

November 22, 2011

The Honorable Eric Holder
Attorney General
Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

**Re: Request for Investigation: FBI Failure to Investigate Child
Rape/Crime Cases**

Dear Attorney General Holder:

We represent Ms. Jane Turner, a highly decorated special agent formerly employed with the Federal Bureau of Investigations (FBI). We are writing to request a full investigation into the failure of the current Director of the FBI, Robert Mueller; the former Attorney General of the United States, John Ashcroft; and the FBI Office of General Counsel to investigate Ms. Turner's well-documented and highly credible allegations that the FBI did not properly act to protect young children from rape and sexual abuse on Native American reservations and Minot, North Dakota.

In 2002 and 2003, Ms. Turner, through counsel, provided Director Mueller and Attorney General Ashcroft detailed information that the FBI had radically failed to protect young children. This included documented allegations that:

- On October 9, 2002, FBI Director Mueller was provided detailed information regarding gross negligence and malfeasance in the investigation of a child rape case Child Abuse Victim #1. A copy of this detailed six-page letter is attached.
- On October 11, 2002, Ms. Turner submitted a follow-up letter regarding Victim #1. In this complaint, Ms. Turner provided the FBI Director with a memo that had been submitted to the FBI on January 22, 2001. This January 2001 memo was written by one of the emergency room doctors who had examined Victim # 1 (the rape of the child had resulted in severe physical injury). The doctor had concluded that Victim # 1's case, "was not investigated properly," and that the, "FBI has failed to protect" a "small child." A copy of this letter to Director Mueller is attached.
- On October 20, 2002, Ms. Turner provided detailed information concerning the FBI's botched investigation of a pedophile truck driver who was had been detained by local police and who fit the profile of a serial child molester. He admitted to having in his possession items that demonstrated he could be an immediate threat to small children, including toys and candy. A copy of this letter, which was sent to both the Attorney General and Director Mueller, is attached.

- Between October 20, 2002, and August 26, 2003, Turner conducted a number of depositions of various FBI, Homeland Security, and DOJ employees and obtained additional information documenting her concerns about the FBI's gross mishandling of child abuse cases. This information was all provided to the FBI, and the FBI Office of General Counsel was fully aware of all of this information.

On August 26, 2003, the Attorney General of the United States was provided with a 20-page, single-spaced letter (with exhibits) setting forth the gross malfeasance of the FBI and the FBI's illegal retaliation against Jane Turner based on her lawful disclosures. This letter contained extensive documentation and requested a formal investigation on the following issues:

- Whether the FBI has, since 1998, failed to properly and fully investigate allegations of child crime (including child rape and molestation cases) on the Fort Berthold and Turtle Mountain reservations.
- Whether the FBI improperly recommended the case of Victim #1 for a declination of prosecution.
- Whether the FBI failed to properly investigate physical evidence (including computers) and failed to properly execute search warrants to search for evidence of child sex crimes in the case of John Vigestad.
- Whether the FBI failed to search for other victims of John Vigestad's criminal sex-abuse conduct.
- Whether the FBI failed to, "interview one known victim," in a child sexual abuse case and failed, "to interview other potential victims," in this case.
- Whether the FBI's Minneapolis Division failed to properly investigate child-rape cases on Indian Reservations, failed to properly investigate Internet pornography cases, and failed to properly conduct a search for other potential victims of a known Internet pornographer/child rapist.
- Whether the FBI's Inspection Division covered up these problems.
- Whether the FBI improperly promoted agents who engaged in gross negligence and malfeasance in the investigation of child sex crime cases.

A copy of the August 26, 2003, letter to Attorney General Ashcroft is attached.

The gravity of the crimes improperly investigated by the FBI cannot be understated. These allegations have been submitted to both the former Attorney General and to Director Mueller, but have *never been properly investigated*. An independent investigator has never questioned any of the witnesses of these incidents, and Ms. Turner has never been properly questioned about any of these matters. My office was never asked to assist or provide

information in these matters. The only official responses to these letters indicated that no real investigation was ever conducted. Indeed, since Ms. Turner originally made these concerns known to the top managers within the FBI, the FBI has spent *enormous resources* trying to discredit the whistleblower.

However, the FBI's attempt to discredit Ms. Turner was unsuccessful. As you may be aware, after hearing many of the facts surrounding Ms. Turner's child abuse concerns, a jury in Minneapolis found the FBI guilty of retaliation and awarded Turner the maximum compensatory damages available under law. The FBI's attempt to appeal this verdict was dismissed. But even after the verdict became final, the FBI continued to promote persons directly involved in retaliation against Ms. Turner, including an FBI inspector who was provided extensive information concerning the FBI's failure to properly investigate child sex crimes. Director Mueller personally promoted this inspector into a high executive position within the FBI. This promotion occurred *after* the jury verdict in Ms. Turner's case.

In light of the current Penn State scandal, it is once again painfully evident that powerful institutions can and do cover-up their failure to properly investigate credible allegations of serious sex-crimes committed against children. We understand that the failures of the FBI, as fully documented by Jane Turner, are very troubling and highly embarrassing to the FBI. But this does not justify the failure of the former Attorney General or the current FBI Director to fully and carefully investigate these matters. They cannot and should not be covered-up.

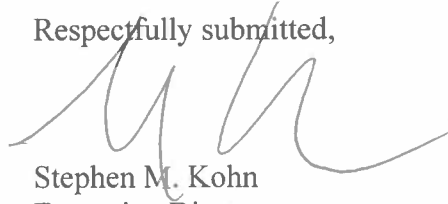
The items that must be independently and carefully investigated are as follows:

1. The knowledge of and actions taken by Director Mueller;
2. Why the FBI Office of General Counsel had full knowledge of all of the child sex-crime issues, yet failed to take any remedial action whatsoever;
3. The failure of the DOJ's oversight bodies, including the FBI Inspection Division, the FBI Office of Professional Responsibility, and the DOJ Inspector General, to conduct a proper review of Ms. Turner's child-crime allegations;
4. Why documented evidence submitted to Director Mueller and the former Attorney General was ignored, including sworn testimony by Assistant United States Attorneys, a Customs Department Special Agent, along with witness statements and other documentary information contained in various case files;
5. Why the FBI failed to conduct the search requested by Ms. Turner of a truck-driver who improperly escaped prosecution. This truck driver may still be at large and may still constitute a direct threat to children;
6. The failure of the FBI to protect children on Indian reservations in North Dakota after Jane Turner was removed from her position;

7. The status of the other victims identified in the August 26, 2003, letter to the former Attorney General and otherwise previously identified to the FBI's Office of General Counsel.

Because the current Director of the FBI was involved in these matters, and the actions of your career staff are also implicated in these issues, we hereby request that a truly independent investigation be conducted outside of the FBI or DOJ chains of command. This investigation must include persons who have expertise in the investigation of child-crimes.

Respectfully submitted,



Stephen M. Kohn
Executive Director
National Whistleblower Center
Attorney for Jane Turner
(Retired 25-year FBI veteran and
Senior Resident Agent in Minot Field Office)

Attachments