

Upon the Back of a Turtle... A Cross Cultural Training Curriculum for
Federal Criminal Justice Personnel

*The following report is from the 101st Congress, 1st Session, Report 101-216.
Final Report and Legislative Recommendations: A Report of the Special Committee on
Investigations of the Select Committee on Indian Affairs, United States Senate. November 20
(legislative day, November 6), 1989.*

Child Sexual Abuse in Federal Indian Schools

While child sexual abuse is a growing menace throughout Indian Country and indeed across the nation, the Bureau of Indian Affairs (BIA) has ignored the problem in its own schools.¹ There has been a complete administrative breakdown in detecting and reporting pedophile teachers and other employees at BIA schools. BIA has allowed pedophiles to continue teaching even after they were reported to BIA school officials. In fact, BIA administrators repeatedly failed to report child sexual abuse allegations to law enforcement authorities and even threatened persons making allegations with slander suits. BIA's negligence led to needless cases of child molestation, yet many of the negligent officials were actually promoted to higher positions.²

Indian children across the country must now bear the burden of BIA's mistakes and suffer the trauma of sexual abuse on reservations where mental health treatment is often unavailable. Lacking access to quality therapy, some former victims of BIA employees have grown up to become child molesters themselves, perpetuating a tragic cycle of abuse.³ The cases of Paul Price, John Boone, Terry Hester and others illustrate the failure of BIA to fulfill one of its most important responsibilities, namely to Indian children.

The Paul Price Case Price at the Camp Lab School

Paul Price obtained a teaching certificate in North Carolina and taught at a number of public schools, including the Campus Laboratory School ("Camp Lab") in western North Carolina. In the spring of 1971, unaccompanied by other adults, Price took six of his Camp Lab seventh grade students, all boys, on a weekend camping trip in the Smoky Mountains.⁴

¹ The Special Committee's examination of child sexual abuse in BIA schools is not intended to de-emphasize the serious problem of physical and sexual abuse of Indian children outside BIA schools.

² William "Pat" Ragsdale, Acting Assistant Secretary for Indian Affairs, Department of the Interior, Testimony, Hearing, Part 3, Feb. 27, 1989 at pp. 259-61, 271; Dr. Arthur Justice, Dean of the School of Education, University of South Carolina at Spartanburg, Testimony, Hearings, Part 2, Feb. 9 1989 at p. 274; Ollie Locust Testimony, Hearings, Part 3, Feb. 21, 1989 at p. 25.

³ Keneitha Haigler Testimony, Hearings, Part 3, Feb. 21, 1989 at p. 9-12; Patricia Tramper Testimony, Hearings, Part 3, Feb. 21, 1989 at p. 7; Elizabeth Shiek, Psychologist, Smoky Mountain Health Clinic, Testimony, Hearings, Part 3, Feb. 21, 1989 at p. 13-14; Roxanne Howard, Juvenile Intake/Court Counselor, Eastern Band of Cherokees, Testimony, Hearings, Part 3, Feb. 21, 1989 at p. 139.

⁴ Paul Price Interview, Butner Federal Correctional Institute, Feb. 13, 1989; Justice at p. 29.



Late Saturday night Price snuck into the tents of several of the boys and sexually abused them. Price even forced one boy to have oral sex with him. When one of the boys who had not been molested that night learned that something strange had happened to his fellow campers, he told his father, Dr. Arthur Justice, the principle of the Camp Lab school.⁵

Shocked by his son's story, Justice confronted Price. At first, Price denied the charges. When Justice, however, threatened to line up the boys who were on the trip and have them tell their stories to his face, Price confessed. Price was fired from Camp Lab and never returned.⁶

Price is Hired at Cherokee

To his chagrin, Justice discovered in August of 1971 that Price had been hired to teach at the BIA elementary school on the Eastern Band of Cherokee Indian Reservation in Cherokee, NC. Although Price listed the Camp Lab school in his employment application to BIA, Bureau officials never contacted Justice or anyone else at the Camp Lab school, and were therefore initially unaware that Price was an admitted child molester.⁷

Justice, undaunted by BIA's apparent lack of concern, was so disturbed that Price had been hired to teach at Cherokee that he sent a strongly worded letter to T.J. DuPree, the BIA principal of the Cherokee Elementary School, disclosing Price's penchant for young boys. Although the BIA did not respond, Justice assumed the matter had been properly dealt with. However, the letter was ignored.⁸

