

The Complicity of Silence

Confronting Ecosystems of Child Sexual Abuse in Schools

Amos N. Guiora

Full Court Press

“How is it that organizations so often allow, even facilitate, predatory activity by serial abusers over long periods of time by members of the group? The costs of tolerating individuals who prey on others within the organization are great, sometimes life-ending. This book, a case study in how individuals and the entities in which they work ignore, tolerate, and even sustain perpetrator abuse, provides insight into why criminal behavior is so often carried on for years, in plain sight, without anyone stepping up to end it. More importantly, it provides tools that will allow us to prevent these incidents in the future.”—*Brian S. King, Utah State Representative*

“In *The Complicity of Silence*, Professor Guiora makes a compelling argument that enablers, who place the interests of their institution above that of children, play an integral role in the ‘ecosystem in which predators thrive.’ Nowhere is this more evident than in the tragic murder of Jeremy Bell, who was failed by numerous adults who should have protected him, including teachers, administrators, and police. *The Complicity of Silence* dramatically shows how predators can operate with impunity, comfortable in the knowledge that they, rather than their victims, can expect protection. With a remarkable balance of empathy, insight, and legal reasoning, Guiora proposes ways to address this horrible problem—one of which is to criminalize the enablers. Although the story is not easy to read, it is unforgettable, clear, and likely to promote substantial change.”—*Matthew D. McCluskey, Professor of Physics, Washington State University, Father of Lauren McCluskey, murdered by an ex-boyfriend, October 22, 2018, <https://lauren-mccluskey.org>*

“In a follow-up to his book *Armies of Enablers*, Amos Guiora continues his examination of the ‘ecosystem’ of administrators, law enforcement, and co-workers in our schools, workplaces, religious institutions, and elsewhere that protects sexual predators. Professor Guiora shines a harsh light on those who choose not to act, because they are guided by a desire to protect themselves

and their institutions, instead of the vulnerable victims of sexual abuse. Professor Guiora makes the powerful argument that the choice not to act is in fact the choice to enable and protect sexual predators and should lead to criminal liability.”—*Dan Barr, Chief Deputy Attorney General of Arizona*

“Amos Guiora has written a compelling book, raising the questions that we all wonder about with sexual abuse—questions that never seem to be explored in detail, much less answered. It explores troubling questions about bystanders who have the power to end the abuse . . . but do nothing. The book is a definite ‘must read’ for anyone wondering how sexual abuse is enabled in our schools—and what we can do about it.”—*Paul Cassell, former federal judge, Ronald N. Boyce Presidential and University Professor of Criminal Law, S.J. Quinney College of Law at the University of Utah*

“Amos Guiora has raised the question that we all should be asking: How can students be so frequently subjected to abuse and misconduct? The dangerous assumption that ‘it could never happen here’ has resulted in shock and confusion when abuse occurs within a school community.

“While the vast majority of teachers would never abuse a student, Professor Guiora here examines how the action or inaction of bystanders can inflict a second wound: that of institutional abandonment. This loss can often cause more psychological harm because we victims wrestle not just with the fact that a ‘bad guy’ hurt us, but with the sense that our community deemed us unworthy of help.

“I applaud that Professor Guiora is shining a light on this issue, because many victim-survivors suffer in silence, unable to give voice to their pain. It’s only when we talk about the reality and prevalence of sexual abuse that there is hope of preventing it for our children and future generations.”—*Faith Colson, Survivor, Advocate, and Namesake of Faith’s Law*

“A few years ago, I had the painful yet amazing experience of meeting a man named Dr. Amos Guiora. Many may see this first sentence as a shocking way to start a review, but it truly goes to the heart of his work and the gratitude survivors like myself have for him. Amos and I first became connected during his work on ‘Sea of Destruction.’ He wanted to know my story and how ‘enablers’ fit into my initial abuse and the secondary victimization I was experiencing as I litigated against my abuser and the school district where my abuse was allowed.

“When I read the finished product of ‘Sea of Destruction,’ pain coursed through my body as I watched each survivor’s soul reveal duplicate failures, betrayals, and outright lack of compassion concerning their abuses within the school setting. I should have been safe in my school. It is not I who should have experienced mistreatment from those commissioned to protect me. It is not I who should have had to lose her home, her friends, her family, her community, and her sense of self-worth. I did nothing but go to school and trust those whom I was told I could trust.

