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The Contextual Nature of American Indian Criminality

DONALD E. GREEN

INTRODUCTION

Several reviews of the contemporary literature on American Indian criminality and criminal justice outcomes during the last decade have lamented the lack of volume, theoretical clarity, and methodological rigor of research in this area of criminology.¹ The present analysis of that literature suggests a somewhat more optimistic view. When these works are placed within the sociological framework of the Native American experience in the United States, several important contextual factors emerge that advance our understanding of crime patterns in this uniquely American racial group. This paper will review selected studies and present additional crime data from the Uniform Crime Reports (UCR) that establish the significance of these contexts and discuss their implications for future research.²

THE CONTEXTUAL NATURE OF CRIMINOLOGICAL RESEARCH ON AMERICAN INDIANS

Perhaps the most overlooked factors in the study of American Indian criminality are the sociological contexts of the studies

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themselves. Consider one of the earliest studies to appear in the contemporary literature, authored by Norman S. Hayner and published in a prominent sociological journal in 1942.³ Although this research was conducted during a period in which significant numbers of American Indians still lived on reservation lands that were relatively isolated from large, white, urban populations, extensive efforts by the federal government to dismantle traditional Indian culture and assimilate Indians into mainstream American society had taken their toll on many Indian nations.⁴ Not surprisingly, then, in this primarily descriptive work, Hayner stressed the importance of tribal social disorganization as an explanation for crime among American Indians. He utilized initial arrest statistics generated by the Federal Bureau of Investigation (FBI)⁵ to support his argument that crime among American Indians in the Pacific Northwest, who were the focus of his study, varied according to levels of social isolation from white populations and periods of economic prosperity resulting from monetary payments for natural resources. That is, less isolated populations and those that experienced greater monetary payments had higher rates of crime. Hayner concluded that these factors adversely affected tribal organization in these groups and provided the best explanation for their crime patterns.

Although social disorganization explanations for American Indian criminality have continued to appear in the literature,⁶ more recent studies have found support for refined conceptualizations of this approach. And while these reconceptualizations are internally consistent with the data presented in these studies, the literature has failed to address the exogenous relationships between the sociological contexts of these studies and the shifting theoretical relationships among social disorganization variables and American Indian crime patterns. For example, in their 1970s case study of violent behavior among the Eastern Cherokee, French and Hornbuckle also found support for social isolation explanations for crime among American Indians but placed their findings within a "cultural frustration/subcultural control" perspective.⁷

In addition, the direction of the social isolation and crime relationship that French and Hornbuckle found is contrary to Hayner's earlier study. They argue that, rather than protecting traditional culture, years of living in a restrictive reservation environment created by paternalistic federal Indian policies resulted in a breakdown of traditional mechanisms of social control

among the Eastern Cherokee. The authors stress that the breakdown was particularly evident among "marginal Indians," whom they defined as the majority of Native Americans living on and off reservations, torn between Indian and white worlds and not being fully accepted by either group. French and Hornbuckle contend that, as the influence of the traditional cultural norms and values of the Eastern Cherokee has continued to decline, nontraditional norms and values more supportive of interpersonal violence have emerged in response to the frustrating and tension-filled reservation experience. They conclude that the pattern of criminal behavior observed among this group is similar to that identified in urban Black ghetto communities by Wolfgang and Ferracuti.⁸

Others have questioned whether these findings can be generalized, because the studies by French and Hornbuckle, Hayner, and others have lacked the possibility of statistical control for alternative explanations for criminal behaviors.⁹ Acknowledging this problem, Larry Williams and his colleagues assessed the relative impact of three different approaches to American Indian criminality: social background characteristics, personality, and cultural factors.¹⁰ Utilizing survey data from a randomly selected sample of Native Americans living in the Seattle area during 1972, their step-wise multivariate regression analysis indicated little support for cultural conflict explanations, while support was found for several indicators of social disorganization, although these were more contemporary conceptualizations not necessarily specific to American Indians. Williams and his colleagues found that indicators of familial disorganization, such as problems with marital adjustment and relative marital happiness, were significant predictors of self-reported arrests among these Seattle respondents, even after controlling for a number of personal and cultural variables such as self-esteem, degree of alienation, and support for assimilation into white culture.

Again, however, the sociological context of this study emerges as a neglected explanatory variable that is central to the theoretical implications of its findings. This research was conducted following a two-decade effort by the federal government to relocate large numbers of American Indians to urban areas in the United States.¹¹ Therefore, these findings should be considered in light of the fact that many urban American Indians in the sample may have experienced some of the previously documented adjustment problems that occurred during these federal relocation programs.¹² And while these experiences may have been no less difficult to endure than

the conditions experienced by those who remained in rural/reservation areas, the lack of support for alternative explanations for the respondents' self-reported arrests may be due to unaccounted-for differences between urban and nonurban Indian populations.

The contextual nature of research on American Indian criminality is further demonstrated by two studies on the social reaction to American Indian offenders. Hall and Symkus compared sentencing decisions for both whites and Indians in a western state during the late 1960s and early 1970s.¹³ They controlled for the effects of a number of legal and extralegal variables that past research has found to be important predictors of criminal court sentencing patterns, such as prior adult offenses and juvenile dispositions, education levels, employment status, and other socioeconomic background variables. Hall's and Symkus's findings indicated that even when comparisons were statistically controlled for both sets of variables, Native Americans, more than non-Indians, were both more likely to receive sentences that included incarceration and less likely to receive deferred sentences.

