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Subject: SixthMandatedReport10302012

This is my Sixth Mandated Report Concerning Suspected Child Abuse at the Spirit Lake Nation in North Dakota and is being filed consistent with the revised guidelines outlined in the Attorney General's April 24, 2012 Decision Memorandum.

Prologue

Because of the importance of this subject and the relevance of four statements, two made by senior DOJ staff and two by prominent media outlets, this section will put before you statements which do not easily fit within any specific portion of this report but which have an overriding relevance to every portion of this report:

In May 1, 2012 edition of the Missoulian (published in Missoula, MT) in an article written by Gwen Florio entitled, "Justice Department Investigating 80 Missoula Rapes, County Attorney Blasts Feds", the Assistant Attorney General in DOJ's Civil Rights Division, Thomas Perez, is reported to have said, "I don't think protecting a woman from rape or sexual assault or sexual harassment is an overreach of the federal government. A lot of women around the country have concerns about the manner in which sexual assault is handled. This is serious stuff."

In a New York Times article entitled, "Higher Crimes, Fewer Charges on Indian Land" by Timothy Williams published February 20, 2012, "Impatience on reservations is understandable.' Mr. Johnson (US Attorney for South Dakota Brendan Johnson) said. 'If I had the rates of crime in my community that they do, I'd be mad too,' he said.... The government did not pursue rape charges on reservations 65 percent of the time last year and rejected 61 percent of cases involving charges of sexual abuse of children, the federal data showed. In contrast the Justice Department declined 20 percent of drug trafficking cases nationwide, according to the federal figures."

In a New York Times article entitled, "BBC Leader Admits 'Horror' as a Sexual Abuse Inquiry Opens" by John F. Burns published October 23, 2012, "As the first of a battery of inquiries into Britain's burgeoning sexual abuse scandal opened in a parliamentary committee room lawmakers reacted with stunned incredulity and barely disguised anger as they sought answers to questions being asked in every living room, commuter train and pub in the country. How could this have happened, over decades without action to stop it? How could some of the country's most respected institutions – among them the BBC, the National Health

Service, the police forces in London and other areas as well as the national prosecuting authority – have failed to bring the accused principal abuser to book? How could so many vulnerable young girls and boys – more than 200 according to the police – have been exposed to such vileness, for so long and so blatantly, without anybody stepping in to help them? The scandal has centered on the extensive evidence ... that many people at the BBC and other institutions Mr. Savile frequented, knew or strongly suspected from the 1960s on that he was a serial sexual predator.”

In an article entitled, “Women Still at Risk”, in the October 31, 2012 edition of Indian Country Today the following statement appears, “According to the Indian Law Resource Center (ILRC), Indian women are 2.5 times more likely to be assaulted than other US women and more than twice as likely to be stalked. One in three Native women will be raped in her lifetime and six in 10 will be assaulted, ILRC said, and on some reservations the murder rate for Native women is 10 times the national average. Currently federal authorities have exclusive jurisdiction over these crimes. ... Many feel ... change is essential because the relevant US attorneys are often located more than 100 miles from a reservation and they decline to prosecute 67 percent of such cases referred to them by Indian country. Consequently, many criminals see reservations ... as places where they have free rein.”

A. Executive Summary

Due to the length of this Report, I have modified the format trusting that it will be easier for the reader to follow and understand that these words describe the conditions in which many of the children of the Spirit Lake Nation are living, available to be raped at any time by the sex offenders with whom they live. My purpose is to help the reader understand how those elements in government, at Spirit Lake and in the larger society contribute to the continuation of this situation as well as to understand the urgent need for immediate corrective action before what is a terrible situation slips into a disastrous one.

There are questions raised throughout this Report. They are not rhetorical. I do expect answers to them. If you refuse to provide them to me, as your silence, misrepresentations and inaction by either you or your organization during the last four months suggests you will, I trust the public will demand you provide answers to them.

1. History of this Effort

My First Mandated Report was filed on June 14, 2012 and consisted of six pages. My Second Mandated Report was filed on July 8, 2012 and consisted of one page. My Third Mandated Report was filed on August 14, 2012 and consisted of six pages. My Fourth Mandated Report was filed on August 24,

2012 and consisted of two pages. My Fifth Mandated Report was also a response to Tribal Chairman Yankton's letter dated August 23, 2012 and received by me on August 28, 2012 (to ACF Acting Assistant Secretary Sheldon and to me) was filed on August 30, 2012 and consisted of three pages. Each of these were delivered by email to the BIA (Ms. Settles) and to the US Attorney for North Dakota (Mr. Purdon) as well as to the leadership of my agency, ACF.

On October 11, 2012 I was told there were two issues about conditions at Spirit Lake that ACF's Acting Assistant Secretary wished to discuss with me during his brief visit to the ACF Denver Regional office from Washington, DC. First, that he had been discussing the Spirit Lake situation with some "higher-ups" from the BIA as well as from ACF's own Children's Bureau and that he had been told that much progress was being made. I immediately told him that, while I had not spoken with any "higher-ups" from either BIA or the Children's Bureau, that my impression was that there had been no improvement on any of the issues that my sources have raised to me and that I have raised to all of you. Not one of the children who had been placed in the care and custody of sexual predators have been moved to other, safe placements. Then I described for him the several children listed in the five paragraphs beginning at the top of page 11 and concluding at the top of page 13 of this Report as well as the physical abuse of the BIA's senior Criminal Investigator's (CI) wife by the CI. Today it is almost three full weeks since that conversation. I have received no feedback on the issues I raised. This has been more than enough time for these issues to be addressed by him with his "higher up" contacts at BIA and the Children's Bureau. Based on feedback to me from my sources there has apparently been no change in the status of those children and that abused wife. If there had been, perhaps this, my Sixth Mandated Report, would not have been necessary.

In the same meeting on October 11, 2012, the second issue mentioned by ACF's Acting Assistant Secretary was that I have been expecting too much change too quickly in this matter. In considering that comment, I counted back the more than 4 months since I filed my First Mandated Report. I then realized this issue has had a lengthy history prior to my involvement and counted back to the April 3, 2012 Letter of Grave Concern submitted by Dr. Michael Tilus, Spirit Lake Behavioral Health Director of the IHS clinic in Fort Totten at that time. I then recalled the efforts of many of my sources who had been making the case for change with comparable stories and documents for several years before either Dr. Tilus or I were heard from. Their stories were ignored. Their documents shredded by the state Human Services and Child Welfare leadership, FBI and BIA. Then I recalled those reviews of Tribal Social Services (TSS) that had been conducted annually by BIA for several years, each succeeding one producing a lengthier and lengthier list of deficiencies requiring correction. But BIA never required TSS to make those corrections.

