

## **Investigating Child Sexual Abuse in the American Indian Community**

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Child sexual abuse investigations are difficult at best, but the problems are compounded when the crime occurs on an Indian reservation. Indians living on reservations are often geographically isolated. In addition to physical separation from the American mainstream, Indian tribes are culturally distinct. The judicial system on Indian reservations is more complicated because multiple federal and tribal law enforcement agencies often have concurrent jurisdiction. The cumulative effect is that Indian reservations can provide safe havens for child molesters, both Indian and non-Indian, who often remain active for many years without detection.

A significant problem that many investigators face is that the victim belongs to one cultural group while the investigator belongs to another. The possibility exists that investigators may make inappropriate decisions due to unfamiliarity with tribal culture and traditions. The authors are Special Agents for the Federal Bureau of Investigation (FBI) assigned to the Flagstaff, Arizona, Resident Agency and have over twenty years of combined experience investigating violent crimes on the Hopi and Navajo reservations.

This study offers a survey of the problems normally associated with investigating child sexual abuse in Indian communities. Material for this study was gathered over a three-year period from 1986-1989. Many of the cases cited here are still in adjudication, which precludes the use of the defendant's name. The list of problems is not exhaustive, but should serve to alert the investigator to some of the difficulties that may be encountered.

Many Indian people believe that humans must act in harmony with nature to achieve a spiritual understanding of life. This philosophy is seen in the everyday behavior of the traditional and, to some extent, the less traditional Indian communities. Harmony between man and nature can be achieved through a variety of religious and traditional ceremonies usually performed by a medicine man. However, each Indian tribe has its own unique customs and cultures. Socially correct behavior in one tribal setting may not be acceptable behavior in a different tribal setting. Nonetheless, American Indian cultures, with few exceptions, have strong sanctions against incest and child sexual abuse (Gail, 1987). In spite of the strong sanctions against the sexual abuse of children, sex is not openly discussed in the school or the family setting.

The traditional tribal punishment for the crime of incest is banishment of the offender. A tribal medicine man is then summoned to perform a purification ceremony to bring the victim back into harmony with nature. According to some Indian mythology, the incest offender will suffer certain psychological and physical maladies that will eventually drive the offender to suicide. In the Navajo Indian culture, it is not uncommon for the offender's family to compensate the



victim's family by giving them sheep, cattle, turquoise jewelry, rugs, or other items of value instead of reporting the incident to police.

The investigator should become familiar with specific tribal customs before conducting in-depth interviews with Native American sexual abuse victims. The following is an example of an investigator who, due to inexperience, assumed that all Indian tribes had similar cultures.

In 1987, an investigation on the Navajo Indian reservation focused on a non-Indian teacher employed at a Bureau of Indian Affairs (BIA) school who was suspected of being a pedophile. It was anticipated that many Navajo Indian children would have to be interviewed. Before conducting the interviews, the investigator consulted an expert who investigated child molestation cases on the Seminole Indian reservation in southern Florida. The expert advised the investigator to tell the Navajo victims that the tribal elders had been notified of the molestation allegations and urged the victims to cooperate fully with the investigators. This technique proved successful with Seminole molestation victims. However, the same approach angered the Navajo victims. The typical response of the Navajo victims was disbelief that the investigator would talk to the tribal elders. The Navajo victims did not cooperate because they knew that any information, true or false, spread quickly on the Navajo reservation. The victims were also keenly aware that information, especially of this nature, could scar their reputations for life. The investigative technique succeeded on the Seminole reservation because the Seminole tribal elders performed a leadership role different from that of the Navajo tribal elders. After receiving several negative responses from victims, a Navajo social worker was consulted and provided the investigator with some basic facts regarding Navajo culture and beliefs. The investigator incorporated the advice of the social worker into subsequent interviews, and the victims responded favorably.

If the above-mentioned case had focused on only one victim, it could not have been prosecuted without the victim's testimony. However, the teacher involved had molested several students, thus allowing the investigator, by the use of the trial and error method, time to develop culturally specific interviewing skills.

The authors have identified the following interviewing techniques which were successful during interviews with Navajo and Hopi victims.

When interviewing Indian children, a confrontational posture should be avoided. Avoiding eye contact and a heightened sense of personal space are normal reactions in the Navajo and Hopi cultures. An inexperienced investigator might interpret these behavioral patterns as an indication the child is not being truthful.