A second study by Bynum also focused on criminal justice outcomes among American Indians during the 1970s.¹⁴ His research examined the effect of prior record and major disciplinary infractions while in prison—as well as selected sociodemographic characteristics of the offenders—on a parole board's release decisions in an upper Plains state. Bynum's findings indicated that not only did American Indians receive incarceration for offenses that non-Indians did not; they also served significantly greater portions of their original sentences than did non-Indians. Although the authors of these two studies did not explicitly acknowledge the social context in which their data collection occurred, it is significant to note that the time frame utilized in both coincides with that of increased Native American political activity.¹⁵ Given the widely held view among criminologists and criminal justice practitioners that race per se has no direct effect on criminal justice outcomes,¹⁶ one could possibly interpret these findings to mean that the differential criminal justice outcomes reported in these studies were evidenced only within the context of a highly visible political movement among various American Indian groups in these states and other regions of the country.

Another frequently ignored contextual factor in research literature on American Indian criminality is the lack of comprehensive data. This limitation forces researchers to omit a number of variables previously identified as significant predictors of crime pat-

terns among other population groups. As a result, studies of American Indian criminality often propose theoretical arguments that extend well beyond the data presented. A good example of this problem can be found in aggregate-level analyses of national arrest data.¹⁷ Notwithstanding the numerous studies that have stressed the importance of alcohol abuse in explaining frequency of involvement in illegal behaviors,¹⁸ aggregate-level research on American Indian arrest rates has consistently documented the disproportionate number of American Indians involved in alcohol-related crime.¹⁹ A study by Peak and Spencer is representative of this series of studies conducted over the last three decades focusing solely on univariate arrest statistics.²⁰ Although it is important to acknowledge Peak and Spencer for their efforts to examine Indian arrest rates both on and off reservations, they also devote considerable attention to "the Indian propensity for arrests involving alcohol-related offenses."²¹ With the inability of univariate analyses such as these to assess alternative theoretical explanations adequately, it is not surprising that conclusions drawn from these studies too often focus primarily on the role that alcohol plays in the etiology of crime among American Indians, rather than on variables that may be antecedent to both its abuse and relationship to illegal behavior.

In fact, despite these frequently cited physiological and/or psychological explanations, there are still other studies suggesting that at least within particular social contexts, structural and/or economic explanations often used to account for crime patterns among non-Indian populations might best account for American Indian criminality. For instance, sociodemographic population characteristics such as age and sex have consistently been linked to criminality in non-Indian populations.²² Similarly, in the previously mentioned study by Williams and his colleagues, the variables of age and sex were the most important predictors of self-reported arrests among their sample of urban American Indians.²³ And in an earlier study of the Shoshone-Bannock tribe on the Fort Hall Reservation, Minnis assessed the relationship between various indicators of the social structure of that Indian community and official tribal records of adult and juvenile law violations.²⁴ Using households as the unit of analysis, she argued that overcrowded conditions, high percentages of individuals on public assistance, and low education levels were linked to high levels of crime.²⁵

In the following sections, perhaps the most recent sociological context of the American Indian experience in the United States to

influence research on American Indian criminality—changing conceptions of American Indian identity—is presented and discussed.

AMERICAN INDIAN IDENTITY AND UNITED STATES CENSUS DATA

Over the past few decades, demographic research on the American Indian has frequently discussed the consequences of a series of historical factors that have effected this population.²⁶ While debate continues concerning the exact number of American Indians prior to European contact, those who have focused their research efforts in this area generally agree that disease, war, and federal government policies directed toward these indigenous groups since their initial contacts with European societies have had devastating effects on American Indian populations.²⁷ Nagel and Snipp, for example, have noted that even conservative estimates of the Native American population indicate a decline from approximately two million people at the time of Columbus's arrival in 1492 to as few as 237,000 people in 1900.²⁸

Since this population nadir, census figures from 1900 to the present suggest that the Native American population in the United States has increased over the past century at a rate that is perhaps as dramatic as the population declines prior to the 1900s. Nagel and Snipp, for instance, report that American Indian census data between 1890 and 1980 indicate an increase of 555 percent during this period.²⁹ Moreover, these researchers note that the largest increase occurred between the years 1950 and 1980, when the American Indian population increased from 343,000 to 1,357,000.³⁰ Even the most recent census data reveal a continuation of this trend, reporting the 1990 American Indian population at 1,959,234, although the degree of increase is less than that which occurred over the last three decades.³¹

Some demographers, however, have questioned whether this more recent American Indian population trend has been a natural one (i. e., the result of high birth and low death rates), arguing instead that the increase can be attributed primarily to changes in the way the Census Bureau counts American Indians.³² Since 1950, the bureau has increasingly relied on respondents' self-identification of race in the enumeration process. Subsequently, some have suggested that more recent census data include a significant number of individuals, previously identified with other races,

who now identify themselves as American Indian, at least for census-recording purposes.³³ Although explanations for this dramatic increase have been of significant interest to those concerned with the study of American Indian demography, criminological research on official rates of American Indian criminality—which employ census data to derive rates of involvement in crime—has completely ignored this issue. In the following review and extension of the literature on American Indian arrest rates, some preliminary indications will be presented of the degree to which this demographic phenomenon affects criminological research involving American Indian populations.³⁴

CHANGING AMERICAN INDIAN IDENTITY AND AGGREGATE-LEVEL ANALYSES OF CRIME

As previously mentioned, some of the more widely cited research on American Indian criminality has been based on national-level arrest data.³⁵ Collectively, this research can provide us with a rough chronological account of the rate of Native American involvement in crime since the FBI has been recording arrest data systematically by race.³⁶ Native American arrest rates have consistently increased from a low of 1,699 per 100,000 in 1935³⁷ to a high of 15,123 in 1960.³⁸ Following this peak, American Indian arrest rates show a more gradual decrease, with the most recently published studies (based on 1985 data) indicating an American Indian arrest rate of between 7,859.2³⁹ and 8171.5,⁴⁰ depending on whether the census figures utilized to calculate the rate per 100,000 population included Alaska Natives.

