

April of 2015 and this remains ongoing

## Whistleblower Disclosures

### A. Who I Am

I am Thomas F. Sullivan (TFS), Regional Administrator for the Administration for Children and Families (ACF) in Denver, CO. In this capacity my staff and I are responsible for the management and oversight of a broad variety of programs including Child Care, Child Welfare, Child Support, Head Start, Temporary Assistance to Needy Families (TANF) and numerous other smaller, but no less important, programs operated by ACF in the six state region of Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming. Our program emphasis is on the development of collaborative efforts to address and solve the economic problems and attendant dysfunction confronted by many with limited incomes.

I am in my thirteenth year serving in this capacity. I will soon begin my 27th year of federal service. My wife and I recently celebrated our 48th wedding anniversary. For more detail about both my professional experience and personal background please refer to Attachments 1 and 2.

Since the leadership of my Agency has libeled me, I have also included several annual Statements of my Accomplishments in my role as Regional Administrator. These Statements include, for several of the most recent years, quotes from the public and others I have dealt with commending my efforts as Regional Administrator and, in some cases, condemning the actions of several individuals in leadership positions at ACF.

These Statements may be found at Attachments 3 - 7.

A brief personal note – this filing would have been submitted sooner but the sudden, unexpected death of our oldest child four months ago made that impossible.

#### A. Reasons for this Disclosure

This Whistleblower Disclosure is being filed for the following 5 reasons:

1. Gross mismanagement – American Indian children have been placed in the full time, unsupervised care and custody of abusers and sexual predators. ACF leadership has been told of this crisis on a multitude of occasions by my email reports. They have taken no steps to remove these children from these unsafe residences and speak only of "developing policies and procedures" leaving these children available to be tortured, raped, sodomized and, in some cases, to be sold or killed. Moreover, they have, by their actions, prevented me from working to develop any effective response to this crisis.

On April 29, 2014, the Deputy Assistant Secretary for External Affairs (DAS) sent an email announcing she had signed up a man who worked in the FDA Commissioner's office to provide one day of leadership training for all of us ten Regional Administrators at an upcoming meeting in Washington, DC. This man was described by the DAS as "an experienced leadership trainer and management coach". When I persisted in asking for some background on him, the DAS suggested I Google his name. I did and the first reference was to an exchange he had with the Maryland Licensing Board. He had applied to that Board for authority to practice psychology in the state of Maryland and lied in his application. He claimed in his application that he had a clean record that his license had not been suspended. In reality, it had been suspended in North Carolina because he had engaged in several sexual relationships with women he had been counselling while they were still clients of his. The DAS had referred to this person as her "management coach" on several occasions, I understand. This email exchange between the DAS and TFS may be found at Attachment 91.

When I surfaced this information about him, I heard nothing from the DAS but he was dropped from the agenda for the Regional Administrators meeting. In my lengthy

career, I have learned leadership starts with integrity. This was clearly not this man's strong suit. My part in bringing his background to the attention of the other nine Regional Administrators and of the DAS may be a factor in her animus towards me. Does this meet the legal definition of retaliation?

What is striking about this unfortunate selection is that the DAS apparently did not check this man's experience or background. If she had conducted even a minimal check she would have found exactly what I did. This is a clear example of her failed management. If the DAS had checked this man's background and knowing what was in the public record, still kept him on as a leader of a day-long discussion on leadership, the DAS's management failure is even more troubling.

Other questions remain. Has the DAS advised the ACF Training Office of his background? This office reportedly recommended this man to her. Has the FDA commissioner's office been notified?

2. Gross waste of funds - thousands of American Indian children have been and are being tortured, raped and sodomized. The effects of such abuse "last a lifetime" according to an American Indian survivor who is one of my sources, requiring the expenditure of significant amounts of public funds. These adverse effects and costs can be limited by early intervention with rehabilitative services. Most of the individual children I have brought to the attention of ACF leadership as well as thousands of other abused children have been and continue to be denied access to those services guaranteeing their future care will require the expenditure of significant additional public funds.

In February, 2012, Fang, Brown et al authored a paper, "The Economic Burden of Child Maltreatment in the United States and Implications for Prevention", reflecting their research that had been sponsored by the CDC. They concluded, "The estimated average lifetime cost per victim of nonfatal child maltreatment is \$210,012 in 2010 dollars.....The estimated average lifetime cost per death is \$1,272,900.....Compared with other health problems, the burden of child maltreatment is substantial, indicating

the importance of prevention efforts to address the high prevalence of child maltreatment.” (Attachment 24)

3. Abuse of authority - I have been told by those in ACF leadership that conditions in Indian Country are substantially better than I have reported or that all of my allegations in my Reports have been investigated and found to be false. When I have asked for the basis for those claims, I have received no response. At this point I have placed almost 400 unanswered questions on the written record about these matters. No one has provided me with copies of the reports completed after those "investigations" were done even though I have requested them.

I have been libeled by the Acting Director of ACF's Office of Regional Operations (ORO) in his email to me dated August 7, 2014.(See Attachment 100). He provided no data to justify his four libelous statements and has refused for five months to respond to my challenges to his factually inaccurate defamation.

4. Substantial specific danger to public health – In January 2012 I prepared and distributed a detailed (17 page) summary of the research reports about the long term effects of childhood sexual abuse. That document is included at Attachment 23 and details in a multitude of entries the public health dangers of rampant, untreated childhood sexual abuse.

5. Substantial danger to public safety - the paper referenced in # 4 immediately above this entry also details the public safety dangers of rampant, untreated childhood sexual abuse.

### C. ACF Vision and Mission

ACF’s Vision as described in the Administration for Children and Families 2014 Strategic Plan excerpt (Attachment 109) is:

"children, youth, families, individuals and communities are resilient, safe, healthy and economically secure. ...We seek to advance a set of key goals:

- Promote economic health and social well-being for individuals, families and communities;
- Promote healthy development and school readiness for children especially those in low-income families;
- Promote safety and well-being of all children, youth and families;
- Support underserved and underrepresented populations; and
- Upgrade the capacity of ACF to make a difference for families and communities."

