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## Obama plans to veto Keystone legislation

By DINA CAPPIELLO  
Associated Press

WASHINGTON — The White House on Tuesday threatened to veto the first piece of legislation introduced in the Republican-controlled Senate, a bill approving the much-delayed Keystone XL oil pipeline, in what was expected to be the first of many confrontations over energy and environmental policy.

Hours after supporters of the bipartisan bill, which is sponsored by all 54 Senate Republicans and

six Democrats, announced its introduction, the White House said for the first time that President Barack Obama would veto it.

"If this bill passes this Congress, the president wouldn't sign it," White House spokesman Josh Earnest said Tuesday, saying legislation shouldn't undermine the review process underway at the State Department or circumvent a pending lawsuit in Nebraska over its route.

It's "premature to try to evaluate the project before something as basic as the route of the

pipeline has been established," he said.

The two main sponsors, Sen. Joe Manchin, D-W.Va., and Sen. John Hoeven, R-N.D., said Tuesday morning they had enough votes to overcome a filibuster of the bill but not a presidential veto.

Majority Leader Mitch McConnell, in one of his first acts, moved to put it directly on the Senate calendar. The House is expected to vote and pass a bill approving the \$5.4 billion project, which was first proposed in 2008, on Friday.

"The President threatening to veto the first bipartisan infrastructure bill of the new Congress must come as a shock to the American people who spoke loudly in November in favor of bipartisan accomplishments," McConnell said.

Hoeven said if the president chooses to veto the bill, he would work to attach it to a broader energy package or must-pass spending bills.

Manchin, whose office reached out to the White House earlier in the day, told reporters the veto

threat was a surprise that "slapped down" a bipartisan effort before it even got started.

"It's just wrong. It's just not the way you do business," said Manchin, the only Democrat remaining in the West Virginia delegation. "If this is the start of things, it is a sad beginning."

The bill is identical to one that failed to pass the Senate by a single vote in November, when Democrats were in control. But now the odds of passage are much improved with the Republican takeover of the Senate.

## Governor's outlook positive

Tax relief likely  
a hot topic in  
coming months

By NICK SMITH  
Bismarck Tribune

Lawmakers were in agreement Tuesday with Gov. Jack Dalrymple's positive outlook in his State of the State address and said constituents in their districts are largely feeling the positive impacts of the strong economy.

Dalrymple's address touched on the growth the state has experienced over the past decade driven by oil production and the need to reconcile his budget in light of sagging oil prices.

"Our economic growth is creating many benefits all across North Dakota. We also know that growth comes with its own challenges, and we remain committed to meeting them head on," Dalrymple said. "I expect our Legislature will find that we can continue to fund our priorities, maintain healthy reserves and provide even more tax relief."

Following the pomp and circumstance of Tuesday's address, lawmakers said caution and a thorough review of spending will be in order.

Republicans said Dalrymple's message of continuing to provide tax cuts, investing in infrastructure and building strong reserves has benefited the people of their districts and the state as a whole.

Democratic-NPL leadership countered that, while the state's economy is strong, oil patch needs should be addressed quickly and decisively this session. The party also said Republican proposals to lower income tax rates to zero percent could harm the state.

"We're living in very



North Dakota Gov. Jack Dalrymple acknowledges the applause from a full House chamber at the conclusion of his State of the State address to open the 64th Legislative Assembly on Tuesday afternoon. Dalrymple spoke for nearly 40 minutes at the joint session of the Legislature. For a video and more photos, visit [bismarcktribune.com](http://bismarcktribune.com).

### SESSION 2015

virtuous times," said Rep. Todd Porter, R-Mandan, adding unemployment is low and businesses are doing well in his district.

Despite the strong economy, plummeting oil prices will be on the back of all law-

makers' minds, Porter said. An updated revenue forecast is expected from the state in February.

Oil prices have recently plummeted to the \$50-per-barrel range for the first time in five years.

"We have to make sure the (revenue) forecast matches what the spending really is," Porter said. "I think

our concern is the growth of government."

Dalrymple proposed a record \$15.72 billion budget last month. He called for more than \$3 billion in statewide infrastructure spending, several hundred million in jump-start projects for the oil patch and to increase oil patch municipalities' share of oil tax revenue from 25 percent to 60 percent for two years.

