



Settler Colonialism and Alcohol Intoxication: Criminalization of Indigenous Americans

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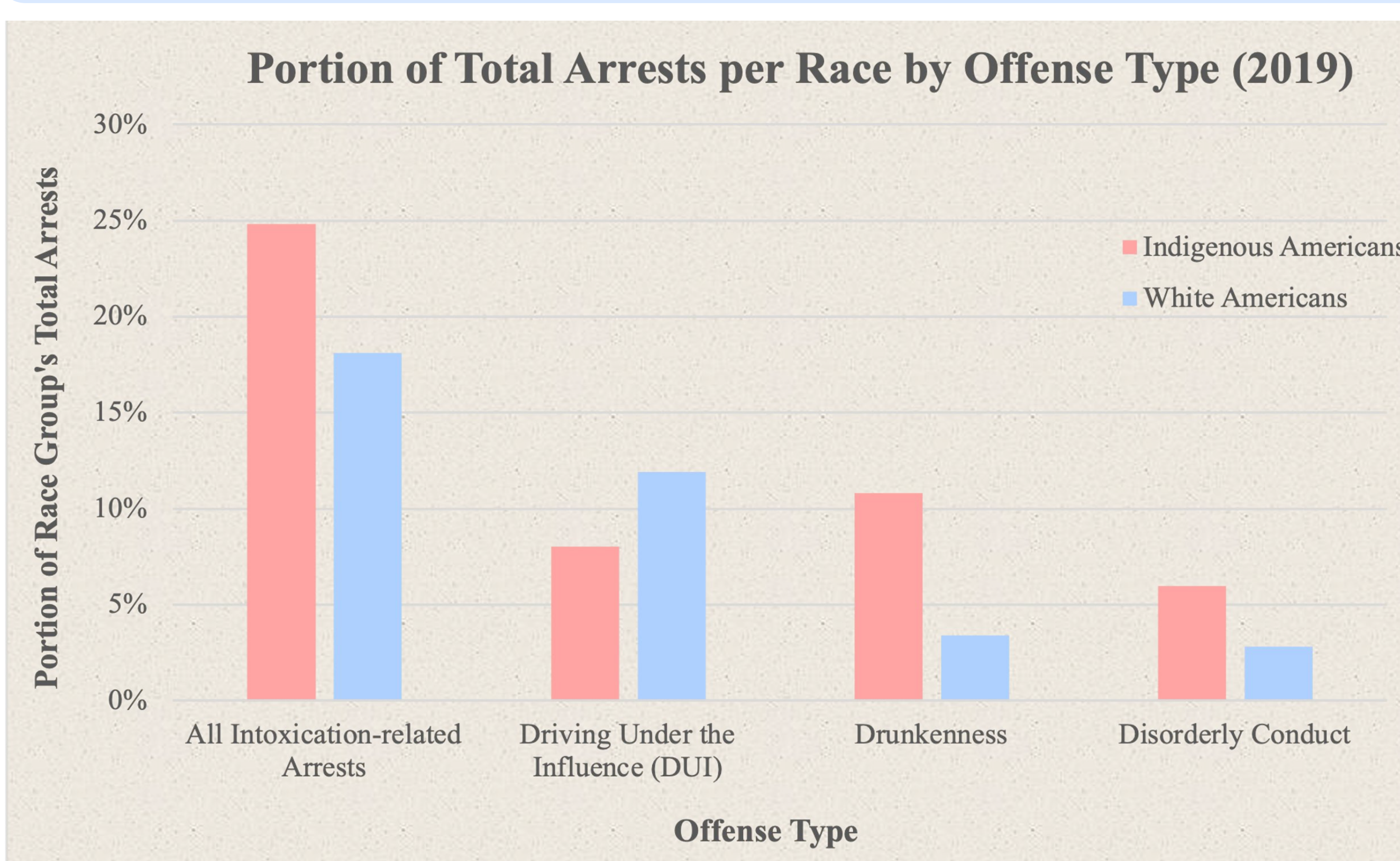
I. Introduction