Exact dates and times are often essential to successfully prosecute an offender. The investigator may encounter some difficulty accomplishing this task because time in Indian culture is often expressed as day or night, by seasons or by ceremonial or religious events. Knowledge of special tribal ceremonies or religious events is a useful method to narrow the time frame within which the crime occurred or better understanding the mind set of the victim.



In one case, a Hopi male in his teens refused to be interviewed by investigators. A week later a second attempt to interview him proved successful. Investigators later discovered the victim was reluctant to cooperate because he thought the content of the interview would become public, thus prohibiting his participation, for the first time, in an important tribal ceremony that was to be held the next day. Prior knowledge regarding specific tribal customs can usually be learned in a short period of time and can save the investigator hours of unnecessary work and frustration.

The extended family plays an important role in Indian society. Grandparents have customarily assumed the responsibility of teaching their grandchildren the oral traditions of the tribe as well as crafts such as woodcarving, beadwork, weaving, and pottery making. A child often has numerous aunts, uncles and cousins who provide support and guidance for the child during the growing years. It is not out of the ordinary for a child to be shuttled back and forth between relatives who serve as substitute parents (Fischler, 1985). Older siblings, sometimes very young themselves, are often given the responsibility of caring for younger brothers and sisters for long periods of time without adult supervision. This is believed to prepare the children for their future roles as parents, as well as providing an immediate child care function (Korbin, 1980).

The advantage of a community where almost everyone is related to or knows everyone else is that there are few secrets and, with persistence, the truth will become known. The disadvantage is that information regarding the investigation, or other information of any consequence, is effectively disseminated throughout the community via what is commonly referred to as the "moccasin telegraph." The investigator must assume that from the onset of the investigation nothing will remain confidential. In addition, the overwhelming experience of the authors has been that in a closed community environment the abused child may be pressured by parents or relatives to deny or change any incriminating facts in an effort to protect a relative or the reputation of the family or clan. The members of the victim's extended family can either enhance or impede an investigation. The investigator's attitude plays an important role in gaining support of family members.

Research has found that sexually abused victims are more likely to come from poor and single parent families (Fischler, 1985; Gail, 1987). The research, however, does not take into account the fact that members of the extended family often substitute for absent or working parents. In general, Indian communities are perceived to have a different standard of living than non-Indian communities. Many Native Americans exist and thrive under conditions that would be judged substandard by the surrounding majority culture. Many traditional Navajo families still live in small, one-room homes with no electricity or running water, or other modern conveniences. Navajo families living under these conditions may not see themselves as poor based on tribal traditions. Nonetheless, the unemployment rate, depending on the location of the Indian community, can be as high as 70% (Fischler, 1985). High unemployment can significantly impact the family's ability to meet the financial requirements of



everyday life and subject family members to added pressures. The investigator should note that, due to the financial condition of the victim or the victim's family, transportation to and from the courthouse might be problematic. In addition, the jury's impression of the victim or witnesses may need to be considered if the victim does not have, or cannot afford, clothing suitable for a courtroom setting.

A Navajo child abuse study found that 50% of abuse and 50% to 80% of neglect cases were alcohol related, as compared to a 17% rate of occurrence in non-Indian communities (White, 1977). The study did not indicate how many of the case studies were sexually related, but the results do indicate that alcohol is a significant contributing factor in all forms of child abuse. In some families, alcoholism has become a way of life. Alcohol dependence may also afflict many members of the extended family. Alcoholism severely disrupts the ability of the parents and members of the extended family to provide the child with traditional values, proper guidance, and support.

Tribal governments may not have adequate resources to provide qualified psychologists and social workers. Those who are available have heavy caseloads and may not be able to offer the victim meaningful long-term therapy. More often than not, the investigator must take responsibility to notify off-reservation social service agencies to obtain necessary assistance for the victims. This type of assistance is often available through victim/witness assistance programs on both the state and federal levels. In one instance, a federal victim/witness coordinator granted a unique request. A family adhering to Navajo traditional customs sent their son, a victim of sexual abuse, to a medicine man in order to have a purification ceremony performed. The family paid for the services of the medicine man with sheep. The coordinator recognized that these actions were in accordance with traditional Navajo customs and reimbursed the family for the sheep. The reimbursement may seem unusual in the context of Anglo-American society, but the gesture was well received in the Indian community. It is essential that the victim and the victim's family be referred to professional counselors for long-term treatment of the problem. With proper psychological help, the victims will be less likely to abuse children when they become adults.