With no fear of his past catching up to him, Price began teaching both third grade children and the children most vulnerable to his unwanted advances - special education students. And no sooner had Price arrived in the classroom than he once again gave in to his "urges" and began molesting young boys.⁹

Price's technique for molesting children was simple, but devious. Price would first target a needy boy who craved attention. These were usually boys who, like himself, had no father or came from a broken home. Price showered these boys with attention, often buying them Cokes, candy bars, and expensive gifts like baseball gloves, bicycles and teddy bears. Getting as close as he could to them, Price coached boys' sports teams, supervised camping trips, ate lunch with his students and even swung with them on his lap in the playground during recess.¹⁰

Price was visibly affectionate and gave "his" boys hugs, kisses and pats on the behind. Price's secret goal, however, was to win the trust of the boys and then seduce them. Once Price had won their trust, he would strike by placing his

⁵ Id. at pp. 29-30.

⁶ Id.

⁷ Id.; Price Interview.

⁸ Justice at p. 30.

⁹ Price Interview.

¹⁰ Id.; Price Testimony, Deposition, Feb. 13, 1989 in Hearings, Part 3, Feb 21, 1989 at pp. 318, 320; Locust at p. 28.



hands on both the inside and outside of the boys' clothing and then begin fondling them.¹¹

While on the Cherokee school grounds, Price tried to restrict his sexual activities to fondling and to avoid detection, he preferred to teach alone. Price instructed the aides assigned to him to sit behind a screen in the corner of his classroom.¹²

Price was bolder outside school grounds. He masturbated while fondling his child victims and frequently engaged in oral sex with them. Price particularly desired boys between the ages of eight and twelve because older boys "talked too much."¹³

Frightened and confused by Price's advances, the young boys were kept silent by threats. Price told more than one boy, "I'll cut off your penis and turn you into a girl if you tell."¹⁴

To intimidate young boys, Price sometimes met with his victim's mother and cultivated her friendship. He thought that no parent who perceived him as a "nice" teacher would believe tales of his perversion.¹⁵

Price began molesting children from the start of his first school year at Cherokee in 1971. Even Price, however, sometimes felt spasms of guilt and stopped his molestation. During these times Price would fight to control his pedophilia, but invariably he would lose control over his urges and once again resume molesting children.¹⁶

Dr. Justice Again Warns BIA Officials

In 1974 Justice taught a course for teachers at the Camp Lab school that was attended by two teachers from the Cherokee school. Shocked to learn from them that Price was still teaching at Cherokee, Justice told the teachers that Price "should never be around children." As a result, Justice met with the Chief of the Cherokee Tribe, John Crowe, and a tribal councilman, Glenn Bradley, to relay Price's prior history at Camp Lab.¹⁷

Deeply disturbed by Justice's story, Chief Crowe and Bradley then met with Robert Evans, the highest BIA official at Cherokee, and told him about the Camp Lab incident. Evans promised Crowe and Bradley that he would take action, and suggested Justice write a letter to BIA setting out the facts. Justice wrote the letter, but again received no response from BIA. Moreover, Price

¹¹ Id.; Locust Interview, Jan. 26, 1989. Typical of Price's seduction ploys was his bicycle contest. Price ostensibly conducted the contest for his students as a motivational tool. However, the real price the winner of the bicycle had to pay was consent to Price's sexual abuse. Locust at p. 28; Shiek Interview, Jan. 26, 1989; Lawrence Hill Interview, Jan. 26, 1989.

¹² Hill Interview.

¹³ Price Deposition at pp. 317-18; Price Interview.

¹⁴ Tramper at p. 7; Tramper Interview, Jan. 27, 1989.

¹⁵ Hill Interview.

¹⁶ Price Deposition at pp. 317. 320; Price Interview.

