



Recounting of Sexual Torture by Priests and Nuns Spurs S.D. Bill

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RECOUNTING OF SEXUAL TORTURE BY PRIESTS AND NUNS SPURS SD BILL

PIERRE, SD January 30, 2018: PART I – The molestation, rape, and torture of nine sisters by priests, nuns, and church staff running a Native American boarding school is being brought to light as the nine, who are now women, fight to have the laws changed so they can have their day in court.

The South Dakota legislature is considering a bill this week which eliminates a gap in the law that blocks their claims and the claims of other childhood survivors of sexual abuse from seeking justice in the courts. The current statute of limitations is three years from the abuse or three years from the time you discover the abuse but no one aged 40 years or older can recover damages from anyone other than the person who did the actual sexual acts. This language stops all boarding school survivors of abuse from pursuing their claims.

The repeated molestation they endured for years at the hands of the priests and nuns who were their teachers and caretakers is horrific. The sisters were as young as five years old when they were forced to attend the school, like many other Native Americans. One sister agonizingly tells of being raped by a priest, getting pregnant, having a forced abortion performed by nuns who incinerated the baby.

Another talks of molestation, rape and being put in a coffin by a priest. “There were tunnels built under the school that the abusers used to have access to the children in the dormitories at night while everyone slept” said Michelle Dauphinais Echols an attorney and member of the Turtle Mountain Band of Chippewa Tribe who spent her early years at the school campus

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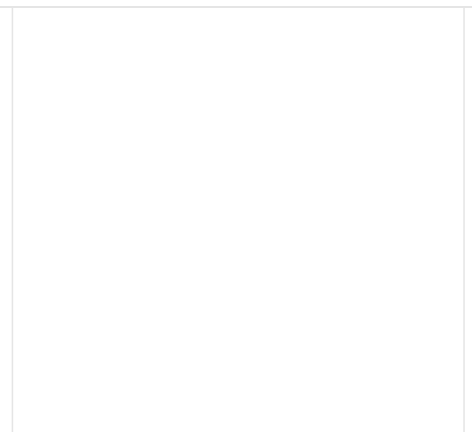
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and is the author of the bill. "One night I went to the bathroom and when I returned a man was in my bed! I fought him off and found my sister and slept the night in her bed" said Louise Charbonneau Aamot, one of the nine sisters, a member of the Turtle Mountain Band of Chippewa Tribe, and a childhood sexual abuse survivor.

The fear from the abusers, the shame of the abuse, and the power of the Catholic Church who ran the school stopped the survivors from discussing the abuse with their families who were devout practitioners. Some of the memories are so painful they were buried for years and only revealed as their medical doctors found evidence of scars of sexual torture. "The South Dakota Supreme Court had it right when they stated, 'Sexual abuse at an early age prompts involuntary coping mechanisms which may prevent victims from making the causal connection between the abuse they suffered as children and the psychological problems they experience as adults'"¹ said attorney Dauphinais Echols. The nine sisters filed suit against their abusers, including the Native American boarding school and the church, which went up to the South Dakota Supreme Court in *Bernie v. Blue Cloud Abbey*.

The court held that the statute of limitations for childhood sexual abuse did not apply in these cases and a more restrictive statute of limitations of three years from the time the abuse occurred applied. A statute of limitations is like a legal stopwatch when the time to file a lawsuit runs out. The court also said that the statute was not meant to apply to institutions like the church and diocese. That meant the nine sisters' claims were blocked from being heard in court.

The proposed bill will eliminate the statute of limitations so that survivors of childhood sexual abuse could bring suit at any time and it allows suits against the schools. "Abusers should not be protected just because of the passage of time. Molestation and rape of children is not something we, as a society, should tolerate. It has been an uphill fight. We really need the people of South Dakota to call their state representatives in support of the bill to get it passed" says Geraldine Charbonneau Dubourt, member of the Turtle Mountain Band of Chippewa Tribe, and one of the nine survivors. The state legislators are reviewing the bill this week.

1 *Stratmeyer v. Stratmeyer*, 1997 S.D 97.

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NEW BILL INSPIRES HOPE FOR SEXUAL ABUSE SURVIVORS – ELDERS AND TAKOJA


PIERRE, SD January 30, 2018: PART II – Nine sisters who describe terrible sexual abuse as children at a Native American boarding school have been fighting to change the law to help other survivors of childhood sexual abuse. They tell of a time when Native American children were taken from their families, sent hundreds of miles away so they could be raised far from their cultural and familial ties.