It is difficult to see how ACF can fulfill these goals while claiming all is relatively fine in Indian Country, refusing to address in any effective manner the twin epidemics of childhood sexual abuse and youthful suicide which are so pervasive and preventing me from mounting any kind of intervention to begin addressing the abusive conditions so many Native children in this region are enduring. I have documented in excruciating detail the deleterious consequences of their policies for individuals and families. The conditions I have described in the lengthy attachments with this filing remain to this day. Within the last ten days I have had telephone conversations with enrolled Tribal members from the Spirit Lake Reservation in north central North Dakota. They have told me:

- Of family members who have repeatedly filed written complaints with the Tribal Council and Tribal Social Services over a period of several months up through the last week about the placement of their younger relatives in the full-time, unsupervised care and custody of known sexual predators. Despite the numerous reports that have been filed, over a period of several months, documenting for authorities the abusive situation these children are being forced to live in, nothing has been done to remove these children to a safe placement.
- Of a 13 year old little girl I first brought to the attention of ACF leadership by email to the DAS on December 19, 2013 (Attachment 78), reporting that she told her non-custodial father that she was being raped by a violent Level Three sex offender. The father reported this to the Tribal Chair, to all members of the Tribal Council, to the head of Tribal Social Services, to Tribal and BIA law enforcement and to the FBI. I informed ACF leadership of this claim with my email more thirteen months ago. The little girl's

father was told by the BIA at that time that it would be thirty days before any investigation could be launched. I understand no investigation has yet been launched. It appears that this child continues to be raped by a violent Level Three sex offender despite her father's reports to the Tribal Chair and Council, Tribal Social Services, BIA and Tribal law enforcement and the FBI as well as my reports to the leadership of ACF. All of these reports were first made more than 13 months ago. It appears that nothing has been done by these supposedly responsible organizations and individuals, despite their public claims to the contrary.

- Children who had been evaluated in the Grand Forks Children's Advocacy Center and determined to have been sexually and physically abused who are still unable to get the recommended rehabilitative services they require more than two years since their diagnosis in Grand Forks. I first reported these facts in my Sixth Mandated Report filed on October 30, 2012, more than 26 months ago.
- Two weeks ago a young lady and her boyfriend had been drinking for two days when she discovered he had been stabbed in the stomach. She drove him to the Tribal police station where he was placed in an ambulance and taken to the hospital in Grand Forks. Although clearly under the influence of alcohol, the Tribal police allowed her to drive home. No one asked her any questions about how her boyfriend came to be stabbed. No one from law enforcement has initiated any investigation of this stabbing.
- A young female enrolled member of the Spirit Lake Tribe who is now 23, who was raped daily while in foster care on that Reservation and who now has three children. She described the conditions being endured by two of her children. These two are in foster care in a home headed by one of the men who raped the 23 year old when she was a child and is now raping one of her two children living in his home. I understand these facts have been reported to the Tribal Chair and Council, Tribal Social Services, BIA, FBI and tribal law enforcement repeatedly for several months. Despite these reports, no one has moved these children to a safe placement. This 23 year old authored "My Story" submitted with my February 11, 2014 email to the DAS (Attachment 84). This three page Story told, in the young lady's own words what it was like growing up in the Spirit Lake child welfare system, where no one ever asked her if everything was OK and where her

reports of being raped were ignored by most of her caseworkers.

- Tribal Court has refused to extradite a Level Three sex offender who is under indictment for felony child abuse in a neighboring county to that county so that he can stand trial. This refusal by the Chief Judge has not been explained but has gone on for more than six months. This Chief Judge's action was first reported to the DAS in my June 10, 2014 email, almost 8 months ago.

As an agency, ACF should be working to make sure every community will be a place where people's beliefs that tomorrow will be better than today are fulfilled. How can these expectations ever be fulfilled at Spirit Lake or in any other American Indian community when the laws are ignored, obvious crimes are not investigated, criminals are not indicted, tried and, if found guilty, imprisoned and the safety of children is not assured?

#### D. Executive Summary

The leadership of ACF has for several years sought to silence me to keep me from reporting factual details about conditions in Indian Country. Despite the numerous accolades I have received from enrolled tribal members all across this country for my efforts to develop and implement strategies to protect American Indian children from abuse and neglect, ACF leadership has persisted in this effort.

They have utilized a variety of mechanisms calculated to diminish me in the eyes of those reservation communities with which I have worked by keeping me from speaking out in any factual manner. They have issued directives which effectively prevent me from speaking with anyone outside of ACF, specifically preventing me from speaking with any Congressional staff or members or with any media representatives. They have censored what I can say when invited to address meetings in Indian Country. They have refused to allow me to attend such meetings. They have ignored my factual reports about conditions in Indian Country, reports which reflect verbatim statements by enrolled tribal members from all across this region. They have spread lies and distortions about my background and professional accomplishments.

The remainder of this submission will detail specifically what that leadership has done in

their efforts to silence me. All of the major charges I make in this submission are supported by attachments. There are 111 attachments filed with this disclosure. Some emails are no longer available to me because they have disappeared from my office computer. No one has been able or willing to explain their disappearance but this is an unfortunate fact that limits the documentation available to me.

### Specific Disclosures

1. On September 16, 2014 the DAS sent me a Decision letter (Attachment 107) imposing a three day suspension without pay and stating, "It is critical that the views you express and the position you take officially, should be consistent with and in support of the Agency's official position on various issues." By that language, I believe I am being required in my official position to support tribal, state and federal leaders who even though they have received numerous direct reports about the improper placement of children in the full-time, unsupervised care and custody of known abusers and predators and who do nothing to move those children into safe placements; law enforcement that does not respond to reports of crimes being committed, who when they respond conduct cursory investigations and generally fail to file any reports of what transpired thereby making it impossible in most cases to indict or prosecute criminals; tribal social services that routinely refuses to respond to or investigate formal, written complaints about the abuse, rape or torture of children; and, the US Attorney for North Dakota who believes it is possible for a 12 - 13 year old girl to give consent to sex with a 38 year old man.

I believe that if I do not support these positions, I cannot speak in any official capacity. I also believe that I have a legal, moral and ethical obligation to speak out truthfully and accurately about the dysfunction I observe and have reported to me. Under this directive from the DAS, I cannot. Is that legal?

