



ADMINISTRATION FOR  
**CHILDREN & FAMILIES**

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[www.acf.hhs.gov](http://www.acf.hhs.gov)

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Ms. McMullen:

Two months ago, on June 9, 2014, I sent you an email with the subject line “Unanswered Questions about Spirit Lake”. I wrote that email because you, in an earlier email, claimed that every one of the questions I had raised had been answered. You went on to say that you had records to prove your claim. In the intervening two months you have made no move to make those records available to me for my review.

One month ago I called you out for making such flagrantly false statements. There were at that time close to three hundred unanswered questions about Spirit Lake in my 13 Mandated Reports and subsequent emails to ACF leadership, most addressed directly to you.

Are you assuming no one will ever demand an explanation from you for all the lies you have told about the treatment of the children of the Spirit Lake Nation?

Are you so anxious to polish the apple for those who put you in your position of responsibility at the US Department of Health and Human Services that you are willing to lie and threaten the well-being of my sources and I, thereby allowing hundreds of children at Spirit Lake to remain in the full time, unsupervised care and custody of addicts, abusers and rapists where they are available to be raped daily?

Every day of delay in removing these children is another day they can be tortured, raped, sodomized or killed. Your efforts to discredit me and my sources have effectively added years to the sentences these children are serving.

With each passing day, additional children are being placed into these dangerous placements where they are available to be raped daily.

The cost to the public treasury to care for and rehabilitate these children will be enormous. According to the CDC's latest review, conducted by Fang et al, "the estimated average lifetime cost per victim of nonfatal child maltreatment is \$210,012 in 2010 dollars...the average lifetime cost per death is \$1,272,900."

In my July 15, 2014 email to you I raised several substantive issues requiring follow-up. You responded to none of those issues. I am raising them here directly and explicitly to you. I do expect answers to the questions which follow as well as to the three hundred unanswered questions already submitted to you.

1. Representatives from ACF, BIA, and DOJ have claimed all of our allegations have been investigated. Where are those investigative reports? Please provide copies of those reports.
2. Representatives from the BIA and DOJ have claimed that all of our allegations are false. When asked to substantiate such claims, they refuse to answer. When will an investigation be launched to determine the basis for such lies? We have worked strenuously to put nothing but the truth in our Reports and emails. That contrasts sharply with their mendacity.
3. Why has there been no investigation to determine whether there ever was an acceptable rationale for Acting Assistant Secretary Sheldon's unsubstantiated claim, made in October, 2012, that "things have greatly improved at Spirit Lake"?
4. Why has there been no investigation into the failure of ACF, BIA, DOJ, the Tribe and state to act on the factual, substantive information my sources and I have placed before them? The leaders of each of these organizations who have ignored our detailed, factual reports may be guilty, at a minimum, of child endangerment for their failures to act.
5. When will there be an investigation into the failure of Acting Assistant Secretary Sheldon to incorporate the Tribal Chair's November 5, 2012 positive remarks about my Reports into his management of ACF's response to the crisis at Spirit Lake?
6. When will there be an investigation into Tribal Judge Cain's self-aggrandizing misrepresentations that have harmed so many children at Spirit Lake? It is my understanding that the current Spirit Lake tribal judge continues to place children in the full-time, unsupervised care and custody of addicts, abusers and rapists. Some of his latest decisions in this regard have

been made within the last week. I also understand the Tribal Chair is fully aware of these placement decisions and has chosen to remain silent about them. So much for his claim that, “Our children are sacred”. Why is ACF, BIA, DOJ and the state allowing these placements which clearly endanger the well-being of Spirit Lake children? The inaction of the leaders of all of these groups demonstrates their clear endorsement of such contemporaneous placements.

7. When will there be an investigation into the ACF, BIA, DOJ, the Tribe and state self-serving claims that “it is all fixed”? When one makes such a claim in so serious a matter as this, without any factual basis, should there be civil and/or criminal penalties assessed both organizationally and personally?
8. All of those who testified at the House Subcommittee Hearing on June 24, 2014 spoke eloquently of their concern for the safety of the children of Spirit Lake. Unfortunately, those who testified provided no information as to what they have done or are doing to improve the safety of the children of Spirit Lake. There have been no actions taken since that Hearing that might contribute to the safety of those children. When will there be an investigation into the lying testimony from ACF, BIA, the Tribe and Casey about their concern for the safety of the Spirit Lake children?
9. What have those representatives from ACF, BIA, the Tribe and Casey done or what are they doing specifically to begin moving Spirit Lake children into safe locations?
10. Why hasn't the US Attorney and FBI launched an investigation into the apparent kidnapping of more than 30 children from Spirit Lake?
11. Why has the US Attorney and FBI failed to launch an investigation into the large, but unknown at this time, number of children who have disappeared from the Spirit Lake Reservation?
12. When will an investigation be launched into the shredding of official documents by Tribal Social Services employees? When will an investigation be launched into the shredding of documents by the former BIA Spirit Lake Superintendent, documents provided by my sources showing the abusive treatment of Spirit Lake children was an ongoing problem several years ago?