¹⁷ Brintnall at p. 25; Brintnall Interview, Jan. 26, 1989; Justice at p. 31; Glenn J. Bradley Testimony, Deposition, Feb. 15, 1989 at pp. 6-8.



himself was not questioned by BIA officials concerning the allegations and freely continued teaching at the Cherokee elementary school.¹⁸

But Justice's letter led to bizarre consequences. Shortly after the meeting between Evans and the tribal leaders, the teachers at the Cherokee school were called to a meeting by the school principal, Ray Cleveland. He stated that people were spreading rumors about a teacher, and if they did not stop, they would be sued for slander. Reading from a BIA manual, the school's personnel director then listed the penalties for slander, which included dismissal from employment. Frightened by these thinly veiled threats, the two teachers who had learned about Price decided not to press Justice's account any further.¹⁹

The Allegations Continue

Despite BIA's official myopia, allegations against Price's blatant behavior continued. Throughout the 1970's and early 1980's there were repeated stories that Price was sexually molesting young boys.²⁰

Yet whenever there was a complaint, Price was not forcefully questioned by BIA school officials. Instead, he was asked, "You really didn't do this, did you?" and Price's denials were always accepted. The same principal who refused to act on Justice's letter simply mentioned to Price on one occasion that he should "refrain" from touching children. Several BIA supervisors even offered Price friendly advice like, "Paul, why don't you get married?" in the hopes that the scurrilous allegations would then cease. But no one reported Price to law enforcement authorities or to their BIA supervisors in Washington, DC.²¹

In 1982 a series of anonymous letters alleging that Price was molesting children circulated among the parents of Price's students. Again, no one at BIA investigated these allegations or reported them to federal law enforcement authorities. By failing to consider allegations, BIA permitted Price to escape detection and continue molesting children.²²

In November 1984, Price had become so blatant that he began to massage the crotch of one of his third grade students in the school hallway. When Ollie Locust, a teacher's aide, caught him in the act of molesting the child, Price pretended he was simply praising the boy. Deeply shaken by the incident, Locust immediately told her story to the principal of the school, Mary Widenhouse. Widenhouse told Locust that she had done the right thing by reporting the incident, but that it was now "out of your hands." Widenhouse stated that she would have Price "watched" but also told Locust, "I don't want you to say anything about this. You could be hit with a slander suit if you do."²³

Widenhouse did not report the hallway incident to law enforcement authorities and only indirectly questioned Price. She accepted Price's easy

¹⁸ Justice at p. 31; Bradley Deposition at p. 8; Price Interview.

¹⁹ Brintnall at pp. 25-26; Justice Interview, Feb. 21, 1989; Bonnie Cogdill Interview, Jan. 26, 1989.

²⁰ Brintnall at p. 26, Locust at p. 28.

²¹ Price Deposition at pp. 320-21; Price Interview.

²² Price Deposition at pp. 321-22; Mary Widenhouse Testimony, Deposition, Feb. 7, 1989 at pp. 20-21; Price Interview.

²³ Locust at pp. 23-24; Locust Interview.



denial, as had all of her predecessors. Price continued to teach the student he molested in the hallway. Widenhouse's only other response to Locust's eyewitness report was to have Price "watched" by another teacher and by the assistant principal, Roy Lambert. As could be expected, BIA's half-hearted attempts to "watch" Price failed.²⁴

Price is Finally Caught

Keneitha Haigler's son always enjoyed school. From the time he was three years old he wanted to join his sister on the bus that went to the Cherokee school. Suddenly, in the fall of 1985, the eight-year-old boy who loved school began to fear it. "How many days until Saturday?" he asked his mother. On other days the boy would say, "I'm sick and don't want to go."²⁵

Then the nightmares began. Awakened by her son's cries in the night and his constant pounding on the walls, Haigler felt an intense fear in her son that she could not trace. The boy's violent drawings of fire, death and destruction also were a troubling mystery.²⁶

Late one evening in October 1985, Haigler entered her son's room. The boy was sitting in bed with a blanket over his head. Clearly frightened, he said Price had repeatedly molested him. Price had molested the boy in the classroom, the lunchroom, and even the hallways.²⁷

Her worst fears raised, Haigler questioned the Superintendent of the Cherokee Elementary School, John Wahnee. Haigler was dismayed that Wahnee was not surprised by her allegations. In fact, Wahnee explained that windows were being placed in Price's classroom to "discourage" that type of activity. Wahnee instructed Haigler to write a letter detailing her complaint, after which Price was finally reported to law enforcement officials.²⁸

Price was suspended from teaching a week after the Haigler allegations surfaced and the FBI began an investigation. Ironically, on his last day of school, Price attended a school Halloween party and wore a prison costume with stripes and a serial number.²⁹

While the school was in an uproar over Price's arrest, other accounts of his sexual deviancy came to light. Young boys who before were frightened into silence at last began to tell their stories. The evidence mounted and Price was indicted on 21 counts of taking "indecent liberties" with four minors.³⁰

Publicly, Price continued to insist on his innocence, and the case was scheduled for trial. On the day of trial, Price went into the courthouse restroom and when he came out, he faced a line of young boys who stood ready to accuse him. Standing with the boys was a highway patrolman, the same person who twenty years earlier had been molested by Price. Scared by the prospect of

²⁴ Widenhouse Deposition at p. 19; Roy Lambert Interview, Feb. 15, 1989.