I have sent detailed questions, in writing, to the DAS for an explanation as to why my reports were wrong and have never received an answer. No details are provided in the September 16, 2014 letter from the DAS, only generalities that I am wrong and so must be suspended without pay and, if I wish to speak in my official capacity, required to



violate my sworn duty as a federal employee.

Since the DAS received most of my emails, it seems strange that, as a central figure in this matter she can, with impunity, acting as a complaining party, judge and jury, impose the penalty she has. More than a full day before her letter to me entered the US Postal system, she received and read my email response to the threat of such a suspension (Attachment 104). In the intervening four months she has not responded to the substantive issues I raised in my email response.

Contrast my suspension for three days without pay with the treatment received by the former Acting Cyber Security chief for the Department of Health and Human Services (DHHS) who was indicted on multiple counts of child pornography and imprisoned while awaiting trial but who, it has been reported, was kept on the DHHS payroll for eight months while in prison (See Attachments 105 and 106). The indictment charged that this man had expressed, on the record, an interest in the violent rape and murder of young children according to the Department of Justice. The level of tolerance and support extended to this child pornographer by DHHS is astounding.

In her Decision Letter the DAS also refers to my letter to the Tribal Chair of the Spirit Lake Nation. She wrote, "Your letter ..... undermines the working relationship the Agency has engendered and thereby adversely impacts the efficiency of the service." My letter was written to correct three egregiously false statements made by the Tribal Chair about me. He effectively lied on three different occasions about what had been said during our meeting in Denver in early April, 2014, providing perjured testimony to the House Subcommittee on American Indian and Alaska Native Affairs hearing on June 24, 2014.

The DAS concern for that working relationship was baseless because before I received her letter, the Chair had been removed by an overwhelming vote of all the enrolled members of the Spirit Lake Nation due to his unwillingness to address and begin correcting the widespread, abusive treatment of children on that reservation, to identify and bring back to safe homes the large number of Native children who had gone missing

and to prosecute those who were criminally responsible for their abuse.

The DAS' letter dated September 16, 2014 did not get into the US Postal Service system until September 17, 2014, more than 24 hours after the DAS received and read my 13 page email responding to the Acting ORO Director's August 20, 2014 Notice of Proposed Suspension. In the intervening four months the DAS has not responded to the substantive issues I raised in my 13 page email. Documents showing those dates are at Attachment 104.

In my long experience I have encountered numerous occasions when there were disputes about facts and the best approach to deal with those facts. Whenever that circumstance arose I convened a meeting of all interested parties to work through our disagreements, resolve them and develop a coherent, unified strategy. That is quite difficult with the current leadership of ACF because the current Acting Assistant Secretary (AAS) has not said one word to me in the last three or four years. The DAS has had nothing more than perfunctory comments since she stormed out of my Denver conference room on the morning of June 13, 2013, furious with my positive attitude. I insisted that the situation at Spirit Lake, while complex, could be resolved with the commitment of a broad spectrum of federal, state and tribal organizations working collaboratively. She clearly did not want to hear such a positive approach to this crisis and has effectively prevented such an approach from being put in place.

It is not clear to me why ACF leadership refuses to engage me in any substantive discussion about these matters. Is there position so baseless, so unsupported by facts that their arguments would be overwhelmed by the detailed factual information I would bring to any such discussion?

2. On August 15, 2014 the Acting Director of ORO provided me with a four paragraph email dated August 7, 2014 entitled "Summary" (Attachment 100). It purported to be a summary of a telephone conversation I had with him on August 7. That summary bore no resemblance to the telephone conversation I had with him on that day. In my fifty seven page August 26, 2014 response (Attachment 103) to him I raised almost 50

questions requiring a response. In the five months since I sent that email and attachments to him I have received nothing in response to the issues I raised.

In the course of that brief "Summary" he defamed and libeled me in 4 different statements, providing no factual basis for his defamation and libel. He has provided no response to these charges and my demand that he withdraw those statements and apologize in writing for making each of them, if he is unable to provide factual justification for each of them. Since he has no basis in fact for those four defamatory and libelous statements, I believed he would withdraw them. He apparently believes there is no one who can make him act responsibly.

In my response I also cited the worst personnel evaluation I have ever received in my long federal career, for calendar year 2013. I did not object when I received it because I did not wish to divert my attention from trying to get assistance for the American Indian children who were being raped and sodomized on a daily basis. My perspective has now changed because of the overt hostility demonstrated towards me by the DAS and the ORO Acting Director. I am now convinced this was and is part of an organized effort to fire me. I believe an independent evaluation of my 2013 statement of accomplishments and comparison of the same year with my other regional counterparts would result in a substantial upgrade in my rating. I made that recommendation in my response to his "Summary" but have received no response to it.

He also has refused, in the last two years, to approve six of my requests to travel to programs being presented in Indian country, some being put on as a result of my efforts working with private, non-profit organizations in an effort to improve the skills of those child protection workers and legal staff from reservations at no cost to ACF. The dates and purposes of the six trips are listed here:

- First Travel Request Denied - March 25 – 29, 2013 Travel to Casper, Wyoming to participate in a Justice for Children: Investigation and Prosecution of Child Abuse Training sponsored by the National Center for the Prosecution of Child Abuse (NCPA) and Child Advocacy Centers of Wyoming. This is a training I had worked with NCPA to

bring to Wyoming at no cost to ACF (Attachment 58).

