

Conquest
Sexual Violence and
American Indian Genocide

Andrea Smith

South End Press
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Foreword
Winona LaDuke

Dignity, love, and life. These basic principles ground social movements for justice, movements for change. We are people who are about creating, strengthening, and growing these movements. And the questions of how we build and nurture these movements are key to Andrea Smith's writing of *Conquest: Sexual Violence and American Indian Genocide*.

Movements for change, movements to make us well, to create healthy societies — whether tribal or American — are grounded in healing, are grounded in honesty. Voices of our stories as Indigenous women and the complexity of our situation are found in this amazing book, which opens parts of the mind and spirit to a healing.

Pam Colorado's poem, "What Every Indian Knows..." haunts me as I write, as I reflect on the subliminal yet constant nature of the predator culture, and its influence on my psyche.

What Every Indian Knows
Auschwitz opens
burn bright

in America
twenty-four million
perished in the flame
Nazi
not a people
but
a way of life
Trail of Tears Hurmans
ends in Oklahoma
an Indian name for
Red Earth

Redder still
soaked in blood
of two hundred
removed tribes
the ovens burn bright
in America
Ancestral ashes
sweep the nation
carried in
Prevailing winds
Survivors know
the oven door stands wide
and some like mouse
cat crazed and frenzied
burn
and run into the jaws
at night
the cat calls softly
to the resting
us

As a woman who has organized across movements in this country, some truths remain constant. These truths are related to conquest, to the process of deconstructing peoples, and deconstructing Native women to be of less stature and value than others.

So it is that as a Native woman, you always know that you will be viewed as a woman of color, hence your politics will be race based, your analysis marginalized, and your experience seen as limited.

As a Native woman, you can always count on someone "little ladying" you, or treating you as a novelty. When I ran for the office of the Vice President of the United States as Ralph Nader's running mate in 2000, *The New York Times* referred to me as something like "an Indian Activist from a reservation in Minnesota, who butchers deer and beaver on her kitchen table... and has stated that the US is in violation of international law." *The New York Times* would not refer to me in the same context as my opponents, as, for instance a "Harvard educated economist and author."

As a Native woman from northern Minnesota, you can be sure that if you are killed in a violent death (which is ten times more likely to occur for Native women than white women in the state), that the National Guard will not spend hours of manpower scouring for your missing body. Compare this reality with the events which followed the terrible death of Dru Sjojin, who was abducted and murdered last year near the North Dakota/Minnesota border. More than 150 National Guard members, as well as nearly 1000 volunteers, searched for Dru, a beautiful blonde woman of the north. The search cost almost \$150,000, which included expenses for payroll, fuel, and food. No Native woman would have generated this effort.

As a Native woman, you can be sure that you suffer from, what my colleague Agnes Williams calls "ethno-stress." In other words, you will wake up in the morning, and someone will be trying to steal your land, your legal rights, your sister will be in jail, your public Anglo-dominated school district will be calling about your children's conflicts with teachers or their spotty attendance, and your non-profit organization's funding is getting cut by a foundation because *you are no longer a priority*.

"Ethno-stress" is the reality of our situation as Native women, which is directly related to the process of colonization, sexual violence, dehumanization and marginalizing of who we are. The reality is that what is personal and intimate—whether your family

history, the perceptions of you as an individual, or perceptions of your daughters — becomes the centerpiece of power relations between peoples and societies.

The reality is that there is no way to build a real movement for justice and peace, whether between peoples or between peoples and the land, without challenging the violence of historical and contemporary colonialism.

Andrea Smith has taken the mythology of dominance head on, putting voice to experiences we all feel, acknowledge and struggle with. Smith's writing puts these shared realities into the context of history and colonization, moving it beyond personal interactions. She links resistance to the marginalizing of Native women to broad feminist struggles for social and environmental justice. Her analysis of the relationship between these elements is clear and fierce.

Introduction

Women of color live in the dangerous intersections of gender and race. Within the mainstream antiviolence movement in the U.S., women of color who survive sexual or domestic abuse are often told that they must pit themselves against their communities, often portrayed stereotypically as violent, in order to begin the healing process. Communities of color, meanwhile, often advocate that women keep silent about sexual and domestic violence in order to maintain a united front against racism. In addition, the remedies for addressing sexual and domestic violence utilized by the antiviolence movement have proven to be generally inadequate for addressing the problems of gender violence in general, but particularly for addressing violence against women of color. The problem is not simply an issue of providing multicultural services to survivors of violence. Rather, the analysis of and strategies for addressing gender violence have failed to address the manner in which gender violence is not simply a tool of patriarchal control, but also serves as a tool of racism and colonialism. That is, colonial relationships are themselves gendered and sexualized.

This book comes out of my work in Native sovereignty, anti-violence, environmental justice, reproductive rights, and women of color organizing. During the late 1980s and early 1990s, I worked with the Chicago chapter of Women of All Red Nations (WARN). At the same time, I worked with mainstream anti-violence and reproductive rights organizations such as the National Coalition Against Sexual Assault (which no longer exists) and the National Abortion Rights Action League. I later became involved with the Committee on Women, Population, and the Environment, which focuses on policies of population control in their various forms.

Frustrated with how mainstream groups were defining issues of violence and reproductive rights in ways that were inherently oppressive to indigenous women and women of color, I became involved in co-organizing INCITE! Women of Color Against Violence. INCITE! is a national organization of feminists of color which builds coalitions around the intersections of state violence and interpersonal sexual and domestic violence from a grassroots-organizing, rather than a social service delivery, perspective. Much of my work in INCITE! was informed by my involvement in the first Critical Resistance: Beyond the Prison Industrial Complex conference held in Berkeley in 1999. Critical Resistance organizes against prisons from an abolitionist rather than a reformist perspective. Through INCITE! I then became involved in the American Indian Boarding School Healing Project, which seeks to document the abuses perpetrated in boarding schools, provide a space for healing from these abuses, and build a movement to demand reparations in conjunction with other reparations struggles. From these organizing efforts as well as numerous others, I have had the opportunity to learn from countless indigenous women and women of color who have helped shape my analysis about violence. Consequently, while I take responsibility for all the errors in the book, I cannot claim that the analysis is original—analysis is always a group effort that arises from the context of struggle.

This book will focus particularly on sexual violence as a tool of patriarchy and colonialism in Native communities, both historically and today. However, this analysis has broader implications

for all women. An examination of how sexual violence serves the goals of colonialism forces us to reconsider how we define sexual violence, as well as the strategies we employ to eradicate gender violence.

Putting Native women at the center of analysis compels us to look at the role of the state in perpetrating both race-based and gender-based violence. We cannot limit our conception of sexual violence to individual acts of rape—rather it encompasses a wide range of strategies designed not only to destroy peoples, but to destroy their sense of being a people.

The first chapter outlines how colonizers have historically used sexual violence as a primary tool of genocide. It also provides my theoretical framework for the rest of the book. I argue that sexual violence is a tool by which certain peoples become marked as inherently “rapable.” These peoples then are violated, not only through direct or sexual assault, but through a wide variety of state policies, ranging from environmental racism to sterilization abuse.

Chapter 2 focuses on U.S. and Canadian American Indian boarding school policies, which are largely responsible for the epidemic rates of sexual violence in Native communities today. Boarding school policies demonstrate that violence in Native communities, and by extension, other communities of color, is not simply a symptom of dysfunctionality in these communities. Rather, violence is the continuing effect of human rights violations perpetrated by state policies. Consequently, these policies serve as a focal point for thinking about how we can center an anti-violence analysis in the movement for reparations, because gender violence is a harm for which the state needs to be held accountable.