He called for more than \$400 million in tax cuts; legislative proposals are expected to ask for larger cuts.

Rep. Mark Dosch, R-Bismarck, echoed Porter's sentiments. Dosch said one-time spending is likely to be one

Continued on 6A

## Couple tried to help kids in bus crash

By SARAH VOLPENHEIN  
Forum News Service

LARIMORE — Richard and Susan Lunski walked out their front door to the sound of children screaming in pain.

"The train was coming. We hear a whistle blow, and then we hear a boom," said Richard Lunski at his home Tuesday in a subdivision just outside of Larimore.

The Lunskis were among the first people at the crash site within 100 yards of their home, where a BNSF train and a school bus collided Monday afternoon, throwing several passengers from the bus and claiming the lives of the 62-year-old driver Max Danner and 17-year-old Cassidy Sandstrom, a senior at Larimore High School.

Richard Lunski said the image of injured children lying scattered across the site, their backpacks and other belongings strewn about, was still burned into his eyelids.

Twelve other students were aboard the bus, five of them boys ranging in age from 6 to 16 and seven of them girls ranging in age from 5 to 14. The North Dakota Highway Patrol has not released the names of those students.

Four of them were still at Altru Hospital as of 4 p.m. Tuesday, according to a release. Three had been discharged, and three more had been transferred to other facilities in the region. Grand Forks County Sheriff Bob Rost said one of those three was transferred to Sanford Health in Fargo and another to a

Continued on 6A

**INSIDE**  
Oil patch buses face heavy train traffic, 6A

## Focus shifts to men; help sought for women in sex trade

By AMY DALRYMPLE and KATHERINE LYNN  
Forum News Service

'Amy' walks into the hotel lobby, thinking she is meeting a man who had arranged

to pay \$300 for sex on an out-call basis.

Before she can get to the room, the supposed "john" — Rob Fontenot, an undercover agent with the North Dakota

Bureau of Criminal Investigation — shows her his badge and takes her outside to his unmarked SUV. He is there just to talk, he reassures her, not to make an arrest.

In the front seat, Fontenot shows Amy the Backpage ad that brought them together this October afternoon in Williston.

"Give me a call now ... don't miss the opportunity to experience true bliss," reads the ad posted at 2:10 a.m. that day.

She doesn't recognize the ad as hers until Fontenot points out the phone number.

"Oh, then yeah, it was mine," she says. She posts a lot of ads, she tells Fontenot, and uses fake photos.

Amy — the name she advertised under — is 19, though her ad says 21. She tells the agent she has been in the life since she was 13.

Her mother worked as a prostitute. "I just grew up with it," she says with a shrug.

Amy, with her Michael Kors bag and Rock Revival jeans, boasts about the money she makes and her addiction to designer labels.

How much money are we talking about? the agent asks.

Amy thinks for a moment. She says \$95,000.

Between January and April. Some of the oil guys are dirty and gross, she says, but there's an upside.

"I get more money when they stink," she says. Continued on 9A



A woman who advertised as "Amy" in an online sex ad arrives at a Williston hotel for an appointment with an undercover law enforcement agent. (Forum News Service)

### The big chill

Winter gets down to business across the United States — 2A

### Train tickets

Berthold may fine engineers for blocking crossings — 1B



### Thursday

Christmas Bird Count tally ties for second all-time high

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# North Dakota men change with the oil boom

By KATHERINE LYNN  
Forum News Service

Before she ever visited North Dakota during the oil boom, Jenny Gaines posted an ad on Backpage "just to see" if men would call her phone.

"The rumors were true. 'It just rang off the hook,' she said.

The numbers of men away from their families, a general lack of female companionship and large paychecks added up to big potential.

When Gaines visited the Bakken between 2009 and 2011, she would spend a week in Williston or Minot and earn \$15,000. The going rate for sex at that time was \$300, which means she was having sex with about 50 men a week.

## JENNY'S STORY

This is the life of Jenny Gaines. Lured into sex trafficking at age 14, she spent 28 years in a life of prostitution. Throughout the past six months, Forum News Service has spent time getting to know Jenny. This is her story.

"I was pretty good at getting them in and out of there in 10 minutes. I made a lot of money," she said.