Yes, the Acting Assistant Secretary was correct. I am expecting a response that is both substantive and timely. No one had ever demanded or received anything

substantive or timely before. I could find nothing substantive that had been accomplished before even though that “before” stretched out for several years.

My expectations were driven by the thought that young children were in the care of known sex offenders on the Spirit Lake Reservation, that these children were available to be raped on a regular, if not daily, basis and that the damage being done to these children was extensive. Overcoming that damage will require years of rehabilitative therapy if these children are ever to return to a reasonable level of health. Listed below are a few of the research conclusions on the incidence, reporting, lifetime effects of such abuse on a child survivor and the public cost of childhood sexual abuse that influenced my expectations:

1. Child molestation is one of the most underreported crimes with only 1 – 10% ever disclosed according to the FBI’s Law Enforcement Bulletin and fabricated reports of child sexual abuse constitute only 1% of all reported abuse cases; children fabricate only ½ of 1% of the time. New Hampshire Network of Child Advocacy Centers, 2007.
2. An editorial in the October, 2009 issue of The American Journal of Psychiatry wrote, “Childhood sexual abuse does not seem to cause a single, well-defined harm, but rather it sets off disturbances in many systems and subsystems of the body, potentially leading to a plethora of physical and mental symptoms and disorders – that is, to complex co-morbidities. These are costly for the sufferer. In one study of adults with psychiatric illness, the authors concluded that the impact of child sexual abuse on illness burden was ‘roughly equivalent to the effects of adding 8 years of age’. It was even more extreme, adding 20 years of age, for activities of daily living and body pain.”
3. “Sexually abused men reported significantly greater difficulties than non-abused men at all levels of education: grade school, high school and college. They also reported more negative job experiences and more negative experiences in relationships.” Journal of Traumatic Stress, 1994.
4. “70 – 80% of child sexual abuse survivors report excessive drug and alcohol use.” New Hampshire Network of Advocacy Centers, 2007.
5. “Victims of child abuse or neglect are also more likely than other children to attempt suicide as they grow older..... abuse and neglect victims were almost 2.5 times more likely to attempt suicide than others who had not been abused or neglected.” Fight Crime: Invest in Kids, 2003.
6. Men and women who were raped or forced into sexual activity as children or adolescents were four times more likely to work in prostitution compared with non-victims. Population Reports: Ending Violence Against Women, 2000.
7. Children who are sexually abused are 27.7 times more likely than non-victims

to be arrested for prostitution as adults. National Institute of Justice, 1995.

8. A study of 15,000 teenagers found that childhood sexual abuse in males increased their risk of obesity as adults to 66%. AtRiskYouth.com, Childhood Trauma Linked to Adult Obesity, January 29, 2010.

9. Men and women who experienced child sexual abuse were at a 40 – 50% increased risk of reporting problems with their marriage. American Journal of Preventive Medicine, June, 2008.

10. Men and women who experience child sexual abuse were at a 40% increased risk of marrying an alcoholic. American Journal of Preventive Medicine, June , 2008.

11. Nearly 70% of child sex offenders have between 1 and 9 victims, at least 20% have 10 to 40 victims....An average serial child molester may have as many as 400 victims in his lifetime, New Hampshire Network of Advocacy Centers, 2007.

12. The financial cost of childhood sexual abuse is a substantial public burden. Sexually violent acts against children, ages 0 to 14, cost \$71 billion every year. Sexual violence against adolescents, ages 15 to 24, costs \$45 billion every year. Children's Safety Network Economic and Insurance Resource Center.

This brief listing of the incidence, effects and public cost of childhood sexual abuse barely scratches the surface of all the research on the countless, lifetime adverse effects of such abuse. Since the effects of childhood sexual abuse are so devastating to any child who experiences it and since I do not wish any child to have to deal with such devastation, especially not any child living in a part of this nation where I have some responsibility for their welfare. Since, as a public servant, I am committed to reducing the public cost of such abuse and reducing the expenditure of public tax money by preventing child sexual abuse wherever it is occurring, I have sought for all of the reasons listed above to expedite the efforts of all who claim they are seeking to address and correct the current situation at Spirit Lake. Unfortunately, it appears that my efforts have been in vain. Neither I nor my sources have seen any change at Spirit Lake affecting the lives of those children who were placed many months ago in homes on the Reservation in the care of registered and unregistered but known sexual offenders. Those children remain in the same placements.

2. Public Claims About the Nature of This Effort

During the last eight weeks, there has been a great deal of publicity about the Spirit Lake Child Abuse issue in the media. Much of it seems to suggest and many seem to claim this is an issue on which some Tribal, state and federal staff have been working intensively for a long time and that progress was being made.

Some of this seems to me to be an attempt to rewrite history so that the story told is a bit more favorable to the organizations involved. I know one agency claimed it had been providing technical assistance to TSS for a lengthy period of time. While they had been providing that TA, all of the TSS staff, I understand, occupied temporary positions for which they were neither qualified by either education or experience to hold on a permanent basis. Because of these facts such long-term effort was guaranteed to provide little value to TSS.

I was told by the North Dakota Child Welfare Director in early June, 2012, during a chance meeting at a conference in Washington, DC, that she was receiving daily phone calls from federal staff from the same program that was reportedly providing the TA, advising her that the state had no authority to attempt to address the child abuse reports emanating from Spirit Lake because Spirit Lake was a "Sovereign Nation". Such a position seems to me to be inconsistent with the Constitution's equal protection provisions required of all state and federal entities as well as their personnel, the legal obligation all federal employees have to do all they can to make certain federal funds are spent consistent with statutory and regulatory requirements and the special responsibility the employees of any child-caring organization have to protect the welfare of all children. Since these federal staff were "vehemently" arguing with a senior state representative against any kind of involvement whatsoever up through the first week in June, 2012, it is difficult for me to understand how these same staff could have been providing technical assistance to the Tribe almost since the beginning of 2012 as some now claim.

It has also been reported to me by an ACF staff member in Washington, DC that "tribal staff met with your source and are following up". None of my sources have had any such meeting and have seen no indication that any one from the Tribe is "following up" on the concerns that my sources have raised with me and I have raised to all of you – that Spirit Lake children placed by TSS in the care and custody of known sex offenders who, due to ineffective law enforcement at all levels, are subject to being beaten and raped with impunity. Once again there seems to be less concern with the welfare of the children of Spirit Lake and more with the public image of the institution each individual represents. Spinning a yarn that is inconsistent with the facts in order to polish the institution's image is apparently more important than the welfare of the children at Spirit Lake for many, if not all, of the organizations, involved in this effort. I trust these Reports make crystal clear that my sole concern is for the welfare of the children of Spirit Lake and for nothing else.