Cross-cultural studies suggest that child abuse in a variety of cultures increased or became evident for the first time as the culture took steps toward acculturation (Korbin, 1980). Over the past century, American Indian communities have experienced erosion of traditional values and lifestyles. Many Indian children are being raised in institutional settings. The Bureau of Indian Affairs (BIA) operates numerous boarding schools for Indian children. Children living in these institutional settings are isolated from the traditional family setting and may not have the proper parent modeling. Limited research suggests that boys living in institutional settings are at an increased risk of becoming victims of sexual abuse (Rimsza, 1987). However, the study did not include girls living in institutional settings, and the available data are insufficient to accurately identify any high risk supporters.

Over the past few years, it has become evident that the younger generations are rejecting, in increasing numbers, the traditional ways of their



parents and grandparents. These rejections result in the loss of historical identity and a breakdown of the support systems provided by the extended family. As a result, parents left without effective family supports and coping mechanisms are prone to abuse their children (Gail, 1987). In turn, a child who was abused during his childhood is more likely to abuse children as an adult (Gail, 1987). Based on these findings, child sexual abuse in the Indian community may reach epidemic proportions in a few generations if the proper preventive steps are not taken in the near future.

The authors have identified second-generation victims on the Navajo Indian Reservation. In one instance, a father, himself molested by his non-Indian elementary school teacher, now has two sons who were molested by the same teacher a decade later. In the same vein, a thirty-two year old male Indian maintenance worker employed at a BIA boarding school was arrested for molesting five male students in their early teens. Less than two years later, one of the victims was discovered sexually molesting a younger male student in a BIA dormitory. The older student was placed into a counseling program, but due to insufficient funding and a heavy caseload; the social worker was not able to adequately address the needs of the older student. The older student eventually became despondent, attempted suicide and was subsequently transferred to a larger city to receive extensive treatment at an in-patient facility.

One phenomenon that has been observed is that many Indian pedophiles were molested as children by non-Indian school teachers. The authors have also observed the arrest of a female child molester. The woman was a twenty-six year old non-Indian employee at a BIA boarding school located on the Navajo reservation. The woman was arrested, convicted, and sentenced to thirty months in a federal prison for sexually molesting a female student who lived in the BIA dormitory. The investigation revealed that several other female students living in the same dormitory were also targeted by the female offender; each victim was at a different stage in the seduction process. These observations have not been followed up by any scientific studies to determine if any general implications exist.

Over a three year period, investigations on the Navajo and Hopi Indian reservations have resulted in the arrest of five teachers for child molestation or related offenses. Of the five teachers arrested, two were non-Indian teachers teaching at BIA schools, two were non-Indian teachers teaching at state-operated schools on the reservation, and one was an Indian teacher teaching at a BIA school. The five teachers lived within a fifty mile radius and had little if any contact with one another. The teachers were able to avoid detection for long periods of time, in one instance for eighteen years. The method of victimization used by each teacher is typified by the following case.

In 1979, a thirty-four year old, non-Indian male was employed by the BIA as an elementary school teacher on the Hopi reservation. The teacher established a nationally acclaimed reading program that enabled the students to increase their reading scores dramatically. The teacher's acceptance into the Indian community was signified by his participation in a religious "hair washing" ceremony. The school administration, students, and community at large felt the



teacher made outstanding contributions to the educational system on the reservation. After eight years of dedicated service, the teacher was arrested for child molestation. During that period of time, the teacher kept an accurate record of his sexual activities with 142 male students. This case is considered one of the most widespread instances of child molestation in U.S. history.

