

“Hate Crimes Against American Indians and Alaskan Natives”

by

Hillary D. McNeel

University of Nebraska at Omaha

ABSTRACT

Crimes against American Indians and Alaskan Natives receive little, if any, mainstream media coverage and there is even less attention to hate crimes committed against each population. In light of this neglect, the following research seeks to answer two questions: what types of hate crimes are committed against American Indians and Alaskan Natives and do tribal law enforcement agencies define hate crimes against American Indians and Alaskan Natives as a serious problem? After surveying over 200 tribal law enforcement agencies within the United States, results suggest active discrimination and prejudice toward American Indians and Alaskan Natives, and mixed responses by tribal law enforcement personnel regarding the perceived seriousness of hate crimes.

Introduction

Hate crimes against American Indians and Alaskan Natives are common, yet there is little, if any, mention of them in the media or inclusion in hate studies examinations (Williams, 2001). Like other minority groups, such as the African Americans, American Indians and Alaskan Natives have been victimized for hundreds of years, yet, they make up a minimal number of research studies and media attention (Perry, 2008). American Indians and Alaskan Natives make up about 1% of the United States population (U.S. Census Bureau, The American Indian and Alaskan Native Population, 2010); comparing their victim status against that of other races, they are extremely disproportionate in terms of population size (Greenfield & Smith, 1999; Rennison, 2001; Manson et al., 2005). In response to the lack of attention given to indigenous peoples, this study examined the types of hate crimes against American Indians and Alaskan Natives, and whether these crimes are considered to be a serious problem by tribal law enforcement agencies. I explain and define the terms American Indian and Alaskan Native, discrimination, prejudice and hate crime. The different types of hate crime, examples of criminal cases and firsthand accounts will be provided in addition to recent studies regarding crimes

against American Indians and Alaskan Natives. Lastly, the methodology is dissected and findings are delivered to include ideas for future research and conclusion.

Prejudice, Discrimination, and Hate

In defining who is an American Indian or Alaskan Native, the Federal Bureau of Investigation stipulates that:

“..a person having origins in any of the original peoples of North American, and who maintains cultural identification through community recognition or tribal affiliation” (Federal Bureau of Investigation, Diversity, 2011).

American Indians/Alaskan Natives makeup hundreds of different tribes and although many are easily recognized there are hundreds more that are not as well known. For this inquiry, all tribes that possess a law enforcement agency and are federally recognized have been included.

Many people get confused as to what type of behavior and/or incident is an act of prejudice, discrimination or an actual hate crime. For this study, specific definitions supply the information needed to understand the difference between each action and how they are labeled.

Prejudice is “an unreasonable and unjustifiable negative attitude toward a group and its individual members” (Federal Bureau of Investigations, Training Guide for Hate Crime Data Collection, 1996). Prejudice is an attitude not an act, whereas, discrimination is acting upon a prejudicial attitude. Discrimination is defined as treating someone unfavorably because he/she is of a certain race or because of personal characteristics associated with race (such as hair texture, skin color, or certain facial features)” (Federal Bureau of Investigations, Training Guide for Hate Crime Data Collection, 1996). Discrimination is a civil crime and prosecutable civilly under the 1964 Civil Rights Act (Edelman, 1992). The following incident pulled from one of the interviews and is an example of discrimination:

“I went into a hardware store outside of the reservation to buy some supplies. I was the next in line and the woman at the counter called the man behind me to be checked out. I waited, and when it was my turn again, the woman again called for the person standing behind me. She refused to serve me or acknowledge that I was there so I set down my stuff and left...”

Although the situation was a discriminatory act, the woman behind the counter did not commit a hate crime.

A hate crime is defined by Congress as any “criminal offence against a person or property motivated in whole in or part by an offender’s bias against a race, religion, disability, ethnic origin or sexual orientation” (Federal Bureau of Investigation, Hate Crime Overview, 2011) and is a criminal act. Hate crimes can be crimes against persons (murder, rape, kidnapping, assault) or property crimes (burglary, theft, vandalism). The examples of crimes are broken down into categories: race, race/color, race/sexuality and race/disability, as in some cases, the different incidents include more than one form of hate crime.