These reported increases in arrests between 1935 and 1960 are consistent with similar trends in census data reported by demographic research on the Native American population, at least between the years of 1935 and 1960.⁴¹ Given these historical patterns, however, it is somewhat surprising that more recently published studies of American Indian arrest rates indicate a decrease in crime among this racial group while census figures indicate that the American Indian population continues to increase, especially during the last three decades.⁴² Perhaps more importantly for our efforts to understand American Indian criminality, these indicators of involvement in crime suggest that the total Native American crime rate has decreased during a time when the overall amount of crime in the United States in general,

and among other racial groups in particular, has experienced dramatic increases.⁴³

This differential pattern of racial involvement in illegal behavior has continued into the 1980s. Table 1 presents the actual number of arrests for American Indians, Blacks, and whites for the years 1970, 1980, and 1990 for all crimes and index crimes only. Between 1970 and 1980, the total number of arrests for index crimes increased for all groups. On the other hand, while the total number of arrests for all crimes increased for Blacks and whites during the years 1970 through 1980, American Indian arrests for all crimes decreased during this period. An examination of the percent change in number of arrests provides a cogent illustration of these differences. As the bottom panel of table 1 indicates, the total number of Native American arrests for index crimes increased by 54.6 percent between 1970 and 1980, an increase that exceeds comparable totals for both Blacks (39.4 percent) and whites (48.6 percent). During the same decade, however, American Indian arrests for all crimes decreased by 16.4 percent, while arrests for all crimes for both Blacks and whites increased by 28.9 and 38.8 percent, respectively. These figures indicate that, unlike the patterns observed for Blacks and whites, Native American arrests have both increased and decreased between the years 1970 and 1980, depending which category of crimes is examined.

In contrast to the 1970–80 data, table 1 indicates that the arrest patterns among these racial groups are considerably more consistent for the years 1980 through 1990. Arrests for the index and total crimes categories increased for all groups during this decade. The percent change figures indicate that arrests for index crimes were up 9.0 percent for American Indians and 9.3 percent for Blacks, while index crime arrests were up only 2.1 percent for whites. A similar pattern emerges for all crimes, with Blacks having the largest increase in arrests (26.3 percent), while American Indian and white increases were considerably smaller (10.7 and 7.4 percent, respectively).

Finally, a comparison of 1970–90 arrest data for these groups reveals a pattern more similar to the years 1970–80 than 1980–90. As was the case in 1970, the number of arrests for index crimes only has increased for all groups between 1970 and 1990, while the number of arrests for total crimes has decreased for American Indians only. The percentage change figures in table 1 indicate that, in the two decades since 1970, American Indians have experienced the largest increase in arrests for index crimes among all

TABLE 1
Arrests for 1970, 1980, and 1990
for Index and Total Crimes by Race*

Arrests	Native Americans	Blacks	Whites
1970			
Index crimes	9,167	436,581	739,306
Total crimes	130,981	1,739,306	4,373,157
1980			
Index crimes	20,194	720,739	1,438,098
Total crimes	109,480	2,375,204	7,145,763
1990			
Index crimes	22,198	794,725	1,469,241
Total crimes	122,586	3,224,060	7,712,339
Actual Change in Number of Arrests:			
1970-80			
Index crimes	+ 11,027	+ 284,158	+ 698,792
Total crimes	- 21,501	+ 686,815	+ 2,772,606
1980-90			
Index crimes	+ 2,004	+ 73,986	+ 31,143
Total crimes	+ 13,106	+ 848,856	+ 566,576
1970-90			
Index crimes	+ 13,031	+ 358,144	+ 729,935
Total crimes	- 8,395	+ 1,484,754	+ 3,339,182
Percent Change in Number of Arrests:			
1970-80			
Index crimes	+ 54.6	+ 39.4	+ 48.6
Total crimes	- 16.4	+ 28.9	+ 38.8
1980-90			
Index crimes	+ 9.0	+ 9.3	+ 2.1
Total crimes	+ 10.7	+ 26.3	+ 7.4
1970-90			
Index crimes	+ 58.7	+ 45.1	+ 49.7
Total crimes	- 6.4	+ 46.1	+ 43.3

*The FBI classifies the following offenses as index crimes (or Part I offenses): murder, rape, robbery, aggravated assault, burglary, larceny theft, motor vehicle theft, and arson. Index crimes are basically felonies that are considered of most concern to the general public. The arson category is omitted from the table because it has been included as an index crime only since 1979. The total crime category includes both part I and part II offenses (which include simple assault, forgery and counterfeiting, fraud, embezzlement, buying, receiving, or possessing stolen property, vandalism, carrying or possessing deadly weapons, prostitution and commercialized vice, sex offenses, drug-abuse violations, gambling, offenses against the family or children, liquor laws, drunkenness, disorderly conduct, vagrancy, and all other offenses that are violations of state or local laws, except the above offenses and traffic violations). Source: U. S. Department of Justice, Uniform Crime Reports, 1970, p. 131; 1980, p. 204; 1990, p. 192.

racial groups examined (+58.7 percent), while Blacks and whites have experienced increases of 45.1 and 49.7 percent, respectively. However, the percent change figures in the bottom row of the table indicate that, while arrests for all crimes have continued to increase between the years 1970 and 1990 for both Blacks and whites (46.1 and 43.3 percent, respectively), total arrests among American Indians during this same period have actually decreased 6.4 percent.