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"And, the only remaining country to not adopt the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) into law." mcr

There was even an orphanage at the school for the youngest of the children, aged 3-4, that were taken from their families and put in the orphanage until they could attend classes in kindergarten. But it is the horrific abuse that haunts Native communities to this day. The women speak of beatings so hard by the nuns one's ear drum burst and another was punched and knocked unconscious by the nuns. They were sprayed with DDT, which they were told was to delouse them, that was left on their skin several days. They were shown movies about the WWII concentration camps and the gas chambers. Then they were sent to the showers to rinse off the delousing chemicals. A boy was drowned during a school picnic and then his body was put in the children's playroom by the caretakers to rot for five days in full view of all the children.

The psychological torture was done at such a young tender age and a code of silence was so ingrained that it followed them into adulthood. Even when this was brought to their attention, the grown women did not connect it to the abuse that they endured as children and they remained silent, not even confiding in each other until late adulthood.

The nine sisters filed suit against their abusers, including the Native American boarding school and the church. Their case, as well as several other cases brought by other students, went up to the South Dakota Supreme Court in *Bernie v. Blue Cloud Abbey*. The court held that the statute of limitations for childhood sexual abuse did not apply in these cases and a more restrictive statute of limitations of three years from the time the abuse occurred applied.

A statute of limitations is like a legal stopwatch when the time to file a lawsuit runs out. The court also said that the statute was not meant to apply to institutions like the church and diocese. That meant the nine sisters' claims were blocked from being heard in court. "Common law never contemplated these types of claims against boarding schools run by the church until relatively recently. The Native American boarding school narrative is unlike anything before or after it in history and it doesn't fit within traditional law principles, so the legislatures and courts have got to account for that in these statutes and cases" said Michelle Dauphinais Echols, an attorney and member of the Turtle Mountain Band of Chippewa Tribe who spent her early years at the school campus and is the author of the bill.

"The current statute and the courts' interpretation has left some gaps that we would like to close" said Ms. Dauphinais Echols.

In addition to the boarding school abuse cases, for example where a 10 year old girl is being sexually abused by her mother's live-in boyfriend. If the girl does not bring a civil suit against the boyfriend before she graduates from college, she will be blocked by the statute of limitations. She may be still living at home at that point and be emotionally and financially unable to bring suit on her own.

It can take several decades before survivors recognize the abuse, recognize how they were harmed by the abuse, or simply find the strength to come forward.² Survivors of abuse are 10 times more likely to commit suicide³, 7 times more likely to become drug and alcohol dependent³, and more likely to engage in behavior that puts them at risk for HIV⁴. It also impacts

generations after the abuse. Girls whose mothers were sex abuse victims were 3.6 times more likely to be victimized⁵ and cyclical abuse of drugs and alcohol repeat itself through generations.

“The bill is important on many levels, including healing for survivors as well as stopping the cycle of generational trauma” says Dr. Barbara Charbonneau Dahlen, author of “Giving Voice To Historical Trauma Through Storytelling”, member of the Turtle Mountain Band of Chippewa Tribe, and a survivor of childhood sexual abuse.⁶ Forty-two (42) states recognize the unique nature of child sex abuse cases and have a separate statute of limitations for child sexual abuse, allowing victims to seek justice at any time, from the moment the law was enacted.

Several states have eliminated the statute of limitations in cases of childhood sexual abuse including Alaska, Delaware, Maine, Utah, and Guam. “We are fighting for what we know is right,” says Frances Hart of the Yankton Dakota Tribe and a childhood sexual abuse survivor. “Our children are powerful. In our native language, ‘children’, Takoja (wah-KON-eh-zah) means ‘holy ones’. We need to protect our children so they can rise above the cycles of abuse that are affecting our communities as a result of the boarding schools. This bill gives us hope that we can have the justice we have been waiting for and that protects our young Takoja.”

For additional information see:

Giving Voice to Historical Trauma Through Storytelling: The Impact of Boarding School Experience on American Indians, *Journal of Aggression, Maltreatment & Trauma*, Volume 25, 2016 – Issue 6.

<http://fau.digital.flvc.org/islandora/object/fau%3A3573/datastream/OBJ/view>

National Native American Boarding School Healing Coalition,
<https://boardingschoolhealing.org/>