“Jeremy Bell simply went to school. He trusted in the teacher he had been told would always have his best interest at heart, and his parents trusted in a system meant to protect children above all else. A system filled with far too much self-interest failed Jeremy Bell, as it has failed many other children.

“Dr. Guiora, in this book, is telling Jeremy’s story, but he is speaking to all of our stories as he lays out the raw and painful truth of the failures that led to Jeremy’s death and the quest of one man to uncover those failures. Dr. Guiora, once again, brilliantly shows us that armies of enablers guard our institutions, and it’s up to us to change that for our children. May his words echo across this world and bring a change survivors like myself have been waiting to see in the world.”—*Michelle Stolleis Denault, Survivor, Creator and “Grooming 101—A Predator’s Playbook” and Keynote Speaker*

“How do we hold both our emotional outrage for these horrible acts and our intellectual commitment to ensuring they never happen again? How do we not just momentarily fold in despair,

satisfied with our moral repugnance, and then continue with practices that enable and ignore, wishfully and ignorantly thinking that the tragedy of a Jeremy Bell or a Faith Colson is only the work of one aberrant and evil human? There is no better person than Amos Guiora to answer those questions for us, and no more compelling piece of writing to move us to act than *The Complicity of Silence: Confronting Ecosystems of Child Sexual Abuse in Schools*. In it, Dr. Guiora allows us our horror, but doesn't allow us to turn away, methodically and pragmatically walking us toward solutions and helping us see a way forward through a lens of love.

“Dr. Guiora so deftly weaves compelling narratives with research, policy with politics, and human with institutional behavior, that it is sometimes easy to forget that this is very much a commonsense book; or, at least, a commonsense book for leaders of institutions for whom it is not easy to forget that they are in the helping profession. The enabling behavior takes root when we forget that, and if you are brave enough to read this book then you will be prepared to make changes in your environment.

“Every chapter in this book must be read, even if one starts with its last, in which Ms. Colson's voice sings loudly, plainly, and sadly, but also—as is Dr. Guiora's way—hopefully. Anybody who leads a schoolhouse will find this chapter and its characters familiar even if they have not had to navigate their community through past incidents of abuse and misconduct. It's hard for me to imagine that *The Complicity of Silence* wouldn't stir any educator, administrator, parent and bystander to action. Dr. Guiora's opening sentence is that ‘It is tragic that a book such as this had to be written’; I am certain that he, and any reader of this book, wishes it had been available to us decades ago.”—*Peter B. Fayroian, Head of Greenhills School, Ann Arbor, Michigan, Former Head of Northfield Mount Hermon School, Gill, Massachusetts*

“Sexual abuse and misconduct of students by school employees continues to be an alarming issue in the United States. While the topic is guarded by shame and secrecy, it is an everyday experience for too many of our nation's children. When a school employee is arrested, many bystanders reveal after the fact that they knew

‘something was off’ and saw bread crumbs of inappropriate behavior, but didn’t say anything.

“*The Complicity of Silence: Confronting Ecosystems of Child Sexual Abuse in Schools*, by Amos Guiora, tells the tragic story of Jeremy Bell, a twelve-year-old boy whose life was cut short by the actions of his teacher, Edgar Friedrichs. The book examines the disturbing reality of how an ecosystem of enablers allowed Friedrichs to abuse and exploit vulnerable children *for over three decades*. Guiora doesn’t just focus on the perpetrator but highlights the questionable behavior of law enforcement and school administrators, shedding light on their motivations and actions that allowed Friedrichs to escape accountability for years.

“Jeremy’s tragic fate is a stark reminder of the devastating impact enablers can have on the lives of victims. Guiora helps us to recognize the vital role bystanders play in the safety of children, urging for a collective responsibility to speak up and ensure justice.