The differential patterns of arrest revealed by these data, particularly for the years 1970–90, clearly indicate the need for more scholarly inquiries to determine what factors have contributed to the varied picture of racial involvement in crime presented here. Sociological theories of law suggest that these rates are merely a reflection of an underlying practice of differential enforcement of criminal laws against Native Americans, as well as other racial groups. For example, conflict theories of criminal law posit that the formation and implementation of the criminal law is directly influenced by those groups in society that control its power and resources.⁴⁴ Through this influence, these more powerful groups have the ability to avoid sanctions against those behaviors that are in their best interest, while ensuring that behaviors detrimental to their interest but frequently engaged in by those groups not in power or control over resources are more frequently and severely sanctioned. The so-called labeling perspective in criminology also suggests that social reactions against certain forms of behavior are racially linked. Proponents of this view of the criminal law argue that, although all members of society engage in behaviors that could be considered illegal, in reality only those individuals with selected social characteristics—for example, being in a racial minority—are the object of society's reactions to crime.⁴⁵

Still another possible factor to consider is the sociological context of changing patterns of American Indian identity and the potential measurement error American Indian census data may create for research on aggregate arrest rates among American Indians. Table 2 presents two methods of calculating American Indian arrest rates and compares them with rates of arrests for both Blacks and whites for the years 1970, 1980, and 1990, in order to assess the degree to which these changing patterns of American Indian identity may alter arrest rates for this group. That is, two Native American arrest rates are presented: one based on actual census data and a second based on estimates derived from natural increases (the difference between births and deaths). These esti-

mates have been determined previously by demographers who have examined the extent to which increases in the American Indian population, as indicated by census figures, are the result of changes in self-identification rather than a natural increase in the Native American population.⁴⁶ These latter figures then represent what would be considered the natural increase in the American Indian population in the United States over the last two decades.⁴⁷

As table 2 indicates, based on actual census figures, American Indian arrest rates (per 100,000) for index crimes only were 1,156 in 1970, 1,419 in 1980, and 1,133 in 1990. The corresponding percent change figures reported in the bottom panel of the table indicate that American Indian arrests for index crimes increased by 18.5 percent between 1970 and 1980 and decreased by 20.2 percent between 1980 and 1990. The table also reveals a decrease of 2.0 percent in arrests for index crimes among American Indians over the past three decades.

Utilizing demographic estimates of the natural increase in the Native American population to calculate their arrest rates reveals a somewhat different picture of American Indian criminality over this period of time. This alternative population base produces a change in the American Indian arrest rate for index crimes between 1970 and 1980 of almost twice that based on actual census data (18.5 percent versus 32.5 percent), although the latter rate more closely approximates the rate of change in index arrests during the same period for Blacks (+39.5) and whites (+48.7). Differences among these two indicators of arrests for index crimes involving American Indians are not as pronounced for the 1980–90 period (–20.2 versus –25.6). In general, they follow a similar decline in arrests for index crimes among Blacks (–17.0) and whites (–9.0). Interestingly, the two percent change figures between 1970 and 1990 present completely opposite patterns of American Indian arrests for index crimes over these three decades. The actual census-based rate reveals a decrease of 2.0 percent in arrests for index crimes among American Indians, while the rates based on estimated natural increases indicates an increase of 9.3 percent. Again, however, the natural increase-based rates more closely follow the three-decade pattern of increased index arrests among both Blacks (+27.1) and whites (+43.6).

The percent change figures for American Indian arrests for all crimes consistently reveal a decrease in rates regardless of the population base employed, although there are considerable differences in the degree of change indicated for each. For example,

when the natural increase base is utilized, the percent change figures for the periods 1970–80 (–53.4 versus –43.8) and 1970–90 (–62.1 versus –57.4) are reduced, while those for 1980–90 (–19.9 versus –24.3) are increased. Perhaps the more compelling finding in regard to these figures is the fact that, with the exception of the 3.9 percent decrease for whites between 1980 and 1990, overall rates of arrest for all crimes have increased for both Blacks and whites during these three decades, while rates of arrest for all crimes among American Indians have decreased dramatically.

TABLE 2
Arrest Rates (per 100,000) by Race for 1970, 1980, and 1990
Total and Index Crimes

Arrest Rates	American Indian *	Black	White
1970			
Index crimes	1,156 (1,286)	1,932	415
Total crimes	16,517 (18,370)	7,471	2,457
1980			
Index crimes	1,419 (1,905)	3,192	809
Total crimes	7,694 (10,329)	10,519	4,020
1990			
Index crimes	1,133 (1,417)	2,650	736
Total crimes	6,258 (7,823)	10,752	3,862
Percent change in rates of arrests:			
1970–80			
Index crimes	+ 18.5 (+ 32.5)	+ 39.5	+ 48.7
Total crimes	– 53.4 (–43.8)	+ 29.0	+ 38.9
1980–90			
Index crimes	– 20.2 (– 25.6)	– 17.0	– 9.0
Total crimes	– 19.9 (– 24.3)	+ 2.2	– 3.9
1970–90			
Index crimes	– 2.0 (+ 9.3)	+ 27.1	+ 43.6
Total crimes	– 62.1 (– 57.4)	+ 30.5	+ 36.4

*Numbers in parentheses represent Native American crime rates based on demographic estimates of natural increases, defined by demographers as the difference between the number of births and deaths per year. Source: U. S. Bureau of the Census, 1970, 1980, 1990; U. S. Department of Justice, Uniform Crime Reports, 1970, p. 131; 1980, p. 204; 1990, p. 192.