²⁵ Haigler at p. 8; Haigler Interview, Jan. 26, 1989.

²⁶ Haigler at p. 8.

²⁷ Id. at pp. 8-9; Haigler Interview.

²⁸ Haigler at p. 8-9.

²⁹ Id.; Trampler at p. 6.

³⁰ Paul Price, Indictment, filed Jan. 7, 1986, Western District, North Carolina, U.S. District Court.



confronting those he had abused, Price pled guilty to one count of molesting Haigler's son and was sentenced to the maximum term of ten years in prison.³¹

Price, however, insisted that he was innocent even after his guilty plea, telling his friends that he only pled guilty to save the boys from having to testify. Many of the teachers at the school believed his story and the Assistant Principle, Roy Lambert, flatly refused to apologize to one of the victims' parents even after Price was convicted.³²

Price's Confession

In April 1989, Price's steadfast protests of innocence broke down. Price, incarcerated in a maximum security prison, confessed, under oath, to Special Committee investigators that he had molested children all of his life, including at least 2 young boys at the Cherokee Reservation. Price admitted that his repeated pattern of molestation at Cherokee began in 1971 and ended in 1985 and that the BIA school officials knew of the allegations for most of his fourteen year tenure. The fact that they did not pursue them was "a phenomenon that's hard to understand," Price testified. Price candidly acknowledged, "I was waiting for someone to stop me."³³

Inexplicable, no BIA official at the Cherokee school was ever disciplined for failure to report the allegations concerning Price. Dupree in 1971, Evans in 1974, Widenhouse in 1984 and Wahnee in 1985 all had ample notice of Price's acts. Instead, some of these supervisors gained promotions. Widenhouse was promoted to the BIA's Office of Education in Washington, DC. Wahnee was promoted to superintendent of schools on the Hopi Reservation. Lambert remains the Assistant Principal of the Cherokee school. Ultimately, supervising a pedophile who molested children at will for 14 years did not harm anyone's career at BIA. As Acting Assistant Secretary for Indian Affairs William Ragsdale testified before the Committee, it was "inexcusable" that the BIA allowed a pedophile like Price to thrive in its schools for 14 years.³⁴

The John Boone Case

John Boone was hired in 1979 as a remedial reading teacher at the Polacca Day School, a BIA school on the Hopi Reservation in Arizona. Boone gained the trust of the Hopis during the early 1980's and impressed many with his awards from the BIA for his innovative English-language teaching methods.³⁵

Boone was also a favorite of his Hopi students. They liked going to his house to play games and watch videos. Actively involved with the children,

³¹ Haigler at p. 17; Tramper at p. 6; Price Interview.

³² Tramper at p. 6; Haigler at p. 11; Lambert Interview.

³³ Price Deposition at pp. 319-20.

³⁴ Justice at pp. 30-31; Locust at p. 24; Haigler at p. 9; Ragsdale, Feb. 27 at pp. 259-60. Acting Assistant Secretary for Indian Affairs William "Pat" Ragsdale added that BIA's communication of sexual abuse incidents is "terrible." Id. at p. 262.

³⁵ Eloise Salholz, "Assault on the Peaceful: Indian Child Abuse," *Newsweek*, Dec. 26, 1988 at p. 31.



Boone coached basketball, volleyball and softball, and frequently took the children on overnight trips for sporting events. Beneath his appearance of normalcy, however, Boone concealed a darker side.³⁶

In March 1981, then-Navajo County Deputy Sheriff Larry K. Baldwin learned that Boone was taking Hopi boys between 13 and 18 years old to motels and to his own house. During these excursions, Boone provided alcohol to the boys in a ploy to get them drunk and remove their clothes. On one trip, a boy awakened on a couch in Boone's house to find himself without clothing. Boone, also naked, was staring at him from underneath a table next to the couch. In other cases, when the boys asked why their clothes were removed, Boone told them he had "washed" them because they were "dirty."³⁷

