to be a woman as well makes it very hard for your voice to be heard. Those women living on the reservation suffering from neglect of justice need to take a stand for their American Dream.

References

- Bhungalia, L. (2001). *Native American Women and Violence*. Duluth, Minnesota.
- Circle, S. (2005, January 20). *Title IX - Tribal Provisions*. Retrieved February 5, 2011, from Sacred Circle:
<http://www.sacred-circle.com/vawa-provisions>
- Clarkson, G. (2007). Reservations Beyond the Law. In *L.A. Times* (p. A27). Los Angeles.
- Colorado Coalition Against Sexual Assault. (1998). Prevalence, Incidence, and Consequences of Violence Against Women. In *National Violence Against Women Survey*.
- Duthu, N. B. (2008, August 10). *Broken Justice in Indian Country*. Retrieved February 4, 2011, from The New York Times: http://www.nytimes.com/2008/08/11/opinion/11duthu.html?_r=2
- Hart, R. A., & Lowther, M. A. (2008). Tribal Experiences with Prosecution Gaps and Domestic Violence. *Honoring Sovereignty: Aiding Tribal Efforts to Protect Native American Women from Domestic Violence*, 207-233.
- Miller, D. (1993). Sexual and Physical Abuse Among Adolescent Offenders: Gender Differences and Implications for Programming. *Journal of Correctional Education*, 146.
- New York Times. (2005). Crimes Against Native Women More Frequent, Less Often Prosecuted. In N. Y. Times, *Off Our Backs* (p. 5).