13. When will the Spirit Lake Nation rise up and throw out of office those Council members who prevent the Council from doing anything positive for the children of Spirit Lake?
14. Why has there been no investigation into the efforts to intimidate my sources and I into silence? The failure of the leadership of ACF, BIA, DOJ, the Tribe and state to do anything to investigate/prevent such intimidation is one of the clearest signals I have ever seen as to who is responsible for these efforts at intimidation. None of you are doing anything to investigate/prevent these acts at intimidation because intimidating us into silence is exactly what you wish to have happen.
15. Why do you and your allies want nothing more to be said about child sexual abuse in Indian Country? In North Dakota? In the United States? Every word coming out of your mouths oozes your venomous efforts to discredit and to minimize us. As you engage in this practice, you tell the world more about yourselves than us. You have spent more time libeling and slandering my sources and I in the hope that your lies will limit our effectiveness than you have spent in addressing the critical issue of the safety of the children of Spirit Lake.
16. Why has there been no investigation launched into the failures of ACF leadership to do anything about the crisis at Spirit Lake? Do these failures rise to the level requiring criminal charges for child endangerment for all of those who have so actively resisted doing anything to address the safety of the children of Spirit Lake?
17. When will an investigation be launched into the behavior of the ACF representatives (Mcmullen, Sparks, Chang and Kennerson) who visited Spirit Lake in April, 2014, who at that time sought to convince a former Tribal judge, a Tribal Elder and a former Tribal employee that the four of you, after a few hours on the reservation, knew more about the treatment of children at Spirit Lake than they did? The disrespect the four of you showed to these three good women is unparalleled! When will each of you be sending each of them their personal apology for your offensive behavior?
18. Has there been an investigation launched to identify those five other reservations where their mental health directors told Dr. Tilus that conditions on each of those locations was as bad as at Spirit Lake? How can any appropriate intervention be devised without such an investigation?

19. Has there been an investigation to determine why the leadership of ACF ignored the report I filed with them more than two years ago about the high rates of sexual abuse and youthful suicide on the seven Montana reservations? Does their inaction rise to the legal level of civil or criminal liability?
20. In a later (September 25, 2013) transmittal of the email referenced in # 19 immediately above, I wrote, "I am now just a few weeks away from beginning my tenth year of attempting to have my agency and my department seriously address the epidemic of child sexual abuse/statutory rape and child and youthful suicides on the Fort Peck Reservation in northeastern Montana. When I travelled to Fort Peck in November, 2004, the staff of their Domestic Violence Resource Center had been investigating every case of child sexual abuse/statutory rape for ten years and had, during that period confirmed, on average, two cases of child sexual abuse/statutory rape for every week during that ten year period. In the last 9+ years I understand there has been no improvement in these data. As the Director of that Family Violence Resource Center wrote in an email a few years ago, 'The sexual abuse of children is and always will be a crisis, the children suffer the rest of their lives'. While the stories coming out of the trafficking community may be 'horrendous' as one of your attached emails states, how should one characterize 19 years of data summarizing the investigation of every reported case of child sexual abuse/statutory rape and confirming, on average two cases per week for every one of those 19 years.....From where I sit, I have seen little effort expended to assist the good people of Fort Peck. I have seen significant efforts to silence me from those in leadership, to threaten my continued employment and ... to make my life miserable." I know those in ACF leadership who went before you did nothing for the good people of Fort Peck. Have you done anything to address that situation since you were alerted almost a year ago to this crisis at Fort Peck? Do your joint failures rise to the level that makes it civilly or criminally actionable?
21. Has there been any effort to begin addressing the sexual abuse of women and children and child suicide epidemic on those Montana reservations? This information was initially provided to the leadership of ACF in May, 2012, more than 2 years ago. I provided it to you and that leadership again in late September, 2013, almost a year ago when the White House expressed some interest in the issue of trafficking of women and children into the Bakken oilfields. I also provided it to you one month ago with my July 15,

2014 email. In every case the substantive information about the conditions in Indian Country in Montana have been ignored on three different occasions over a period of more than two years. No remedial action has even been discussed. Why is that?

22. Has there been an investigation to determine the accuracy of Doctor Butterbrodt's allegations about the tolerance of the Indian Health Service for sexual predators working in their clinics on South Dakota reservations?

23. Has there been any effort launched to begin addressing the crisis at Spirit Lake as merely a symptom of a much larger, more complex, national crisis requiring the mobilization of a broad swath of federal, state and tribal programs to begin addressing it in a more effective manner? If not, why not? If such a group has been established, who is leading the effort? What is their experience justifying their choice to lead such an important initiative?

I look forward to a timely and complete response to these questions as well as to the more than 300 unanswered questions in our 13 Reports and subsequent email concerning the crisis at Spirit Lake.

Thomas F. Sullivan  
Regional Administrator, ACF, Denver