Some of this publicity originates from the Tribal Council and some Tribal employees, claiming that if Dr. Tilus and I had only kept our mouths shut, that there would be no problem. Spirit Lake Nation children would continue to be raped but the silence of the good-old-days would have been restored. May there never be silence on the Spirit Lake Reservation until all of the children of the Spirit Lake Nation are in safe homes where they are loved and can develop as

the children they are!

Chairman Yankton's claim in his August 23, 2012 letter that, "Much of what Mr. Sullivan reports is only rumor and conjecture", remains just a claim since he has been unable, in the last 60 days to provide any documentation of his claim as I requested. Despite this fact, Mr. Haga writing in the October 25, 2012 edition of the Grand Forks Herald quoted, *without challenge*, anonymous "Tribal leaders" who according to him were "...insisting that many of the allegations made by people within and outside Spirit Lake were either exaggerated or fabricated...". Here is your opportunity, anonymous Tribal leaders tell me where the "exaggerations and fabrications" are. Why hide your names or faces? Speak out. I am confident your story of all these claimed "exaggerations and fabrications" would be publicized widely.

One of the most egregious, recent public comments was made by Hankie Ortiz, Deputy Bureau Director of the Office of Indian Services *in the BIA* who was quoted in the September 20, 2012 New York Times article about Spirit Lake saying, "the news media and whistle blowers had exaggerated the problem. Their social services program has made steady progress." This is a request to Ms. Ortiz to please specify how those of us who have been speaking out about the epidemic of child sexual abuse at Spirit Lake have "exaggerated the problem".

3. Status of the Spirit Lake Children

It has now been more than four months since I filed my first Report. In that time I have neither seen nor heard of anything that either I or my sources would consider "progress". To our knowledge there is not one single child from Spirit Lake who has been moved into a safe home away from the sexual predators who have had free rein for these last many months during which time all of this corrective action has supposedly been going on. As one of my sources wrote, "Each day that passes with no action is another day those kids are waiting." Those children, still in the care of registered and unregistered sex offenders, continue to be available to be raped at will by these known sex offenders. By what standard is this defined as "progress"?

The following five paragraphs provide detailed information on how the lives of individual children on the Spirit Lake Reservation are manipulated for the benefit of the sex offenders, where the child's welfare or safety always seems to be the lowest priority. Why does it appear that whenever a child is raped, all of those agencies one would expect to protect children, to prevent such rapes and to prosecute the rapists when a rape occurs seem to be looking the other way, have more important matters to consider or simply fail to conduct a proper investigation. As a result seldom is anyone charged or prosecuted and predators walk freely in the community looking for their next victim. By what standard is this defined as progress?

A preschool child who, on the first day of her attendance in the local Head Start program gave a shocked classroom aide the most detailed and accurate description of what was involved in “giving a blow job” that the aide had ever heard. How does a child that young learn and understand such detail unless she has been required to give blow jobs? When this same child began first grade, she was brought to school wearing what were described as “hooker clothes with stiletto heels”. These are facts, descriptions of events that courageous Spirit Lake enrolled members as well as other concerned parties [have been](#) complaining about to the Tribal Chair and Council, TSS, the BIA and FBI [for several years](#). Facts which were being ignored by all of the “supposedly responsible” [people and organizations](#) long before Dr. Tilus or I spoke out. [I would appreciate hearing from anyone reading this who believes](#) such behavior by a preschooler represents healthy, age-appropriate development. [By what standard is this defined as “progress”?](#)

How about the two boys (under ten years of age) who were constantly engaging in anal sex in their neighbors’ yards [in St. Michael in August, 2012](#) where neither TSS nor BIA conducted any investigation to determine where these children learned this behavior? The former Director of TSS, Mr. Meier, assured concerned community members, [I have been told](#), that there would be no more repeat performances of this anal sex because, “I had them both sign an affidavit stating that they would no longer engage in such behavior.” [By what standard is this defined as “progress”?](#)

Or the young child described in more detail later in this email [who was removed from their father’s home because of regular, disabling beatings and](#) who, every night before they went to bed, pooped in their underwear refusing to clean up until morning, as a protective measure to make themselves [an unattractive candidate for rape that night](#). These are examples of the sad reality for many of the children on the Spirit Lake Reservation, children abandoned by the adults in their lives doing the best they can [to protect themselves](#). No one, I understand, has been or is being investigated by TSS, the BIA, the FBI or any other law enforcement agency in any of these cases. No one has been charged with the clear sexual abuse of these children. Why is that? [Why are the rapists of these children being given a pass?](#) [By what standard is this defined as “progress”?](#)

What is even sadder, however, is the difficulty the foster parents of that preschooler and the child who poops in their underwear at bed time have had in getting them the mental health care they so desperately need. Both children have been evaluated at the Children’s Advocacy Center in Grand Forks. It was determined that each of these children had been raped and that they needed mental health therapy immediately. Since payment for these services would have to come from the Tribe, TSS approval was required and requested by the foster parents. Even though the mental health therapy had been strongly recommended by staff at the Children’s Advocacy Center, TSS refused to approve payment for

it. The TSS Case Manager who refused to authorize payment said, "If I approve this, I will be fired by the Council tomorrow morning." You see, both of these abused and raped children are blood relatives of Tribal Council members. Apparently, these Council members did not want their young relatives talking about their home life even in a therapeutic environment. By what standard is this defined as "progress"?

On Saturday evening, September 29, 2012, a nine year old little girl, left home alone by her mother who had to go to work at the casino, was raped. This rapist was a known but unregistered sex offender. The rape was reported to the Tribal police and to the BIA law enforcement along with the name and a description of the rapist. There was no attempt to collect a rape kit. At this time I understand law enforcement has hauled the little girl's mother into Tribal Court, within a few days of the rape, to charge her with neglect. There has been no effort to question the alleged rapist by law enforcement or to imprison him for his failure to register as required by law. Apparently the good old days continue at Spirit Lake, at least for the sexual predators. There is little, if anything, positive in this environment for the children of Spirit Lake. By what standard is this defined as "progress"?