- Second Travel Request Denied - July 17 – 19, 2013 Travel to Pine Ridge, SD to attend a Healing After Trauma workshop. I was the only federal staff person invited. The Acting ORO Director failed to review in a timely basis effectively preventing my travel to this important program. (Attachment 68).
- Third Travel Request Denied - August 27 – 31, 2013 Travel to Bismarck, ND to meet at my request with state and tribal leaders to discuss how to proceed in correcting the continuing problems at Spirit Lake. The Acting Director of ORO refused to approve my travel for this meeting, saying, “ACF’s response to the concerns at Spirit Lake will have to be generated through a collaborative effort by leaders from multiple ACF offices”. After filing Thirteen Mandated Reports over a period of more than 14 months no effort to pull such a group together had occurred! On September 6, 2013, less than a week after I had been prevented from attending the meeting I had set up, unknown members of ACF leadership set up and attended a meeting, to which I was not invited, in Bismarck, ND. Even though I had been promised a report about what transpired, nothing has been provided about that meeting in the 16 months since that meeting took place. Neither has information been provided as to who from ACF attended that meeting (Attachment 71).
- Fourth Travel Request Denied - September 18, 2013 – Travel to Great Falls, Montana to attend a Tribal listening session. I was effectively prevented from making this trip because approval for this timely submitted travel request was withheld until less than two hours before the flight was scheduled to depart, inadequate time for me to get to my apartment, pack and then get to the airport, clear security and get to the gate before the flight departed. This was effectively a denial of my travel request. (Attachment 73).
- Fifth Travel Request Denied - November 10 – 13, 2013 Travel to Santa FE, New Mexico to participate as Faculty in a Train the Trainer program offered by the National Center for the Prosecution of Child Abuse (NCPCA) focused on Indian country child protection and law enforcement staff. The Acting Director of ORO said, “the specific focus and application are outside the duties of an ACF RA. For that reason, I do not approve the

request to travel.” The fact that training was being presented with heavy representation in the class from Indian Country locations in Region 8 occurred because I worked diligently with the Executive Director of NCPA to arrange it that way. (Attachment 76). That training was also provided at no cost to ACF.

- Sixth Travel Request Denied - December 10 – 14, 2014 Travel to Palm Springs, CA to attend the 14th National Indian Nations Conference: Justice for Victims of Crime conference. The reason given for the ORO Acting Director’s refusal to approve my travel to this meeting was, “The high cost of the trip isn’t justified”. The cost of the trip was less than \$1500, of which \$600 was the round trip air fare charged by our contract carrier, for a five day trip. His refusal to approve due to “the high cost of travel” came less than a month before the Washington Examiner in a front page article on January 9, 2015 headlined, “HHS Execs doing good and living large, flying first class around the world”. (Attachment 108).

During the last two years how many trip requests from the other 9 Regional Administrators has the ORO Acting Director rejected, limiting their travel in fulfillment of their official responsibilities?

3. When the Acting Assistant Secretary (AAS) directed that I should file no more Mandated Reports He did this after I had filed 13 such Reports concerning suspected child abuse on the Spirit Lake Reservation (Those Mandated Reports may be found at Attachments 30, 32, 37, 38, 39, 43, 44, 46, 47, 49, 50, 52 and 59) in North Dakota consistent with Attorney General Holder's revised guidance issued on April 24, 2012 – Attachment 29. I began sending emails to the DAS who the AAS relied on heavily in this matter.

Those emails are included as Attachments 64, 65, 66, 69, 75, 77, 78, 79, 80, 82, 84, 85, 86, 87, 88, 91, 92, 93, 94, 97, 98, 99, 101, 104 and 106. There are twenty five emails included here. The DAS made a statement in her March 31, 2014 email (Attachment 88) to me that she was “... sorry you feel that your previous emails regarding Spirit Lake have not been answered, that is not what my records show.” That statement is false. She

has not responded to most of my questions, more than 300 at that time. The focus of most of these questions was that the DAS was claiming that conditions for children at Spirit Lake and all across Indian Country were much better than I was reporting. I was asking what is the basis for your claims that are radically different from what my sources and I were reporting directly from on the ground observations at Spirit Lake and all across Indian Country. I never received a response to these questions and because I have reported truthfully and accurately, reflecting conditions for the children of Spirit Lake and all across Indian Country as they currently exist and have existed for years (Attachment 27 and the last three pages of Attachment 84) I have been suspended for three days without pay and gagged unless I am willing in my official capacity to spout the DAS' line.

Having repeatedly asked for that clarification and receiving nothing in reply was, I believe, a clear indication there was no factual basis for ACF leadership's claim that all of the problems at Spirit Lake I had complained about were being handled. That is why I continued my efforts to improve the living conditions of American Indian children, many of whom continued to be available to be raped, and tortured on a daily basis. I wrote in my September 16, 2014 email to the DAS (Attachment 104) "Please provide me with the factual data showing where I am wrong in my conclusions and I will apologize and retract all that I have said to the contrary." I never received a response to that offer.

4. The US attorney for North Dakota and the director of the BIA both claimed that every allegation I raised about the treatment of the children at Spirit Lake had been investigated and that most, if not all, of them were false or unfounded. I asked the US Attorney for copies of the reports of those investigations. (See Attachment 55). They have never been provided, even in redacted form. On June 24, 2014 the Chairman of the House Sub-Committee on American Indian and Alaska Native Affairs, Representative Don Young of Alaska, in a public hearing asked about these investigations when questioning the BIA Director. The Director said that all of my allegations had been investigated and most were unfounded. The Chairman then requested copies of all the

reports of those investigations. The Director in response to the Chairman's request promised to provide copies of these reports for the Chairman's review. The Director's promise was made seven months ago. I understand that none of these promised reports have yet been delivered to Chairman Young.

On November 17, 2012 I sent an email to the BIA spokeswoman who had made several flagrantly false claims about what the BIA had accomplished at Spirit Lake (Attachment 45). In the course of that email I pointed out just a few of the more egregious misleading statements. Despite that clear and direct challenge to her honesty, I have never received a response to my email.

5. I understand that ACF received a request that I attend the June 24, 2014 hearing and testify about conditions at Spirit Lake from the Subcommittee Chairman, Mr. Young. No one from ACF informed me of that invitation. My presence at the hearing and testimony were not allowed. No one in ACF leadership has explained to me why my attendance and testimony at that hearing was effectively prohibited. All of those who attended that hearing representing ACF, taken all together, demonstrated on the record less combined experience and knowledge about conditions at Spirit Lake than I. The same can be said for their demonstrated experience and knowledge of conditions in Indian Country. I believe the work of the Subcommittee was hindered by the limited and, in many cases, inaccurate testimony from those ACF leadership designated to testify.

