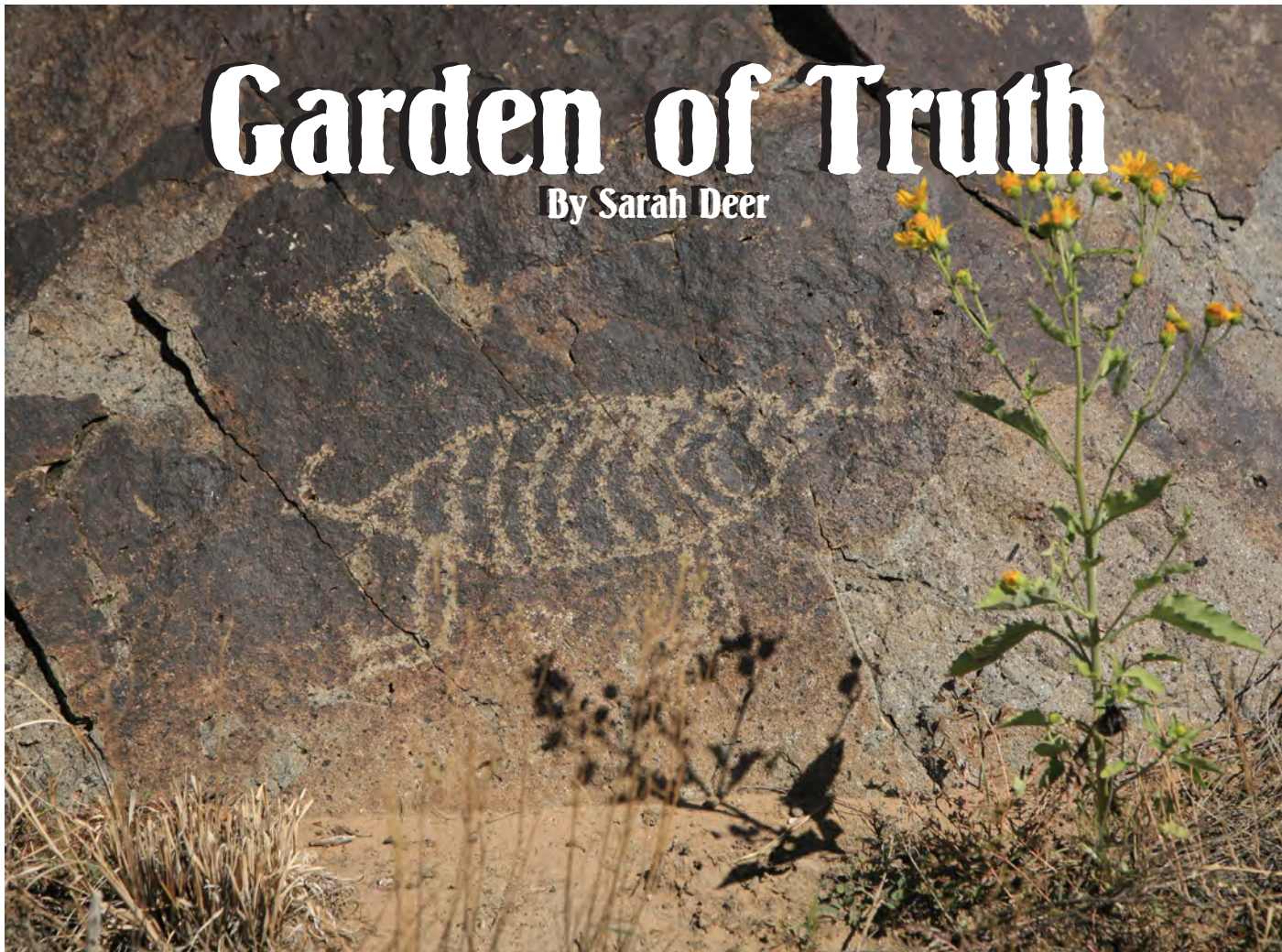


# Garden of Truth

By Sarah Deer



**Sex trafficking is often thought of as a crime that originates overseas. This article explores the ugly reality of commercial sexual exploitation in the lives of American Indian women and girls, right here in the United States.**