Each time one of these "supposedly responsible officials" makes a spurious charge that what I have written is false or only rumor, I have publicly and in writing, requested the details justifying that claim. Now, more than four months since I filed my First Mandated Report, none of those making these claims have been able to provide a single example justifying their charges. Some, however, continue to make these claims, apparently unconcerned about what the truth may be or the level of comfort given to the rapists when the evil they are doing to children is minimized by the careless comments of "supposedly responsible officials". By what standard is this defined as "progress"?

4. Attempted Intimidation and Retaliation

In the last four months there is little I have seen to suggest anything but failure. Spirit Lake children remain in the care of sexual predators. The new TSS Director has denied these reports without even conducting an investigation to determine their accuracy and has taken no action to protect these children. The efforts to intimidate and silence those of us who object to this treatment of these children has grown, become more open and widespread. One of my sources, a Tribal Elder has been told that her services are no longer needed in the unpaid, voluntary part-time job she has been doing on the Suicide Prevention Task Force. Strange how the Tribal Chair complains of inadequate funds to protect children but his loyalists wish to remove a Tribal Elder, perhaps the only enrolled member of the Spirit Lake Nation with the requisite advanced degree, from the critical role she fills while drawing no salary. Fortunately, it appears those loyalists have abandoned their efforts, at least for now.

I have had to file a formal complaint with the FBI about the conduct of one of their

special agents who, while questioning me, sought to intimidate and threaten me and who while questioning two of my sources about criminal activity on the Reservation, asked more questions about me than about any criminal activity on the Reservation, as though I was a suspect in some crime they were investigating. Did they do this because I filed Mandated Reports as required by Attorney General Holder's Revised Decision Memorandum? Is this how the Attorney General expected his Revised Decision Memorandum to be implemented? Because I fulfilled my responsibility as a federal employee have I become an FBI target? Are these FBI Agents even now questioning others about me? Are they fed up with my Reports about Suspected Child Abuse at the Spirit Lake Nation? If they are, my Reports would have been unnecessary if they had been doing their jobs investigating crimes, charging and prosecuting rapists and violent criminals and protecting all members of the community during the last several years. But they were not. Is this how they protect the Tribal Council and their friends? By what standard is this defined as "progress"?

The well understood limitations of law enforcement at all levels on the Spirit Lake Reservation contribute to the atmosphere of fear and intimidation all across the Reservation. Many believe, based on their own observations and experience, they enjoy little or no law enforcement protection from abuse, criminality or corruption. People live in fear they will be murdered, beaten up, raped or framed for the criminal acts of someone else. They fear their homes will be torched. They fear their children will be taken from them on trumped up charges and then placed in the homes of known sex offenders. Those employed by the Tribe fear they will be fired if they say or do the something inconsistent with the Tribal Council's orders.

Law enforcement is still arbitrary and capricious, despite all the high level supervision from BIA that has moved onto the Reservation. As one of my sources wrote, "I would like to talk to you about how to help some who have grave concerns but continue terrified to be known or exposed." Another source told of the significant fear several of her neighbors had that they could not and would not risk being seen speaking with her. Still another said, "When X came to speak with me, they came in absolute darkness because they feared someone would see them at my house. X made it clear the intimidation is real and clear." This is still the United States of America not some third world dictatorship ruled through threat and intimidation, isn't it? By what standard is this defined as "progress"?

All that high level supervision from the BIA is worth little until it starts to exercise the authority it has on behalf of the people of Spirit Lake, rather than on behalf of the Tribal Council and those who are politically connected. Apparently, none of their family members can be charged with any crime no matter how violent or vicious their criminality may be and no matter how damaged their victims may be. How can such biased enforcement of the laws of this nation be tolerated by the US Attorney for North Dakota, by the leadership of the BIA or by the North

Dakota Attorney General? By what standard is this defined as “progress”?

Law enforcement will remain ineffective until it protects the people of Spirit Lake from law enforcement that does not enforce the law; until it stops the BIA Superintendent and Tribal Council approved wife beating by the BIA Criminal Investigator; until it tracks down all the missing and unaccounted for children who were once in the care and control of TSS and who TSS now denies ever having anything to do with them (have these children been trafficked into the sex trade in the man camps of the North Dakota oil fields or have they simply been sold off?); until it addresses the shredding of documents and the placement of defenseless children in the homes of known sexual predators; until it places greater priority on removing kids from the homes of sexual predators and stops protecting the interests of those predators. By what standard is this defined as “progress”?

Official records, it is reported, have been fabricated and others destroyed and there is apparently no investigation. Tribal Court Orders are ignored and judges fail to enforce them or penalize predators who violate them. Reports are made to the state CW director, the BIA Superintendent and TSS Director that children placed by the Tribal Court are placed back with their addicted and abusive parents before these parents have completed their Court ordered rehabilitation and treatment, are now being sexually abused by those parents and, reportedly, nothing is done by any of these officials to protect these children, to prevent this sexual abuse. Who, in any position of responsibility on the Spirit Lake Reservation or off of it, is working to protect these children? What specifically are they doing? By what standard is this defined as “progress”?

My sources tell me that all of this high level supervision from BIA law enforcement is thus far just “window-dressing”, impressive for its presence but totally lacking in any substance. The impression is that BIA does little to improve the safety for all residents of Spirit Lake, protecting only the interests of those who are politically connected. By what standard is this defined as “progress”?

5. Remainder of This Report

Portions of this Report may be considered graphic by some. I apologize for that. I have watered down some of the most graphic accounts provided to me in the last several weeks in an effort to protect the anonymity of those who are “terrified” that they may be identified and suffer painful retaliation for their disclosure as well as to minimize any possible traumatic effect from graphic content. Please remember, however, that no matter how graphic the content of this Report may be, it pales in comparison to the daily horror faced by the courageous children of Spirit Lake who have been in the care of rapists for months and who even today remain in their care.

The remainder of this Report recounts the roles of the Tribal Council, law enforcement, including the FBI, BIA, TSS and the Tribal Court in the continuing

epidemic of child sexual abuse at Spirit Lake; the apparent failure of moral leadership in North Dakota and in the American Indian Community to address one of the greatest moral challenges of our day and concludes by giving each of us an opportunity to justify, at least to ourselves, our silence and inaction in response to the unspeakable evil of child sexual abuse.

B. Tribal Council

One of my sources referring to the Tribal Council said, “Those goons consider themselves untouchable.” Why do they believe themselves above the law? Who is protecting them? Who in the state and federal agencies has been encouraged to protect them? What is the form of this ”encouragement”?