Race

Race is often a motive of hate crime. In this case the person was of American Indian or Alaskan Native ethnicity. The Chokecherry Massacre is one example of hate crime and occurred in April of 1974; three Navajo Indians: Benjamin Benally, John Harvey, and David Ignacio were bludgeoned, mutilated, and burned. The perpetrators tortured them by placing firecrackers in their noses and anuses and as they lay dying they were burned. In addition, the perpetrators tried to burn off their genitals and used big, basketball-sized boulders to crush their skulls. The perpetrators to this heinous crime were three white high school students. In response to this violence, Mayor Marlo Webb made the statement to the Farmington Daily Times, “I don’t think race had anything to do with (the murders). Just high school students rolling drunks and all the drunks were Navajos” (Buchanan, 2006).

In 1997, Roy Castiano, a Navajo, suffered a brain hemorrhage after he had been beaten and kicked by four assailants. When the police officers had asked one of the men why they did it the man replied, “Three-quarters of it was because he was Indian” (Santa Fe Reporter, 2007). Donald Tsosie was beaten to death with a shovel and tossed into a ravine April 1st, 1998, and on June 9th, 2000, an Indian woman, Betty Lee, was found dead on the side of the road where her skull had been crushed by a sledgehammer after she had accepted a ride by a white stranger. Both Tsosie and Lee were victims of the gang of whites who called themselves KKK for Krazy Kowboy Killers (Buchanan, 2006). While these crimes were reported locally, they never made it to national attention.

Alaskan Natives are targeted for hate crimes as well. On January 14th, 2001, three white teenagers drove around Anchorage on an “Eskimo hunt” shooting frozen paintballs, which cause increased harm, at indigenous Alaskan Natives, all the while videotaping the entire event. When one of the native victims approached non-tribal law enforcement, he was jailed for ten days and nothing happened to the perpetrators (Alaskan Advisory Commission, 2002; Buchanan, 2006). On July 28th, 2009, while making racially charged remarks, a man and woman harassed an Alaskan Native, Eddie Barr, by throwing eggs at him and threatening injury with a baseball bat and

gun. The woman described the event as “egging natives” and recorded and posted the event on the internet (Mauer, 2009).

Race and Color

In terms of a hate crime it can be questioned as to whether or not the person is targeted based solely on their race. Many people have similar coloring and can be confused for other races. Such incidents are still considered hate crimes. Jordan Gruver, a 16 year-old Panamanian-American Indian was attacked on July 30th, 2005 by four members of the Imperial Klans of America. Gruver was beat, kicked, spit on and doused with whiskey because he was mistaken for a Hispanic due to his skin color. Even after he protested that he was not Hispanic, the perpetrators, broke his jaw, ribs, wrist and teeth and left him with permanent nerve damage and post-traumatic stress syndrome (O’Neill, 2008).

Race and Sexuality

Aside from the race of an individual being a major factor in many hate crime cases, there are ones targeted due to their sexuality. Sometimes, the two are combined as in the case of Fred Martinez Jr.. Martinez was considered a Nadleeh, which in American Indian culture means he was two-spirited or possessed equal feminine and masculine energies, however, in main stream society he was labeled a homosexual. On June 16th, 2001, Martinez was beaten to death by blunt force trauma to the head and an incised wound to his abdomen by Shaun Murphy. Martinez’s body was found days later. The killer bragged that he “bug-smashed a hoto,” hoto being slang for homosexual. (Greenhill, 2002). This was a hate crime on two levels: Anti-American Indian and Anti-Homosexual.

Race and Disability

As is the case with race and sexuality, race and disability is also an issue. Vincent Kee, a Navajo Indian who suffers from fetal alcohol syndrome, was lured to an apartment filled with racist paraphernalia and swastikas by Paul Beebe and Jesse Sanford, where he was tortured for hours and branded with a swastika on April 29th, 2010 (Piazza, 2012). Furthermore, they shaved a swastika into his hair and wrote “KKK” and “White Power” on his body while recording the entire even with a cell phone camera.

There is a long history of prejudice, discrimination and hate crime directed toward American Indians and Alaskan Natives. Like other minority groups, American Indians and Alaskan Natives have had to overcome negative stereotypes and images that affect them to present day (Fryberg et al., 2008). Furthermore, several types of hate crimes were discussed and actual cases described. In the next section, past studies on hate crimes against American Indians and Alaskan Natives

are reviewed.