Although Baldwin could not get the boys to pursue their allegations, he contacted Thomas Goff, Boone's principal at Polacca. In March 1981 Baldwin met with Goff and told him that Boone was being investigated for sexual molestation of children. Goff replied that without additional evidence, Boone could not be fired.³⁸

Five years later, Boone removed the clothes of Debra Hood's ten-year-old son, again ostensibly to wash them because they were dirty. Shocked by Boone's inappropriate behavior, Hood reported the incident to Thomas Goff.³⁹

Goff called Boone into his office. After Boone denied the entire story, Goff simply told Hood she had better be "damn sure" of what she was saying or she might ruin Boone's teaching career. Goff then telephoned the BIA Superintendent for Education at the Hopi reservation, Albert Siquah. Siquah directed Goff to contact a federal labor relations officer and Boone was placed on a three-day temporary leave.⁴⁰

Despite the previous reports by Sheriff Baldwin against Boone, Goff and Siquah did not contact any law enforcement officials nor did they notify either their superiors at the Office of Education Programs in Gallup, New Mexico, or the BIA central office in Washington, DC. The BIA officials simply dropped any further action against Boone. By not pursuing the serious charges against Boone, BIA officials permitted him to continue teaching Hopi children and, consequently, to molest them.⁴¹

After the 1986 incident, Hood forbade her children from going to Boone's house. In 1987, however, Hood's children began to sneak over to Boone's house because they liked watching videos there. One day Hood's daughter peeked in a window at Boone's house and saw Boone and her brother wrestling. While Boone and her brother were wrestling, the girl entered the house and stole a

³⁶ Hood at pp. 273-75.

³⁷ Larry K. Baldwin, for Navajo County Deputy Sheriff, Interview.

³⁸ Baldwin also reported the allegations concerning Boone to then-Chief of the BIA Police at Hopi, Ivan Sidney. Id.

³⁹ Hood at pp. 273-75.

⁴⁰ Id.; Kenneth G. Ross, Assistant Director, South and West Agencies, Education Operations, Office of Indian Education Programs, BIA, Prepared Statement, Hearings, Part 3, Feb. 21, 1989 at p. 349.

⁴¹ Ragsdale, Feb. 27 at p. 260; Albert T. Siquah, Prepared Statement, Hearings, Part 3, Feb. 21, 1989 at p. 357.



book entitled *The Sex Book*, which contained explicit pictures and definitions of sexual terms.⁴²

Later that night, after Hood's son went to sleep, the girl gave her mother the book and told the disturbing story of Boone wrestling with her brother. Confused about what to do because of the BIA's previous lack of action, Hood contacted a Hopi tribal court counselor, who in turn contacted the FBI. In February 1987, the FBI arrested Boone and made a shocking discovery in his house. Boone had compiled a chart describing the sexual activities he had engaged in with 142 boys. Boone also had photo albums and videotapes of nude boys. Based on this gruesome evidence, Boone pled guilty in June 1987 and was sentenced to life in prison.⁴³

Tragically, the massive abuse at Hopi could have been halted if BIA officials had responded to the serious allegations against Boone. Even so, no BIA official was ever disciplined or reprimanded for failure to report Boone. Neither Goff nor Siquah suffered any adverse consequences as a result of their reporting omissions. As Co-Chairman McCain stated during the hearings, "Our commitment loses credibility if people who were in supervisory positions are simply transferred to other schools, rather than being held responsible for the actions that took place when they were in a supervisory capacity."⁴⁴

Moreover, the BIA and Indian Health Service response to the mental health crisis created by Boone was wholly inadequate. Instead of implementing crisis intervention plans, as is routinely done in public schools hit by such traumatic events, the BIA had no outreach to the parents of the students for six months.⁴⁵

While the pain and anguish caused by Boone festered within the Hopi community, the BIA employed a counselor at the Polacca Day School, Lee Cargile, who only added to the acute stress of the sexually abused Hopi students. Cargile questioned the students in exhaustive detail concerning the most intimate facts of their abuse and compiled his own chart of Boone's activities. Cargile even called representatives of the U.S. Attorney's Office and asked for money to fly to New York to interview John Boone in prison so that he could write his own book about the Boone case. At the insistence of the U.S. Attorney's Office in Phoenix, Cargile was removed from Polacca Day School. However, Cargile was not disciplined for his behavior but was simply transferred to the Keams Canyon Boarding School only eleven miles away. At Keams Canyon, Cargile sometimes acted as principal, supervising some of the same students he had inappropriately questioned at Polacca.⁴⁶

⁴² Hood at p. 275.