On Oct. 27, 2011, a report entitled “Garden of Truth: The Prostitution and Trafficking of Native Women in Minnesota” was released in St. Paul, Minn.<sup>1</sup> The report was the culmination of a three-year research project conducted in Minnesota by two nonprofit organizations: the Minnesota Indian Women’s Sexual Assault Coalition, a grassroots organization of Native American women that is based in St. Paul and focuses on outreach and awareness for survivors of sexual assault,<sup>2</sup> and Prostitution Research and Education, a nonprofit organization based in San Francisco.<sup>3</sup> This unique collaboration between advocates of Native American women and social scientists has produced a first-of-its-kind report that illuminates a long-standing (yet invisible) problem suffered by Native American women in the United States. This article provides a summary of the major findings of the research that were included in the report.

## Definitions

There are a variety of local, national, and international definitions of prostitution and human trafficking.<sup>4</sup> For the

purposes of the “Garden of Truth” report, the authors defined prostitution as sexual activity that includes exchanging sex acts for money, food, shelter, and other needs; outcall/escort services; massage parlors; pornography of children and adults; sexual acts taking place in strip clubs and exotic dancing; live sex shows; street prostitution; peep shows; telephone sex; international and domestic trafficking for sex; mail order brides or other servile marriages; and prostitution tourism.

One of the myths about prostitution is that it is a “victimless” crime. Popular culture (including movies like “Pretty Woman”) presents prostitution as a choice (albeit illegal) made by consenting adults. “Garden of Truth” exposes the unfortunate reality: women often enter into prostitution while they are minors and/or under circumstances that can hardly be considered a free choice.

## Why Study Native American Women Engaged in Prostitution?

Native women are at exceptionally high risk for poverty, homelessness, and sexual violence—problems that are also relevant antecedents in the prostitution and trafficking of women. Anecdotal reports indicate that the needs of Native American women who were engaged in prostitution were not being met. In addition, female prostitutes are at

extremely high risk for violence and emotional trauma. Preliminary data in other settings had suggested that Native American women were significantly overrepresented in prostitution.<sup>5</sup> This problem is not isolated to the continental United States. For example, recent investigations in Alaska have discovered organized crime rings in Anchorage that target native Alaskan girls for prostitution.<sup>6</sup> Scholars have concluded that this is not an “emerging” or contemporary problem. Prostitution and sex trafficking of Native American women have been going on for centuries (a common tactic of European and American military conquests), but the problem has remained a mostly invisible and even normalized phenomenon in many Native American communities.<sup>7</sup>

Several studies have assessed the life experiences of First Nations women engaged in prostitution in Canada, but no relevant empirical studies had been done in the United States before the research project reported on in “Garden of Truth” was undertaken. The goal of this study was to assess the life circumstances of Native American women engaged in prostitution in Minnesota.

### Study Design and Methodology

The research team interviewed 105 Native American women (ages 18 and older) engaged in prostitution for approximately one and one-half hours each and asked them to fill out four quantitative and qualitative questionnaires that asked about their family history; incidents of sexual and physical violence throughout their lifetimes; homelessness; symptoms of post-traumatic stress disorder (PTSD) and dissociation; and use of available services, such as shelters for victims of domestic violence, homeless shelters, rape crisis centers, and treatment for substance abuse. The women were asked about the extent to which they connected with their cultures, and, if they did, whether or not that connection was helpful to them. Women were asked specifically about racism and colonialism. The research protocol was reviewed and approved by the Ethics Review Committee of the Prostitution Research and Education Organization. Service providers throughout Minnesota provided referrals to the researchers, and the women who chose to speak to the researchers received a small monetary stipend in appreciation for their participation. Anonymity was ensured throughout the process.

### Demographics

The women who participated in the study were, on average, 35 years of age and had been engaged in prostitution for an average of 14 years. The average age when they began prostituting themselves was 21 years, and 39 percent had been engaged in prostitution when they were minors (younger than 18 years of age). A significant majority of the women—81 percent—identified themselves as members of the Anishinaabe, Ojibwe, or Chippewa Tribes; less frequently, women identified themselves as members of the Dakota Tribe or a tribe based outside Minnesota.