At first, she would stay at Williston's Vegas Motel. But it soon was "too hot" there and she worried about getting arrested. Gaines would book her hotel room online, pay with a credit card and only stay one night before

moving to a new hotel. She'd bring luggage and a laptop to look like she was traveling on business. And she'd wear glasses and dress more conservatively than other women in prostitution.

"I worked real hard to not look like I was doing that," she said. Gaines was familiar with North Dakota long before the Bakken boom.

In the 1990s, she worked the dancing circuit, performing in strip clubs across North Dakota. Her trafficker would send drugs with her to sell to other dancers and the locals.

"I made money two ways when I was out there," she recalled.

Gaines had a "sugar daddy" in Dickinson in the 1990s who would come see her at the Minot strip club. "He'd always come to (now-

closed) Stockmen's and he'd round up some girls to take out to Dickinson on the weekend," Gaines said. "It would be after the bars close."

The clients then were primarily local men.

"Everything out there is like all these farmers, and the wives don't know," she said. "Farmers... and dirty old men, just dirty old men."

During her more recent trips to North Dakota, many customers were kids who had money and didn't know what else to do with it. "You only want \$300? Here, how about \$500?" she recalled one saying.

But many were rowdy and carried guns.

"It got kind of scary in the end. Some of them, if they wanted their money back, they'd get violent," Gaines said. "Half of them were

always drunk or high, and I don't know how they did it, but they had to be at work the next morning."

The rough days in the oil patch were some of Gaines' last in the life of prostitution. She didn't have a trafficker for her last trips West, but felt somewhat trapped when she needed money, not ever having had another job and often facing stigma when she reached out for help. She turned her last trick in Williston around Christmas 2011.

"Since that oil boom happened... it used to be nice farmers, maybe a couple weirdos or goofies, but they were nice. These oil people are idiots and obnoxious and ignorant. Really have a sense of entitlement. I never felt more like a commodity than I did this last trip or two in North Dakota. I just said 'I'm never coming back.'"

## Focus shifts to men

Her brother, a truck driver, told her about the oil boom in North Dakota. There's money to be made up there, he said. So she packed her designer clothes and made the move.

Her brother thinks she works at Wal-Mart.

"I like my job," Amy says, a little defensively, a little defiantly. "I have fun doing it. I get to party all the time."

Fontenot, the BCI's point person for human trafficking, is skeptical. He sees that her sparkly pink fingernails are broken. She has a cut on her arm, bruises on her leg.

She tells him that two days earlier, she fled topless from a Williston house after a "trick" attacked her. They had undressed, she says, and he asked for his money back.

No refunds, she insisted. Then he pounced on her, she tells Fontenot, and injured her shoulder, took her sweatshirt, broke her pepper spray and stopped her from dialing 911.

"He just went crazy on me," she said, adding that she thinks he may have been on meth. "I could not get out of the house."

She rattles off the address to Fontenot, but she said she did not report it to local police. The home is owned by an oil field services company, according to county records.

Amy said she freaked out and cried after escaping to her car. The incident triggered her post-traumatic stress disorder, a result of being kidnapped and held hostage, she tells Fontenot. She said she's also had a .22-caliber gun shoved inside of her, leaving her unable to have children.

The last time Amy was with law enforcement was during an investigation of a man who had been her trafficker. He pleaded guilty this fall in federal court in another state to forcing women to travel to several states, place ads online and engage in prostitution.

"He was a (expletive) monster," she said. "He never hit me because I know my place and I play my role very well."

Amy insists she doesn't have a boyfriend or pimp now.

"Every single girl you see on Backpage besides me probably has a pimp."

Not Amy, she says. "Because I'm smart."

### A new approach

While four years ago the bureau was in the stings targeting and arresting women working in prostitution in Williston, the focus today is on investigating the traffickers.

Fontenot responds to Backpage ads in the guise of being a "date," and uses his time with the women to see if they are being trafficked, or know someone who is. He works on building relationships with women to get information on traffickers while trying to identify underage victims.

The BCI allowed Forum News Service reporters to sit in the backseat during some of the interviews.

"A lot of times they won't tell you about their boyfriend or their pimp, but they'll tell you about one they used to have or their friend's pimp," Fontenot told



Jennifer Puhl, Assistant U.S. Attorney, talks about the challenges of prosecuting human trafficking cases during the 2014 statewide summit on human trafficking put on by North Dakota FUSE at the Bismarck Civic Center in Bismarck on Nov. 13, 2014.

other law enforcement officers at a training session this fall.