6. My office has received multiple requests from the media to speak with me about conditions in Indian country and, specifically, on the Spirit Lake Reservation. Following ACF policy, all were referred to the Public Affairs office in Washington, DC. No one from the media ever called back because, I understand, all were refused approval to speak with me. Some of these media were referred to the BIA for responses to their questions. The BIA spokesperson characterized me to the media as a reporter of lies and exaggerations. No one from the federal government spoke in defense of the facts that my sources and I had brought forward for public scrutiny. This ACF policy, as implemented in this case, has been destructive of the truth in the matter of the twin epidemics of

childhood sexual abuse and youthful suicide specifically at Spirit Lake and in general all across Indian country. Furthermore, I have been prevented from having any media contact for more than 31 months by the manner in which this policy has been implemented.

There are 16 attachments (25, 31, 33, 36, 40, 42, 51, 53, 56, 60, 61, 67, 70, 85, 89, 90) which deal with media discussion of conditions at Spirit Lake and in Indian Country. Most reporting, especially those from the Fargo and Grand Forks, ND newspapers range from neutral to negative about my Mandated Reports. I believe this is a direct result of the policy of ACF leadership that prevented me from having any contact with reporters.

7. On October 11, 2012 the AAS visited the Denver regional office. He met with me in my Conference Room. He had little interest in discussing other major issues impacting the region 8 states, such as the trafficking of American Indian women and children into the Bakken area man camps. He spent most of his time attempting to convince me that conditions for children at Spirit Lake were far better than I had been reporting and that I was expecting too much too quickly. He said he was basing his statements on conversations he had with the US Attorney for North Dakota as well as the leadership of both the BIA and the Children's Bureau. I told him that none of those people had contacted me with any information and that seemed peculiar.

I responded to the AAS by describing several contemporaneous cases of abuse of children at Spirit Lake which had just been brought to my attention by my sources on the Spirit Lake Reservation within the ten days prior to our meeting. I also told him that everything I had been reporting was verbatim from my sources on and around the Reservation, that most were enrolled Tribal members, that one was a former Tribal Judge, that three were Elders of the Tribe and that one was an enrolled member, an Elder who was also a Benedictine Nun as well as a Masters level licensed clinical social worker. He refused to change his position despite the factual detail I presented to him.

He held to that position even after I reported to him that the Spirit Lake Tribal Chair, in a public meeting, held on November 5, 2012, open to all tribal members, said in



response to questions from the audience that there were no lies in my reports (at that point I had filed reports incorporating 95% of an unduplicated count of the allegations about the abuse of Spirit Lake children). The tribal chair went on to say, responding to another question that he knew of no improvement in the living conditions and the treatment of the children I had been complaining about.

Despite the Spirit Lake Chair's responses to those questions, the AAS refused to say or do anything supportive of the Reports I had placed into the public record. This was quite puzzling since I had assembled an extensive compilation of facts documenting and supporting my position in direct contrast to his conclusions made without any factual data to support them.

8. The AAS, on April 15, 2013, signed letters to me, the BIA and the US Attorney for North Dakota in which he essentially said that he had no confidence in my Mandated Reports (at that time 13 had been filed by me) and that I was prohibited from filing any more Mandated Reports using ACF letterhead or equipment (Attachment 62). He said I was free to file those reports as a private citizen, meaning, as a friend pointed out, that I would be personally responsible for defending myself if anyone decided to file a frivolous lawsuit for any report I filed personally. I believed at that time and still do believe that the AAS's order was contrary to the Attorney General's policy directive of April, 2012 but no one was willing to represent me on a pro bono basis if I challenged that order.

I was told by the DAS that this policy enunciated by the AAS applied to all ACF staff. I found that hard to believe since I was the only ACF staff member who received that email. The DAS said there was no problem with such an important policy not being announced to all of ACF's 1300 employees because in her words, "it was just common sense". it did not seem to me to be "common sense" but the DAS refused to modify her position.

In reviewing the letter from the AAS, I now believe that his outrageous, baseless claims made there libel me. I also believe the DAS' refusal, in the name of the AAS, to issue that policy to any other ACF employee was a flagrant abuse of their management authority.

9. The new Spirit Lake Tribal Chair sent a letter to me with copies to ACF leadership. Strangely it took several days longer for that letter to move from North Dakota to Denver, CO, as it did to move from North Dakota to Washington, DC. Since the postmark showed it had been mailed to me several days after the date on the letter, the Tribal Chair apparently delayed putting it into the postal service for delivery in Denver.

When the DAS received that copy of the letter addressed to me she immediately prepared a response and sent it to the Tribal Chair with a copy to me. I saw her response at approximately the same time as I saw the Tribal Chair's letter (Attachment 83).

The DAS's letter misrepresented my qualifications in a significant fashion, denigrating me and my accomplishments without any factual basis. I have had only one limited conversation with the DAS. She has never inquired about my background, experience, accomplishments or education. Her description of me in that letter was a total fabrication.

When the DAS was in my Denver conference room on June 13, 2013 she sat directly in front of the plaque awarded to me by the Montana Wyoming Tribal Leaders Council representing all of the elected Tribal Chairs and Council members from the ten tribes in Montana and Wyoming for my efforts to prevent the abuse and neglect of American Indian children in these two states. I observed her looking at both the plaque and framed statement for an extended period of time. It was my impression that she was reading both.

The statement reflects what was said by long term Fort Peck, Montana Tribal Council member, Tom Christian when he gave me that Award on April 20, 2010 in Billings, Montana. He said. "On occasion very special people come along. We have one of those very special people right here in the room with us today. He's a white guy. He occupies a very important position but he always makes time to attend programs like this one. He has proven himself to be a strong advocate for Indian kids as well as all kids. He has worked tirelessly to end sexual abuse of Indian kids. His efforts have not been popular

among his peers. He has paid a substantial price for his efforts, becoming an outcast to some he works with. Tom Sullivan did not know we were going to recognize him in this way today. Come on up, Tom, and accept our gratitude and this certificate as a sign of our appreciation for your long term efforts on behalf of Indian kids.”

The DAS has, since then, I understand, denied knowing anything about that Award or what was said when it was presented.

10. In July 2012, the ACF Director of the Office of Legislative Affairs and Budget (OLAB) sent me an email chastising me for communicating directly with a member of Senator Conrad's staff, writing that what I had written was contrary to the policy of the Department of Health and Human Services (DHHS) and by implication, contrary to ACF policy. (Attachments 34 and 35).