“*The Complicity of Silence* calls for a societal awakening. We cannot forget children like Jeremy Bell and the collective responsibility we have in safeguarding the well-being of our children. Guiora’s powerful narrative serves as both a harrowing account of a specific case and a broader call to action, advocating for systemic changes to prevent the sexual abuse of our students by school employees.”—*Dr. Billie-Jo Grant, Ph.D. M.Ed., McGrath Training Solutions/Cal Poly State University/S.E.S.A.M.E.*

“Guiora’s book takes a hard and much-needed look at the role that our schools, from staff to leadership, play in enabling the sexual abuse of children—and the devastating consequences of the enablers’ actions. It is also a rallying cry for meaningful action to stop the cycle of child sexual abuse by, first, expanding our focus beyond the perpetrators to the enablers, and, second, holding the enablers criminally accountable when they take action that facilitates child sexual abuse. *The Complicity of Silence: Confronting Ecosystems of Child Sexual Abuse in Schools* shines a spotlight on the undeniable reality that, all too often, those we entrust to protect our children at school—from teachers to coaches to

administrators—have not only betrayed that trust but are complicit enablers of sexual abuse who prioritize the educational institution or their own comfort over the protection of vulnerable students. Guiora not only explores the devastating harm done by those who had power to prevent the abuse but did nothing (or worse), he offers a road map for how we can do better. Regardless of whether you agree with his proposed solutions, Guiora forces you to think long and hard about the action we must take to stop the cycle of abuse.”—*Adele Kimmel, Director of the Students’ Civil Rights Project at Public Justice*

“There are few crimes perpetrated by an individual that are more horrific than an act of violence, abuse, or neglect against a child. And yet, far too often, the responses of organizations and those with power is protection—not of the victims as we might reasonably assume, but rather of the perpetrators, their organizations, and finances. These are the enablers, creating a culture of abuse and silencing victims for decades.

“In his book *The Complicity of Silence*, Guiora, himself an accidental advocate for the vulnerable, highlights the critical role of those who speak out, the costs incurred, and the lessons learned.

“Offering a sobering reflection of the harm an enabler causes, Guiora carefully weaves a cautionary tale of warning signs within education settings, potential solutions, and a path forward that pays tribute to the strength of victims, the honor of being trusted to help tell their stories and the power of collective change-making.”—*Clare Leaney, CEO, In Good Faith Foundation, Australia*

“Jeremy’s case pierced my heart, ignited my torch, and emboldened my life’s mission, these past forty years, to protect children from suffering sexual abuse and the life impacting trauma inflicted upon them by trusted adults in school. I knew the day I introduced you to Dan Barber was a day that would go down in infamy. I knew the great investigative work Dan would share with you would pierce your heart as it did mine.

“I have no doubt that Jeremy and Roy Bell’s spirits have been shining down upon you both as you persevered in authoring this impactful book.

“Jeremy’s tragic story has informed much of the awareness and legislative accomplishments thus far. Without Jeremy, the S.E.S.A.M.E. Act in Pennsylvania would not exist. Without Jeremy, the ESSA Prohibition of Aiding and Abetting Sexual Abuse in Schools would not exist. Gaps in state and federal laws still exist as your research has identified. My hope is that your book will fuel the movement to *best* protect students and hold accountable enabling institutions in the United States and beyond. Thank you for keeping Jeremy’s legacy alive!!”—*Terri L. Miller, President S.E.S.A.M.E., Inc. Stop Educator Sexual Abuse, Misconduct & Exploitation*

“While this book shares a searing story of abuse and trauma, it also details the private investigation producing ultimately the critical legal response—and then shares crucial, practical steps to prevent future harms. As Amos Guiora shows, abuse of the most vulnerable happens when people fail to prevent it: and preventing is within reach.”—*Martha Minow, Harvard Law School*

“It has been said that ‘Whoever saves a single life is considered to have saved the world.’ If that is the case, then why are legislators with the ability to protect children from sexual abuse reluctant to criminalize the enablers of such abuse?

“This is the premise of Professor Amos Guiora’s new book: *The Complicity of Silence: Confronting Ecosystems of Child Sexual Abuse in Schools*. This book focuses on the roles of bystanders/enablers who turned a blind eye and didn’t help the survivor(s), when help was preventable and within their reach.

“Holding the bystanders/enablers accountable is doable as explained by Amos. The path is not easy, but the question is, “If not now, when do we hold the bystanders/enablers accountable?”