Sexual violence against Native peoples takes many forms. In Chapter 3, I analyze how environmental racism can be seen as a form of sexual violence against indigenous peoples. Native lands are disproportionately impacted by environmental degradation and contamination in this country, since the majority of energy resources in the United States are on Indian lands. The effects of environmental contamination often severely impact women’s reproductive systems. In addition, I will explore how the environmental movement fails to organize from an intersectional

race/gender analysis and how this failure contributes to its support of policies that are both racist and sexist.

One reason why Native women have been historically targeted for sexual violence arises from the colonial desire to stop them from reproducing. In Chapter 4, I look at contemporary manifestations of what I would call state-sponsored forms of sexual violence in racist reproductive policies. In particular, I look at sterilization abuse and the promotion of long-acting hormonal contraceptives in Native communities, and in other communities of color. I also argue that the current "pro-choice" framework that undergirds the mainstream reproductive rights movement is inadequate for addressing the attacks on the reproductive rights of indigenous women, women of color, poor women, and women with disabilities.

Chapter 5 is an exploratory essay on yet another form of sexual violence: medical experimentation in Native communities. Through my work with Chicago Women of All Red Nations and the Boarding School Healing Project, I have informally heard of numerous medical experimentation programs conducted on Native peoples, generally without their informed consent. When we have tried to investigate these cases, we find that those people who have medical and scientific backgrounds are often so committed to the essential goodness of the Western medical establishment that they are unwilling to explore the nature of these programs. Meanwhile, Native peoples on the grassroots level are organizing against these programs, but because they do not have the proper "credentials," they are dismissed as alarmists.

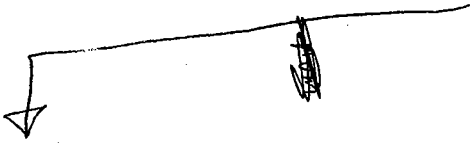
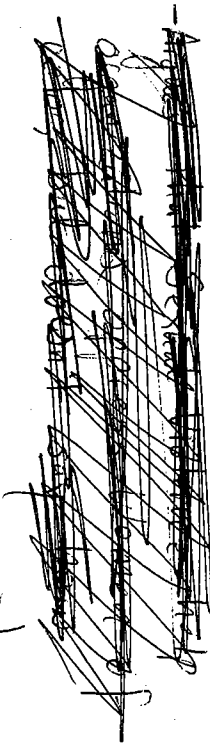
Progressives often have no trouble seeing the inherent corruption of institutions such as prisons or border control, and hence have no difficulty believing that those in power in these institutions may abuse power and not serve the interests of communities. However, they often have difficulty viewing the medical establishment with the same lens of suspicion, despite the fact that it is a multibillion-dollar industry. This chapter is a call for more investigation and organizing into the area of medical experimentation to bring more visibility to this form of violence and to provide clearer information as to what is going on in these programs.

Despite the more than 500 years of genocide that Native peoples have faced, they continue to survive and organize, not only on their behalf but on behalf of all peoples. Native spiritualities have always been a cornerstone of resistance struggles. These spiritualities affirm the goodness of Native communities when the larger society dehumanizes them. They affirm the interconnectedness of all things that provides the framework of re-creating communities that are based on mutual responsibility and respect rather than violence and domination. Hence, it should not be a surprise that colonialists also appropriate Native spirituality in another form of sexual violence. Chapter 6 suggests that we can see spiritual appropriation as a form of sexual violence and explores how colonial ideology attempts to transform Native spiritualities from a site of healing to a site of sexual exploitation.

Chapter 7 discusses what strategies for eradicating gender violence follow from the analysis set forth in this book. It is clear that the state has a prominent role in perpetrating violence against Native women in particular and women of color in general. However, most of the strategies developed by the mainstream antiviolence movement depend on the state as the *solution* for ending violence. In particular, the antiviolence movement has relied on a racist and colonial criminal legal system to stop domestic and sexual violence with insufficient attention to how this system oppresses communities of color. In this chapter I will focus on strategies for addressing interpersonal acts of gender violence that simultaneously address state violence. By putting Native women at the center of analysis, I will argue, we can develop more comprehensive strategies for ending gender violence that benefit not only indigenous women and women of color, but all people affected by gender violence.

Finally, in Chapter 8 I examine how an antiviolence strategy that addresses state violence requires antiviolence advocates to organize against U.S. empire. If we acknowledge the state as a perpetrator of violence against women (particularly indigenous women and women of color) and as a perpetrator of genocide against indigenous peoples, we are challenged to imagine alternative forms of governance that do not presume the continuing existence of the U.S. in particular and the nation-state in general.

We must recognize, for example, that the consolidation of U.S. empire abroad through the never-ending "war on terror" is inextricably linked to U.S. attacks on Native sovereignty within U.S. borders. This chapter looks to alternative visions of governance articulated by Native women activists that do not depend on domination and force but rely on systems of kinship, respect, and reciprocity.



Chapter 1

Sexual Violence as a Tool of Genocide

[Rape] is nothing more or less than a conscious process of intimidation by which all men keep all women in a state of fear.¹

Rape as "nothing more or less" than a tool of patriarchal control undergirds the philosophy of the white-dominated women's antiviolence movement. This philosophy has been critiqued by many women of color, including critical race theorist Kimberle Crenshaw, for its lack of attention to racism and other forms of oppression. Crenshaw analyzes how male-dominated conceptions of race and white-dominated conceptions of gender stand in the way of a clear understanding of violence against women of color. It is inadequate, she argues, to investigate the oppression of women of color by examining race and gender oppressions separately and then putting the two analyses together, because the overlap between racism and sexism transforms the dynamics. Instead, Crenshaw advocates replacing the "additive" approach with an "intersectional" approach.

The problem is not simply that both discourses fail women of color by not acknowledging the 'additional' issue of race or of patriarchy

but, rather, that the discourses are often inadequate even to the discrete tasks of articulating the full dimensions of racism and sexism.²

Despite her intersectional approach, Crenshaw falls short of describing how a politics of intersectionality might fundamentally shift how we analyze sexual/domestic violence. If sexual violence is not simply a tool of patriarchy but also a tool of colonialism and racism, then entire communities of color are the victims of sexual violence. As Neferti Tadiar argues, *colonial relationships are themselves gendered and sexualized*.

The economies and political relations of nations are libidinally configured, that is, they are grasped and effected in terms of sexuality. This global and regional fantasy is not, however, only metaphorical, but real insofar as it grasps a system of political and economic practices already at work among these nations.³

Within this context, according to Tadiar, "the question to be asked... is, Who is getting off on this? Who is getting screwed and by whom?"⁴ Thus, while both Native men and women have been subjected to a reign of sexualized terror, sexual violence does not affect Indian men and women in the same way. When a Native woman suffers abuse, this abuse is an attack on her identity as a woman and an attack on her identity as Native. The issues of colonial, race, and gender oppression cannot be separated. This fact explains why in my experience as a rape crisis counselor, every Native survivor I ever counseled said to me at one point, "I wish I was no longer Indian." As I will discuss in this chapter, women of color do not just face quantitatively more issues when they suffer violence (e.g., less media attention, language barriers, lack of support in the judicial system) but their experience is qualitatively different from that of white women.