⁴³ Id.; David Small, Supervisory Special Agent, Phoenix Division, FBI, Testimony, Hearings, Part 3, Feb. 21, 1989 at pp. 41-42; Hood Interview, Feb. 9, 1989.

⁴⁴ Senator John McCain, Co-Chairman, Special Committee on Investigations, Hearings, Part 11, June 8, 1989 at p. 12; Ragsdale, Feb. 27 at p. 260; Hood Interview.

⁴⁵ "Sylvia" Testimony, Hearings, Part 2, Feb. 9, 1989 at p. 280; Hood Interview. William Mehojah, Branch Chief, Office of Indian Education Programs, BIA testified that BIA has never engaged in crisis intervention. Mehojah Testimony, Hearings, Part 3, Feb. 21, 1989 at p. 90.

⁴⁶ David Breault, Clinical Social Worker, Testimony, Hearings, Part 3, Feb. 21, 1989 at p. 114; Ross at p. 82; Ragsdale, Feb. 27 at p. 260; Breault Interview, Feb. 21, 1989.



Other Cases of Sexual Abuse

Price and Boone were not the only pedophiles flourishing in BIA schools during the 1980's. Terry Hester applied to BIA in 1981 to teach at the Kaibito Boarding School on the Navajo Reservation. On his employment application to BIA, Hester wrote that he had a previous criminal arrest and listed the relevant Oklahoma statutory code citation. Inexplicably, BIA officials failed to look up the code citation. If they had checked the code, they would have learned that Hester had been arrested previously on a child molestation charge.⁴⁷

Hester escaped detection, however, and was hired by BIA. Rather than seducing boys, Hester's technique was to threaten and coerce them into sexual acts. After Hester was arrested for molesting children at the Kaibito Boarding School, a BIA law enforcement officer finally checked the code and learned that it referred to child sexual abuse. The officer also learned that Hester had "skipped" trial on that charge in Oklahoma and had fled to Arizona. Subsequently, Hester was returned to Oklahoma, where he was convicted. No BIA officials were ever disciplined for their failure to notice Hester's prior arrest.⁴⁸

J.D. Todd also molested children at a BIA school on the Navajo Reservation. Todd taught at the Greasewood Boarding School for twenty-one years. After a new counselor at the school heard stories of Todd's molestation activities from various children, she finally reported him. Todd was investigated by law enforcement officials, but still some of his fellow BIA teachers testified for Todd as character witnesses and otherwise at his trial, claiming that the children were lying. The principal at the Greasewood School even arranged joint transportation to the trial for both the teachers testifying for Todd and the victims of Todd. Only after the U.S. Attorney's Office intervened were the children provided separate transportation.⁴⁹

BIA's Approach to Reporting Child Sexual Abuse

Price, Boone, Hester, Todd and others demonstrate BIA's failure to protect Indian schoolchildren. That these pedophiles could operate in BIA schools with no systematic means of reporting can be traced in part to the failure of BIA to issue any reporting guidelines and Congress' failure to require them to do so. In 1974 Congress passed the Child Abuse Prevention and Treatment Act which mandated that state governments adopt minimum child abuse laws or forfeit federal aid. However, Congress inadvertently omitted federal and Indian lands

⁴⁷ Mehojah at p. 75.

⁴⁸ Id.; Ross at p. 92; Small Interview, Feb. 21, 1989.

⁴⁹ Small at p. 42; Christine Brown, Assistant Branch Chief, Indian Education Programs, BIA, Testimony, Hearings, Part 3, Feb. 21, 1989 at pp. 89-90; Brown Interview, Feb. 21, 1989. After a lengthy jury trial, Todd was found guilty in an Arizona federal district court on thirteen counts of sexual molestation and was sentenced to 99 years in federal prison. However, the Ninth Circuit Court of Appeals ordered a new trial because the children could not precisely identify the dates of the sexual abuse and the jury's factual determination was held to have been improperly influenced by the prosecution's use of an expert witness who presented testimony on the trauma of sexual molestation.



from this requirement. Thus, BIA schools were exempt from any sexual abuse reporting requirements.⁵⁰

Since the passage of the Child Abuse Prevention and Treatment Act of 1974, all fifty states have enacted and strengthened their own reporting laws. Yet no federal reporting law currently applies to federal schools on Indian lands. Moreover, despite the actions of all 50 states, the BIA for years failed to institute its own reporting guidelines or ask Congress for a mandatory statute.⁵¹