Approximately one out of every twenty school aged Hopi Indian males were molested by this teacher. The last student named on the list, the most recent victim, was in the second grade, and the first name on the list, the oldest victim, is now in his early twenties. A majority of the students on the list came from poor, dysfunctional families. The teacher singled out these students and provided them with food, a place to stay, and, most importantly, affection. The students had their choice of dozens of video movies to see and games to play. The teacher took selected students to larger cities off the reservation and bought them clothes, shoes, and other items that the students' families could not afford to purchase. Gradually, over a period of two years, the teacher seduced the students by first touching them in seemingly innocent ways. The teacher progressed to touching their genitals and eventually to anal intercourse. During the course of the investigation, it was revealed that two police reports had been filed previously and several complaints were directed to the principle's office alleging that the teacher was molesting students. The teacher was so well thought of that in each instance the teacher was exonerated of any wrongdoing. In February 1987, the teacher was arrested by the FBI and is currently serving a life sentence in a North Carolina federal prison. Pursuant to an interview and correspondence between the teacher and the authors, the teacher readily admitted to sexually molesting the students but indicated his belief that the good he did for the Hopi community far outweighed his transgressions.

Shortly after the teacher's conviction, fifty-eight of the teacher's victims filed a lawsuit alleging that the BIA failed to prevent the teacher's misconduct. As part of the out of court settlement, fifty seven victims ranging in age from nine to twenty one and the mother of one victim who ultimately took his own life as a result of being molested will share a \$46.5 million award. The settlement also established counseling and education funds to ensure long term assistance for the victims and their families.

In each case, the five teachers masked their pedophile activities so cleverly and developed such a good rapport with community members that the community was shocked and felt betrayed by the teachers. After the initial shock, most communities joined forces and supported the investigation and subsequent efforts to provide counseling for the victims and their families; however, this is not always the case. The investigator must be acutely aware of the community's perception of the suspected pedophile and the investigation itself. The following case is an example of how a community's negative reaction took the investigators by surprise.

A fifty year old, non-Indian male was employed as a middle school teacher on the Navajo Indian Reservation. The teacher appeared to be very religious, with an excellent teaching record and a reputation beyond reproach. The teacher taught at the same school for eighteen years. During that time, the



teacher molested a large number of male students. The only known record of the teacher's victims were names and dates written on a closet door next to a height chart. The growth of scores of students could be traced by hatchmarks etched progressively higher on the door. The teacher targeted students who came from poor, dysfunctional families, and often sought parent's written permission to allow their sons to live at the teacher's residence on a permanent basis. In several instances, the teacher was granted legal guardianship of the students. Most of the victims lived with the teacher from the time they were five or six years old. The investigators approached school administrators regarding the suspected teacher's pedophile activities. In less than an hour's time, the "moccasin telegraph" carried the news throughout the school and the community. The school administration and teachers, predominantly non-Indian, rallied behind the suspected teacher and, in light of the previous well-publicized investigations, accused the investigator of being on a "witch hunt." The investigation was frequently hindered by the teacher's supporters. Opposition to the investigation was subtle at first, but soon escalated to actions that bordered on obstruction of justice. One supporting teacher went so far as to file a false criminal complaint against one investigator. In addition, the investigators were allowed only restricted access to students during school hours, causing the investigators to travel long distances in an attempt to locate and interview victims at home. Many victims could not be found easily because it is not uncommon for a child to reside with different members of the extended family who live great distances from each other. In addition, houses on the Navajo reservation frequently do not have telephones or addresses and can only be found using landmarks for directions. Eventually, a majority of the members of the Indian community pressured the school administration to cooperate with the investigation in order to resolve the crisis. Notwithstanding, the school administrators continued to support the suspected teacher, which resulted in a division in the community generally along racial lines. At one point during the investigation, several Navajos who supported the accused teacher employed a medicine man to perform a ceremony that would protect the teacher and place a hex on the investigators to prevent them from continuing the investigation. When members of the Indian community who supported the investigation heard about this action, they, in turn, retained a more powerful medicine man to perform a ceremony to counteract the hex. The investigation was long and frustrating but resulted in the arrest and conviction of the teacher. The teacher is now serving a thirty year sentence in a federal prison.

The reaction of the community is an integral part of the investigation. The investigator may have to take time to educate school administrators and members of the community regarding the problem of child molestation. If a child sexual abuse awareness program is not in place at the school, the investigator should encourage the school administration to establish one.

As a direct result of the arrests of the five school teachers, the Navajo and Hopi tribal governments in conjunction with other federal agencies established child sexual abuse awareness programs for school aged children. Shortly after the awareness programs began, there was a noticeable increase in complaints of



incest by students. Although these single-victim familial cases do not have the same political impact as a teacher molesting his students, the results are just as devastating. The extent of the incest problem on the Navajo and Hopi reservations is now becoming evident, and new resources must be allocated to address this problem.