Ann Stoler's analysis of racism sheds light on this relationship between sexual violence and colonialism. She argues that racism, far from being a reaction to crisis in which racial others are scapegoated for social ills, is a permanent part of the social fabric. "Racism is not an effect but a tactic in the internal fission of society into binary opposition, a means of creating 'biologized' internal enemies, against whom society must defend itself."⁵ She notes that in the modern state, it is the constant purification and elimination

of racialized enemies within the state that ensures the growth of the national body. "Racism does not merely arise in moments of crisis, in sporadic cleansings. It is internal to the biopolitical state, woven into the web of the social body, threaded through its fabric."⁶

Similarly, Kate Shanley notes that Native peoples are a permanent "present absence" in the U.S. colonial imagination, an "absence" that reinforces at every turn the conviction that Native peoples are indeed vanishing and that the conquest of Native lands is justified. Ella Shohat and Robert Stam describe this absence as,

an ambivalently repressive mechanism [which] dispels the anxiety in the face of the Indian, whose very presence is a reminder of the initially precarious grounding of the American nation-state itself... In a temporal paradox, living Indians were induced to 'play dead,' as it were, in order to perform a narrative of manifest destiny in which their role, ultimately, was to disappear.⁷

This "absence" is effected through the metaphorical transformation of Native bodies into a pollution of which the colonial body must constantly purify itself. For instance, as white Californians described them in the 1860s, Native people were "the dirtiest lot of human beings on earth."⁸ They wear "filthy rags, with their persons unwashed, hair uncombed and swarming with vermin."⁹ The following 1885 Procter & Gamble ad for Ivory Soap also illustrates this equation between Indian bodies and dirt.

*We were once factious, fierce and wild,
In peaceful arts unreconciled
Our blankets smeared with grease and stings
From buffalo meat and settlers' veins.
Through summer's dust and heat content
From moon to moon unwashed we went,
But IVORY SOAP came like a ray
Of light across our darkened way
And now we're civil, kind and good
And keep the latus as people should,
We wear our linen, lawn and lace
As well as folks with paler face
And now I take, where'er we go*

*This cake of IVORY SOAP to show
What civilized my squaw and me
And made us clean and fair to see.*¹⁰

In the colonial imagination, Native bodies are also immanently polluted with sexual sin. Theorists Albert Cave, Robert Warrior, H. C. Porter, and others have demonstrated that Christian colonizers often likened Native peoples to the biblical Canaanites, both worthy of mass destruction.¹¹ What makes Canaanites supposedly worthy of destruction in the biblical narrative and Indian peoples supposedly worthy of destruction in the eyes of their colonizers is that they both personify sexual sin. In the Bible, Canaanites commit acts of sexual perversion in Sodom (Gen. 19:1-29), are the descendants of the unsavory relations between Lot and his daughters (Gen. 19:30-38), are the descendants of the sexually perverse Ham (Gen. 9:22-27), and prostitute themselves in service of their gods (Gen. 28:21-22, Deut. 28:18, 1 Kings 14:24, 2 Kings 23:7, Hosea 4:13, Amos 2:7).

Similarly, Native peoples, in the eyes of the colonizers, are marked by their sexual perversity. Alexander Whitaker, a minister in Virginia, wrote in 1613: "They live naked in bodie, as if their shame of their sinne deserved no covering: Their names are as naked as their bodie: They esteem it a virtue to lie, deceive and steale as their master the divell teacheth them."¹² Furthermore, according to Bernardino de Minaya, a Dominican cleric, "Their marriages are not a sacrament but a sacrilege. They are idolatrous, libidinous, and commit sodomy. Their chief desire is to eat, drink, worship heathen idols, and commit bestial obscenities."¹³

Because Indian bodies are "dirty," they are considered sexually violable and "rapable," and the rape of bodies that are considered inherently impure or dirty simply does not count. For instance, prostitutes are almost never believed when they say they have been raped because the dominant society considers the bodies of sex workers undeserving of integrity and violable at all times. Similarly, the history of mutilation of Indian bodies, both living and dead, makes it clear that Indian people are not entitled to bodily integrity.

I saw the body of White Antelope with the privates cut off, and I heard a soldier say he was going to make a tobacco-pouch out of them.¹⁴

At night Dr. Rufus Choate [and] Lieutenant Wenz C. Miller... went up the ravine, decapitated the dead Qua-ha-das, and placing the heads in some gunny sacks, brought them back to be boiled out for future scientific knowledge.¹⁵

Each of the braves was shot down and scalped by the wild volunteers, who out with their knives and cutting two parallel gashes down their backs, would strip the skin from the quivering flesh to make razor straps of.¹⁶

Dr. Turner, of Lexington, Iowa, visited this solitary grave [of Black Hawk] and robbed it of its tenant... and sent the body to Alton, Ill., where the skeleton was wired together. [It was later returned] but here it remained but a short time ere vandal hands again carried it away and placed it in the Burlington, Iowa Geographical and Historical Society, where it was consumed by fire in 1855.¹⁷

One more dexterous than the rest, proceeded to flay the chief's [Tecomseh's] body; then, cutting the skin in narrow strips... at once, a supply of razor-straps for the more "ferocious" of his brethren.¹⁸

Andrew Jackson... supervised the mutilation of 800 or so Creek Indian corpses—the bodies of men, women and children that he and his men massacred—cutting off their noses to count and preserve a record of the dead, slicing long strips of flesh from their bodies to tan and turn into bridle reins.¹⁹

A few nights after this, some soldiers dug Mangus' body out again and took his head and boiled it during the night, and prepared the skull to send to the museum in New York.²⁰

In 1990, Illinois governor Jim Thompson echoed these sentiments when he refused to close down an open Indian burial mound in the town of Dixon. The State of Illinois had built a museum around this mound to publicly display Indian remains. Thompson argued that he was as much Indian as current Indians, and consequently, he had as much right as they to determine the fate of Indian remains.²¹ The remains were "his." The Chicago press similarly attempted to challenge the identity of Indian people protesting his decision by asserting that they were either only "part" Indian, or merely claiming to be Indian.²² In effect, the

Illinois state government conveyed the message to Indians that being on constant display for white consumers, in life and in death, is acceptable. Furthermore, Indian identity itself is under the control of the colonizer, and subject to challenge or eradication at any time.

In 1992, Ontario finance minister Jim Flaherty argued that the Canadian government could boost health-care funding for "real people in real towns" by cutting the bureaucracy that serves *only* Native peoples.²³ The extent to which Native peoples are not seen as "real" people in the larger colonial discourse indicates the success of sexual violence, among other racist and colonialist forces, in destroying the perceived humanity of Native peoples. As Aime Cesaire puts it, colonization = thingification.²⁴ As Stoler explains this process of racialized colonization:

The more "degenerates" and "abnormals" [in this case Native peoples] are eliminated, the lives of those who speak will be stronger, more vigorous, and improved. The enemies are not political adversaries, but those identified as external and internal threats to the population. Racism is the condition that makes it acceptable to put [certain people] to death in a society of normalization.²⁵

The project of colonial sexual violence establishes the ideology that Native bodies are inherently violable — and by extension, that Native lands are also inherently violable.

As a consequence of this colonization and abuse of their bodies, Indian people learn to internalize self-hatred, because body image is integrally related to self-esteem. When one's body is not respected, one begins to hate oneself.²⁶ Anne, a Native boarding school student, reflects on this process:

You better not touch yourself... If I looked at somebody... Just, sex, and I got scared of those sexual feelings. And I did not know how to handle them... What really confused me was if intercourse was sin, why are people born?... It took me a really long time to get over the fact that... I've sinned. I had a child.²⁷

As her words indicate, when the bodies of Indian people are designated as inherently sinful and dirty, it becomes a sin, just to be Indian. Native peoples internalize the genocidal project through self-destruction. As a rape crisis counselor, it was not a surprise to

me that Indians who have survived sexual abuse would often say that they no longer wish to be Indian. Native peoples' individual experiences of sexual violation echo 500 years of sexual colonization in which Native peoples' bodies have been deemed inherently impure. The Menominee poet Chrystos writes in such a voice in her poem "Old Indian Granny."