### Sites of Prostituting Activities

The women were prostituted in multiple locations: 85

percent of the women were used in street prostitution, and 83 percent were prostituted in private residences. Sixty-nine percent had been prostituted at private parties, hotels, or nightclubs, and 68 percent were prostituted at bars. Most of the women—77 percent—had been prostituted in urban areas. Twenty-one percent of the women said they had engaged in prostitution on Indian reservations; 36 percent said they knew of prostitution occurring on Indian reservations.

A significant majority—75 percent—had engaged in prostitution in exchange for food, shelter, or drugs. Forty-five percent of the women had been trafficked for the purpose of prostitution; most had been trafficked from Minneapolis/St. Paul or Duluth, and some were trafficked from the White Earth and the Menominee Reservations and from Chicago and Albuquerque. The women mentioned 32 states to which they were transported for purposes of prostitution.

Of the women participating in the project, 98 percent were currently or previously homeless—a fact that provides compelling evidence of the lack of alternatives for the women as well as the connection between poverty and prostitution.

### Trafficking of Native American Women

A common misconception about human trafficking is that it requires transportation by pimps from one location to another for purposes of prostitution. Under most legal definitions, no transportation is required to meet the legal definition of trafficking.<sup>8</sup> Nearly all of the women’s descriptions of their experiences meet legal definitions of trafficking in that the women were referring to third-party exploitation or pimp-controlled prostitution. For example, more than a quarter (27 percent) of the women interviewed for the study had been deliberately addicted to drugs by a pimp, a boyfriend, or a husband (less frequently by a family member or a drug dealer) in order to coerce them into prostitution.

Eighty-six percent of the women interviewed believed that most women do not know what prostitution is really like when they begin prostituting themselves. In other words, the women reported that pimps use deception or trickery to coerce women and girls to engage in prostitution. Physical violence and threats are often an integral part of the experience.

One woman told the following story:

My dad was very abusive to my mother and I ended up running away to Chicago. When I was 17, I was stranded in Chicago and had to get home to Wisconsin. I went to a party, there were lots of drugs, I got left there, and I was roaming around. A pimp was nice to me, he gave me this, gave me that. Then he took me to someone’s place and he said this guy—aged 40—he’s interested in you. Then he started hitting me after I said no. I was so scared I just did it. After that I kept doing it because I was afraid to get hit.

Another woman described her prostitution on ships out of the port of Duluth, which has been a site for the trafficking of Native American women for decades.<sup>9</sup> Transporting U.S. citizens for purposes of prostitution from Duluth across international boundary waters between the United States and Canada meets the legal definition of international sex trafficking. In 2002, Duluth police found evidence that three traffickers had supplied up to 10 women and girls for purposes of prostitution on foreign ships in the port. In 2011, a Minnesota journalist noted that approximately 1,000 ships a year dock at the Duluth harbor and also described reports of women and children who had been trafficked to the ships' crews and had disappeared for months before returning to their homes.<sup>10</sup>

About half of interviewees (49 percent) gave their pimps most of the money they received for prostitution services. The women's mothers, children, and other family members were named as recipients of the money the women received for prostitution services 27 percent of the time. Forty-two percent of the time, the pimp or boyfriend who received the proceeds from prostitution was affiliated with a gang, and the women named the gangs with which their pimps were involved, frequently mentioning five Chicago-based gangs: Gangster Disciples, Black Gangsters, Four Corner Hustlers, Stone Gang, and Vice Lords. The women also mentioned trafficking by Bloods, Sureños, and Native Mob gangs as well as by an unnamed biker gang.

### **Racism in Prostitution**

The women participating in the study were asked about the ethnicity of their many sex clients; 78 percent of the women reported having been purchased by white/European men, and 65 percent by African-American men. Less frequently, women reported having been purchased by Latino men (44 percent), Native American men (24 percent), and Asian men (9 percent). These percentages are consistent with other research on sexual violence against Native American women, which shows that most perpetrators of other kinds of sexual violence against the women are not Native Americans.<sup>11</sup>

Forty-two percent of the prostituted women who were interviewed had been racially insulted by sex clients and/or pimps. The racist verbal abuse (using words like "savage" or "squaw") was linked to sexist verbal abuse (such as "whore" or "slut"). Racist generalizations about alcohol abuse were common. Hatred of the women's skin color was reflected in comments such as "Why don't you go back to the rez? Go wash the brown off you." Other racist remarks by johns were homicidal—for example, "I thought we killed all of you." In some cases, johns wanted to role-play colonist and colonized as part of the sexual act: "He likes my hair down and sometimes he calls me Pocahontas. He likes to role-play like that. He wants me to call him John."