Here is a prime example of how the Tribal Chair and Council believe themselves to be ‘untouchable’: Recently a US Senator from North Dakota convened a community meeting on the second floor of the Spirit Lake Casino with the understanding that the Council would publicize the meeting as an opportunity to make the Senator aware of the concerns of the community. Attendance was minimal for two reasons: 1. The meeting had not been publicized; 2. Security had been instructed by the Council to allow only specified people onto the second floor where the meeting was held. Those excluded from the meeting included a former Chief Judge of the Tribal Court, several Tribal Elders as well as several enrolled members whose children had been seized by TSS and placed in foster care and who now, when inquiring about the location of those children, are being told that TSS never had these children in their custody and that TSS has no knowledge about their whereabouts. Who would dare to tamper with an effort by a US Senator to learn more about conditions in their community? Perhaps a recently overheard comment by a Spirit Lake Tribal Council member helps to explain why the Tribal Chair and Council do what they do, “No one from the outside is going to come in here and tell us what to do.”

The Tribal Chair, as I stated earlier, has not yet responded to my request that he document his charge that my reports are nothing but “rumor and conjecture”. The new TSS Director characterized my reports as false, I understand. He, as well, has provided nothing to substantiate his claim. Clearly, neither of them have read or are familiar with the Spirit Lake Nation Children’s Code which reads in part at 4-1-106, “Any individual who knows or suspects a child to be abused or neglected is encouraged to file a report..... the good faith of any person mandated to report cases of child abuse/neglect shall be presumed.”

The Tribal Chair and new TSS Director who have made these outrageous and false claims are acting entirely consistent with what the leadership of the Spirit Lake Nation has done in the past. It reflects their unstated, but clear, operating public relations policy: “Make any claim that makes us look good no matter how false it may be. No one will try to verify our claim and no one will dare ask about it more than once. They will be distracted by other matters.” Neither truth, facts

nor the welfare of the children of Spirit Lake apparently matter to them because every time they make one of these outrageous claims blaming Dr. Tilus or I for the situation, they give comfort to and embolden the rapists.

C. Law Enforcement

1. FBI

There are a number of questions that must be raised about the apparent inaction of all law enforcement in general and of the FBI and DOJ specifically when confronted by extraordinary levels of rape and other violent crime. They include:

a. Why are all of those children who have been placed in the homes of registered and known but unregistered sex offenders still there? If TSS and BIA cannot or will not intervene to remove these children from the home of known rapists in the four months since I filed my first Mandated Report, who has the authority to remove them from these homes?

b. If Mandated Reports filed consistent with the Attorney General's Revised Guidelines can be simply ignored, with absolutely no improvement in the conditions complained about, with no adverse effect on any of the individuals with responsibility for these children, the Attorney General must be advised he has put in place a totally ineffective tool to protect children. Whose responsibility is it to advise AG Holder of this inescapable conclusion? Why has he established such a promising mechanism that can be and is being ignored with impunity, apparently, by some within his own Department?

c. Why have no charges been filed against any of those registered sex offenders who are supposed to maintain a specified distance from any and all children and who have been housing these children in their own homes for almost a year?

d. Why hasn't the DOJ contested the decision of the Tribal Chair that a convicted rapist who is also a Tribal Council member did not have to register as a "Sex Offender"?

e. Why hasn't the FBI/US Attorney's office investigated and prosecuted the Tribal Chair and Council for ordering the removal of all pictures and descriptions of Registered Sex Offenders from the bulletin boards in all the Reservation public buildings in violation, as I understand it, of the Sex Offender Registration and Notification provisions of the Adam Walsh Act?

f. Has the FBI investigated the reported shredding of documents at TSS? If so, are charges being prepared? If not, when will this investigation begin?

g. Has the FBI investigated my charge concerning the double billing of

federal programs for some children placed in foster care? If yes, are charges being prepared? If not, when will this investigation begin?

h. Tribal judges have been reported to be currently ignoring reports of abusive parents and returning children to these parents, placing these children in even greater danger than they had been previously. Is the BIA which funds Tribal Court Systems monitoring the expenditure of these funds and accounting for the effectiveness of the Tribal court in administering fair and impartial justice? Is the FBI/DOJ scrutinizing the decisions of these judges to insure that there are no violations of the law by the court? If not, why not?

i. It has been reliably reported that the prior TSS Directors, Mr. Meier and Mr. Dauphinais, at the direction of the Tribal Chair, placed many children in the care and custody of known sex offenders. Have these allegations been investigated? If yes, is legal action against these individuals pending? If no, when will the investigation begin?

j. On August 13, 2012, more than two and one-half months ago, the wife of the BIA Criminal Investigator (CI) filed an affidavit with the Spirit Lake Human Services Director and the Tribal Council reporting that she was being physically abused by her husband and that the abuse had been going on for several months. It is my understanding that both the BIA Spirit Lake Superintendent, the resident FBI Agents as well as the Tribal Chair and Council knew of this abuse from the beginning and did nothing. Does the FBI investigate such examples of malfeasance? Have violations of the Violence Against Women Act occurred? If so, what actions are being or will be taken by the Department of Justice?

k. One of my sources described a recent three hour interview she and another women had with two FBI agents who seemed completely clueless about the nature of the crime being reported by these two women. It was their impression that the agents wanted to learn as much as they could about what the women knew so they could then bury all the evidence of wrongdoing in any way they could. While this statement may seem harsh, it grows out of experience with the FBI at Spirit Lake. This was the third time one of my sources had met with the FBI and made this updated but similar information available to them. On the prior two occasions, nothing was done, no investigations of the reports were conducted and no charges were filed. As a result my sources have very little expectation that the outcome from the most recent meeting will be different. They concluded, "Nobody will do anything to make a difference. They are just looking for a way not to investigate, not to charge, not to prosecute. Lawlessness prevails on the Res." Is the FBI/DOJ concerned that these agents are viewed by the public as being so incompetent? Does this lack of confidence in the integrity and competence of the FBI law enforcement at Spirit Lake influence the willingness of crime victims to report crimes?

l. On page 4, paragraph 3 of my Third Mandated Report filed on August

14, 2012, more than two months ago, I reported on the brutal beating of a two year old little girl by her father more than a year ago and the failure of the FBI to develop a case against the father in that time. There is speculation that he will never be charged because he is the Tribal Chair's nephew. The little girl's mother has for months been receiving the same response from the FBI that, "the investigation is not yet complete". It is troubling to think that the father's status as the nephew of the Tribal Chair had anything to do with this delay in filing federal charges against this father for beating his own daughter. There seems, however, to be no other conclusion available to any rational person. Tell me why my conclusion is wrong.