*You told me about all the Indian women you counsel
who say they don't want to be Indian anymore
because a white man or an Indian one raped them
or killed their brother
or somebody tried to run them over in the street
or insulted them or all of it
our daily bread of hate
Sometimes I don't want to be an Indian either
but I've never said so out loud before...
Far more than being hungry
having no place to live or dance
no decent job no home to offer a Granny
It's knowing with each invisible breath
that if you don't make something pretty
they can hang on their walls or wear around their necks
you might as well be dead.²⁸*

Mending the Sacred Hoop Technical Assistance Project in Duluth, Minnesota, reports that a primary barrier anti-violence advocates face in addressing violence in Indian country is that community members will argue that sexual violence is "traditional." This phenomenon indicates the extent to which our communities have internalized self-hatred. Frantz Fanon argues, "In the colonial context, as we have already pointed out, the natives fight among themselves. They tend to use each other as a screen, and each hides from his neighbor the national enemy."²⁹ Then, as Michael Taussig notes, Native peoples are portrayed by the dominant culture as inherently violent, self-destructive, and dysfunctional.³⁰ For example, townspeople Mike Whelan made the following statement at a 1990 zoning hearing, calling for the denial of a permit for an Indian battered women's shelter in Lake Andes, South Dakota.

Indian Culture as I view it, is presently so mongrelized as to be a mix of dependency on the Federal Government and a primitive society wholly on the outside of the mainstream of western civilization and thought. The Native American Culture as we know it now, not as it formerly existed, is a culture of hopelessness, godlessness, of joblessness, and lawlessness... Alcoholism, social disease, child abuse, and poverty are the hallmarks of this so called culture that you seek to promote, and I would suggest to you that the brave men of the ghost dance would hang their heads in shame at what you now pass off as that culture... I think that the Indian way of life as you call it, to me means cigarette burns in arms of children, double checking the locks on my cars, keeping a loaded shotgun by my door, and car bodies and beer cans on the front lawn... This is not a matter of race, it is a matter of keeping our community and neighborhood away from that evil that you and your ideas promote.³¹

Similarly, in a recent case among the Aboriginal peoples of Australia, a judge ruled that a 50-year-old Aboriginal man's rape of a 15-year-old girl was not a serious crime, but an example of traditional culture. He ruled that the girl "knew what was expected of her" and "didn't need protection" when raped by a man who had been previously convicted of murdering his former wife. An "expert" anthropologist in the case testified that the rape was "traditional" and "morally correct."³² According to Judy Atkinson, an Aboriginal professor, survivors have reported numerous incidents of law enforcement officials dismissing reports of violence because they consider such violence to be "cultural behavior." "We are living in a war zone in Aboriginal communities," states Atkinson. "Different behaviors come out of that," she says. "Yet the courts of law validate that behavior."³³

Taussig comments on the irony of this logic: "Men are conquered not by invasion, but by themselves. It is a strange sentiment, is it not, when faced with so much brutal evidence of invasion."³⁴ But as Fanon notes, this destructive behavior is not "the consequence of the organization of his nervous system or of characterial originality, but the direct product of the colonial system."³⁵

Tadiar's description of colonial relationships as an enactment of the "prevailing mode of heterosexual relations" is useful

because it underscores the extent to which U.S. colonizers view the subjugation of women of the Native nations as critical to the success of the economic, cultural, and political colonization.³⁶ Stoler notes that the imperial discourses on sexuality "cast white women as the bearers of more racist imperial order." "By extension, Native women are bearers of a counter-imperial order and pose a supreme threat to the dominant culture. Symbolic and literal control over their bodies is important in the war against Native people, as these testimonies illustrate:

When I was in the boat I captured a beautiful Carib woman... I conceived desire to take pleasure... I took a rope and thrashed her well, for which she raised such unheard screams that you would not have believed your ears. Finally we came to an agreement in such a manner that I can tell you that she seemed to have been brought up in a school of harlots.³⁸

Two of the best looking of the squaws were lying in such a position, and from the appearance of the genital organs and of their wounds, there can be no doubt that they were first ravished and then shot dead. Nearly all of the dead were mutilated.³⁹

One woman, big with child, rushed into the church, clasping the altar and crying for mercy for herself and unborn babe. She was followed, and fell pierced with a dozen lances... The child was torn alive from the yet palpitating body of its mother, first plunged into the holy water to be baptized, and immediately its brains were dashed out against a wall.⁴⁰

The Christians attacked them with buffets and beatings... Then they behaved with such temerity and shamelessness that the most powerful ruler of the island had to see his own wife raped by a Christian officer.⁴¹

I heard one man say that he had cut a woman's private parts out, and had them for exhibition on a stick. I heard another man say that he had cut the fingers off of an Indian, to get the rings off his hand. I also heard of numerous instances in which men had cut out the private parts of females, and stretched them over their sad-de-bows and some of them over their hats.⁴²

The history of sexual violence and genocide among Native women illustrates how gender violence functions as a tool for racism and colonialism among women of color in general.⁴³

example, African American women were also viewed as inherently rapable. Yet where colonizers used sexual violence to eliminate Native populations, slave owners used rape to reproduce an exploitable labor force. (The children of Black slave women inherited their slave status.) And because Black women were seen as the property of their slave owners, their rape at the hands of these men did not "count." As one southern politician declared in the early twentieth century, there was no such thing as a "virtuous colored girl" over the age of 14.⁴³ The testimonies from slave narratives and other sources reveal the systematic abuse of slave women by white slave owners.

For a period of four months, including the latter stages of pregnancy, delivery, and recent recovery therefrom... he beat her with clubs, iron chains and other deadly weapons time after time, burnt her, inflicted stripes over and often with scourges, which literally excoriated her whole body, forced her to work in inclement seasons, without being duly clad, provided for her insufficient food, exacted labor beyond her strength, and wantonly beat her because she could not comply with his requisitions. These enormities, besides others, too disgusting, particularly designated, the prisoner, without his heart once relenting, practiced... even up to the last hours of the victim's existence.

[A report of a North Carolina slaveowner's abuse and eventual murder of a slave woman.]⁴⁴

[My master] was a good man but he was pretty bad among the women. Married or not married, made no difference to him. Whoever he wanted among the slaves, he went and got her or had her meet him somewhere out in the bushes. I have known him to go to the shack and make the woman's husband sit outside while he went into his wife... He wasn't no worse than none of the rest. They all used their women like they wanted to, and there wasn't nobody to say anything about it. Neither the woman nor the men could help themselves. They submitted to it but kept praying to God.

[Slave testimony from South Carolina.]⁴⁵

"Some of the troops," a white complained to their commander Rufus Saxton, "have forcibly entered the negro houses and after driving out the men (in one instance at the point of a bayonet) have attempted to ravish women." When the men protested and sought to protect "their wives and sisters," they "were cruelly beaten and

threatened with instant death." "The morals of the old plantation" Saxton feared, "seem revived in the army of occupation."