Previous Studies

Hate crimes against American Indians and Alaskan Natives are not a new fad and some date back to the Spanish colonization of America (Perry, 2008). Like their minority counterparts, previous research has been conducted to understand their race, beliefs and current obstacles with mainstream society. Listed herein are selected studies conducted on victimization rate and hate crimes against American Indians and Alaskan Natives.

In 2002, in reaction to the “paintball” incident and other racially motivated events in Alaska, the Alaska State Advisory Committee to the U.S. Commission of Civil Rights, conducted forums that solicited information from members of the community and state, local and federal officials regarding hate crimes of indigenous peoples, discrimination, prejudice in education and adverse treatment by law enforcement personnel toward indigenous Alaskan Natives (Alaskan Advisory Committee, 2002). What they found was disheartening. The investigation uncovered numerous acts of discrimination in employment and the education of the original native peoples in addition to lack luster police support. The committee also identified a gap between what the state declared they provided in social and economic programs to benefit Alaskan Natives and what the natives said were accomplished.

Similarly, the breakdown in government and native relationship is found in the American Indian community. Million (2000) investigated the conflict between tribal and non-tribal governments and the effects inflicted upon American Indians both on and off the reservation. He found that due to the lack of cooperation between the two governments, hate crimes against indigenous peoples go un-reported and prosecuted. Furthermore, Million describes the racial tension toward American Indians as critical and in need of support and protection by both tribal and non-tribal government entities and continued studies regarding victimization of American Indians.

One such study was an examination of 10 American Indian reservations that included six different American Indian tribes conducted in December, 2002 to March, 2005. Perry and Robyn (2005) focused on reservations that were known to have been witness to Anti-American Indian sentiment. They wanted to examine the quality of life and possible retaliatory violence in response to resource disputes and racial tension. Like the Alaskan Advisory Committee, Perry and Robyn (2005) found employment discrimination, cultural imperialism (racial slurs, Indian logos), susceptibility to violence and additional hostility by law enforcement personnel.

Three years later, in 2008, Perry conducted 278 interviews with American Indians from the Four Corners Region, Great Lakes and Northern Plains regarding victimization. Perry (2008) found that violence and harassment of American Indian peoples was consistent among the different locations.

There is a minimum amount of literature available regarding hate crimes and other racially motivated incidents regarding American Indians and Alaskan Natives. Nonetheless, the studies that are available, provide evidence regarding the hate crime problem affecting the native community and encourage further investigations into the seemingly rare, if non-existent, issue of hate crimes against American Indians and Alaskan Natives. The neglect of this issue is detrimental to the overall understanding of hate crime in general and the victimization of native peoples more specifically.

Statement of the Problem

Although American Indians and Alaskan Natives are victimized at an alarming rate, there are few studies that examine these populations (Greenfield & Smith, 1999; Rennison, 2001; Manson et al., 2005). As part of this study, I pose two research questions: what types of hate crimes are occurring against American Indians and Alaskan Natives? Do tribal law enforcement agencies define hate crimes against American Indians and Alaskan Natives as a serious problem? To answer these questions, I conducted a survey and several interviews with tribal agencies (law enforcement, criminal investigations, Fish and Game Commission and the Department of Public Safety) in the United States. Although the sample is restricted to tribal reservation personnel; it provides the view of hate crimes through the eyes of the indigenous peoples who are the main focus of this investigation.

Methodology

Data/Sample

The examination of hate crimes against American Indians and Alaskan Natives rely on the surveys that were sent to every tribal law enforcement agency, police department, criminal investigation, Fish and Game Commission, and Department of Public Safety in the United States (230 agencies) that was included in the 2011 NPSIB National Directory of Law Enforcement Administrators. As a follow up, agencies were contacted, or a contact was attempted, to do a phone interview. Both, surveys and interviews, were conducted between November, 2011 to April, 2012.

The surveys were distributed by mail to 230 different agencies in the United States. Semi-structured telephone interviews followed the structure of the survey and

provided an opportunity to gather additional details regarding officer perceptions of hate crime. Each interview conducted lasted between 10 to 45 minutes. The surveys and interviews asked respondents about their jurisdiction and included questions about the name of their department or agency, identification of tribes and their population, the state(s) that in which they resided, number of officers in their agency or department, their knowledge, if any, of hate crimes within the last five to 30 years against American Indians or Alaskan Natives, the type(s) of crime committed in terms of hate crime, race of the perpetrator(s), and time frame of incidents. Out of the 230 agencies and departments that were mailed and contacted by phone, 63 responded. Out of the 63 who responded, 19% of them provided personal narrative about first-hand accounts and/or knowledge of hate crimes in their area.