The essence of what I had written in that email to the congressional staffer was that the top priority had to be the safety of the Spirit Lake children I had been complaining about in my Mandated Reports.

ACF leadership held to this position that safety was not the top priority for those American Indian children until some of them were required to testify on June 24, 2014 hearing before Chairman Don Young of the House Subcommittee on American Indian and Alaska Native Affairs. At that time those in leadership testified that the safety of those children was a priority for them. Unfortunately, at that time they could not cite any actions they had taken or were going to take to insure the safety of those children.

Nor are there any other actions originated by them which in any way can be characterized as working to achieve the safety of those children.

The net effect of this email exchange was to require any contact I had with Congressional staff or members to be funneled through and approved by the OLAB Director's office. This directive, still in place, has effectively cut off any contact with Congressional members or staff that I might have initiated.

11. In April, 2014 the DAS lead a group of ACF senior staff on a brief, two day site visit to Spirit Lake. Surprisingly, they said during a meeting with three of my most reliable sources at Spirit Lake that their efforts would focus only on those Spirit Lake children who were brought to their attention going forward from that day. That meant that the welfare and safety of all of the Spirit Lake children who I had been reporting about were to be ignored by the DAS and all of those in ACF leadership.

When my sources all complained about the large number of children who were unaccounted for, the large number of children who had been removed from the homes of their biological parents without any notification to the parents and without any Tribal Court action of any kind, the large number of case files which had been shredded on the orders of the former Tribal Chair and of the former Tribal Social Services Director representing countless numbers of children who could not be identified and the large number of children who were still in the full time, unsupervised care and custody of sexual predators available to be raped and sodomized daily, the ACF contingent appeared shocked that anyone would be so concerned about these children. Please read # 8 in Attachment 92 for my contemporaneous reaction to this approach espoused by those in ACF leadership during their brief visit to Spirit Lake.

They clearly were unaware of the August 27, 2013 article published in IndianCountryTodayMediaNetwork.com, entitled, "Trafficking Native Children: the Seamy Underbelly of the US Adoption Industry" by Suzette Brewer who describes the anonymous lawyer from South Carolina who placed, in his own words, "upwards of 50 Native American children from North Dakota in 2012" alone. How many American Indian, North Dakota children has this attorney placed in South Carolina homes in 2013 or in 2014? How many will he place in 2015? Where did these children come from? How many of these children were moved into South Carolina adoptions without the legal consent of their American Indian, North Dakota biological parents?

As Ms. Brewer reports, quoting Don Mason, chief Tribal Judge for the Delaware Nation in Bartlesville, Oklahoma, "There's no question that this is human trafficking at its

worst. It's the selling of infants and children to the highest bidder. These kids generate huge legal fees in the process and there is a lot of fee-splitting among attorneys and adoption practitioners who are interested in keeping the assembly line moving. ....even worse is the blatant marketing and selling of Indian children by lawyers who make anywhere from \$25,000 to \$100,000 in legal fees for these children.”

Who is asking the questions about where these American Indian children are being trafficked from to get into this trade in human bodies? Are these children being trafficked to child pornographers or pimps? Who in our reservation communities is seizing these children without court orders or any other tribal documentation? What are they being paid for the conspiracy of silence which is allowing all of this to happen? Why is the leadership of ACF silent about the selling of American Indian kids?

12. On March 5, 2009 I gave a speech at the annual conference of the Native American Training Institute in Bismarck, ND to an audience consisting of more than 200 American Indian child protection workers. That speech received a standing ovation from this audience but a far different one from ACF leadership (Attachment 8). That leadership issued a Cease and Desist Order, preventing me from giving any speech that had not been reviewed and cleared by that leadership (Attachment 9). When I appealed that order with detailed factual information about conditions in Indian Country, that leadership refused to relent despite the fact I had clearly demonstrated that what I had said was not inappropriate but merely unpleasant facts about the sexual abuse of American Indian children and the effect that sexual abuse had on their rate of suicide attempts and completions (Attachments 10, 11 and 12).

On July 19, 2010 I submitted a 29 slide PowerPoint (Attachment 15) for clearance by the then ORO director, as required by her. I had prepared that PowerPoint in response to an invitation from the National Indian Health Services Behavioral Health Conference to present at their annual Conference. The ORO Director responded that the PowerPoint was not acceptable but refused to specify what was wrong with it. I went back and forth with her a number of times on this PowerPoint attempting to get specific information

from her as what was the cause of her displeasure but she refused to provide any specificity as to what was wrong with it. I even sent it to a dozen or so people who I have worked with on these issues and requested their reaction to this PowerPoint. Most responded and none found anything of concern in those slides.

Since the approval of the ORO Director was necessary before I could present such material publicly and she was withholding that approval without providing any rationale for her position, I was required to notify the conference sponsors that I would be unable to either attend or speak at their conference.

As a result of such obstructionism by ACF leadership and realizing that it would continue I refused an invitation to conduct an all day workshop at the 12'h National Indian Nations Conference Justice for Victims of Crime in December 2012. This Conference, held every two years, is usually attended by 700+ law enforcement and child protection staff from all across this nation. This email invitation is one of those emails that have disappeared from my office computer.

13. Joyce Allegrucci was a close political Associate of Secretary Sebelius, having directed most of the Secretary's campaigns for public office in Kansas. She visited Denver in her effort to assist the Secretary to develop a more collaborative approach to the operation of publicly funded programs and the operation of Federal, State and non-profit agencies working to achieve similar objectives. (Attachment 14)

She was in contact with those of us in Denver beginning in June, 2010 and concluding in September of the same year. When I met with her I advised her of the substantial limitations under which I was required to operate by the leadership of ACF and provided her with the basic documents showing how and by whom these limits had been applied. In meetings with me Ms. Allegrucci expressed apparent shock at these limitations, said she had informed the Secretary of these limits and wrote that, "the various admonitions from central office to you, Tom .... will soon be addressed".(Attachment 16). Despite this assurance, Secretary Sebelius never did anything to modify or remove these limitations.

