

THE UNITED STATES COURT OF FEDERAL CLAIMS

**RICHARD DOE, WILLIAM DOE, and
JAMES DOE**, each a citizen of the Blackfeet
Nation,

Plaintiffs,

v.

The **UNITED STATES OF AMERICA**, dba
INDIAN HEALTH SERVICE,

Defendant.

CASE NO. **20-69 C**

COMPLAINT

COME NOW Plaintiffs Richard Doe, William Doe, and James Doe by and through their attorneys, and hereby state as follows:

PRELIMINARY STATEMENT

1. This is an action against the United States of America under Article 7 of the Treaty with the Blackfeet, 1855, for damages caused by depredations and other unlawful acts committed by a white man residing in the Blackfeet Indian Reservation.

PARTIES AND JURISDICTION

2. Richard Doe, William Doe, and James Doe, proceeding by pseudonym given the nature of this action (collectively, "Plaintiffs"), are each citizens of the Blackfeet Nation and at all relevant times herein resided on the Blackfeet Indian Reservation, which borders Canada and the State of Montana.

3. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. 1491 (a) (1), as this civil action against the United States arises from the Treaty with the Blackfeet, 1855, an Act of Congress and a contract between Plaintiffs and the United States.

FACTS

4. Plaintiff Richard Doe was born in 1983. Plaintiff James Doe was born in 1979. Plaintiff William Doe was born in 1983.

5. Beginning in approximately 1992 in Browning, Montana, within the Blackfeet Indian Reservation, Indian Health Service employee and officer Dr. Stanley Weber sexually abused multiple Blackfeet boys.

6. Dr. Stanley Weber is a Caucasian citizen of the United States, and was residing on the Blackfeet Indian Reservation pursuant to his employment with the United States as a physician through its agency the Indian Health Service, and as such was a white man residing in the Blackfeet Nation's country within the meaning of the Treaty with the Blackfeet, 1855.

7. In September of 2018, Dr. Stanley Weber was convicted of sexually abusing two boys who are citizens of the Blackfeet Nation and were at all relevant times residents of the Blackfeet Indian Reservation. Weber was sentenced to 18 years in federal prison and a \$200,000 fine. One of the two boys Weber was convicted of abusing is among the Plaintiffs.

8. Dr. Stanley Weber sexually abused Plaintiffs on numerous occasions and in numerous locations, including in at least two business offices of the Indian Health Service located within the Blackfeet Indian Reservation.

9. As a direct result of the criminal conduct of Dr. Stanley Weber, Plaintiffs experienced physical injury and pain and suffering, to be described further at trial.

CLAIM FOR RELIEF

10. Plaintiffs repeat and reallege paragraphs 1 through 9 as if fully stated herein.

11. As citizens of the Blackfeet Nation, Plaintiffs are beneficiaries of the United States' Treaty with the Blackfeet, 1855 (hereinafter "the Treaty").

12. Article 7 of the Treaty provides, in relevant part, as follows:

The aforesaid nations and tribes of Indians agree that citizens of the United States may live in and pass unmolested through the countries respectively occupied and claimed by them. And the United States is ***hereby bound to protect*** said Indians against depredations and other unlawful acts which white men residing in or passing through their country may commit.

(Emphasis added.)

13. The Treaty, signed under duress and the overt threat of military violence, and without adequate translators who could explain the Treaty's terms in Native languages, was executed on behalf of the United States by the notorious commander of American forces in the "Yakima Native American War of 1855," Isaac I. Stevens. Within six months of the Treaty's October 1855 signing date, Stevens' forces in the Washington Territory were subjecting Native peoples in the Columbia River watershed to mass violence. With the foregoing background, Article 11 of the Treaty provides:

The aforesaid tribes acknowledge their dependence on the government of the United States, and promise to be friendly with all citizens thereof, and to commit no depredations or other violence upon such citizens. And should any one or more violate this pledge, and the fact be proved to the satisfaction of the President, the property taken shall be returned, or, in default thereof, or if injured or destroyed, compensation may be made by the government out of [funds owed to the Blackfeet Nation]. The aforesaid tribes are hereby bound to deliver such offenders to the proper authorities for trial and punishment, and ***are held responsible in their tribal capacity, to make reparation for depredations so committed.***

(Emphasis added).

14. At the time the Treaty became effective, the United States had for more than two decades engaged in forcible removal of Native peoples to reservations westerly of the Natives' indigenous lands, to make room for what the treaties refer to as "white men." Those events are now known as the "Trail of Tears."

15. Because treaties with Native American tribes arose under circumstances of duress, and said duress was manifestly obvious when the Treaty was enacted, the terms of the Treaty are construed in favor of the Blackfeet, taking into account defects at the time the Treaty arose including failures to adequately translate the Treaty into native languages prior to execution and recognition that refusal on the Blackfeet's part to execute the Treaty would result in violence.

16. At all times material hereto, Dr. Stanley Weber was subject to the authority of the United States, was an employee and officer of the United States, through its Indian Health Service, and was placed within the Blackfeet Indian Reservation by the United States to further the purposes and interests of the United States.

17. The United States bound itself to protect Plaintiffs from the depredations and unlawful acts of Dr. Stanley Weber, a white man residing in the Blackfeet Indian Reservation under the auspices and at the behest of the United States, under the terms of the Treaty.

18. Criminal sexual abuse of minors is a "depredation" and "other unlawful act" within the meaning of the Treaty.

19. The United States failed to protect Plaintiffs from the criminal sexual abuse perpetrated by its agent, officer, and employee, Dr. Stanley Weber, and thereby breached its Treaty and contractual obligations to Plaintiffs.

20. Because the United States breached its Treaty and contractual obligations to protect Plaintiffs from the criminal sexual abuse perpetrated by its agent, employee, and officer, Dr. Stanley Weber, Plaintiffs are entitled to monetary damages for the pain and suffering they sustained as a result of Dr. Stanley Weber's criminal sexual abuse.

WHEREFORE, each Plaintiff makes a claim for compensatory damages against the United States in the amount of \$3,000,000.00, for a total of \$9,000,000.00, costs, attorney's fees, and all other damages permitted by the Treaty with the Blackfeet, 1855, and for such other and further relief as this Court deems proper.

DATED this 22nd day of January, 2020.

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