

NATIVE WOMEN, NATIVE TRANS PEOPLE, & TWO SPIRIT PEOPLE

➔ LAW ENFORCEMENT VIOLENCE AGAINST NATIVE WOMEN, NATIVE TRANS PEOPLE, & TWO SPIRIT PEOPLE



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Native peoples' experiences are often completely erased from mainstream discussions of law enforcement violence. Yet, since the arrival of the first colonists on this continent, Native women and Native Two Spirit, transgender and gender nonconforming people have been subjected to untold violence at the hands of U.S. military forces, as well as local, state and federal law enforcement.¹ Movement of Native peoples across borders with Canada and Mexico has been severely restricted, often by force, separating families and communities.² Integral to the imposition of colonial society and enforced assimilation, the notion of “policing” was forced on sovereign nations and cultures that had previously resolved disputes within communities.³

Gender-specific forms of law enforcement and military violence against Native women and gender nonconforming people have included:

- ➔ **Mutilation** - US military soldiers would cut off the breasts and vulvas of Native women after massacring entire communities;⁴
- ➔ **Rape and sexual assault** - rape and sexual violence have been integral weapons of genocide and colonialism in the Americas;⁵
- ➔ **Reproductive trauma and disease** - as a result of U.S. military testing and operations on or near Native lands;⁶
- ➔ **Forcible removal of children** - often by law enforcement and military officers - from families and communities to Indian Residential schools, where Native children were subjected to verbal, emotional, physical, sexual, cultural and spiritual abuse and neglect;⁷
- ➔ **Enforcement of the gender binary** - “Native societies were not necessarily structured through binary gender systems. Rather, some of these societies had multiple genders and people did not fit rigidly into particular gender categories. Thus, it is not surprising that the first people targeted for destruction in Native communities were those that did not neatly fit into Western gender categories.”⁸
- ➔ Use of law enforcement to prevent women and Two Spirit and gender nonconforming Native people from accessing and practicing **traditional healing and spirituality**;⁹
- ➔ **Failure to protect** Native women from sexual violence at the hands of non-Natives.¹⁰

Many these violations and their after-effects continue in similar forms today. According to Amnesty International: “There have been complaints of brutality and discriminatory treatment of Native Americans both in urban areas and on reservations. Complaints include indiscriminate brutal treatment of [N]ative people, including elders and children, during mass police sweeps of tribal areas following specific incidents, and failure to respond to crimes committed against Native Americans on reservations.”¹¹

Additionally, Native women and Native Two Spirit, transgender, and gender nonconforming people are subjected to gender-specific forms of law enforcement violence, such as racial profiling, physical abuse, sexual harassment and abuse, and failure to respond or abusive responses to reports of violence.



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⇒ RACIAL PROFILING

Native women report widespread racial profiling by law enforcement officers. For instance, at an October 2003 Amnesty International hearing in Tulsa, Oklahoma, Geneva Horse Chief reported frequent traffic stops of cars with tribal license plates, during which no citations would be written.¹² Native women are also profiled as drug users, alcohol abusers, and as bad mothers.

What are you? Latina? Oh, you're Native? Good, we can do anything we want to you then...

-- LAPD officer to Native transgender woman

The American Friends Service Committee reports that Native women in small communities in Maine were routinely profiled as prescription drug abusers and forced to undergo visual body cavity searches as a matter of policy, while similarly situated white women were not. These searches required the women to bend over and expose their genital areas to officers, often while being subjected by sexualized and racist verbal abuse. Native women organized and were successful in obtaining changes to the jail search policy and access to Native people detained in the jail.¹³

Native children are removed from their families at alarming rates by law enforcement agencies, who are often acting on stereotypes of Native women as unfit mothers.¹⁴

⇒ PHYSICAL ABUSE

Native women experience considerable physical abuse at the hands of law enforcement officers. For instance:

In July 2005, St. Paul, Minnesota police arrived at the home of a Native American woman, asking for her husband. She asked if they had a warrant, and when they said they did not, she refused them entry, explaining she was not dressed. The police pushed the door in, knocked her down, and injured her 12-year-old daughter. They screamed and swore at her and would not let her call an ambulance.

One of the officers threatened her by saying "I will call downtown and get a welfare worker. I guarantee you will never receive another benefit in your life." Police eventually called an ambulance, and the woman spent four hours in the hospital being treated for injuries to her neck, back, shoulder and arm. She was never charged with a crime.¹⁵

In January 2003, a police car pulled into the parking lot of a public housing project in Minneapolis, Minnesota, and police officers dragged two American Indians, a man and a woman, out of the squad car. The officers physically abused them both, and left them outside in the parking lot in subzero weather.¹⁶



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⇒ SEXUAL HARASSMENT & ABUSE

Lori Penner, a Native woman living in Oklahoma, testified that during an August 2003 raid by officers who claimed to be searching for drugs: “[M]y door was broken down. I had eight people come into my home. They pointed their guns at us. They told us to get on the floor...My fifteen-year-old daughter was jerked out of the shower naked, made to stand in front of three police officers. . . My daughter was handcuffed. . . We were all searched. My house was ransacked. . . . No drugs were found. . . .No one was taken to jail. The police laughed. They ridiculed us . . . they cussed. . . . One officer told my daughter she cleaned up very nicely, she looked very good for her age. It was all because we are Indian.”¹⁷