While this analysis reveals significant differences in aggregate measures of American Indian arrests when alternate indicators of the American Indian population are utilized, the implications of these differences for future research are less clear. In general, the "natural increase" population estimates produce higher rates of arrests across all crime categories and time periods. Although the differences between the two indicators of criminality show some convergence between the 1970s and 1980s, comparisons between the 1980 and 1990 figures reveal that these differences may have started to increase again. This finding suggests that longitudinal research should further assess the extent to which this lack of congruence continues between American Indian census data and population estimates derived from alternative sources on American Indian populations.

Nevertheless, with the exception of the arrest rates for the 1970–90 period, these differences seem to raise more questions concerning the magnitude rather than the overall direction of these indicators. Assuming that these population differences are constant across all American Indian populations, this measurement issue may uniformly affect aggregate analyses of national arrest data only through the strength of various relationships among variables in this area of criminological research, rather than their direction. On the other hand, if the differential population figures reflect that changing patterns of American Indian identity are not invariant across Indian populations at state, county, and other units of analysis, future research that fails to account for this contextual factor would seem to be of limited value.

In this regard, it is instructive to note that several recent studies of American Indian demography have utilized a comparative strategy to assess the extent to which this measurement issue affects demographic research involving American Indian census data.⁴⁸ For example, noting that the "overcount" previously identified by demographers is less problematic for nineteen "Indian states" (i. e., states that historically have had large numbers of American Indians and in which Indian identity has remained relatively consistent over the years 1960–80), Sandefur and his colleagues have assessed differences between these states and all others on a number of sociodemographic and social indicators of the population.⁴⁹ Based on 1980 census data, their findings suggest that Indians residing in traditionally Indian areas of the country do differ from Indians who live in the so-called non-Indian states. American Indians living in Indian states had higher rates of

poverty and family social disorganization, as well as lower per capita household incomes, both of which represent factors that have been found by previous criminological research to be highly correlated with aggregate crime rates.⁵⁰ Given these findings, it seems crucial that future aggregate-level analyses of American Indian arrests also assess the extent to which crime rates in "Indian states" differ from those in non-Indian states.⁵¹ For example, should findings indicate that arrest patterns differ significantly on these grounds, states might prove to be the preferred unit of analysis for future aggregate-level research American Indian arrest rates. Currently I am analyzing arrest data for all fifty states to determine the extent to which this measurement issue affects American Indian arrest rates.⁵²

A FRAMEWORK FOR FUTURE RESEARCH ON AMERICAN INDIAN CRIMINALITY

As the previous discussion indicated, the contextual nature of research findings on American Indian criminality has been virtually ignored in the literature. However, a review of some of the more widely cited studies in this area of criminology suggests that the sociological context of the Native American experience in the United States is a crucial concept for our understanding of crime and criminal justice outcomes among this racial group. Indicators of the concept not only emerge as important exogenous variables capable of bridging the theoretical gap between often divergent findings of past criminological research on American Indians, but they also raise significant methodological issues for future quantitative research on American Indian arrest rates.

Several other contextual factors should also be considered in future research on American Indian criminality. As recently suggested by Biolosi, a problem with many studies that focus on the American Indian experience is the tendency to assume a monolithic conception of Indian culture.⁵³ Although the history of the American Indian reveals that, in general, Indians have shared similar experiences as the victims of cultural, social, and economic deprivations, the degree of deprivation clearly differs by tribal group, as well as by individual. Regardless of the level of analysis, research on Native American criminality should assess more thoroughly those factors that can account for differential rates of criminal behavior within Indian populations.

The assumption of a monolithic Indian culture also raises questions concerning those studies that continue to suggest that culture conflict is a primary explanation for American Indian criminality. There is little argument that traditional Indian cultures have conflicted directly with Anglo-American culture, but the importance of this variable for our contemporary understanding of American Indian crime patterns may be considerably reduced. American Indians today comprise a diverse, young, and increasingly urban population that participates to varying degrees in both the remnants of the traditional tribal culture and that of the dominant society.⁵⁴ To the extent that research on American Indian criminality fails to take into account the diversity of the Indian experience in the United States, our knowledge about Indian crime patterns will continue to be limited to overgeneralizations based on an unrealistic view of what it means to be an American Indian in contemporary society. In addition, many American Indians today have little knowledge of their traditional cultures precisely because of the continuous subjugation and exploitation of Indian people; therefore, the use of culture conflict variables to explain racial differences in patterns of crime could lead to a misspecified model of American Indian criminality.

In fact, it is plausible to argue that a decline in the degree of culture conflict among American Indians has paralleled the previously noted changing forms of Indian identity. Rather than culture conflict, American Indian identity may now be a more important variable to consider in future efforts to develop an etiology of crime among American Indians. As previously noted, scholars of the Native American experience in the United States have noted recently the emergence of new dimensions of American Indian identity.⁵⁵ Consequently, it seems crucial that future studies of American Indian crime patterns incorporate a method of conceptually defining and measuring this dimension of "Indianness" to account for variation in the degree of American Indian identity among those individuals who engage in illegal behavior.