[A report of the activities of Union soldiers during the Civil War.]⁴⁶

Immigrant women as well have endured a long history of sexual exploitation in the U.S. For instance, racially discriminatory employment laws forced thousands of Chinese immigrant women into prostitution. To supplement their meager incomes, impoverished Chinese families often sold their daughters into prostitution. Other women were lured to the U.S. with the promise of a stable marriage or job, only to find themselves trapped in the sex trade. By 1860, almost a quarter of the Chinese in San Francisco (all female) were employed in prostitution.⁴⁷

Karen Warren argues that patriarchal society is a dysfunctional system that mirrors the dysfunctional nuclear family. That is, severe abuse in the family continues because the family members learn to regard it as "normal." A victim of abuse may come to see that her abuse is not "normal" when she has contact with less abusive families. Similarly, Warren argues, patriarchal society is a dysfunctional system based on domination and violence. "Dysfunctional systems are often maintained through systematic denial, a failure or inability to see the reality of a situation. This denial need not be conscious, intentional, or malicious; it only needs to be pervasive to be effective."⁴⁸

At the time of Columbus's exploits, European society was a dysfunctional system, racked by mass poverty, disease, religious oppression, war, and institutionalized violence. For example, in the Inquisition, hundreds of thousands of Jewish people were slaughtered and their confiscated property was used to fund Columbus's voyages. David Stannard writes,

Violence, of course, was everywhere... In Milan in 1476 a man was torn to pieces by an enraged mob and his dismembered limbs were eaten by his tormenters. In Paris and Lyon, Huguenots were killed and butchered, and their various body parts were sold openly in the streets. Other eruptions of bizarre torture, murder, and ritual cannibalism were not uncommon.⁴⁹

Furthermore, European societies were thoroughly misogynistic. The Christian patriarchy which structured European

society was inherently violent, as has been thoroughly documented.⁵⁰ For example, because English women were not allowed to express political opinions, a woman who spoke out against taxation in 1664 was condemned to having her tongue nailed to a tree near a highway, with a paper fastened to her back detailing her offense.⁵¹ Hatred for women was most fully manifested in the witch hunts. In some English towns, as many as a third of the population were accused of witchcraft.⁵² The women targeted for destruction were those most independent from patriarchal authority: single women, widows, and healers.⁵³

The more peaceful and egalitarian nature of Native societies did not escape the notice of the colonizers. In the "colonial" period, it was a scandal in the colonies that a number of white people chose to live among Indian people while virtually no Indians voluntarily chose to live among the colonists. According to J. Hector St. John de Crevecoeur, the eighteenth-century author of *Letters from an American Farmer*, "Thousands of Europeans are Indians, and we have no example of even one of these Aborigines having from choice become Europeans!"⁵⁴ Colonists also noted that Native peoples rarely committed sexual violence against white prisoners, unlike the colonists. Brigadier General James Clinton of the Continental Army said to his soldiers as they were sent off to destroy the Iroquois nation in 1779: "Bad as the savages are, they never violate the chastity of any woman, their prisoners."⁵⁵ William Apess, a nineteenth century Pequot, asked, "Where, in the records of Indian barbarity, can we point to a violated female?"⁵⁶ Shohat and Stam argue, the real purpose behind colonial terror "was not to force the indigenes to become Europeans, but to keep Europeans from becoming indigenes."⁵⁷

In contrast to the deeply patriarchal nature of European societies, prior to colonization, Indian societies for the most part were not male dominated. Women served as spiritual, political, and military leaders, and many societies were matrilineal. Although there existed a division of labor between women and men, women's labor and men's labor were accorded similar status.⁵⁸ As women and men lived in balance, Native societies were consequently much less authoritarian than their European counterparts. Paul Lejeune, a Jesuit priest, remarked in the seventeenth century:

[Native peoples] imagine that they ought by right of birth, to enjoy the liberty of wild ass colts, rendering no homage to anyone whomsoever, except when they like... All the authority of their chief is in his tongue's end, for he is powerful insofar as he is eloquent; and even if he kills himself talking and haranguing, he will not be obeyed unless he pleases the savages.⁵⁹

Furthermore, 70 percent of tribes did not practice war at all.⁶⁰ For those that did engage in war, the intent was generally not to annihilate the enemy, but to accrue honor through bravery. One accrued more honor by getting close enough to an enemy to touch him and leaving him alive than by killing him. Tom Holm writes:

Traditional Indian warfare had much more in common with Euroamerican contact sports, like football, boxing, and hockey, than with wars fought in the European manner. This, of course, is not to say that nobody was ever killed... They were—just as they are in modern contact sports—but the point of the exercise was not as a rule purposefully lethal.⁶¹

Of course, in discussing these trends, it is important not to overgeneralize or give the impression that Native communities were utopian prior to colonization. Certainly gender violence occurred prior to colonization. Nevertheless, both oral and written records often note its relative rarity as well as the severity of the punishment for perpetrators of violence. This record of punishment for sexual assault among the Kiowa serves as an illustration:

The Kiowas inflicted such embarrassment and ridicule on a criminal that he reportedly soon died. The man was a chronic rapist who was finally taught the error of his ways by the women; they laid an ambush and baited the trap with a beautiful young girl. When he took the bait, they suddenly appeared and overpowered him. As others held him helpless on the ground, each woman in turn raised her skirts and sat on his face. The experience was not in itself fatal, but the loss of status stemming from the derision it inspired was. The possibility of such drastic punishment was perhaps more chastening in its effect than the threat of the electric chair in more sophisticated societies.⁶²

Similar practices existed among the Anishnabe:

Wife battering, as we have seen, was neither accepted nor tolerated among the Anishnabe people until after the freedom to live

Ojibwe was subdued. Wife battering emerged simultaneously with the disintegration of Ojibwe ways of life and the beginning use of alcohol. The behavior of the Ojibwe people under the influence of alcohol is often totally contrary to Anishnabe values. It is especially contrary to the self discipline previously necessary to the development of Ojibwe character.

There is no single philosophy among the people in today's society regarding the social illness of wife battering. Many have forgotten or did not receive the teachings of the social laws surrounding it. In the old Ojibwe society, society itself was responsible for what took place within it; today that is not so. What is the evidence of that statement? The harmful, destructive, traumatic cycle of domestic violence that is befalling the Anishnabe Children of the Nation.

Today we have lost a lot of the traditions, values, ways of life, laws, language, teachings of the Elders, respect, humility as Anishnabe people because of the European mentality we have accepted. For the Anishnabe people to survive as a Nation, together we must turn back the pages of time. We must face reality, do an evaluation of ourselves as a people — why we were created to live in harmony with one another as Anishnabe people and to live in harmony with the Creator's creation.⁶⁵

European women were often surprised to find that, even in war, they went unmolesated by their Indian captors. Mary Rowlandson said of her experience: "I have been in the midst of roaring Lions, and Savage Bears, that feared neither God, nor Man, nor the Devil... and yet not one of them ever offered the least abuse of unchastity to me in word or action."⁶⁴ Between 1675 and 1763, almost 40 percent of women who were taken captive by Native people in New England chose to remain with their captors.⁶⁵ In 1899, an editorial signed by Mrs. Teall appeared in the *Syracuse Herald-Journal*, discussing the status of women in Iroquois society.

They had one custom the white men are not ready, even yet, to accept. The women of the Iroquois had a public and influential position. They had a council of their own... which had the initiative in the discussion; subjects presented by them being settled in the councils of the chiefs and elders; in this latter council the women had an orator of their own (often of their own sex) to present and speak for them. There are sometimes female chiefs... The wife

owned all the property... The family was hers; descent was counted through the mother.⁶⁶

In response to her editorial, a man who signed himself as "Student" replied:

Women among the Iroquois, Mrs. Teall says... had a council of their own, and orators and chiefs. Why does she not add what follows in explanation of why such deference was paid to women, that "in the torture of prisoners women were thought more skillful and subtle than the men" and the men of the inquisition were outdone in the refinement of cruelty practiced upon their victims by these savages. It is true also that succession was through women, not the men, in Iroquois tribes, but the explanation is that it was generally a difficult guess to tell the fatherhood of children... The Indian maiden never learned to blush. The Indians, about whom so much rhetoric has been wasted, were a savage, merciless lot who would never have developed themselves nearer to civilization than they were found by missionaries and traders... Their love was to butcher and burn, to roast their victims and eat them, to lie and rob, to live in filth, men, women, children, dogs and fleas crowded together.⁶⁷

Thus, the demonization of Native women can be seen as a strategy of white men to maintain control over white women. This demonization was exemplified by the captivity narratives which became a popular genre in the U.S.⁶⁸ These narratives were supposedly first-person narratives of white women who were abducted by "savages" and forced to undergo untold savagery. Their tales, however, were usually written by white men who had their own agenda. For instance, in 1823 James Seaver of New York interviewed Mary Jemison, who was taken as captive by the Seneca. Jemison chose to remain among them when she was offered her freedom, but Seaver is convinced that she is protecting the Indian people by not describing their full savagery. "The vices of the Indians, she appeared disposed not to aggravate, and seemed to take pride in extolling their virtues. A kind of family pride induced her to withhold whatever would blot the character of her descendants, and perhaps induced her to keep back many things that would have been interesting."⁶⁹ Consequently, he supplements her narrative with material "from authentic sources"

and Jenison's cousin, George.⁷⁰ Seaver, nevertheless, attributes these supplements to her voice in this supposed first-person narrative.