m. The six year old mentioned in the first full paragraph on page 11 of this Report was removed from her home because she was severely beaten by her father. Since she was removed, it has been confirmed that she has also been raped. Her father is the son of a Tribal Council member, a known but unregistered sex offender. Why have no federal charges been filed in the rape and beating of this child? Has there been a delay in the prosecution of this case because of the son's relationship to his Tribal Council member father? Is there any other conclusion available to any rational person based on these facts? Please tell me why my conclusion is wrong.

n. The child who pooped in their underwear before going to bed and slept in it, refusing to clean up until they woke up the next morning was removed from their father's house because they were regularly beaten by the father with an electric cord causing them to routinely miss school for 2 – 3 days a week because they could not walk. Since they were removed, it has been confirmed that this child has also been raped. Why has no one been charged/prosecuted for the physical and sexual abuse of this child? Does this failure to charge and to prosecute in this case have anything to do with the father's close blood relationship with the Tribal Chair? Is there any other conclusion available to any rational person based on these facts? Please tell me why my conclusion is wrong.

2. BIA

a. Senior Criminal Investigator

The BIA senior law enforcement presence on the Spirit Lake Reservation is their Senior Criminal Investigator (CI). On August 13, 2012 the wife of this CI filed an affidavit with the Spirit Lake Tribal Council and the Tribe's Human Resources Director, reporting that for the prior six months she had been periodically physically abused by the CI. Shortly after that affidavit was filed her son had to take her to Mercy Hospital In Devils Lake for treatment of injuries she suffered in a beating the previous day.

The CI has been abusing his wife for several months and has told her not to bother reporting his abuse to anyone in BIA or on the Reservation because of his

position, that no one would believe her and that he was untouchable. The CI's wife believes her husband's claims may be correct because the fact that he has been abusing her has been known, almost from the beginning of the abuse to the Spirit Lake BIA Superintendent, to the resident FBI agents on the Reservation as well as to all members of the Tribal Council, including the Tribal Chair. Not one of these people has done anything to help the CI's wife, to shield her from the physical abuse, to give her a haven where she could be safe or to counsel her so she would know exactly what she needed to do to file charges against the CI.

It has been reported that the CI recently threatened a fired Tribal Court employee in the following terms, "Be careful what you say about me. I can make you disappear."

The CI's wife needs immediate protection from the CI. Those who, knowing of this situation, did nothing should be removed from their positions and a determination made as to whether they violated any provisions of the Violence Against Women Act and whether they are subject to prosecution for their failure to take any action to protect this woman.

The CI must be disarmed immediately, publicly relieved of all law enforcement responsibilities, placed under an immediate restraining order requiring him to have no contact of any kind with his wife and placed on paid administrative leave while an investigation is conducted. If criminal penalties are not available, an investigation should be conducted to determine whether he should be subject to administrative removal.

An email containing the prior four paragraphs with a copy of the wife's three page affidavit was forwarded, through a mutual friend, to the # 2 person in BIA Law Enforcement in Washington, DC, more than a month ago. To this date, I am aware of nothing that has been done by BIA law enforcement to assist or protect the CI's wife. It does seem as though the CI was correct when he said he was "untouchable" because clearly the leadership of BIA law enforcement is not willing to do anything to assist his wife, to protect her, to prevent any additional beatings by the CI. Why has this CI been given a pass on his extended, brutal physical abuse of his wife?

The BIA CI referenced in the preceding paragraphs several years ago was called to the home of a two year old little girl who had been viciously beaten by her father. The beating was so brutal that she required several days inpatient hospital treatment at Mercy Hospital in Devils Lake. Charges were initially filed in Tribal Court and then dropped. Since the CI was related to the father, several people at the crime scene, where the beating had occurred, recommended he disqualify himself from any involvement in the investigation of this vicious beating and turn responsibility for the case over to another BIA officer. He did not. He claimed he was not influenced by his relationship with the father. No charges have ever been filed in this case. I reported this on page 4 at paragraph 2 in my

Third Mandated Report dated August 14, 2012. Has either the BIA or FBI conducted any investigation of this allegation in the two months since I first made it? If not, why not? Will there be any investigation of this allegation? If so, when will it begin? If the BIA has decided not to conduct an investigation into this incident, please explain this decision.

b. BIA Superintendent

The BIA at all levels, has proven itself to be compromised and ineffective. Complainants who several years ago provided documents to the BIA Regional Director in Aberdeen, SD during a meeting with him about, what they perceived to be, the malfeasance of the Spirit Lake BIA Superintendent, were shocked when they saw that those very same documents had been sent to that superintendent for his review and action. Those documents remained on his desk, unopened, unread, uninvestigated for several months before he shredded them. That is pretty solid protection from any effective investigation of the operation of BIA programs at Spirit Lake. This provides little safety for the children of Spirit Lake or for those courageously speaking out on their behalf. In light of these facts why is the BIA keeping its Spirit Lake Superintendent in place? Is he still there because when he destroyed those documents several years ago he did exactly what the Regional Director in Aberdeen expected? Why is this being tolerated by the new Regional Director?

c. Marcus Babbitt

This impression that BIA has little interest in enforcing the law at Spirit Lake has been further enhanced by the "investigation" conducted by the BIA's Marcus Babbitt who, according to my sources, when he spoke with them, in some cases was disrespectful and in others threatening, claimed he knew little about the situation at Spirit Lake, apparently had not taken the time to review any of the prior year BIA reports or of any of my Mandated Reports, was dismissive of them as being general and really did not deal with any laws that had been broken. One of my sources kicked Mr. Babbitt out of her home, telling him to come back when he knew what he was talking about. Later Mr. Babbitt had the arrogance to claim to others in ACF that I had refused to provide some requested documents to him. I did refuse but I then went on to say that all of the information I had in writing had been provided to the BIA and that he should obtain them within his own chain of command. I am deeply troubled by his apparent willingness both to misrepresent the facts about me and to conduct investigations while failing to acquaint himself, at least minimally, with the basic documents providing the bases for the allegations he was supposed to be investigating. Do Mr. Babbitt and his supervisors understand the meaning of "obstruction of justice" or "child endangerment"? Has he or they had any training on what these terms mean? Is he or they possibly guilty of either or both of these themselves?