Indigenous Americans make up about 1.3% of the U.S population.¹ Yet, they have the second highest incarceration rate (to Black Americans) that is over 2.5 times White Americans'.² Indigenous Americans are also disproportionately represented in arrests—comprising 2.42% of total arrests in 2019.² A quarter (24.83%) of these were intoxication related arrests (DUI, drunkenness, disorderly conduct) while overall, these offenses comprised 16.37% of total arrests.² Indigenous Americans were arrested for drunkenness over 3 times the rate of White Americans, and more than double the rate for disorderly conduct.²

“Drunken Indian” Stereotype:

Indigenous folk also continually face the longstanding “drunken Indian” stereotype that negatively portrays them as often intoxicated, abusive of alcohol, violent when drunk, and at a higher genetic predisposition to alcohol dependence. The racist trope negatively impacts employment and housing opportunities, and healthcare adequacy.

This racist perception, however, has been proven false. A 2016 longitudinal study comparing the drinking behavior of Indigenous and White Americans found **no difference** between the groups in the odds of someone being a binge or heavy drinker, while **White** Americans had significantly **higher** odds of being an excessive drinker, and **more Indigenous** Americans **abstained** from drinking all together.³



II. Research Question

If the “drunken Indian” stereotype has been scientifically debunked, why are Indigenous Americans arrested and convicted at disproportionately high rates for intoxication related crimes?

III. Theoretical Framework

Lisa Marie Cacho: de facto status crimes and racialized criminalization⁴

Certain bodies are recognized as criminal and deserving of punishment over others for the same conduct.

IV. Argument

Indigenous Americans are criminalized just as other people of color, but especially for intoxication related conduct because it is an opportune mechanism for settler colonialism to execute its legacy by ultimately removing indigenous people from American society via incarceration and death, through existing systemic racism in criminal culpability assignment and healthcare.

IV. Part A. Conduct, Status and Criminal Culpability Assignment

Racism embedded in the criminal justice system enables intoxication related statutes to function as de facto status crimes when applied to Indigenous bodies. As a result, intoxication related arrests of Indigenous Americans are treated as a legal/criminal issue to be met with punishment, rather than a social/health issue to be met with treatment. This leads to the ‘revolving door’ cycle, where Indigenous people serve time, remain untreated, and are released back into society—ultimately permitted to repeat the behavior they are criminalized for.

IV. Part B. Healthcare

Indigenous Americans suffer considerably worse health outcomes and higher death rates from alcohol use than White Americans due to barriers and disparities in healthcare deriving from systemic racism. Several factors contribute to not only adding undue burdens to Indigenous people seeking basic medical care, but also to directly harming those facing life-threatening complications of alcohol use (i.e., alcohol poisoning, liver cirrhosis):

- Limited access to general medical and emergency services in remote areas
- Scarcity of substance abuse treatment centers
- Inadequate care and bias of medical providers

V. Conclusion

The disparate treatment of Indigenous people for intoxication-related crimes and markedly insufficient healthcare services illustrate the enduring and active presence of American settler colonialism.

Indigenous Americans become trapped in a cycle of perpetual incarceration until they either: access treatment and successfully recover, succumb to alcoholism (death), or are no longer criminalized for alcohol intoxication—a well established pastime in American culture.

Recommendations

- Decriminalize ‘drunkenness’ and ‘disorderly conduct’.
- Redirect instances of such behavior to substance abuse, mental health, and other designated social work services with in-patient and other temporary accommodation facilities.
- Increase funding for rural healthcare and treatment centers—improving quality, quantity, and accessibility.

References

1. “QuickFacts: United States. Population Estimates.” United States Census Bureau, <https://www.census.gov/quickfacts/fact/table/US/PST045219>.
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3. James K. Cunningham, Teshia A. Solomon, and Myra L. Muramoto, “Alcohol Use among Native Americans Compared to Whites: Examining the Veracity of the ‘Native American Elevated Alcohol Consumption’ Belief,” *Drug and Alcohol Dependence* 160 (March 2016): 65–75.
4. Lisa Marie Cacho, *Social Death: Racialized Rightless and the Criminalization of the Unprotected* (New York and London: New York University Press, 2012).