Research on this dimension of American Indian criminality may find that Indian identity and criminality are inversely related. For example, individuals of Indian descent who have lost ties to their tribal cultures may be more likely to engage in crime than those who have not. As an explanation for crime and delinquency, social control theories in criminology emphasize the importance of an individual's social bond to society through attachments to significant others and involvement in conventional activities.⁵⁶ If

this perspective is applied to American Indian criminality, involvement in illegal behavior among this racial group may well be explained by the lack of a social bond to contemporary Indian society. For example, findings from a recent study on American Indian delinquency suggest that illegal behavior among Indian youth is the result of a lack of attachment to and involvement in both Indian and non-Indian societies.⁵⁷ Future research on self-reported American Indian criminality should test the applicability of social control theories as explanations of American Indian criminality by including indicators of individual involvement in contemporary Indian society, such as participation in powwows, membership in tribal, pan-tribal, or pan-Indian organizations, and perhaps other, more traditional ceremonies.⁵⁸

It is also instructive to consider the findings of Williams's and his colleagues' study based on a random sample of American Indians in Seattle.⁵⁹ They report that degree of Indianness, measured as a composite of their respondents' ancestry, religion, attendance at powwows, and perceptions of their ethnicity, was positively related to self-reported arrests. Based on this finding, they argue that active participation in Indian community affairs may raise the visibility of individual Indians to agents of social control. These findings, linked with the studies reporting differential treatment of American Indians in the criminal justice system during periods of increased political activity, support the argument that the Native American resurgence in the form of highly visible political activities may not bode well for the future experiences of politically active American Indians with the formal social control system in the United States.

The diversity of the American Indian experience in the United States requires that those who conduct research on American Indian crime patterns not view it as a generic phenomenon. In order to assess between racial group differences in general patterns of crime, future criminological research must include more comprehensive data on American Indians in current macro- and micro-level research efforts on the etiology of and social reaction to crime. Studies must also attempt to identify situational and contextual factors that can account for differences within the American Indian population by utilizing comparative samples of Indian offenders across tribal groups. The agenda outlined here may seem to involve as long and difficult a task as the struggle of American Indians themselves to achieve racial and social equity; nevertheless, it is deserving of just such an effort.

NOTES

1. Philip A. May, "Contemporary Crime and the American Indian: A Survey and Analysis of the Literature," *Plains Anthropologist* 27:97 (August 1982): 225-38; Donald E. Green, "American Indian Criminality: What Do We Really Know?" in *American Indians: Social Justice and Public Policy, Ethnicity and Public Policy Series*, vol. 9, ed. Donald E. Green and Thomas V. Tonnesen (Milwaukee, WI: University of Wisconsin System, Institute on Race and Ethnicity, 1991), 223-70.
2. Although a number of studies have examined crime among indigenous groups in North America, the focus of this discussion will be on United States studies that have examined crime and criminal justice outcomes among American Indians living in the contiguous forty-eight states, because they are more directly comparable to the contemporary criminological literature. For example, research on Canadian indigenous populations is hampered by a lack of race-based data to facilitate comparative studies with United States crime figures. Moreover, race-based statistics on criminality and criminal justice outcomes continue to be a source of controversy in Canada. "Taboo on Race-based Figures Debated," *Milwaukee Journal*, 2 August 1992.
3. Norman S. Hayner, "Variability in the Criminal Behavior of American Indians," *American Journal of Sociology* 47 (1942): 75-84.
4. Vine Deloria, Jr. and Clifford M. Lytle, *American Indians, American Justice* (Austin, TX: University of Texas Press, 1983); Stephen Cornell, *The Return of the Native: American Indian Political Resurgence* (New York: Oxford University Press, 1988).
5. For an excellent discussion of the origins as well as current issues involving this source of criminological data, see Albert D. Biderman and James P. Lynch, *Understanding Crime Incidence Statistics: Why the Uniform Crime Report (UCR) Diverges from the National Crime Survey (NCR)* (New York: Springer-Verlag, Inc., 1991).
6. Charles Reasons, "Crime and the American Indian," in *Native Americans Today: Sociological Perspectives*, ed. Howard M. Bahr, Bruce A. Chadwick, and Robert C. Day (New York: Harper & Row, 1972), 319-26; Sidney Haring, "Native American Crime in the United States," in *Indians and Criminal Justice*, ed. Laurence French (Totowa, NJ: Allanheld, Osumn & Co. Publishers, Inc., 1983), 93-108; Ronald B. Flowers, "Native American Crime," in *Minorities and Criminality* (New York: Greenwood Press, 1988), 105-118.
7. Laurence French and Jim Hornbuckle, "An Analysis of Indian Violence: The Cherokee Example," *American Indian Quarterly* 3 (1977): 335-56.
8. Marvin Wolfgang and Franco Ferracuti, *The Subculture of Violence* (London: Tavistock, 1967).
9. Green, "American Indian Criminality"; Larry E. Williams, Bruce A. Chadwick, and Howard M. Bahr, "Antecedents of Self-Reported Arrest for Indian Americans in Seattle," *Phylon* 40:3 (Fall 1979): 243-52.
10. Williams, Chadwick, and Bahr, "Antecedents of Self-Reported Arrest."
11. Alan L. Sorkin, *The Urban American Indian* (Lexington, MA: Heath, 1978); Cornell, *Return of the Native*.
12. *Ibid.*
13. Edwin L. Hall and Albert A. Symkus, "Inequality in the Types of Sentences Received by Native Americans and Whites," *Criminology* 13 (1975): 199-222.