14. On April 1, 2011 I sent an email to Secretary Sebelius in response to an email she had sent out a month earlier highlighting DHHS EEO policy. I never received any word from the Secretary about this email. (Attachment 18) On the morning of July 11, 2011, I received a brief, telephoned tongue lashing from the ACF ORO Director for daring to bring her Cease and Desist Order to the attention of the Secretary. Two days later I sent the ORO Director a four page email documenting my extensive efforts in Indian Country. (Attachment 19). She never responded to that email.

15. In early October, 2011, the ACF Deputy Assistant Secretary for Administration responded to my April 1, 2011 email to Secretary Sebelius. His directions were clear and specific, sharply limiting my freedom of expression. He wrote, "... you may only direct future complaints related to this situation to your supervisor. You may also direct complaints to me if you choose to do so....Failure to follow any of my instructions outlined in this email may result in immediate disciplinary action." (Attachment 20). This directive, I understood, cut off all appeals to anyone outside of ACF. I suspect this appeal to the OSC would be considered in violation of this directive.

16. There seems to be a clear pattern of ACF leadership ignoring emails from me especially when these emails involve substantive issues in Indian Country. Those emails which have been ignored include but are not limited to:

- a. September 20, 2011 email to the AAS inviting him to attend and provide opening remarks at a conference I had arranged working collaboratively with the National Center for the Prosecution of Child Abuse and the Coalition of Sioux Tribes, United for Children and Families representing the nine federally recognized tribes in South Dakota. The meeting was to be held in early October in Rapid City, SD. This email may be found at Attachment 111.
- b. On October 10, 2011 I submitted a detailed report of the verbatim statements made by participants, mostly enrolled Tribal members, during the meeting referenced in "a" immediately above. This report may be found at Attachment 21.

- c. In early January, 2012 I submitted to ACF leadership a 17 page compilation of research on the effects of childhood sexual abuse. That research may be found at Attachment 23. The email transmitting this paper to ACF leadership is one of those which have disappeared from my office computer.
- d. On May 16, 2012 I submitted a detailed report containing many verbatim comments from American Indian participants in two listening sessions held the prior week in Billings and Great Falls, MT. These sessions were convened by Senator Max Baucus. This is noteworthy because the horrendous detail contained in this email confirmed much of what I had been saying for years about the twin epidemics of child sexual abuse and youthful suicide in Indian Country and the trafficking of American Indian kids and women into the man camps of the Bakken oil fields. This email may be found at Attachment 28. 18 months later there was increased interest in the subject matter of that meeting which up to that point had been ignored because the President had declared stopping trafficking as one of his priorities (Attachment 75).
- e. On April 20, 2010 I was recognized by the Montana Wyoming Tribal Leaders Council, representing the leadership of the ten tribes in those states, for my efforts to prevent child abuse and neglect of American Indian children. I notified the leadership of ACF of this recognition as well as the comments made when it was presented to me. A copy of the Certificate and statement made when it was presented to me may be found at Attachment 13. The email transmitting these same documents to ACF leadership has disappeared from my office computer.
- f. On February 16, 2012 I provided the Administration for Native Americans Commissioner with a detailed, six page briefing paper for her use in upcoming Tribal Consultations. This email may be found at Attachment 26.
- g. Close to 400 unanswered questions seeking an explanation as to why ACF leadership appears to have aligned itself with interests that are contrary to the safety of American Indian children. These emails may be found in my Mandated Reports about Spirit Lake and in subsequent emails to the AAS and DAS. All are attached.
- h. Submissions from me to other agencies were also ignored. On September 27, 2012 I filed a formal complaint with the FBI in Minneapolis concerning



the effort of their agents investigating one of my reports. Their efforts seemed calculated to intimidate me into silence, to stop me from filing the Mandated Reports. When speaking with my sources, they also seemed more interested in digging up dirt on me than in conducting an actual investigation into criminal wrong-doing. This formal complaint may be found at Attachment 41.

#### E. Current Conditions in Indian Country

American Indian communities in this country have experienced and continue to experience some of the highest unemployment and poverty rates seen in a civilized nation. Since the lousy economies of so many of these communities have persisted for generations, there is also enormous dysfunction - high rates of alcoholism, drug abuse, child sexual abuse and child and youthful suicide attempts and completions. ACF leadership does not share my views on this issue. Listen to what enrolled Tribal leaders and members as well as a few from non-governmental, non-Native leadership positions have to say in the remainder of this section.

David Archambault, Tribal Chairman of the Standing Rock Sioux Reservation which straddles the North and South Dakota border, in his State of the Native Nations address to the North Dakota legislature on January 8, 2015 said, "Things aren't good in Indian Country. As our youth know, growing up on a reservation is difficult. Often forced to face stark realities at an early age, these children endure poverty, homelessness, violence, suicide, hunger and addiction." As reported in the January 13, 2015 edition of Indianz.com (Attachment 110).

In a just-released (January 27, 2015) 110 page report of a three year study conducted by the Children's Advocacy Institute (CAI) of the University of San Diego Law School and First Star, a Washington, DC based non-profit dedicated to improving life for the victims of child abuse and neglect, entitled, "Shame on U.S." the authors write, "HHS is responsible for assuring state compliance with federal child welfare laws.... HHS is not monitoring, is not detecting violations, is not assisting these states ..... and is virtually

never imposing sanctions or penalties for chronic noncompliance. The lack of enforcement breeds future contempt for the statutes themselves.....did you know that every year almost 2,000 American children are killed by abuse or neglect? That is more than 166 children each month whose lives are cut tragically short. Did you know countless more children suffer near fatal injuries each year due to abuse or neglect? That every day youth age out of foster care with basically no support system or safety net – with society expecting them to be self-sufficient at age 18.....These children are part of a concealed and faceless group.....They are just kids.....Almost everything about these children is cloaked in endemic secrecy, and most efforts by the media and advocates to provide the public with much needed transparency – which leads to accountability – are thwarted by the very governmental entities and officials who have turned their backs on their official duties to children.”