Can you explain how and why BIA law enforcement dispatched Mr. Babbitt to

“investigate” these claims when he had been dispatched several years ago to investigate the complaints of several Tribal Judges and Tribal Elders about comparable conditions, asked a few questions and then disappeared, doing nothing according to those earlier complainants. Did he have instructions to accomplish the same objective this time? Shut it down! Was that what BIA leadership wants/demands? Surely, that is not the case. But where is the evidence that would allow any reasonable person to reach a different, more positive conclusion about the BIA’s intentions? If it can be demonstrated that BIA’s leadership wants any and all investigations about Spirit Lake aborted, are there civil or criminal penalties that apply to such irresponsible, unprofessional behavior?

3. Tribal Social Services

The law enforcement issues do not end with those who are supposed to police the streets of Spirit Lake. It extends to the Tribal Social Services (TSS) and to the Tribal Court. There are allegations from several eyewitnesses that records were both falsified and destroyed under the direction of the former TSS director. In a telephone conversation with me on July 11, 2012, late in the afternoon, the former TSS director spoke of being ordered to shred documents by the current Tribal Chair. This may explain why there are so many reports of upwards of 2 – 3 dozen children who are either unaccounted for or are being raised in loving homes, where the foster parents have never been officially designated as such by TSS, where the foster parents have never been paid by TSS for the care they have provided and are providing and where these foster parents have no documentation as to whose biological children they are caring for, have no paperwork at all that will allow them to register these children for pre-school, apply for and qualify these children for Medicaid or authorize a medical procedure. Have any of these missing children been trafficked for sexual purposes into the man camps in the North Dakota oil fields? How many? If the BIA leadership spent some time meeting with community members without the intimidating presence of the Tribal Chair and Council, the current BIA superintendent and law enforcement, perhaps the community might have enough trust to inform the BIA of the unspeakable problems they have with issues of this kind.

4. Tribal Court

In an article that appeared in the October 25, 2012 edition of the Grand Forks Herald there is a quote from the Chief Judge of the Spirit Lake Tribal Court, Shirley Cain who is reported to have said, “Our culture says it is not OK to hit another person.” This is a sentiment I believe most civilized people would strongly endorse. However, if we all agree on that statement, why is it that there are apparently no investigations into, charges being filed or prosecution of the cases of the two children cited earlier in this Report, the preschooler and the child who poops in their pants before going to bed, both of whom were severely

beaten, reportedly by their fathers, before they were removed from their homes. When they were evaluated at the Children's Advocacy Center in Grand Forks, it was also determined that each of them had been raped as well. Why Chief Judge Cain, if it is not OK to hit another person according to your culture, has there been no outcry for the criminals in these cases to be arrested, charged and prosecuted? Or how about the BIA senior CI's wife who has been beaten by the CI for several months reportedly with the knowledge of the BIA Superintendent and all members of the Tribal Council with no action being taken by anyone to stop the beating or to assist the CI's wife. Shortly after the CI's wife filed an affidavit which described these beatings with the Tribal Council and the Tribal Human Resources Director, more than 2 and ½ months ago, she was so severely beaten that she required treatment in the Emergency Room of Mercy Hospital in Devils Lake. At that time the CI's wife completed a report for the Tribal Victim Assistance Program which, I have been told was destroyed by a young Victims Assistance staffer who is also, I am told, the mother of the CI's 6 – 8 month old infant. That staffer has now transferred to TSS. Why is such violence tolerated? This is not just hitting another. These were severe beatings accompanied by threats of worse to come in a clear attempt at intimidation by the CI. Why is that CI still carrying a weapon and wearing a badge? Why is that staffer who reportedly destroyed that report still employed by the Tribe?

Later in that October 25, 2012 Grand Forks Herald article, Chief Judge Cain says, "It's not OK to not take care of our babies. We're doing good stuff. We're really doing good work. I want the world to know that we really love our children here." The following three examples, not previously cited in this Report, should demonstrate why these fine sounding words ring false to me.

First, on Friday morning, October 26, 2012, Mr. Littleowl appeared at the front door of the home of some foster parents and announced that when two of those foster children returned home from school that day, he would be there to take them on a three day unsupervised home visit with their grandparents. The foster mom protested that this would endanger those children because the grandfather was a known, registered sex offender, widely reputed to be still active raping children. Mr Littleowl persisted and only backed off when the foster mom demanded a letter from him explaining why this home visit was so necessary before she would let him take those children anywhere. When he left the foster mom called BIA Social Services to protest such an arranged visit in the strongest possible terms. Mr. Littleowl later called to say the home visit had been cancelled. Only because this foster mom was intimately familiar with who was who on the reservation was she able to prevent Mr. Littleowl's proposed unsupervised three day home visit of two small children with a registered sex offender. Mr. Littleowl has a responsible position in TSS which is supposed to be the defender of Spirit Lake children. His actions in this case made it look as though he were working on behalf of a known and registered sex offender. Did he take this action on his own initiative? Was he following the orders of someone else? If so, who?

Second, I understand that a meth addicted pregnant woman gave birth to a meth addicted baby boy at Mercy Hospital in Devils Lake 4 or 5 months ago. The new mom was prevented from taking the baby home with her and he was placed in foster care by Ramsey County social services. Care and custody was then transferred to the TSS but this baby stayed in the initial placement. The new mom showed no interest in her baby until about a month ago. As a condition of regaining custody of the baby she was placed in a two week treatment program at Spirit Lake Recovery and Wellness where, I understand, she has not done very well, refusing to take two random drug tests. Nevertheless, even though her progress in getting clean has been limited, I understand, the Tribal Court has allowed her to have unsupervised weekend custody of her new-born baby in her home. Is this unsupervised custody of a new-born by a drug addict how the Spirit Lake community demonstrates its love for their children?

Third, I understand two young children ([two to three years of age](#)) who had been removed from their homes in late December, 2010 and were evaluated at the nationally recognized Fetal Alcohol Spectrum Disorder Center at the University of North Dakota School of Medicine in Grand Forks during the late winter of 2011 and were diagnosed with severe developmental delay – they did not and could not speak, they did not understand simple words, they acted as though they had never [seen](#) a toy and had no idea what to do with them. Their only form of interaction was to hit each other and fight. The head of the Center evaluated these children. The expert recommendation provided in a written report, was that these children should never be returned to the home they came out of, that it would be a crime if they were ever placed back in that home. The TSS Director ignored the expert's evaluation and recommendation and placed these children back in that home shortly after he received that written report. They are still there, suffering ever more developmental delay with each passing day. [It is my understanding that TSS and BIA staff have been reviewing and correcting any problems in the TSS paperwork for most of the last several weeks. Why was this expert recommendation overlooked?](#) If this does not set the standard for not taking care of our babies, what does?