14. Tim Bynum, "Parole Decision-Making and Native Americans," in *Race, Crime and Criminal Justice*, ed. R. L. McNeely and C. E. Pope (Newbury Park, CA: Sage, Inc, 1981), 75-87.

15. Cornell, *Return of the Native*.

16. Charles Welford, "Labeling Theory and Criminology: An Assessment," *Social Problems* 22 (February 1975): 332-45; William Wilbanks, *The Myth of a Racist Criminal Justice System* (Monterey, CA: Books/Cole, 1987).

17. Omer Stewart, "Questions Regarding American Indian Criminality," *Human Organization* 23 (1964): 61-66; Reasons, "Crime and the American Indian"; Flowers, "Native American Crime"; Ken Peak and Jack Spencer, "Crime in Indian Country: Another 'Trail of Tears,'" *Journal of Criminal Justice* 15 (1987): 485-94.

18. Jerrold E. Levy, Stephen J. Kunitz, and Michael Everett, "Navajo Criminal Homicide," *Southwestern Journal of Anthropology* 25 (1969): 124-52; Robert E. Kuttner and Albert B. Lorincz, "Promiscuity and Prostitution in Urbanized Indian Communities," *Mental Hygiene* 54 (1970): 79-91; Morris A. Forslund and Ralph E. Meyers, "Delinquency among Wind River Indian Reservation Youth," *Criminology* 12 (1974): 97-106; Morris A. Forslund and Virginia A. Cranston, "A Self-Report Comparison of Indian and Anglo Delinquency in Wyoming," *Criminology* 13 (1975): 193-97.

19. Stewart, "Questions Regarding American Indian Criminality"; Reasons, "Crime and the American Indian"; Flowers, "Native American Crime"; Peak and Spencer, "Crime in Indian Country."

20. Peak and Spencer, "Crime in Indian Country."

21. *Ibid.*, 485.

22. Travis Hirschi and Michael Gottfredson, "Age and the Explanation of Crime," *American Journal of Sociology* 89 (1983): 552-84; David Greenberg, "Age, Crime and Social Explanation," *American Journal of Sociology* 91 (1985): 1-21; Alfred Blumstein et al., *Criminal Careers and "Career Criminals"* (Washington, DC: National Academy Press, 1986); Lawrence Cohen and Kenneth Land, "Age and Crime: Symmetry vs. Asymmetry, and the Projection of Crime Rates through the 1990's," *American Sociological Review* 52 (1987): 170-83; Gottfredson and Hirschi, "The Methodological Adequacy of Longitudinal Research on Crime," *Criminology* 25 (1987): 581-614.

23. Williams, Chadwick, and Bahr, "Antecedents of Self-Reported Arrest."

24. Mhyra S. Minnis, "The Relationship of the Social Structure of an Indian Community to Adult and Juvenile Delinquency," *Social Forces* 41 (1963): 395-403.

25. Again, however, methodological problems associated with these studies in many ways compromise the generalizability of these findings, particularly in comparison to the standards being applied to current criminological research on both individual and structural determinants of crime with non-Indian populations. See Green, "American Indian Criminality." For example, even though their refusal rate was a mere 7 percent, Williams's and his colleagues' best efforts to obtain a representative group of Seattle Indians generated only 28 percent of their original sample of respondents. On the other hand, Minnis's research is based on inferences drawn primarily from univariate statistics on selected structural indicators of the community and adult and juvenile law violations, with only one bivariate cross-tabulation presented between the variables of degree of crowding and percentage of households with any reported arrests (adults or juveniles).

26. Joane Nagel and C. Matthew Snipp, "American Indian Tribal Identification and Federal Indian Policy: The Reflection of History in the 1980 Census"

(Paper presented at the American Sociological Association annual meetings, August 1987); C. Matthew Snipp, *American Indians: The First of This Land* (New York: Russell Sage Foundation, 1989).

27. Ibid.

28. Nagel and Snipp, "American Indian Tribal Identification."

29. Ibid.

30. Ibid.

31. Ibid. For example, according to data presented by Nagel and Snipp, and the Bureau of the Census, between 1960 and 1970, the American Indian population increased by 51.1 percent; between 1970 and 1980, it increased by 72.2 percent; and between 1980 and 1990, it increased by 37.9 percent. Also U. S. Department of Commerce News, Economic and Statistics Administration, Bureau of the Census, "Census Bureau Completes Distribution of 1990 Redistricting Tabulations to States," table 1 (Washington, DC: 11 March 1991).

32. Jeffrey S. Passel, "Provisional Evaluation of the 1970 Census Count of American Indians," *Demography* 13 (1976): 397-409; Snipp, "American Indians," 26-61.

33. Jeffrey S. Passel and Patricia A. Berman, "The Quality of 1980 Census Data for American Indians," *Social Biology* 33 (1986): 163-82; Snipp, "American Indians," and Nagel and Snipp, "American Indian Tribal Identification."

34. While previous studies of American Indian crime patterns have focused on a number of different indicators of criminality, the present discussion will focus, for a number of reasons, on aggregate-level studies that have utilized Uniform Crime Reports (UCR) of arrest figures and U. S. census data to assess Native American involvement in illegal behavior. These two forms of information are perhaps the most consistently reported, widely available, and frequently cited sources of data on United States criminal and general populations. Employed together, they have provided criminologists with the ability to assess the influence of a host of theoretically derived sociodemographic characteristics and social indicators of the population on rates of arrests at national, state, county, and local levels of analysis. In addition to their amenability to studies on the etiology of crime, they also represent society's official reaction to crime in the form of the number of official arrests for crimes known to reporting police agencies throughout the United States, and allow researchers to assess the frequently hypothesized relationship between race and criminal justice processes.