Types of Hate Crimes against American Indians and Alaskan Natives

The types of hate crimes against American Indians and Alaskan Natives are broken down by crimes against persons and property crimes. Crimes against persons consisted of murder, rape, kidnapping and assault. Property crimes are identified as burglary, theft, and vandalism.

Perceived Seriousness of Hate Crimes against American Indians and Alaskan Natives by Tribal agencies/departments

The respondents from the different tribal agencies and departments were asked whether they viewed hate crimes against American Indians and Alaskan Natives as a serious issue in their jurisdiction. Seriousness being the presence of frequency, impact on individual and community, and threat of personal safety of their peoples against hate mongers. The participants who were contacted by phone were asked to provide judgment on the seriousness of hate crimes in their area in addition to the survey questions, whereas, those who completed the mailed in survey were not directly asked about the seriousness but filled out information about frequency and types of hate crimes in their area and time frame of incidents which in this investigation measured perceived seriousness of hate crimes against American Indians and Alaskan Natives and did not encourage additional information regarding perceived seriousness of hate crime.

Analysis

Sixty-three tribal agencies responded to the survey. Participating agencies represented 69 tribes and encompassed 19 states. Eighty-one percent of the tribal agencies had 25 or less officers in their jurisdiction and 53 percent of agencies had a population between 1,001-5,000 people.

The analysis from the 63 responding agencies revealed the amount of hate crime against American Indians and Alaskan Natives known to the respondents in two different time increments (within five years, within 30 years), which occurred in

their jurisdiction (see Table 1). In addition, Table 1 shows how many participants were witness to and/or a victim of hate crime.

Table-1 Descriptive Analysis

	Yes	No	N/A
Hate Crime within the last five years	15	35	13
Hate Crime within the last 30 years	17	30	16
Witness/Victim of Hate Crime	7	5	
N=63			

Not included in Table 1 was the type of hate crimes committed against American Indians and Alaskan Natives and the race of the perpetrator(s). Of the known hate crimes within the last five years, 73 percent were crimes against persons (murder, rape, assault, kidnapping) and 27 percent were property crimes (burglary, theft, vandalism). Additionally, the races of the attacker(s) were broken down: 45 percent were unknown assailants, 29 percent mixed race, 22 percent were white/non-Hispanic, and four percent African American. Hate crimes acknowledged by respondents within the last thirty years were 82 percent crimes against persons and 18 percent representing property crimes. The race of the attacker(s) was: 48 percent mixed race, 36 percent white/non-Hispanic, 12 percent Hispanic, and 4 percent unknown attackers.

Discussion and Recommendations

The findings from this assessment show that the majority of tribal agencies who responded did not feel like hate crimes against American Indians and Alaskan Natives were a serious problem. Keep in mind that only 27 percent of agencies responded which leaves the majority of agencies questionable in terms of seriousness of hate crimes against native peoples in their jurisdictions. Furthermore, a majority of the respondents were confused as to what incident constituted a hate crime, which begs the question, how accurate are the reports of hate crime being turned in to the Federal Bureau of Investigations Uniform Crime Report? However, the participants who provided personal narratives displayed agitation and hopelessness when recounting their own victimization, witnessing, and/or having known of a hate crime incident and further expressed that racial tension and hate crimes are a current problem faced by the native community. Regarding the types of hate crimes committed against American Indians and Alaskan Natives, the majority, are unsurprisingly, crimes against persons. As this inquiry served as an introduction into hate crime against American Indians and Alaskan Natives, there is much still to be

learned.

In closing, it is important to note that the lack of coverage identifying hate crimes perpetrated against American Indians and Alaskan Natives remains a major problem faced by indigenous peoples. Future research must seek to focus on those reservations and tribes that have been witness to increased amounts of prejudice, discrimination and hate crime in the towns which border tribal reservations. Expansion of the current research should be employed to include more tribal respondents and non-tribal law enforcement agencies that would provide an outsider's view on hate crimes against American Indians and Alaskan Natives, and in addition, include more incident information regarding Alaskan Native tribes as knowledge of their incidents are scarce.

