

This is my Eleventh Mandated Report Concerning Suspected Child Abuse on the Spirit Lake Reservation. It is being filed consistent with the Revised Guidelines of the Attorney General.

It has been more than seven months since I filed my First Report in this series. In this time both my sources and I have seen little that is substantive from either you, your organizations or any other federal or state organization to suggest that the detailed facts of these reports are being taken as seriously as some of the preposterous fabricated claims made by Tribal leaders, by some of the functionaries in your organizations as well as by other government leaders. The same may be said of the local media which at times seem to be cheerleaders for those who have been and continue to be willing to place and keep defenseless children in the care of known drug addicts and sexual abusers. When the Tribal Chair admitted, in response to a direct inquiry from an enrolled Tribal member in a General Assembly more than two months ago, on November 5, 2012, that there were no lies in any of my Reports and that he could provide no proof that the conditions I complained about had improved for these children, there was an almost complete media blackout of his statements even though media representatives were in the General Assembly Meeting Room with cameras and tape recorders rolling when the Tribal Chair made those comments.

Moral and religious leaders from North Dakota have taken a vow of silence on these issues unlike their vocal guidance to their congregations about their rationale for which candidates should be supported in the November elections. Seems as though once a child is born, they're on their own as far as these leaders are concerned.

Most Children's Advocacy groups in North Dakota have taken the same vow of silence as the state's moral and religious leadership. Perhaps there is a provision in their by-laws prohibiting them from advocating for North Dakota citizens who are also American Indians. Does the silence of such advocacy groups reflect their bias against the interests of American Indian children?

The following seven paragraphs provide a few examples of the numerous specific cases which I have placed before you in my Mandated Reports and which you apparently believe should be dismissed because you have taken no effective action to investigate, determine what the facts are and have instead accepted as fact the unsubstantiated mendacious claims of Spirit Lake Tribal representatives.

1. In my First Report I wrote of the numerous children who had been removed, with little or no notice, from safe off-Reservation foster homes and returned to placements in the abusive homes from which they had been removed or in the homes of known sex offenders. None of those children were moved into safer placements for the last 7 months since my first report, remaining available to be raped daily by their caretakers. No one, other than my sources and I, seem to consider this unacceptable because no one has done anything to rescue these children. Last week British newspapers headlined their outrage as well as the fury of advocates that a 4 year old little girl had remained for two weeks in the

care of a foster father who had been identified a “suspected pedophile” after Social Service authorities learned of this fact. Spirit Lake children remain in the care and custody of known sex offenders for more than 7 months after I reported it without any effort to move them into safe placements and with almost complete silence from the media and advocacy groups. Please note those children had been in those dangerous placements for several months when I first reported this situation to all of you.

2. In August, 2012, the wife of BIA’s Senior Criminal Investigator (CI) at Spirit Lake filed a three page affidavit detailing the physical abuse she had been subjected to at the hands of her then-husband for the prior six months with all of the members of the Spirit Lake Tribal Council and the Tribe’s Director of Human Resources. The extent of this abuse was widely known on the Reservation to the FBI, the BIA Superintendent, Tribal Law Enforcement, BIA Law Enforcement, the Tribal Chair and Council members almost from the beginning, six months prior to that affidavit being filed. Not one of these supposedly responsible officials did anything to stop the abuse. By their silence and refusal to act to protect this woman they endorsed the CI’s physical beating of his wife. Less than one week after she filed that affidavit, she was in the Devils Lake Mercy Hospital Emergency Room getting patched up from the beating she suffered at the CI’s hands on the previous day. I reported these severe physical beatings to all of you as well as independently to a person who had been identified to me as the second in command in BIA’s law enforcement office in Washington, DC. Despite all of this, none of you have sought to even investigate the facts of this matter, to speak with the CI’s wife and to learn the facts from her own lips. The BIA CI continues to function as BIA’s senior law enforcement official at Spirit Lake. If the allegations made by his wife and others who have witnessed his beatings are true, BIA’s CI is a thug who belongs in prison. He isn’t apparently, because none of you have the character to initiate an investigation which might be embarrassing to you and your organization demonstrating how you and your subordinates knew of and endorsed, by your silence, the CI’s beating of his wife.
3. On September 29, 2012 a 13 year old little girl was raped in her home by a 37 year old man. Law enforcement was called. The name and a description of the rapist was provided to them. No rape kit was collected. The little girl’s mother was told over the phone by FBI Agent Cima that the FBI had turned jurisdiction of this case over to the BIA. No one spoke to or questioned the alleged rapist for more than three weeks. The BIA CI (the same one described in # 2 immediately above) called the mother on the phone and told her that he had spoken to the alleged rapists who told him, “that girl wanted to have sex with me. What was I supposed to do?” the BIA CI went on to tell the mother that “since the sex was consensual, there was no crime here and that there would be no prosecution.” This little girl contracted gonorrhoea as a result of this rape. It seems strange to me that the BIA CI ruled out the possibility of statutory rape in this case when the little girl was so young and her rapists was almost 25 years older than she is. It is even stranger that all of you seem to wish to accept the 37 year old rapist’s tale

that “she wanted sex with me. What was I supposed to do?” Surely, all of you have more brains than to accept that line.