On occasion, the women had been racially and sexually harassed by police officers. One woman reported the following: "The police harass me a lot. They see me riding up on the sidewalk and assume I'm drunk. They assume Native Americans are all drunk." Another woman described

racist prejudice against Native American cultural practices in Catholic schools, where, she said, "the nuns tried to beat my culture out of me."

### **Violence**

Extreme and frequent violence was committed against these Native American women engaged in prostitution over the course of their lives. Seventy-nine percent of the women interviewed had been sexually assaulted as children by an average of four perpetrators.<sup>12</sup> More than half (56 percent) had been physically abused by caregivers.

Ninety-two percent of the Native American women interviewed had been raped while they were working as prostitutes. More than half (53 percent) had been raped between five and 10 times, and 15 percent had been raped more than 20 times. Nearly half of the women (48 percent) had been used by more than 200 sex buyers, and 16 percent estimated that they had been used by at least 900 sex buyers.

Eighty-four percent of the women participating in the study had been physically assaulted while working as prostitutes; the person who assaulted them was a john (44 percent) most of the time, but the batterers were also pimps (15 percent) or someone else (27 percent). More than half of the women (52 percent) had been physically threatened in the month prior to their interview for the study. Seventy-eight percent of the women had a history of being threatened with a gun, knife, or other weapon. Twenty-one percent had been threatened with a weapon in the month prior to the interview.

### **Physical and Mental Health Problems**

More than half of the women (51 percent) interviewed for the project had been diagnosed with a physical health problem. When asked about chronic health problems on the Chronic Health Problems Questionnaire, more than half of the women reported muscle aches or pains (72 percent), memory problems (69 percent), trouble concentrating (69 percent), headaches or migraines (57 percent), vision problems (55 percent), and joint pain (52 percent).

Almost three-fourths of the women (72 percent) had suffered head injuries that can be described as traumatic brain injury, as evidenced by reports of broken jaws, fractured cheekbones, missing teeth, punched lips, black eyes, blood clots in the head, hearing loss, memory loss, headaches, and neck problems. In addition to reports of being raped, kicked, strangled, burned, or shot, the violent injuries suffered by the women included flesh wounds, broken bones, injuries to the arm and shoulder, scars or bruises, and injuries to the knee and ankle. One woman said, "I had a broken nose from being beaten by a pimp. [I experienced] sexual torture from my boyfriend so I have problems in my left hip. How do you tell a doctor about this?"

Sixty-five percent of the women had been diagnosed with mental health problems. Three-fourths of those women (78 percent) had been diagnosed with depression. Seventy-one percent had been diagnosed with anxiety disorders—including generalized anxiety, panic attacks, phobias, PTSD, reported by 28 percent, and obsessive compulsive

sive disorder. Another 33 percent of the women had been diagnosed with bipolar disorder.

Fifty-two percent of these women in prostitution met all three criteria for a diagnosis of PTSD; 70 percent of the women met the criterion for symptom-level traumatic re-experiencing of events, or flashbacks; 61 percent met symptom-level criteria for avoidance and numbing symptoms (avoidance of situations that are reminiscent of the traumatic events and a protective emotional numbing of responsiveness); and 74 percent met symptom-level criteria for autonomic nervous system hyperarousal (such as being jittery and irritable, being super-alert, or suffering from insomnia). The level of severity of PTSD measured near the range suffered by combat veterans seeking treatment for PTSD.

### Substance Abuse

Two-thirds of the women (67 percent) used alcohol, and more than half (59 percent) used drugs. Some women abused substances prior to entering prostitution. As one woman stated, “Being dependent on [drugs] made me vulnerable to prostitution.”