“This is a must read! Thank you, Amos, for keeping this issue front and center!”—*Joseph B. Pereles*

“*Armies of Enablers* brought the criminal nature of enablers to the forefront and gave us both the terminology and knowledge we need to recognize enablers as only half a step behind the depravity of a sexual predator. This book is the next step as it provides a heart-wrenching ‘why’ for criminalizing enabling and sets forth a ‘how.’ Professor Guiora’s call for an ‘all-hands-on-deck’ push to pass legislation that will give police and prosecutors the tools for dismantling the ecosystems protecting predators is one that we should all heed. It is not enough to stop a predator, as there will always be more predators. We must discourage, dissuade, stop, and prevent the adults who would turn a blind eye, who are afflicted with moral myopia, and who would allow more and more people to be abused.”—*J. Adam Sorensen, Gross & Rooney, Salt Lake City, Utah*

“Amos Guiora’s book highlights the stunning lack of judgment and morality among those who enable wrongdoing. It should be obvious that not holding child perpetrators accountable for their actions means that there will be other victims. And yet, here we are—needing a book devoted to explaining how and why this continues to happen and what we need to do to protect children and youth. Thank you Dr. Guiora for being a voice of reason on this sensitive topic. Enablers must also be held accountable for their apathy and diffusion of responsibility.”—*Tracy Vaillancourt, Ph.D., Tier 1 Canada Research Chair, School-Based Mental Health and Violence Prevention, University of Ottawa*

“Reading *The Complicity of Silence* in one sitting stung and burned, as well it should. It conjured moments of ‘I could have’ and ‘I should have’ from more than four decades as a street cop, detective, prosecutor, and chief of police. Amos Guiora’s exposition of enablers will inform anyone building safeguards against complicity, enabling, and articulating a culture of intervention, acknowledgment, and accountability. No one tiptoes on eggshells through this book; it won’t let you escape demanding anything less than all you can do.

“During my many years investigating and prosecuting prolific sexual perpetrators I often saw those in the perpetrator’s circle intent on preserving their micro-institutions of family, marriage, and economic support. Professor Guiora’s book helps make sense of the ‘why,’ and makes a compelling case for calling out the situational enablers.”—*Chief Ken Wallentine, West Jordan Police Department*

“What happened to Jeremy Bell is a gruesome tale, but it is sadly not uncommon. One only needs to watch the news to watch this story on repeat, from the Catholic Church to Universities nationwide. This book offers a crucial examination of how institutions and enablers allow serial predators to continue to prey on our children—and importantly, what we can begin to do as a society to prevent these abuses.”—*Renee E. Williams, Esq., Executive Director, National Center for Victims of Crime*

“In America, few are able to make a success of crime. The enablers are an exception. Although they are ‘felons without records,’ they belong in prison along with the predators they protect. Let us hope that those who ought to be in prison eventually get there. When the 1997 cover-up of Jeremy Bell’s murder was uncovered, years after the fact, there was public outrage, followed by a measure of resulting justice (his killer was convicted and given a life sentence). A subsequent initiative aimed at the killer’s enablers, however, met with limited results. As with Penn State, the Catholic Church, the Olympic athletes, Boy Scouts of America, Jeffrey Epstein, and many others, when the dust settled . . . the enablers remained standing.

“The systemic problem in all of the above (those who enabled child sexual predators) followed the same pattern. The cover-up was uncovered. There was a period of public outrage and disbelief. Feel-good measures were put in place, there were stiff slaps on the wrist, panels of ‘experts’ weighed in, politicians promised



results . . . *and*, the cover-up was essentially covered up again. Let us understand: as a matter of public safety, even compared to the predator, the enabler is the greater threat.

“Professor Guiora’s book compellingly brings Jeremy’s murder to light by shining a needed and bright light on the enablers. To best understand what happened to Jeremy demands recognizing the critical role played by enablers. Amos has done just that.”—*Daniel L. Barber, a master detective, is a fifty-seven-year practitioner in the craft of criminal investigation, presently licensed as a private investigator by the Commonwealth of Pennsylvania. His investigation of Jeremy Bell’s death, which was initially closed as being noncriminal in nature, established that it was in fact an act of murder, carried out by a teacher and long-time sexual predator, Edgar W. Friedrichs.*

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A Full Court Press, Fastcase, Inc., Publication.

Printed and bound in the United States of America.

10 9 8 7 6 5 4 3 2 1

ISBN (print): 978-1-961895-07-2

ISBN (digital): 978-1-961895-06-5

Cover photo by @mclee on Unsplash

Content Warning: The story this book tells is not an easy one to read. This book contains a discussion of sexual assault, abuse, murder, and specifically the abuse of children.