References

Alaska Advisory Committee. (2002). *Racism's frontier: the untold story of discrimination and division in Alaska*. U.S. Commission on Civil Rights. Retrieved on March 2nd, 2012 from <http://www.usccr.gov/pubs/sac/ak0402>

Buchanan, S. (2006). Violence against American Indians is a pervasive problem. *Intelligence Report*, Winter 2006, Issue Number: 124

Edelman, L.B. (1992). Legal ambiguity and symbolic structures: organizational mediation of civil rights law. *American Journal of Sociology*, 97(6), pp. 1531-1576

Federal Bureau of Investigations. *Diversity*. Retrieved November 2011 from <https://www.fbijobs.gov/421.asp>

Federal Bureau of Investigations. *Hate Crime Overview*. Retrieved November 2011 from http://www.fbi.gov/about-us/investigate/civilrights/hate_crimes/overview

Federal Bureau of Investigations. (1996). Training guide for hate crime data collection. *U.S. Department of Justice*.

Fryberg, S.A., Markus, H.R., Oyserman, D. & Stone, J.M.(2008). Of warrior chiefs and Indian Princesses: the psychological consequences of American Indian mascots. *Basic and Applied Social Psychology*, volume 30, pp. 208-218.

Greenfeld, L.A. & Smith, S.K. (1999). American Indians and crime. *Public Health Resources*. Retrieved January 2012 from <http://digitalcommons.unl.edu/cgi/>

viewcontent.cgi

Greenhill, J. (2002). Mother of slain Cortez boy describes her anguish at sentencing. *The Durango Herald*, June 4, 2002.

Manson, S.M., Beals, J., Klein, S.A. & Croy, C.D. (2005). Social epidemiology of trauma among two American Indian reservation populations. *American Journal of Public Health*, 95(5), pp. 851-859.

Mauer, R. (2009). Assault: pair re-arrested, may face 10 years in prison. *Anchorage Daily News*. Retrieved December 2011 from <http://www.adn.com/2009/12/18/1061607/attack-on-native-draws-hate-crime>

Million, D. (2000). Policing the rez: keeping no peace in Indian country. *Social Justice*, 27(3), pp. 101-119.

National Public Safety and Information Bureau. *National directory of law enforcement administrators 2011: correctional institutions and related agencies*. ISBN-10 1880245566.

O'Neill, A. (2008). Jury awards \$2.5 million to teen beaten by Klan members. *CNN News*. Retrieved January 2012 from <http://www.cnn.com/2008/CRIME/11/14/klan.sued.verdict>

Perry, B. & Robyn, L. (2005). Putting anti-Indian violence in context: the case of the Great Lakes Chippewa. *American Indian Quarterly*, 29.

Perry, B. (2008). *Silent victims: hate crimes against Native Americans*. The University of Arizona Press.

Piazza, E. (2012). Nazi branding lands in court. *The Daily Times*, retrieved March 2012 from http://www.daily-times.com/ci_17988298?IADID=Search-www.dialy-times.com

Rennison, C.M.(2001). Violent victimization and race, 1993-98. *Bureau of Justice Statistics*. U.S. Department of Justice, Office of Justice Programs.

Santa Fe Reporter. (2007). Indian blood. Retrieved December 2011 from Santa Fe Reporter at <http://www.sfreporter.com/santafe/article-1404-indian-blood.html>

U.S. Census Bureau. *American Indian and Alaskan Native Population:2010*.

Retrieved December 10th, 2011 from <http://www.census.gov/prod/cen2010/briefs/c2010br-1>

U.S. Equal Employment Opportunity Commission. *Race/Color Discrimination*. Retrieved February 5th, 2012 from http://www.1.eeoc.gov/laws/types/race_color.cfm

Williams, R. (2001). *A blind eye toward racism*. Denver Post. Retrieved December 3rd, 2012 From <http://www.extras.denverpost.com/opinion/compass0404>

About The Author

Hillary McNeel is a doctoral student at the University of Nebraska-Omaha. Ms. McNeel earned her Bachelor's and Master's degrees from the University of Central Missouri. She served ten years in the United States Marine Corps and retired as a Sergeant. Her primary research interests are gangs, gangs on the Indian reservation, and hates crimes against Native Americans.

This research supported by the Gonzaga Institute for Hate Studies Research Grant and Dr. Gregg Etter Sr., University of Central Missouri, Department of Criminal Justice