In 2003, an Native American transgender woman reported that two LAPD officers pulled her over at 4 a.m. and told her they were going to take her to jail for “prostitution.” The officers then handcuffed her, put her in the patrol car and drove her to an alley. One of the officers pulled her out of the car and hit her across the face, saying “you fucking whore, you fucking faggot.” The officer threw her down on the back of the patrol car, ripped off her miniskirt and underwear and raped her. Although she contacted 911 immediately after the rape, the responding paramedics did not believe her.¹⁸

⇒ FAILURE TO RESPOND AND ABUSIVE RESPONSES TO VIOLENCE

In light of the US government’s continuing role as the perpetrator of genocide against Native peoples, for many Native women, calling on law enforcement for protection from violence is often not seen as an option, due to mistrust of law enforcement officials, as well as the ongoing government failure to take action to protect reservation-based Native women from violence at the hands of non-Indians.¹⁹ For more information, check out *Maze of Injustice: The Failure to Protect Indigenous Women from Violence* at: <http://www.amnesty.org/en/report/info/AMR51/035/2007>

April Mora, a 17-year-old lesbian of African American and Native American heritage, was attacked because of her gender expression and perceived sexual orientation in March 2002. Four men jumped out of a car and slashed her with razor blades, carving “dyke” into her forearm and “R.I.P.” onto her stomach. According to Ms. Mora, the police did not respond appropriately: “They just think that I did it to myself. . . . I think they’re saying that because I choose to look like this, I deserve it or something. It’s as if I want to look like a guy, I should get beat up like a guy.” Mora’s girlfriend’s mother reported, “One police officer was so rude...when they first pulled up, they were asking my daughter if [she and Mora] had been fighting... They asked April how many drugs they were on. They tore my room up searching for the blade and a bloody shirt. They said they were looking for a razor blade and that the wounds looked self- inflicted.” Mora stated, “I’m black and Indian, but I look Chicano. I think if we were white, the cops and people would treat us differently.”²⁰



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⇒ ENDNOTES

- ¹ See, e.g., A. Smith, *Conquest: Sexual Violence and American Indian Genocide*, South End Press (2005); Report of August 27, 1892, in House Executive Document No. 1, part 5, vol. II, 52 Congress, 2 session, serial 3088, pp. 28-31.
- ² See FINAL REPORT FROM THE INDIGENOUS PEOPLES' BORDER SUMMIT OF THE AMERICAS II, SAN XAVIER DISTRICT, TOHONO O'ODHAM NATION, NOVEMBER 7-10, 2007, <http://indigenusbordersummitamericas2007.blogspot.com> (last visited: September 12, 2008).
- ³ S. Deer, unpublished manuscript, on file; Russel Lawrence Barsh and J. Youngblood Henderson, *Tribal Courts, the Model Code, and the Police Idea*, American Indian Policy, Law and Contemporary Problems, Vol. 40, No. 1 (Winter 1976).
- ⁴ A. Smith, *Conquest: Sexual Violence and American Indian Genocide* 15, South End Press (2005).
- ⁵ A. Smith, *Conquest: Sexual Violence and American Indian Genocide* 7-35, South End Press (2005).
- ⁶ A. Smith, *Conquest: Sexual Violence and American Indian Genocide* 109-119, South End Press (2005).
- ⁷ A. Smith, *Conquest: Sexual Violence and American Indian Genocide* 35-55, South End Press (2005).
- ⁸ A. Smith, *Conquest: Sexual Violence and American Indian Genocide* 178, South End Press (2005).
- ⁹ A. Smith, *Conquest: Sexual Violence and American Indian Genocide* 119-137, South End Press (2005).
- ¹⁰ Amnesty International, *Maze of Injustice: Failure to Protect Indigenous Women from Sexual Violence in the U.S.A.*, AMR 51/035/2007 (2006).
- ¹¹ Amnesty International, *United States of America: Rights for All* 38, October 1998, AMR 51/35/98.
- ¹² Geneva Horse Chief, *Amnesty International Hears Testimony on Racial Profiling*, Indian Country Today, October 16, 2003.
- ¹³ J. Mogul and A. Ritchie, *In The Shadows Of The War On Terror: Persistent Police Brutality And Abuse Of People Of Color In The United States*, 1 DePaul J. for Soc. Just. 175 (2008).
- ¹⁴ A. Smith, *Conquest: Sexual Violence and American Indian Genocide* 35-55, South End Press (2005).
- ¹⁵ J. Mogul and A. Ritchie, *In The Shadows Of The War On Terror: Persistent Police Brutality And Abuse Of People Of Color In The United States*, 1 DePaul J. for Soc. Just. 175 (2008).
- ¹⁶ J. Mogul and A. Ritchie, *In The Shadows Of The War On Terror: Persistent Police Brutality And Abuse Of People Of Color In The United States*, 1 DePaul J. for Soc. Just. 175 (2008).
- ¹⁷ Amnesty International USA Domestic Human Rights Program, *Threat and Humiliation: Racial Profiling, Domestic Security and Human Rights in the United States* 11, available at: http://www.amnestyusa.org/racial_profiling/report/tp_report.pdf.
- ¹⁸ Amnesty International, *Stonewalled: Police Brutality and Abuse Against Lesbian, Gay, Bisexual and Transgender People in the U.S.* 40, AMR 51/122/2005 (2005).
- ¹⁹ S. Deer, *Federal Indian Law and Violent Crime*, in *The Color of Violence: The INCITE! Anthology*, South End Press (2006).
- ²⁰ Amnesty International, *Stonewalled: Police Brutality and Abuse Against Lesbian, Gay, Bisexual and Transgender People in the U.S.* 76, AMR 51/122/2005 (2005).