This book is dedicated to children whose lives were permanently impacted when adults in positions of power, who should have known better, failed to protect them. Their silence is the complicity of enablers and bystanders.

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Introduction

By way of introducing myself to the reader and how it is that I became so deeply engaged in the 1997 murder of a twelve-year-old boy in West Virginia, a brief synopsis might be helpful.

Both of my late parents were Holocaust survivors who chose not to share any details of their experiences with me. In other words, I grew up totally ignorant both about my parents and, to my shame and embarrassment, about the Holocaust. While training for the Salt Lake City marathon (2013), my running partner asked me, “How did this (the Holocaust) happen?” I had no answer. I was then fifty-five years old and made two decisions: (1) I had to understand who my parents really were and what their experiences were, and (2) I had to become autodidactic about the Holocaust. That question and those two decisions led to my book, *The Crime of Complicity: The Bystander in the Holocaust*.¹

My focus in that book was not on the perpetrators of the Holocaust, a topic where there is voluminous scholarship, but rather on the legal-criminal liability of the bystander, the person who stood by while harm was caused to vulnerable individuals. I viewed the bystander question through the lens of my parent’s travails, my mother in Budapest and my father in a labor camp and subsequently on a death march in Serbia.

That book led to my involvement in efforts to pass legislation, particularly in Utah, that would impose criminal penalties on the bystander. I am particularly grateful to Representative Brian King of the Utah House of Representatives who has championed, initially and tirelessly, legislation criminalizing bystanders and

¹ Amos N. Guiora, *The Crime of Complicity: The Bystander in the Holocaust* (Ankerwycke 2017), <https://crimeofcomplicity.com>.

enablers. His legislation is incorporated in Chapter 10 as a guide for other legislators, policymakers, advocates, the public, and the media. In addition to King's efforts, the book also includes Faith's Law, named after Faith Colson. Her words in Chapter 10 are of particular importance and relevance because of her traumatic experiences as a teenager and her commitment to advocacy and the need to address the forces that enabled Jeremy Bell's murder.

A couple years after the release of the Holocaust book, I was invited to write a book addressing enablers, those who know of harm but fail to act, notwithstanding their status in the relevant organization.

That book, *The Armies of Enablers: Survivor Stories of Complicity and Betrayal in Sexual Assaults*,² was based on interviews with sexual assault survivors, particularly the victims of Larry Nassar, both at Michigan State University and USA Gymnastics; Catholic Church survivors of priest abuse; and students and student-athletes at Ohio State University. The book also addressed the sexual assaults-rapes committed by Penn State University assistant football coach Jerry Sandusky, although I was unable to interview any of those survivors.

In the aftermath of its release, I was, literally, deluged with emails from sexual assault survivors, wanting to talk about not their assault but about those who knew and could have prevented it. I believe in the past years I have directly and indirectly (webinars worldwide) interacted with male and female sexual assault survivors from over thirty countries. In addition to legislative efforts in Utah, I have testified in Australia and the Netherlands and interacted with legislators and state officials throughout the United States. I also have given expert testimony in civil suits in the United States.

In addition to my two books, I have written law review articles and op-eds addressing the criminal liability of enablers and bystanders and have been interviewed widely on this issue. My focus is exclusively on these two groups (enablers and bystanders)

² Amos N. Guiora, *The Armies of Enablers: Survivor Stories of Complicity and Betrayal in Sexual Assaults* (American Bar Association 2020), <https://armiesofenablers.com>.

as I am convinced that absent their role, the harm caused by the perpetrators would not have occurred. Not 100 percent, but the overwhelming majority.

In focusing my scholarship on the critical need to criminalize both enablers and bystanders, my goal is simple: to frame the actions of both actors as demanding accountability before a court of law. This is distinct from whatever financial restitution victims receive, whether in a settlement or jury award emanating from a civil suit.

Without, in any way, minimizing its importance, I am of the belief that the only way to address institutional complicity, which is the essence of bystanders and enablers, is by imposing criminal penalties the individuals. That is in accordance with, and reflects, two important principles in criminal law: deterrence and retribution/accountability.

Neither are foolproof guarantees preventing future harm; however, they are understood as impacting human behavior and reflect society's basic need to impose standards of responsibility and accountability. For many of the sexual assault survivors I have interacted with, their primary, albeit not exclusive, anger is directed not at their assailant, but rather at those who could have prevented it.