This regulatory gap tied the hands of the Cherokee tribal leadership in 1974 when it asked BIA to investigate Paul Price. Even today tribes are powerless to require BIA or the Indian Health Service to investigate and report cases of suspected child abuse. Until recently, tribal officials or parents of victims could not even refer to internal BIA policies on child abuse reporting because they were nonexistent. Even though the Price fiasco came to light in 1985, BIA's first official policy on reporting sexual abuse was not issued until December, 1987, and its first policy to strengthen the background checks of potential teachers was not issued until last year.⁵²

While the policies BIA has promulgated are an improvement over their previous lack of any reporting procedures, they are still seriously flawed. There are no criminal sanctions for failure to report and no protection from slander suits for those who do report child abuse allegations. Thus, as in the Price case, teachers who know of allegations may be frightened and intimidated into not reporting their information.⁵³

A federal reporting law would inevitably lead to increased reports of child sexual abuse and a need for greater treatment services. Unfortunately, the treatment of child abuse victims and offenders is currently underfunded and understaffed. Many reservations have neither licensed medical specialists to provide care to victims, nor mental health professionals to provide counseling. On the Hopi Reservation, the therapists treating the children traumatized by Boone must travel over 300 miles to their clients and are only available four days a month.⁵⁴

Moreover, multi-disciplinary sexual abuse teams trained in the issues of child sexual abuse are rare on Indian reservations. Mental health treatment is not only critical to relieving the depression and suicidal and homicidal ideations that victims experience, but also can help prevent victims from becoming future

⁵⁰ 42 USC §5101; Howard Davidson, National Legal Resource Center for Child Advocacy and Protection, Testimony, Hearings, Part 3, Feb. 22, 1989 at pp. 128-29.

⁵¹ *Id.*

⁵² Hilda Manuel, Chief Judge, Tohono O'odham Judiciary, Testimony, Hearings, Part 11, June 8, 1989 at p. 32; Ragsdale, Feb. 27 at p. 261; Bradley Deposition at pp. 6-8.

⁵³ Justice at p. 32. Acting Assistant Secretary Ragsdale noted, "I would agree with the Secretary [Lujan] that I think federal legislation is needed to provide criminal penalties [for failure to report] as well." Ragsdale Testimony, Hearings, Part 11, June 8, 1989 at p. 13.

⁵⁴ The number of criminal complaints in South Carolina increased by 20 percent after the state enacted a mandatory sexual abuse reporting law. Justice at p. 33; Kenneth Hodder, Clinical Social Worker Testimony, Hearings, Part 3, Feb. 22, 1989 at p. 107; Hodder Interview, Feb. 21, 1989.



perpetrators. Paul Price, in fact, was sexually abused at the age of eight and at least two of his victims are now convicted molesters.⁵⁵

Conclusion

Collectively, Price, Boone, Hester, Todd and other cases the Special Committee investigated demonstrate BIA's gross negligence in reporting child molesters to appropriate social service and law enforcement authorities. After the Committee's investigation, Acting Assistant Secretary for Indian Affairs Pat Ragsdale sent official letters of apology from the BIA to the Hopi and Cherokee tribes. As Secretary Ragsdale testified, "I'm sorry it took a Special Committee investigation for us to discover this breakdown in our system."⁵⁶

The administrative breakdown, however, signifies fundamental institutional incompetence. BIA supervisors refused to report credible allegations against their employees and staunchly defended teachers who were later convicted of molestation. With threats of slander against those who pursued allegations, BIA officials stifled detection and intimidated anyone who chose to report allegations. BIA consistently refused to document molestation allegations in the personnel files of accused teachers, and routinely failed to investigate the background of teachers it hired. Moreover, negligent BIA officials were never disciplined by their superiors and many were even promoted within BIA. Instead of adopting reporting standards, as had all 50 states, the BIA for years failed to address known problems.

⁵⁵ Shiek at p. 15; Price Interview; Shiek Interview.

⁵⁶ Ragsdale, Feb. 27 at p. 250; Ragsdale, June 8 at p. 12. See Letter, William Ragsdale, Acting Assistant Secretary for Indian Affairs, U.S. Department of the Interior to Ivan Sidney, Chairman, Hopi Tribe, Hearings, Part 3, Feb. 27, 1989 at pp. 675-76.