A majority of the women (61 percent) who used drugs or alcohol described the need to chemically dissociate or numb themselves from the physical and emotional pain that came with prostitution. One woman explained that she used drugs “so it can numb me, so I can do what they want me to do.” Another woman said that drinking alcohol “made it easier to lay down with somebody, and it made me not care. ... I would want to be high to perform any kind of sex. I didn’t want to be sober.”

Many women (43 percent) also used drugs or alcohol after selling sexual acts in order to blank out traumatic flashbacks or memories of prostitution. Typical comments included the following:

- “I drank to take away the memory.”
- “Sometimes I get depressed and I think about some of the stuff I did and I want to drink.”
- “I guess I use drugs to make my body not care so much about what I did.”

### Criminal Justice System

More than half of the women (52 percent) were arrested as minors an average of eight times. Several had been arrested for prostitution as children—as opposed to police or social services providers viewing the crime as a sexual assault on a child—and 89 percent of their arrests as children resulted in convictions. Eighty-eight percent of the women were arrested as adults an average of four times, and 84 percent of the women’s arrests resulted in convictions.

The women’s arrests can be understood in part as reflecting the conditions of their lives, their lack of security, lack of alternatives to prostitution, homelessness, substance abuse, and resistance to authority. In many categories of crimes such as assaults, crimes against authority, substance abuse, and property crimes, the children committed almost as many crimes as the adult women did, suggesting that they may have lacked access to adult protection, substance

abuse treatment, housing, and effective psychological counseling early in their lives. Several of the women were convicted of crimes that were probably committed while they were under the control of a dominant partner, such as a pimp. The multiple arrests of these women serve as a barrier to escape from prostitution. Once a woman has an arrest on her record, especially if she is older than age 18, a criminal record is a barrier to obtaining affordable housing, employment, and frequently even essential social services.

### Needs of Native Women Who Seek to Escape Prostitution

Ninety-two percent of the interviewees wanted to escape prostitution. The kind of assistance most frequently mentioned was individual counseling (endorsed by 75 percent) and peer support (mentioned by 73 percent), which reflects these women’s need for their unique experiences as Native American women in prostitution to be heard and seen by people who care about them. Two-thirds of the women said that they needed vocational training (68 percent) and housing (67 percent); 58 percent of the women said they needed treatment for substance abuse. Half of the women said they needed training in self-defense, presumably because of the frequent violence suffered by women engaged in prostitution. Participants in the study also expressed a need for health care (48 percent), legal assistance (45 percent), physical protection from a pimp (26 percent), and child care (26 percent).

### Recommendations

Prostitution is a sexually exploitative and often violent economic option for women who have a lengthy history of sexual, racial, and economic victimization. Prostitution is only now beginning to be understood as violence against women and children and has rarely been included in discussions of sexual violence against Native American women. Understanding the sexual exploitation of Native American women engaged in prostitution today requires an honest assessment of the historical context of colonial violence against tribal nations. Further research of this problem is essential. The “Garden of Truth” report is only a first step.

The authors of this study urge federal, state, local, and tribal officials to review and reconsider their policies toward victims of prostitution and human trafficking in light of this new research about Native American women engaged in prostitution. The arrest and prosecution of victims is counterproductive and exacerbates their problems. As a Native American woman interviewed for this research study said, “We need people with hearts.” Arresting sex buyers, not their victims, is a more appropriate strategy.

For a woman to have a real choice to leave the world of prostitution, a range of services must be offered, but there are currently few services available that are especially designed for Native American women engaged in prostitution. The authors of the study recommend increased state and federal funding for transitional and long-term housing for Native American women and others seeking to escape prostitution as well as for programs tailored for these women’s needs—including advocacy, physical and mental

health care, job training and placement, legal services, and research on the effectiveness of these services.

Finally, policy-makers should always consider the women and girls who have experienced prostitution as the true “experts” when it comes to this problem. Ending violence against Native American women is possible only when society puts the focus on the voices and stories of survivors. Are we listening? **TFL**

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### Endnotes

<sup>1</sup>Melissa Farley et al., *Garden of Truth: The Prostitution and Trafficking of Native Women in Minnesota* (2011). The 70-page report is available for free and can be downloaded from [www.miwsac.org](http://www.miwsac.org) and [www.prostitutionresearch.org](http://www.prostitutionresearch.org).