35. See note 17.

36. Ibid. Also see Biderman and Lynch, *Understanding Crime Incidence Statistics*.

37. Von Hentig, "The Delinquency of the American Indian."

38. Stewart, "Questions Regarding American Indian Criminality."

39. Flowers, "Native American Crime."

40. Peck and Spencer, "Crime in Indian Country."

41. Nagel and Snipp, "American Indian Tribal Identification." In these instances, however, improved recording techniques no doubt played an important role in the observed increases.

42. Ibid. For example, Nagel and Snipp report the following census figures for American Indians: 1960, 524,000; 1970, 764,000; 1980, 1,357,000.

43. See "The Crime Wave," *Time Magazine*, in *Crime in America*, ed. Bruce J. Cohen (Itasca, IL: F. E. Peacock Publishers, Inc., 1977), 6-22.

44. Richard Quinney, *The Social Reality of Crime* (Boston: Little, Brown, 1970).

45. Edwin Lemert, *Human Deviance, Social Problems, and Social Control*. 2d ed. (Englewood Cliffs, NJ: Prentice Hall, 1972); Howard S. Becker, *Outsiders* (New York: Free Press, 1963).

46. Passel, "Provisional Evaluation of the 1970 Census Count"; Passel and Berman, "The Quality of 1980 Census Data"; and Snipp, "American Indians." These three sources provided the estimated natural increase figures for the American Indian population used to compute the arrests rates presented in table 2. According to these estimates, the 1970 census data indicated an "overcount" of American Indians of approximately 8 percent, while the 1980 census reported an "overcount" of American Indians of approximately 26 percent.

47. Actual estimates of the natural increase currently are not available for the 1990 figures. However, utilizing trend data on the natural increase in the American Indian population presented by Passel, Passel and Berman, and Snipp, a conservative estimate of the 1990 "overcount" for American Indians (approximately 20 percent) was employed to derive the 1990 arrest rates based on the natural increase in the American Indian population. Passel, "Provisional Evaluation of the 1970 Census Count"; Passel and Berman, "The Quality of 1980 Census Data"; and Snipp, "American Indians," 70.

48. Gary D. Sandefur and Trudy McKinnell "American Indian Inter-marriage," *Social Science Research* 15 (1986): 347-71; Gary D. Sandefur and Arthur Sakamoto, "American Indian Household Structure and Income," *Demography* 25 (1988): 71-80.

49. Ibid. The nineteen so-called Indian states identified by Sandefur and his colleagues are Alaska, Arizona, Idaho, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

50. Judith R. Blau and Peter M. Blau, "The Costs of Inequality: Metropolitan Structure and Violent Crime," *American Sociological Review* 47 (1982): 114-29; Peter M. Blau and Reid M. Golden, "Metropolitan Structure and Criminal Violence," *Sociological Quarterly* 27 (1986): 15-26; Robert Parker Nash, "Poverty, Subculture of Violence, and Type of Homicide," *Social Forces* 67 (1989): 983-1007.

51. This resolution does not address two additional problems that have the potential to introduce measurement error in analyses of American Indian criminality. First, it has been noted by Harring (1982) that UCR data does not include Bureau of Indian Affairs (BIA) crime reports from federal reservation lands. Second, we have no evidence to date that assesses the degree to which self-identification problems plague police reports of American Indian criminality. That is, we do not know the extent to which police arrest/crime figures include those individuals who may not be perceived as American Indian but who self-identify with the racial group on census reports, or visa versa.

52. Based on the data presented here, the extent to which this population measurement issue affects rates of American Indian arrests may be decreasing over time. According to census data, the American Indian population increase appears to have peaked in 1980, with a 72 percent increase over the previous decade. The most recent census figures for 1990 indicate that the Indian population increased by only 37.9 percent over the previous 1980 figures. However, even if this problem is ultimately limited to a three- or four-decade period when changing patterns of self-identification among Americans with American Indian ancestry were most pronounced, the problem remains an issue for those who examine arrests rates among this racial group during these years, and correction

factors still may be warranted to assess rates during periods in which this "overcount" was particularly problematic.

53. T. Biolosi, "The American Indian and the Problem of Culture," *American Indian Quarterly* 12 (1989): 261-69.

54. Snipp, "American Indians."

55. Ibid.

56. Travis Hirschi, *Causes of Delinquency* (Berkeley, CA:University of California Press, 1969).

57. Susan P. Robbins, "Anglo Concepts and Indian Delinquency: A Study of Juvenile Delinquency," *Social Casework* 65: 4 (April 1984): 235-41; Susan P. Robbins, "Commitment, Belief and Native American Delinquency," *Human Organization* 44:1 (Spring 1985): 57-62.

58. In regard to the concept of Indian identity, a recent study of academic success among Indian students at a state university in the Midwest included measures of attachment to American Indian culture such as attendance at powwows and belonging to Indian organizations. The study found that these involvements were significantly inversely related to academic achievement. Wilbur J. Scott, "Attachment to Indian Culture," *Youth and Society* 17 (June 1986): 392-94.

59. Williams, Chadwick, and Bahr, "Antecedents of Self-Reported Arrest."