Interviewing a victim of child sexual abuse can be difficult in most Indian communities. The investigator must first obtain cultural information not readily accessible to outsiders before an effective interview can be conducted. Local tribal law enforcement agencies or social workers will usually provide the necessary guidance to conduct a culturally correct interview. Background information regarding the victim, offender, and the crime is as important as the interview itself because it provides a framework for the interview and allows the interviewer to become more comfortable with new ideas and perspectives.

Either a male or female can conduct effective interviews if the interviewer can demonstrate a sensitive and caring attitude toward the victim. In the case of an Indian victim, thought should be given to whether an Indian investigator should accompany a non-Indian investigator to interviews. In some cases, the presence of an Indian investigator will provide the victim with support and allow him or her to be more relaxed during the crisis period. However, in other instances, the presence of an Indian investigator may cause the victim to be more inhibited. Since there are few secrets on a reservation, the victim may feel that details of the crime will not remain confidential. The victim's sense of guilt, embarrassment, or shame may be heightened when the facts of the case are discussed in front of another tribal member. Conversely, the non-Indian investigator may elicit similar negative emotions from the victim. The interviewers must be perceptive to the ongoing dynamics of the interview and be prepared to make changes if necessary.

The best place to interview a victim is in a neutral setting. As a general rule, the interview should not be conducted in the same place where the crime occurred. The interview should also be conducted in privacy; however, in Indian communities this may not always be possible. The victim's residence may be small, with many other relatives living in the home. Wherever the interview takes place, the setting should be comfortable for the victim as well as the interviewer.

A researcher studied the reactions of sexually abused victims and observed that victims may react in one of two ways when interviewed (Rimsza, 1987). With the first reaction, the victim may become very emotional, cry, express feelings of betrayal, or become outwardly embarrassed. The second reaction is a more controlled one. The victim is calm, cool, and will relate details of the assault in a seemingly emotionless manner. Seventy nine percent of the male victims in the study displayed a controlled reaction, while female victims were divided equally among the controlled and the emotional reactions.

The interviewer should also be aware that a victim may develop a strong emotional bond with the offender and vehemently deny having been sexually abused in an attempt to protect the offender. In many cases, presenting the victim with some type of tangible exhibit will loosen the bonds between the victim



and the offender. The exhibit does not have to be of evidentiary value but sufficient to lend credibility to the investigator's presentation of the facts.

Investigators accustomed to using video cameras, pressure-activated microphones, two-way mirrors, and other aids may be disappointed, because few, if any, of these aids are available on most reservations due to the lack of funds to purchase this equipment. The investigator should bring along anatomically correct dolls, phenotypically Indian or non-Indian. Anatomically correct dolls can be useful during interviews, especially when the victims are young. However, investigators need not feel obligated to use the dolls, but should use them only when the victim cannot without difficulty verbalize the facts of the case. Permitting the victim to draw a picture and later discuss the picture is another nonverbal technique to facilitate communication.

Once the initial flurry of activity surrounding the investigation and subsequent judicial proceedings is over, the victims are left with the formidable task of reintegrating into the community. This process can be made easier, providing the community supports the victim. The authors conducted informal post investigation interviews with victims and teachers to assess the reintegration process. The teachers indicated that many of the victims suffered from a variety of psychological trauma, including irritability, learning disorders, low self-esteem, and, in extreme cases, suicide attempts. One teacher observed that the victims were often labeled as such and forced to form their own social subgroups. Several of the students who were interviewed felt they had been ostracized and were somehow different because they had been victims of sexual molestation. One male student in his mid teens wanted to begin dating, but was experiencing anxiety regarding his sexual identity. The problems cited are only a few of the myriad of challenges the victims must learn to overcome. The investigator's responsibility ends with the prosecution of the offender, but the victim's pain continues long after the offender's prison sentence has been completed.

The successful investigator must first understand local customs and traditions and then determine if a specific behavioral pattern is appropriate within that particular cultural context. Judgements should not be based on a single action but rather on a cluster of the offender's or victim's behavior patterns. Most importantly, flexibility and common sense should be used when interviewing a victim of sexual abuse. What makes sense to the investigator may not always make sense to a victim with a different cultural background.

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