



SPIRIT LAKE TRIBE

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August 23, 2012

RECEIVED

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ACF REGION 8

George Sheldon
Acting Assistant Secretary
Administration for Children and Families
Health and Human Services
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

Thomas Sullivan
Regional Administrator
Administration for Children and Families
Health and Human Services
Denver Regional Office
999 18th Street
South Terrace, Suite 499
Denver, Colorado 80202

Re: Spirit Lake Tribe Allegations

Dear Mr. Sheldon and Mr. Sullivan:

I write on behalf of the Spirit Lake Tribe to Mr. Sullivan's correspondence regarding the Spirit Lake Tribe. His e-mails contain information regarding possible child abuse and harm. While he has not directed those e-mails to the appropriate agency of jurisdiction, the Tribal Social Services Department, that Department is reviewing the relevant information and will take appropriate action. The Tribe takes seriously its duty to protect Indian children on the Reservation and appreciates Mr. Sullivan's sharing of information regarding possible harm.

Mr. Sullivan has written to Sue Settles, at Bureau of Indian Affairs (BIA), on numerous occasions regarding allegations of child abuse and neglect and tribal administration, including e-mails dated June 14, 2012, July 9, 2012, and August 14, 2012. In these e-mails, Mr. Sullivan lobs insults at the Tribe's management of its Social Services Department, calls for changes in Tribal leadership and personnel, and alleged failure to investigate cases. Yet Mr. Sullivan has failed to file any report with the appropriate investigatory agency, i.e., the Tribe's Social Services Department.

The Tribe contracted the Social Services Department from the BIA, under the Indian Self-Determination and Education Assistance Act, Pub. L. 93-638. The Tribe is responsible for administering the Social Service Department on the Spirit Lake Reservation, not the BIA. Any

mandatory reports regarding Indian children on the Spirit Lake Reservation must be filed with the Tribe's Social Service Department or law enforcement. Please immediately provide all reports of abuse or neglect of Indian children on the Spirit Lake Reservation to the Spirit Lake Social Service Department for appropriate action.

The Tribe is gravely concerned that Mr. Sullivan's correspondence has not been limited to information about possible child abuse and neglect, but rather has included multiple, outrageous allegations regarding tribal leadership and tribal administration and insisted on the filing of criminal charges against them and advocated for their removal from office.

Much of what Mr. Sullivan reports is only rumor and conjecture. It appears that Mr. Sullivan is simply reporting outlandish rumors and hearsay reported by anyone who calls him, as if everything he is told is true. The Tribe is not aware of Mr. Sullivan, or any of his staff, visiting the reservation, conducting any investigation into his allegations, or attempting to check that any of the claims he makes are true. Yet Mr. Sullivan reports these allegations as if they are proven facts. This is irresponsible and an abuse of federal power. Disgruntled citizens, with mixed motives, are using Mr. Sullivan to attack the Tribe and lend legitimacy to their unsubstantiated claims. For example, Mr. Sullivan reports allegations made by the former Tribal Social Services Director whom Mr. Sullivan has accused of mismanagement and failure to protect children. Mr. Sullivan acknowledges that the former director's comments may be "self-serving" and expresses doubt whether they are "factual" but conveys them nevertheless.

Further, Mr. Sullivan, in many instances is criticizing the Tribe for following BIA regulations related to the delivery of services. For example, Mr. Sullivan raises the concern that no assistance is provided for non-tribal children. The eligibility requirements for assistance are specifically established by Federal regulation. *See* 25 C.F.R. §20.500. We suggest Mr. Sullivan familiarize himself with the BIA's rules and requirements related to the delivery of services prior to making allegations which assign fault for following such rules.

Finally, the Tribe strongly objects to Mr. Sullivan's baseless calls for criminal charges to be filed against tribal leaders and anyone who does not agree with his prescriptions for addressing the problems, particularly when so many of Mr. Sullivan's claims are flatly incorrect with no factual support, alleging guilt by association and corruption. Mr. Sullivan's comments regarding Tribal representatives are unbecoming of a federal official and constitute unlawful interference with tribal government and the Tribe's democratic process.

This is compounded by Mr. Sullivan's failure to acknowledge (or ignorance of) the changes from the prior Administration (including one of his sources) and the efforts of the current Administration to reform the Tribal Social Service Department. Had Mr. Sullivan communicated with the Tribe on these matters he would have learned that the new Tribal Administration has been working in close cooperation with the BIA, and has implemented a corrective action plan for the Tribe's Social Service Department. The Tribe has long recognized the need for improvement in its Social Service Department and Tribal Court and has been working with the BIA and State to identify steps to do so and has begun implementing those measures. The Council has met with the BIA approximately two times per month since August

Mr. Sheldon, Acting Assistant Secretary
Mr. Sullivan, Regional Administrator

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2011 in an effort to work through these issues. The Tribal Council formed a Social Services Coordinating Committee of tribal staff and leaders and local school officials to coordinate efforts to improve services to children. The Committee has met six times since its formation. Mr. Sullivan is undermining the progress the Tribe has made and is creating an unnecessary distraction by requiring responses to media reports.

The Tribe agrees that more needs to be done and struggles daily to secure additional funding and resources to improve our tribal society and the lives of our people today and for the future of our children. However, we need partners in the federal government that respect the Tribe's commitment to its people and its governmental duties and that are willing to work with us as we remain willing to work with others who have the same commitment to addressing these problems.

We would be pleased to communicate, as appropriate, on these issues with you and members of your staff. We ask that you and other federal agency officials discuss or correspond with the Tribe on these matters before drawing conclusions or discussing them with the press. To that end the Tribe requests an investigation into how the Sullivan reports became public and why they were not filed with the Tribe for appropriate action. We look forward to a response from your Office on this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger Yankton". The signature is fluid and cursive, with a stylized "R" and "Y".

Roger Yankton
Tribal Chairman

cc: Sue Settles, Bureau of Indian Affairs