Conversation rather than arrest and interrogation is one of the tactics law enforcement officers are using today to try to identify traffickers and put them behind bars.

### It's no easy task

If prosecutors could show in court some of the ways people compel women into prostitution, literally showing the terror and violence they employ, putting the pimps and traffickers away likely would be much easier.

But they can be subtle, those who manipulate women and girls into a life of forced sex for money. They say they will harm a girl's parents or siblings, a woman's child. They have embarrassing photos and will see that they are published. They say they will tip authorities to a woman's shaky immigration status, threatening deportation.

"At the end of the day, these are very difficult cases to prove," Assistant U.S. Attorney Jennifer Puhl said at a recent human trafficking summit in Bismarck. "It doesn't take a lot of skill or talent to find weaknesses in a human trafficking case."

To convict someone of human trafficking at the federal level, prosecutors need to prove that the defendant compelled someone to engage in commercial sex acts through the use of force, fraud or coercion. (These elements are not required if the victim is under 18, just as "consent" is no defense in a case of statutory rape.) State statutes have similar requirements for prosecution of adults.

Most often, the human trafficking cases involve subtle forms of coercion, not physical restraints or chains.

"Admittedly, these are the most difficult forms of coercion to prove. You can't take a picture of it. You need the victim's cooperation. You

need the victim's testimony," Puhl said. "Only the victim can explain the climate of fear. Only the victim can describe why she did it."

But first, authorities need to identify victims, who often don't consider themselves victims or are too fearful to speak up about their trafficker.

"Without a 'bad guy,' it's hard for us to make a case," Fontenot said.

If officers encounter a woman engaged in prostitution, it may take six or seven positive interactions before the woman tells officers about her trafficker, Fontenot said. In such cases, "much more of a rapport-building has to take place."

If the woman talks to law enforcement several times, she often will give inconsistent statements, giving a defense attorney an opportunity to point out holes in the case, said Christina Sambor, an attorney and project coordinator for FUSE, North Dakota's anti-trafficking coalition.

"That gives somebody on the other side of a case a lot to work with," Sambor said.

### Trauma in testimony

Marlyce Wilder, state's attorney for Williams County, which charged its first human trafficking case last year, said she anticipates the challenges to prosecuting these cases will be similar to challenges in domestic violence.

"Many believe they are in love with the abuser, that the abuser loves them, and perhaps they may even have children in common with him," Wilder said. "During the grooming process, the abuser has likely convinced the victims that no one else cares about them — at least not the way that he does."

Heidi Carlson, a former victim of sex trafficking, was married to her trafficker and has children with him.

"He was a brutal, brutal, brutal man," said Carlson, who was trafficked for 10 years, including in the Dakotas. "He tried to kill me sever-

al times and I actually should be dead."

The man was never prosecuted.

"I would never testify against him. I was too scared," said Carlson, who lives in the Twin Cities. Years later, some encouraged Carlson to take civil action against the man. But she did not want intimate details of her life to be analyzed in a court proceeding.

"To put my life out there would not have been healing for me," Carlson said. The serious trauma that victims experience makes it difficult for them to testify.

Before Levell Lee Durr pleaded guilty in his federal trafficking case, one victim's psychologist wrote to the court urging that the trial be delayed because testifying would be extremely traumatic. The woman is "severely psychologically fragile," the psychologist wrote, and is dealing with trauma flashbacks, anxiety and trouble sleeping.

Tim Purdon, U.S. attorney for North Dakota, emphasizes the importance of victim services. That was key in convicting Durr.

"I've going to hold the bad guys, the traffickers, the people who trade in flesh responsible, we're going to need these folks as witnesses," Purdon said. Societal issues or misconceptions held by juries and judges also may factor into getting a conviction for human trafficking.

"I think jurors have stereotypical views of very many types of cases, and this is just one of them," said Kelly Dillon, deputy Ward County state's attorney. "When most people hear human trafficking, they think of the 12-year-old locked in the basement. And that's just not what we're seeing out here."

In an upcoming trial in Moorhead, Minn., prosecutors plan to call two expert witnesses on sex trafficking to educate jurors about why victims are often reluctant to seek help and reasons why victims may continue to be

loyal to their traffickers.