Earlier in this Report I wrote about the children who had been placed by TSS in the care of known sex offenders and who remain there today despite the claims of progress being made in improving conditions for children. I wrote about the preschooler with the most accurate description of what is involved in giving a blow job, the little child who poops in their underwear as a protection against rape during the night, children less than 10 years old engaging in anal sex in their neighbors' yards, about the nine year old little girl who was left home alone and who was raped and whose mom was hauled into Tribal Court a few days later on neglect charges but whose rapist has never been questioned about what he did more than a month after the rape or imprisoned for his failure to register as a sex offender as required by law. All of the children listed in this paragraph, I believe it is safe to say, have been subjected to unspeakable physical and/or sexual

abuse. Despite that fact, no one has been charged with these crimes. Why do the adults always seem to get a pass when they abuse Spirit Lake children? Why do the children of Spirit Lake receive such minimal, if any, protection from law enforcement at all levels at Spirit Lake? Is it any wonder that the children of Spirit Lake have such low expectations that any adult will do anything good for them without demanding their bodies in exchange? Does this explain the high depression levels among these children? If steps are not taken quickly to move children at risk into safer placements and to prosecute those adults who have raped them or failed in their basic obligation to protect them from harm, I believe, what is a terrible situation has the potential to become a disaster.

Allegations have been made that the Tribal Court record of what transpires in Court sessions have been manipulated in favor of one party over the other that in some cases the last TSS director before Mr. Littleowl ignored such complaints. One mother of two children has been forced to move out of state because her former husband, convicted of sexually abusing her cousin and their daughter, has, with the assistance of his family members, constantly violated the no contact with his daughter provisions of the Tribal Court Order. The Court has apparently ignored this mother's complaints about these violations as well as those about the behavior of his family. The mother is concerned that her ex-husband when he completes serving his sentence for sexually abusing his ex-wife's cousin and their own daughter, will petition the Court for sole or joint custody of their two children and that the Court might approve such a petition even from a convicted sexual predator. The Court, based on her prior experience with it, allowing a convicted predator to be able to send messages to his victim daughter, seems biased in favor of predators rather than defending the welfare of their victim survivors.

This woman will be featured in a two part presentation on PBS in early 2013 entitled, "Kind Hearted Woman", a film that has been three years in the making and which will describe her struggles with child sexual abuse and all of its attendant issues. When this airs, all of us, but especially the Spirit Lake Tribal Court, run the risk of being properly characterized as inept bureaucrats who could not protect this good woman and her children from a convicted child rapist.

D. Moral Leadership

The Sandusky scandal horrified the nation resulting in a lengthy and widespread outcry against those who had facilitated his continuing rape of young boys by keeping silent about what they knew. He assaulted and raped one boy at a time. At Spirit Lake there are many sexual predators who have been given free rein to rape at will. Hundreds of children have been exposed to conditions that place them at risk of being raped daily at Spirit Lake. The predators have been defended by the actions of the Spirit Lake Tribal Chair and Council. The TSS, FBI and BIA leadership by their failure to investigate legitimate complaints, made several years ago, about such abuse have facilitated this abuse. By their delay in

effectively responding to these Mandated Reports, these organizations and their staff have extended the rein of terror inflicted on the children of Spirit Lake.

While there has been much publicity about child abuse and neglect at Spirit Lake, there has been almost complete silence from those who would be considered North Dakota's moral leaders. Why haven't they spoken out about stopping the evil of so many North Dakota children remaining in the care of rapists? After all these children are residents of North Dakota who are being raped by North Dakota men and women?

Where is the moral leadership of the American Indian community on this issue? Why are they so silent? These are American Indian children who are being raped by American Indian men and women. How can this be tolerated?

We recognize there are many North Dakotans and members of the American Indian community who are unable at this time, for whatever reason, to speak up on behalf of the Spirit Lake children but who daily pray that our efforts will be successful. We thank you for your thoughts and prayers for the success of this effort and for the safety of us all. Please consider the words of Elie Wiesel in the next paragraph as you struggle with whatever has kept you silent until now.

E. Conclusion

Auschwitz survivor Elie Wiesel several years ago said, "I swore never to be silent wherever human beings endure suffering and humiliation. We must always take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented." Can anyone deny the truth of these words? If you wish to challenge Mr. Wiesel, please speak up. Do not remain silent. Tell us why you remain neutral, why you remain silent when confronted with child sexual abuse of any kind? We are talking about child sexual abuse on a grand scale with almost 40 known and registered sex offenders as well as an unknown number of unregistered sex offenders operating in an environment where there appears to be little chance of either apprehension or punishment. Why do you stand with all of these tormentors rather than with the innocent children of Spirit Lake? Tell us, please.

When confronted by the evil of child sexual abuse all of us have to answer three questions. They are:

If not now, When?

If not here, Where?

If not me, Who?

As you consider your responses to these three questions, I would like to leave

you with a true story about a young child from the Spirit Lake Nation who was placed in foster care about nine months ago. This child was removed from their biological father's home where they had been physically beaten and raped regularly by their father who also made the child available for sex with his friends.

Every night before this little child went to bed for the first three months in this new, safe foster home, they would poop in their underwear, refuse to clean up and went to bed. They would only clean up the next morning when they woke and got out of bed. The foster parents initially thought they must be doing something terribly wrong.

When they described this behavior to a mental health professional, they began to understand this was a defensive move on the part of a desperate child. By pooping in their underwear, refusing to clean up and sleeping in that dirty underwear, they were making themselves unattractive to someone who wished to rape them. How terrified must this child have been to develop and use, pooping in their underwear and not cleaning up, in order to stop those men who would rape them? How terrified must those young children be, who are being raped regularly, who have not yet or never will develop any protective strategies? These are the children lying in bed praying the bad people will not come and do bad things to them tonight, that someone like you will learn of their abuse and will come and rescue them.

These children cannot rescue themselves. Do we walk silently away and leave it to them to develop some protective strategies like sleeping every night with poop in their underwear? Is this what we want for these North Dakota children? Is this what we want for these American Indian children? If it is, remain silent because that will be the effect of our silence.

If we pass by these terrified children, refusing to do anything to rescue them, we are equal to the cowards of Wiesel's time. If we claim the cloak of neutrality we are in reality partnering, by our silence, with those who rape and assault little children. We deserve to be publicly labeled as such.

It is in our hands. By our actions or by our silence we announce to the world how we wish to be known. Our choice - Hero? Coward?

Thomas F. Sullivan
Regional Administrator, ACF, Denver