<sup>2</sup>See [www.miwsac.org](http://www.miwsac.org).

<sup>3</sup>See [www.prostitutionresearch.com](http://www.prostitutionresearch.com).

<sup>4</sup>Currently, the United Nations (in one of the Palermo Protocols, adopted in 2000) defines “trafficking in persons” as “the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation,” United Nations, “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime,” pt. I, art. 3(a), Nov. 15, 2000, T.I.A.S. No. 13127, 2237 U.N.T.S. 319. The most relevant federal (U.S.) law is the Trafficking Victims Protection Act, which defines “sex trafficking” as “the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act,” 22 U.S.C. § 7102(8). The federal criminal code defines “commercial sex act” as “any sex act, on account of which anything of value is given to or received by any person,” 18 U.S.C. § 1591(e)(3). The state of Minnesota defines, “sex trafficking” as “(1) recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual; or (2) receiving profit or anything of value, knowing or having reason to know it is derived from an act described in clause (1),” Minn. Stat. 609.321(7a).

<sup>5</sup>See Suzanne Koepplinger, *Sex Trafficking of American Indian Women and Girls in Minnesota*, 6 U. ST. THOMAS L.J. 129 (2008) (discussing the significant problem of the sexual exploitation of American Indian women and girls). For example, a recent study conducted in Minneapolis found that 24 percent of women on probation for prostitution in North

Minneapolis are Native American women, which is more than 10 times the proportion of Native American people living in Minneapolis (2.2 percent). ANGELA BORTEL ET AL., SEX TRAFFICKING NEEDS ASSESSMENT FOR THE STATE OF MINNESOTA 4 (2008) (citing Lauren Martin and Julie Rud, Hennepin County and Folwell Center Prostitution Project, Prostitution Research Report, *Data Sharing to Establish Best Practices for Women in Prostitution* 11–12 (2007) (on file with author)). More data are available for the studies done in Canada. See, e.g. Melissa Farley et al., *Prostitution in Vancouver: Violence and the Colonization of First Nations Women*, 42 TRANSCULTURAL PSYCHIATRY 242, 257 (2005) (noting that “[i]n a number of communities across Canada, Aboriginal youth comprise ‘90% of the visible sex trade’”) (quoting *Save the Children, Canada, Year One: 1999–2000, Out of the Shadows and into the Light: A Project to Address the Commercial Sexual Exploitation of Girls and Boys in Canada* 7 (2000)).

<sup>6</sup>Alex DeMarban, *FBI, APD: More Native Girls Being Lured into Sex-Trafficking Rings in Anchorage*, TUNDRA TIMES (Oct. 6, 2010).

<sup>7</sup>See generally Sarah Deer, *Relocation Revisited: Sex Trafficking of Native Women in the United States*, 36 WILLIAM MITCHELL L. REV. 621 (2010).

<sup>8</sup>*Supra* note 4.

<sup>9</sup>See Alexandra Pierce, Minnesota Indian Women’s Resource Center, *Shattered Hearts* (2009); Lenor Scheffler, *Foreword*, 36 WILLIAM MITCHELL L. REV. 387, 390 (2010).

<sup>10</sup>L. Collin, *Sex Trafficking on the North Shore*, CBS Minnesota, available at [minnesota.cbslocal.com/2011/05/05/sex-trafficking-on-the-north-shore/](http://minnesota.cbslocal.com/2011/05/05/sex-trafficking-on-the-north-shore/).

<sup>11</sup>Steven W. Perry, U.S. Department of Justice, *American Indians and Crime, 1992–2002* (2004). See also Ronet Bachman et al., *Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What is Known* 3 (2008).

<sup>12</sup>Experiencing sexual assault at an early age is associated with an increased risk of prostitution. See Cathy Spatz Widom and Joseph B. Kuhns, *Childhood Victimization and Subsequent Risk for Promiscuity, Prostitution, and Teenage Pregnancy: A Prospective Study*, 86 AM. J. PUB. HEALTH 1607 (1996).