"Jurors without any knowledge of sex trafficking are likely to misunderstand or be confused by this and other behavior," writes Pamela Harris, chief assistant Clay County attorney, in court records.

### Prostitutes as victims

While some say attitudes are changing about prosecuting women for prostitution, North Dakota agencies arrested more women for prostitution last year than in 2013.

Of the 55 misdemeanor prostitution arrests through the end of November last year, 20 were women and 35 were men, according to a Forum News Service analysis of cases filed in state and municipal courts.

In addition, at least five men were charged in 2014 with felony human trafficking or promoting prostitution offenses in North Dakota district courts. In North Dakota federal court, four were charged with sex trafficking-related offenses in 2014, in addition to more than a dozen cases that worked through federal courts related to men attempting to pay for sex with minors.

In Grand Forks, police are reluctant to arrest a woman for prostitution, said Lt. Jim Remer. Instead, detectives there have been doing "knock and talks" for the past 1½ years, similar to what the state BCI's Fontenot does now.

Police do not arrest the women during these conversations unless they have outstanding warrants or other circumstances that would warrant an arrest, Remer said.

"In the old days they were called the prostitutes," Remer said. "I think you need to look at them and view them as possibly victims of trafficking."

Puhl encourages agencies to make that policy pitch.

"It's not the right thing to do to charge a victim of prostitution just because we can," Puhl said, adding that it works against police efforts to cut into the sex trade.

"Who's going to cooperate with law enforcement? Is it going to be the law enforcement officer who's arrested that prostitute every time he's encountered her and thrown her in jail?" Puhl asked. "No, she's going to trust that individual who has picked her up six, seven times and each time he has given her his card and said, 'Call me, I'm here for you, care about you and I'm ready to work with you when you're ready to leave this lifestyle.'"

Stings target women, too

About a third of the women arrested for prostitution in North Dakota last year were caught up in undercover sting operations, an examination of records shows.

In Minot, where police do the most enforcement of prostitution, accounting for about half of the state's prostitution arrests in 2013 and 2014, stings have targeted women placing ads as well as the men buying sex.

Continued from 1A

"We have to go about it that way," said Dillon, the deputy state's attorney, adding that the stings were in response to complaints about prostitution from the public. "If we're looking at ultimately getting the pimps, I think we have to go about it that way."

In other cases in Minot and elsewhere, women were arrested after police received reports from hotels or encountered the activity while on patrol.

In Divide County, in the far northwest corner of the state, deputies found a man and woman engaged in sex for pay in a pickup while another man observed from a different vehicle, holding onto \$1,500. Deputies cited all three.

An examination of court records also showed that two women convicted of prostitution in municipal court in 2014 were considered victims in other courtrooms.

In one case, 67-year-old Marvin Rex Lord was convicted in Burleigh County District Court of facilitating prostitution by arranging to meet men in a Bismarck hotel lobby and directing them to a room he had rented with his wife. A hotel manager witnessed the activity and called police.

To county prosecutors, the woman, a 42-year-old Asian woman who did not speak English, was a victim, said Pamela Nyvig, assistant Burleigh County state's attorney. But in Bismarck Municipal Court, the same woman was considered a criminal, charged with Class B misdemeanor prostitution. She pleaded guilty to the charge and was given credit for the 14 days she served for prostitution.

Durr pleaded guilty to the Class C felony and was given credit for the 50 days he served in jail with the remainder of a three-year sentence suspended.

### Addressing demand

The number of men prosecuted in North Dakota for purchasing sex has increased each of the last several years.

In Minot, a sting in September resulted in the arrest of 10 men for misdemeanor prostitution over the course of 8½ hours. Capt. Dan Strandberg said police hope such stings will deter demand for prostitution. "It's market-driven, it's supply and demand, and if there is not a demand, then hopefully there won't be a supply," Strandberg said.

Most men convicted of misdemeanor prostitution in North Dakota pleaded guilty to the charge and receive a fine or suspended jail sentence.

In cases where the men responded to ads for sex with minors, they face more serious charges of human trafficking at either the state or federal level.

Officials often prefer to take the cases federal because the penalties are more severe. In North Dakota, recent federal sentences resulting from stings led to prison sentences of one to five years, plus at least five years of supervised release and requirements to register as a sex offender.

(Rylee Nelson contributed to this report.)