4. In my Sixth Report, filed on October 30, 2012, I reported that a little girl astonished an aide in her Head Start classroom after she gave a detailed and accurate description of what was involved in “giving a blow job”. That child had been removed from her parent’s home due to physical abuse. More recently she was evaluated at the Children’s Advocacy Center in Grand Forks, determined to have been subjected to both physical and sexual abuse and in need of immediate therapy if she were ever to overcome that history of abuse. Since any such therapy would have to be paid for by the Tribe, Tribal Social Services (TSS) must approve the therapy. The social worker from TSS has told the foster mother, “If I approved this therapy for this child, I will be fired as soon as the Council finds out about it.” This little girl is the granddaughter of a Council member, a convicted sex offender who the Tribal Chair has determined does not have to register as a sex offender. The implication is that the little girl, if placed in therapy, would spill the beans on the Council member or some close relative who has raped her. The BIA announced their Strike Force with much fanfare and then heralded their takeover of Spirit Lake TSS in its entirety. How does the BIA leadership justify denying access to desperately needed therapy for this little girl?
5. Spirit Lake TSS recommended the return of a 4 month old infant to his biological mother from the care and custody of a safe foster home even though the mother had not completed her court-ordered drug rehab program. Tribal Court endorsed this recommendation and returned the infant to the full time care and custody of his meth addicted mother, knowing that the mother had not completed the court-ordered rehab program. It is my understanding that TSS has had no contact with this mother to check up on this infant who is now almost seven months old. There is little that either TSS or Tribal Court do that surprise me. They seem to have more interest, even after the BIA takeover, in protecting the interests of the addict and sexual predator with no interest in protecting the welfare of children. But why do all of you apparently embrace such an approach, placing the interests of the addicts and predators ahead of the interests of children?
6. Spirit Lake TSS has developed the novel approach that since there was no investigation of the alleged sexual assault by the biological father of his youngest daughter, there was no sexual assault. As a result TSS has recommended the daughter be returned to the full time care and custody of her biological parents. Tribal Court recently endorsed that recommendation. The child had been removed from the mother’s care and custody reportedly because the mother knew what her husband was doing to the little girl and did nothing to stop it. The father and daughter had been discovered, both naked, in the same bed in a Devils Lake motel by the Devils Lake police. Police reports were filed but apparently no investigation was done and no charges filed. However, the father, residing in a state Department of Corrections Re-entry Center, has been bragging to the staff about his prior sexual exploits with his pre-teen daughter

and describes his plans to marry her (now 13 years old) when he is released in the next couple of months. My expectations for the child protection efforts of TSS and Tribal Court are minimal and I have never been disappointed. Their recommendations and decisions always seem to be in favor of the addict and the predator. But, why do all of you, supposedly responsible leaders, apparently endorse them? Do you have no responsibility for the protection of the health and welfare of children? Is there no common sense anywhere among you?

7. Spirit Lake TSS and Tribal Court have apparently become active participants in the retaliation against the young mother who spoke with my sources about her efforts to get her ex-husband, the Tribal Chair's nephew, prosecuted for his beating of their two year old daughter more than a year ago. She has spoken clearly about the FBI's apparent unwillingness to prosecute the ex for that beating and has clearly identified the perjured sworn testimony of the BIA social worker, self-identified only as Gabrielle, who removed her two month old infant on cooked up charges, without proper notice, all of which was ignored by the Chief Tribal Judge in her haste to endorse the TSS and BIA lawlessness. With the BIA, Spirit Lake TSS and Tribal Court I have come to expect the worst and they never fail me. But why do you, the leadership of BIA, DOJ as well as the other state and federal agencies involved compromise your principles, endorsing the lawlessness, perjury, and retaliation against those of us who speak out against the rape of children and the beating of women at Spirit Lake, resulting in systems that do not protect the law-abiding, that work predominantly on behalf of the addicts and sexual predators?

I would like to conclude with a brief quote from Ms. Jennifer Storm, Executive Director of the Victim Witness Assistance program in Harrisburg, PA, who, commenting in 2011 on the Sandusky child sexual abuse revelations at Penn State, said, "This story remains a tragedy. The tragic errors or lapses of judgment made by so many of the supposedly principled characters from Penn State and the Second Mile are inexplicable. No one comes out a winner. No one comes out a hero. No one tried to stop the violence. I keep seeing that boy in the shower. He turns around and sees someone is witnessing what a sexual predator is doing to him. Maybe that witness will do something. Maybe this nightmare will stop. Maybe there will be a knock on the door and it will be the police and this will all end. Then, when the knock came, it was Jerry again."

These words will be spoken again and applied to each of us who continue to sit on our hands, doing nothing to protect our children.

Thomas F. Sullivan  
Regional Administrator, ACF, Denver