Amy Hartfield, Policy Director for the CAI at the University of San Diego Law School is quoted in the January 28, 2015 Utah’s Deseret News as saying, “HHS, which is exclusively tasked with overseeing, implementing and enforcing federal law in this arena, has quite clearly communicated they don’t take very seriously their role in enforcing the law.....If officials and advocates don’t fight for these vulnerable children, many of them will end up on the streets, in mental health facilities, in jails, on the public dole as parents themselves.....It is not only an ethical and moral imperative to do better for these kids, but the only fiscally responsible and rational approach.”

In the December 16, 2014 Washington Post Sari Horwitz in an article entitled “The Hard Lives- and High Suicide Rate- Of Native American Children on Reservations” wrote, “Theresa M. Pouley, chief judge of the Tulalip Tribal Court in Washington state recites statistics in a weary refrain, ‘One quarter of Indian children live in poverty, versus 13 percent in the United States. They graduate high school at a rate 17 percent less than the national average, Their substance abuse rates are higher. They’re twice as likely as any other race to die before the age of 24. They have a 2.3 percent higher rate of exposure to trauma. They have two times the rate of abuse and neglect. Their experience with post-traumatic stress disorder rivals the rates of returning veterans from Afghanistan.’”

“.....Deborah Parker, 43, the vice chair of the Tulalip Tribes .... didn't talk about her sexual abuse as a child until two years ago, when she publicly told of being repeatedly raped when she was the size of a couch cushion.... She said 'a majority of our girls have struggled with sexual and domestic violence, not once but repeatedly'....Indian child welfare experts say that the staggering number of rapes and sexual assaults of Native Americans have had devastating effects on mothers and their children.”

In the December 28, 2014 Washington Post Sari Horwitz and Linda Davidson in an article entitled, “A Man of Healing, a Saga of Suffering”, write “The sexual abuse of children has long been regarded as a rampant if largely unspoken problem on Native American reservations, in part a legacy of a boarding school system that.....subjected them to widespread sexual, emotional and physical abuse according to Native leaders and prosecutors.....The US Attorney for South Dakota, Brendan V. Johnson, said that sexual violence is one of the most common criminal offenses on the nine (South Dakota) reservations”.

In the November 28, 2014 Washington Post in an article entitled, “From Broken Homes to a Broken System” Sari Horwitz writes, quoting the director of a Youth Wellness Center on the Rosebud Reservation, “Over a two year period 47 teenagers committed suicide on this reservation.” The former Rosebud Attorney General said, “At least two children a day are victims of a crime, are exposed to abuse and neglect, school violence or domestic violence.”

In the December 29, 2014 issue of Montana's Missoulian, AP writers Holbrook Mohr and Garance Burke, providing a broader perspective, in an article entitled, “Abused Children Die As Authorities Fail to Protect” wrote, “At least 760 children died of abuse or neglect in the US in plain view of child protection authorities .... While agencies had good reason to know they were in danger.”

In the 31 months since I filed my first Mandated Report on June 14, 2012 concerning child abuse at Spirit Lake there have been 22 deaths of children between the age of birth and 20 years of age on that reservation. That works out to an annual death rate of almost

500 deaths per 100,000 population 20 years of age or younger. Most communities get concerned, appoint special committees and declare states of emergency whenever their comparable rates approach 40 per 100,000. Attorney General Holder's report, Ending Violence Against Native American Children says that lives are at stake and there is no time to waste.

On October 25, 2011, Lisa Brunner, an enrolled member of the White Earth Ojibwe Nation in Minnesota and Executive Director of the Sacred Spirits First Nation Coalition testified before a hearing of the Inter-American Commission on Human Rights said, "We asked a youth group what would you do if you were raped and a 14 year old girl said, 'my mom and I have already talked about this that when I am raped we will not report it because nothing is ever done and we don't want to cause trouble for our families'. When the issue in Native communities becomes a matter of preparing your daughter to be raped, the U.S. has failed in its trust responsibility to tribes" (Attachment 22).

On September 23, 2013 Ms. Brunner testifying before the Congressional Committee on Homeland Security and Governmental Affairs said, "The victims' advocates responding to calls for services on Fort Berthold (North Dakota) said there has been a doubling and tripling of numbers of sexual assaults, domestic violence and human trafficking incidents since 2008.....The Fort Peck (Montana) Sex Offender Registration Notification program reports that one year ago there were forty-eight registered sex offenders and now there are over six hundred registered sex offenders."

Suzanne Koepplinger, Executive Director of the Minnesota Indian Women's Resource Center and an enrolled member of the Mohawk Tribe testifying at the same hearing referenced in the paragraph immediately above said, "The widespread normalization of sexual violence in American Indian communities has numbed many youth to the point where they minimize and rationalize what is happening to them, just as domestic violence victims do. Many are engaged in survival sex simply to have a place to sleep at night. ....Most of these girls have multiple risk factors such as homelessness, early

sexual abuse, and/or addiction or mental illness of parental caregivers.”

Writing in the March 21, 2011 New Yorker, Paul Tough in an article entitled, “Poverty Clinic: Can a stressful childhood make you a sick adult?” quoting Jack P. Shonkoff, a professor of pediatrics at Harvard Medical School writes, “We now know that adversity early in life can not only disrupt brain circuits that lead to problems with literacy; it can also effect the development of the cardiovascular system and the immune system and metabolic regulatory system, and lead not only to more problems learning in school but also greater risk for diabetes and hypertension and heart disease and cancer and depression and substance abuse.” Thus when rehabilitative services are withheld from the young who have been abused, the future public cost of their care will skyrocket.

The National Center on Missing and Exploited Children estimates that six out of ten children involved in sex trafficking have been in foster care according to American Bar Association Governmental Affairs Director, Thomas Susman writing in the August 1, 2014 ABA Journal. He continued, “Too many youth are discharged from foster care and quickly become homeless making them easy targets for traffickers.”

Natalie Stites, an enrolled member of the Cheyenne River Sioux Tribe and former Deputy Attorney General of the Rosebud Sioux Tribe wrote “Taking Our Children Back” for the Last Real Indians Blog on December 31, 2011, “There are thousands of American Indian children experiencing abuse and neglect....Try explaining to these children why family members, social workers, policymakers, police, courts, schools, health care providers cannot protect them, even after their own parents fail them, or abandon them or hurt them. Who takes responsibility for this? We must.”

Thomas F. Sullivan Regional Administrator, ACF, Denver