In these narratives, we can find what Carol Adams terms an "absent referent." Adams provides an example by noting how the term "battered woman" makes women the inherent victims of battering. The batterer is rendered invisible and is thus the absent referent.⁷¹ Another example of an absent referent can be found in the Christian symbol of the crucifixion, in which Jesus is represented as one whose inherent nature and purpose is to be crucified. The individuals who put him on the cross, never depicted in representations of the cross, are erased as the perpetrators and they become the absent referent.

Andrea Dworkin argues that in a patriarchal system, "men are distinguished from women by their commitment to do violence rather than to be victimized by it. In adorning violence—from the crucifixion of Christ to the cinematic portrayal of General Patton—men seek to adore themselves."⁷² June Namias argues that the point of these depictions is to instill the belief in white women that they need white men to protect them from savages.⁷³ Jane Caputi also suggests that in depictions of killings of women, the killer plays the alter ego to the male reader or viewer of the killing: "This convention allows the identifying viewer to gratify-ingly fantasize himself in the two mutually reinforcing male roles at once. He is both...the protector and the menace."⁷⁴ According to Jane McCrea, the white man both symbolically kills the white woman through the Indians, which mirror his desires, and rushes to her rescue. The white male is absent when the violence occurs. Yet, he is the one who has created the image in which the white man is the absent referent. He glorifies his ability to brutalize white women through the Indian savage while denying his culpability.

Meanwhile, Native women are completely absent from this picture, and consequently, their actual sexual brutalization at the hands of white men escapes notice. The white man *literally* brutalizes her, while *symbolically* brutalizing the white woman through this representational practice. Native men are scapegoated for his

actions so white women will see them as the enemy, while white men remain unaccountable.

Paula Gunn Allen argues that colonizers realized that in order to subjugate indigenous nations they would have to subjugate women within these nations. Native peoples needed to learn the value of hierarchy, the role of physical abuse in maintaining that hierarchy, and the importance of women remaining submissive to their men. They had to convince "both men and women that a woman's proper place was under the authority of her husband and that a man's proper place was under the authority of the priests."⁷⁵ She further argues:

It was to the advantage of white men to mislead white women, and themselves, into believing that their treatment of women was superior to the treatment by the men of the group which they considered savage. Had white women discovered that all women were not mistreated, they might have been intolerant of their men's abusiveness.⁷⁶

Thus in order to colonize a people whose society was not hierarchical, colonizers must first naturalize hierarchy through instituting patriarchy. Patriarchal gender violence is the process by which colonizers inscribe hierarchy and domination on the bodies of the colonized. Ironically, while enslaving women's bodies, colonizers argued that they were actually somehow freeing Native women from the "oppression" they supposedly faced in Native nations. Thomas Jefferson argued that Native women "are submitted to unjust drudgery. This I believe is the case with every barbarous people. It is civilization alone which replaces women in the enjoyment of their equality."⁷⁷ The *Mariposa Gazette* similarly noted that when Indian women were safely under the control of white men, they are "neat, and tidy, and industrious, and soon learn to discharge domestic duties properly and creditably." In 1862, a Native man in Conrow Valley was killed and scalped with his head twisted off, his killers saying, "You will not kill any more women and children."⁷⁸ Apparently, Native women can only be free while under the dominion of white men, and both Native and white women have to be protected from Indian men, rather than from white men.

A 1985 Virginia Slims ad reflected a similar notion that white patriarchy saves Native women from oppression. On the left side of the ad was a totem pole of cartoonish figures of Indian women. Their names: Princess Wash and Scrub, Little Running Water Fetcher, Keeper of the Teepee, Princess Breakfast, Lunch and Dinner Preparer, Woman Who Gathers Firewood, Princess Buffalo Robe Sewer, Little Woman Who Weaves All Day, and Woman Who Plucks Feathers for Chief's Headdress. The caption on top of the totem pole reads: "Virginia Slims remembers one of many societies where the women stood head and shoulders above the men." On the right side of the ad is a model adorned with makeup and dressed in a tight skirt, nylons, and high heels, with the familiar caption: "You've come a long way, baby." The message is that Native women, oppressed in their tribal societies, need to be liberated into a patriarchal standard of beauty, where their true freedom lies. The historical record suggests, as Paula Gunn Allen argues, that the real roots of feminism should be found in Native societies. But in this Virginia Slims ad, feminism is tied to colonial conquest—(white) women's liberation is founded upon the destruction of supposedly-patriarchal Native societies.

Today we see this discourse utilized in the "war on terror." To justify the bombing of Afghanistan, Laura Bush declared, "The fight against terrorism is also a fight for the rights and dignity of women."⁷⁹ These sentiments were shared by mainstream feminists. Eleanor Smeal, former president of the National Organization for Women (NOW) and founder and president of the Fund for a Feminist Majority said, "Without 9/11, we could not get the Afghanistan tragedy in focus enough for the world powers to stop the Taliban's atrocities or to remove the Taliban. Tragically, it took a disaster for them to act definitively enough."⁸⁰

It seems the best way to liberate women is to bomb them. Meanwhile, the Revolutionary Association of Women of Afghanistan (RAWA), whose members were the very women who were to be liberated by this war, denounced it as an imperial venture.

RAWA has in the past repeatedly warned that the U.S. government is no friend of the people of Afghanistan, primarily because during the past two decades she did not spare any effort or expense in training and arming the most sordid, the most teacher-

ous, the most misogynic and anti-democratic indigenous Islamic fundamentalist gangs and innumerable crazed Arab fanatics in Afghanistan and in unleashing them upon our people. After the retreat of the Russian aggressors and the collapse of Najib's puppet regime in Afghanistan these fundamentalist entities became all the more wildly unbridled. They officially and wholeheartedly accepted the yoke of servitude to the interests of foreign governments, in which capacity they have perpetrated such crimes and atrocities against the people of Afghanistan that no parallel can be found in the history of any land on earth.

RAWA roundly condemns the U.S. air strikes against Afghanistan because the impoverished masses of Afghanistan—already trapped in the dog-fighting between the US's Taliban and jihadi flunkys—are the ones who are most hurt in the attacks, and also because the US, like the arrogant superpower she is, has violated the sovereignty of the Afghan people and the territorial integrity of the Afghan homeland.

The US is against fundamentalist terrorism to the extent and until such time as her proper interests are jeopardised; otherwise she is all too happy to be a friend and sponsor of any fundamentalist-terrorist criminal entity. If the US does not want her ridiculous bigotry to show and really wants to eliminate fundamentalist terrorism, she should draw lessons from her own past myopic policies and realise that the sources of fundamentalist terrorism are America's support to the most reactionary regimes in Arab and non-Arab countries and her military and financial largesse to Afghan fundamentalist criminals. Terrorism will be uprooted only when these two sources are dried up.⁸¹

So why does a group like the Fund for a Feminist Majority ignore the voice of RAWA? Again, even within feminist circles, the colonial logic prevails that women of color, indigenous women, and women from Global South countries are only victims of oppression rather than organizers in their own right.

The "assimilation" into white society, however, only increased Native women's vulnerability to violence. For instance, when the Cherokee nation was forcibly relocated to Oklahoma during the Trail of Tears in the nineteenth century, soldiers targeted for sexual violence Cherokee women who spoke English and had attended mission schools instead of those who had not taken part in these assimilation efforts. They were routinely

gang-raped, causing one missionary to the Cherokee, Daniel Butrick, to regret that any Cherokee had ever been taught English.⁸² Homi Bhabha and Edward Said argue that part of the colonization process involves partially assimilating the colonized in order to establish colonial rule.⁸³ That is, if the colonized group seems completely different from the colonists, they implicitly challenge the supremacy of colonial rule because they are refusing to adapt the ways of the colonizers. Hence, the colonized must seem to partially resemble the colonists in order to reinforce the dominant ideology, and establish that the way colonizers live is the only good way to live. However, the colonized group can never be completely assimilated — otherwise, they would be equal to the colonists, and there would be no reason to colonize them. If we use Bhabha's and Said's analysis, we can see that while Cherokee women were promised that assimilation would provide them with the benefits of the dominant society, in fact assimilation efforts made them more easily subjugated by colonial rule.

Historically, white colonizers who raped Indian women claimed that the real rapists were Indian men.⁸⁴ Today, white men who rape and murder Indian women often make this same claim. In the late 1980s, a white man, Jesse Coulter, raped, murdered, and mutilated several Indian women in Minneapolis. He claimed to be Indian, adopting the name Jesse Sittingcrow, and emblazoning an AIM tattoo on his arm.⁸⁵

Roy Martin, a full-blooded Native man, was charged with sexual assault in Bernidji, Minnesota. The survivor identified the rapist as white, about 25 years old, with a shag haircut. Martin was 35 with hair past his shoulders.⁸⁶ In a search of major newspaper coverage of sexual assaults in Native communities from 1998 to 2004, I found coverage almost entirely limited to cases where Native man (or a white man who purports to be Native) was the suspected perpetrator and the victim was a white woman; there was virtually no coverage of Native women as victims of sexual assault. This absence is even more startling when one considers that Native women are more likely than other groups of women in the U.S. to be sexual assault victims.⁸⁷

Similarly, after the Civil War, Black men in the U.S. were targeted for lynching for their supposed mass rapes of white women.

The racist belief was that white women needed to be protected from predatory Black men, when in fact, Black women needed protection from white men. In her investigations of lynchings that occurred between 1865 and 1895, anti-lynching crusader Ida B. Wells calculated that more than 10,000 Black people had been lynched. During that same period, not one white person was lynched for raping or killing a Black person.⁸⁸ In addition, while the ostensible reason for these lynchings was to protect white women from Black rapists, Wells discovered that only a third of those lynched had even been accused of rape. And most of the Black men accused of rape had been involved in obviously consensual sexual relationships with white women.⁸⁹

Of course, Indian men do commit acts of sexual violence. After years of colonialism and boarding school experience, violence has been internalized within Indian communities. However, this view of the Indian man as the "true" rapist serves to obscure who has the real power in this racist and patriarchal society. Thus, the colonization of Native women (as well as other women of color) is part of the project of strengthening white male ownership of white women.

And while the era of Indian massacres in their more explicit form has ended in North America, the wholesale rape and mutilation of indigenous women's bodies continues. During the 1982 massacre of Mayan people in the Aldea Rio Negro (Guatemala), 177 women and children were killed. The young women were raped in front of their mothers, and the mothers were killed in front of their children. The younger children were then tied at the ankles and dashed against the rocks until their skulls were broken. This massacre, committed by the Guatemalan army, was funded by the U.S. government.⁹⁰

In a 1997 massacre in Chiapas, Mexico, indigenous women were targeted by paramilitary forces for sexual mutilation, gang rape, and torture. Amnesty International reports that torture against indigenous peoples in Latin America is routine, including electric shocks, semi-asphyxiation with plastic bags or by submersion under water, death threats, mock executions, beatings using sharp objects, sticks, or rifle butts, rape, and sexual abuse.⁹¹

One wonders why the mass rapes in Guatemala, Chiapas, or elsewhere against indigenous people in Latin America does not spark the same outrage as the rapes in Bosnia in the 1990s. In fact, feminist legal scholar Catherine Mackinnon argues that in Bosnia, "The world has *never* seen sex used this consciously, this cynically, this elaborately, this openly, this systematically... as a means of destroying a whole people [emphasis mine]." ⁹² Here, Mackinnon seems to have forgotten that she lives on this land because millions of Native peoples were raped, sexually mutilated, and murdered. ~~Is mass rape against European women genocide, while mass rape against indigenous women is business as usual?~~

The historical context of rape, racism, and colonialism continues to impact women in North America as well. This legacy is most evident in the rate of violence in American Indian communities — American Indian women are twice as likely to be victimized by violent crime as women or men of any other ethnic group. In addition, 60 percent of the perpetrators of violence against American Indian women are white. ⁹³

In times of crisis, sexual violence against Native women escalates. When I served as a nonviolent witness for the Chippewa spearfishers who were being harassed by white racist mobs in the 1980s, one white harasser carried a sign that read, "Save a fish; spear a pregnant squaw." During the 1990 Mohawk crisis in Quebec, Canada, a white mob surrounded an ambulance carrying a Native woman who was attempting to leave the Mohawk reservation because she was hemorrhaging after giving birth. She was forced to "spread her legs" to prove she had delivered a baby. The police at the scene refused to intervene. An Indian man was arrested for "wearing a disguise" (he was wearing jeans), and was brutally beaten at the scene, with his testicles crushed. Two women from Chicago Women of All Red Nations (WARN) went to Oka to videotape the crisis. They were arrested and held in custody for 11 hours without being charged, and were told that they could not go to the bathroom unless the male police officers could watch. The place they were held was covered with pornographic magazines.

This colonial desire to subjugate Indian women's bodies was quite apparent when, in 1982, Stuart Kasten marketed "Custer's

Revenge," a videogame in which players got points each time they, in the form of Custer, raped an Indian woman. The slogan of the game is "When you score, you score." He describes the game as "a fun sequence where the woman is enjoying a sexual act willingly." According to the promotional material:

You are General Custer. Your dander's up, your pistol's wavin'. You've hog-tied a ravishing Indian maiden and have a chance to rewrite history and even up an old score. Now, the Indian maiden's hands may be tied, but she's not about to take it lying down, by George! Help is on the way. If you're to get revenge you'll have to rise to the challenge, dodge a tribe of flying arrows and protect your flanks against some downright mean and prickly cactus. But if you can stand pat and last past the strings and arrows—You can stand last. Remember? Revenge is sweet. ⁹⁴

Sexual violence as a tool of racism also continues against other women of color. Trafficking in women from Asian and other Global South countries continues unabated in the U.S. According to the Central Intelligence Agency, 45,000 to 50,000 women are trafficked in the U.S. each year. ⁹⁵ In addition, there are over 50,000 Filipina mail-order brides in the U.S. alone. ⁹⁶ White men, desiring women they presume to be submissive, procure mail-order brides who, because of their precarious legal status, are vulnerable to domestic and sexual violence. As the promotional material for mail order brides describes them, Filipinas have "exceptionally smooth skin and tight vaginas... [they are] low maintenance wives. [They] can always be returned and replaced by a younger model." ⁹⁷

Women of color are also targeted for sexual violence crossing the U.S. border. Blacks and Latinos comprise 43 percent of those searched through customs even though they comprise 24 percent of the population. The American Friends Service Committee documented over 346 reports of gender violence on the U.S.-Mexico border from 1993-1995 (and this is just the report of one agency, which does not account for the women who either do not report or report to another agency). This one case is emblematic of the kinds of abuse women face at the border: A Border Patrol agent, Larry Selders, raped several women over a period of time. Finally one of the rape victims in Nogales, Arizona had to sue the United States government for not taking action to investigate her rape. Selders

demanded sex from the woman in return for her release. When she refused, Selders drove her out of town to an isolated area, raped her and threatened her not to say anything to anyone. Her defense describes in great detail the horrible trauma that she continued to suffer after the incident. Although the rape took place in 1993, it was only in October 1999 that the court finally arrived at a decision in favor of the victims. "The government guarded information about Selders' prior acts. It took more than three years of legal battles to uncover that at least three other victims were known to the government," declared the victim's attorney, Jesus Romo.⁹⁸

Sexual Violence and Impunity

The ideology of Native women's bodies as rapable is evident in the hundreds of missing indigenous women in Mexico and Canada. Since 1993, over 500 women have been murdered in Juarez, Mexico. The majority have been sexually mutilated, raped, and tortured, including having had their nipples cut off. Poor and indigenous women have been particularly targeted. Not only have the local police made no effort to solve the cases, they appear to be complicit in the murders. Amnesty International and other human rights organizations and activists have noted their failure to seriously investigate the cases—the police have made several arrests and tortured those arrested to extract confessions, but the murders have continued unabated. Furthermore, the general response of the police to these murders is to blame the victims by arguing that they are sex workers or lesbians, and hence, inherently rapable.⁹⁹ For instance, one former state public prosecutor commented in 1999, "It's hard to go out on the street when it's raining and not get wet."¹⁰⁰

Similarly, in Canada, over 500 First Nations women have gone missing or have been murdered in the past 15 years, with little police investigation. Again, it seems that their cases have been neglected because many of the women were homeless or sex workers. Ada Elaine Brown, the sister of Terri Brown, president of

the Native Women's Association of Canada, was found dead in her bed in 2002. She was so badly beaten her family did not recognize her. According to Terri Brown: "The autopsy report said it was a brain aneurysm. Yeah, because she was beaten to a pulp."¹⁰¹

Within the United States, because of complex jurisdictional issues, perpetrators of sexual violence can usually commit crimes against Native women with impunity. A review of U.S. criminal justice policy in Indian country helps to clarify the current situation. In *Ex Parte Crow Dog* (1883), the Supreme Court recognized the authority of Indian tribes over criminal jurisdiction on Indian lands. In response, the U.S. passed the Major Crimes Act (1885), which mandated that certain "major crimes" committed in Indian country must be adjudicated through the federal justice system. In 1883, the Bureau of Indian Affairs (BIA) created the Court of Indian Offenses, which appointed tribal officials to impose penalties based on Anglo-American standards of law. These courts were charged with enforcing the Code of Federal Regulations (CFR), the compilation of regulations issued by federal administrative agencies, which generally stressed laws intended to assimilate Native peoples, such as laws which prohibited the practice of Indian religions.

The 1950's ushered in what is called the "termination period" in U.S. Indian policy. The government began a policy of terminating tribal status for many Indian tribes and funded relocation programs to encourage Indian peoples to relocate to urban areas and assimilate into the dominant society. During this period, the U.S. government sharply defunded the justice systems in Indian country, leaving many tribes, who did not have their traditional systems intact, with no law enforcement at all.

After obliterating tribal justice systems, the U.S. government passed Public Law 280 (PL 280) in 1953, granting states criminal and limited civil jurisdiction over tribes covered in the Major Crimes Act, without tribal consent. PL 280 is a major infringement on Native sovereignty, since tribes have generally not come under state jurisdiction. That is, while the U.S. government policy has deemed tribes under the guardianship of the federal government, tribes are supposed to be recognized as sovereign to some degree and not under state government jurisdiction.

In 1968, the U.S. made provisions for tribes to retrocede from PL 280 — however, retrocession can only be undertaken with the permission of the state. However, later court decisions have found that PL 280 provides for concurrent state jurisdiction rather than state jurisdiction which supersedes tribal jurisdiction altogether. That is, while the state has the right to prosecute cases in PL 280 tribes, those tribes can prosecute the cases at the same time through tribal courts, if they have them.

However, with the advent of what is known as the period of “self-determination” in U.S. Indian policy beginning in 1968, many tribes, particularly non-PL 280 tribes, began to develop their own tribal governance. As a result, more than 140 tribes have their own court systems today. Of these, about 25 have retained CFR systems with BIA-appointed judges and others have their own tribal courts. Some tribes, operating under the radar of U.S. government surveillance, have never lost their traditional forms of governance and continue to practice them today.

But because rape falls under the Major Crimes Act, tribes are generally reliant upon the federal governments to prosecute sexual assault cases. Department of Justice representatives have informally reported that U.S. attorneys decline to prosecute about 75 percent of all cases involving any crime in Indian country. U.S. attorneys are particularly reluctant to prosecute rape cases; indeed, the Department of Justice reported in 1997 that only two U.S. attorneys regularly prosecute rape cases in Indian country.¹⁰²

Because sexual assault is covered under the Major Crimes Act, many tribes have not developed codes to address the problem in those rape cases the federal government declines to prosecute. Those with codes are often hindered in their ability to investigate by a wait that may last more than a year before federal investigators formally turn over cases. In addition, the Indian Civil Rights Act (ICRA) of 1968 limits the punishment tribal justice systems can enforce on perpetrators.¹⁰³ For instance, the maximum time someone may be sentenced to prison through tribal courts is one year.¹⁰⁴ Also, Native activist Sarah Deer (Muscogee) notes that the U.S. can prohibit remedies that do not follow the same penalties of the dominant system. Thus, sentencing someone to banishment or to another traditional form of punishment can be deemed a

violation of ICRA.¹⁰⁵ In addition, U.S. courts have conflicting rulings on whether the Major Crimes Act even allows tribes to maintain current jurisdiction over certain crimes, including sexual assault.¹⁰⁶

To further complicate matters, tribes covered under PL 280, which gives states criminal jurisdiction, must work with state and county law enforcement officials who may have hostile relationships with the tribe. And because tribes are often geographically isolated — reservations are sometimes over 100 miles from the closest law enforcement agency, with many homes having no phone — local officials are unable to respond to an emergency situation. Racism on the part of local police officers in surrounding border towns also contributes to a lack of responsiveness in addressing rape cases. And since the federal government does not compensate state governments for law enforcement on reservations, and tribes generally do not pay local or federal taxes, states have little vested interest in providing “protection” for Indian tribes.

Finally, American Indian tribes do not have the right to prosecute non-Indians for crimes that occur on reservations. In *Ojibant v. Saguamish Indian Tribe* (1978), the Supreme Court held that Native American tribes do not have criminal jurisdiction over non-Native peoples on reservation lands. This precedent is particularly problematic for non-PL 280 tribes, because tribal police cannot arrest non-Indians who commit offenses. Furthermore, state law enforcement does not have jurisdiction on reservation lands. So, unless state law enforcement is cross-deputized with tribal law enforcement, *no one* can arrest non-Native perpetrators of crimes on Native land.¹⁰⁷

In response to these deplorable conditions, many Native peoples are calling for increased funding for criminal justice enforcement in tribal communities. (See Chapter 7 for a critique of this strategy.) It is undeniable that U.S. policy has codified the “rapability” of Native women. Indeed, the U.S. and other colonizing countries are engaged in a “permanent social war” against the bodies of women of color and indigenous women, which threaten their legitimacy.¹⁰⁸ Colonizers evidently recognize the wisdom of the Cheyenne saying “A nation is not conquered until the hearts of the women are on the ground.”