The argument regarding holding bystanders and enablers criminally accountable reflects what my former research assistant, Hannah Sakalla, correctly defined as the "ecosystem." This is particularly accurate, tragically, when the harm occurs in an institutional setting, presumably under its protective umbrella. Of course, that protective umbrella shielded Jeremy's murderer, leaving the child exposed.

Hannah's one-word description captures the essence of what survivors face: an ecosystem created to protect the institution directly and the perpetrator indirectly. Regardless of which is directly/indirectly protected, the vulnerable individual is just that, a vulnerable individual. It is that, more than anything else, that ten years into this project is the focus of my efforts.

I am deeply honored and humbled that sexual assault survivors have reached out to me on this issue. As I am in the incredibly

fortunate camp of having never been assaulted or attacked, I cannot claim to understand their pain, anger, and frustration. I can, however, seek to maximize the platforms afforded me, whether in writings, teachings, or interviews, to bring the issue of bystanders/enablers to the public's attention with one clear focus: establishing standards of criminal accountability.

I am convinced that what happened to Jeremy and the countless other victims is happening as I write these lines. While, fortunately, not all sexual assaults result in the murder of the victim, we must be honest with ourselves: the actions of the bystander/enabler directly cause harm.

For that reason, while I understand the importance and validation afforded by civil suits, fundamental change can only happen through criminal law.

In the summer of 2021, Faith Colson reached out to me after she heard me speak at a conference on sexual assaults. She introduced me to Terri Miller, the president of S.E.S.A.M.E. (Stop Educator Sexual Abuse Misconduct & Exploitation),³ an organization dedicated to stopping and preventing the sexual abuse and harassment of children in schools by teachers and school officials. In one of our early phone conversations Terri asked me if I had spoken with Dan Barber; I replied that I had no idea who he was. She told me, "He broke Jeremy Bell."

Terri explained that Dan Barber was the private detective who solved Jeremy's murder. I was immediately intrigued and asked her for an introduction. The intrigue was twofold: the case sounded interesting, and I was working on an article about teachers who were accused of harming children and who were "shuffled," that is, moved from one school to another within the same district or from district to district, always without consequence, rather than being brought to justice.

A phone call was arranged with Dan, who quickly told me, "I don't Zoom, I don't Skype, I don't much email. If you want to talk with me, get on a plane and come to Erie, PA. A yellow

³ S.E.S.A.M.E. Mission Statement, <https://www.sesamenet.org/mision>.

notepad, pencil, and steam-driven typewriter will await you.” In no time, I made plane reservations to Cleveland, Ohio, where I stayed with friends and drove to Dan’s house.

When he let me in, indeed on a huge table awaited me the previously referred to yellow pad and pencil. While there was, alas, no steam-driven typewriter there were two other things that greeted me: a picture of Jeremy and three boxes with his name prominently written on them. Inside was material relevant to the murder. Dan subsequently admitted these items were placed deliberately directly in front of me.

In retrospect, it should have been clear to me from the moment I walked into Dan’s home that this book would be critical to our undertaking to demand accountability.

That first visit ended with my saying to Dan that while I had no idea what was next, it was clear this was the first of many visits. And that is precisely what has taken place. It is not an exaggeration to note I have spent more time with Dan than any other non-family member individual. We have spent countless hours together since my initial visit to his beautiful, historic home in Erie.

I believe I earned his trust as he came to understand we are truly a team: he, the remarkable detective who cracked this terrible case, deeply committed to holding those responsible for Jeremy’s murder accountable; me, the law professor who stumbled into this terrible case, thanks to a series of fortuitous events. As the reader will learn in subsequent chapters, Dan and I disagree about the possible motivations of the enablers.

It is fair to write that we have agreed to disagree. That said, I share with the reader Dan’s perspective as his theories are no more, or less, credible than mine. Regardless of which theory one adopts, what is essential is recognizing two things: enablers cause harm for which we must hold them accountable. In one of our initial meetings, Dan told me, “You are the person I have been waiting for.” I think, in retrospect, what Dan meant was that I was the person to whom could he pass on the 15,000 pages of documents in his possession relevant to the murder.

The material was neatly arranged in a seemingly endless number of binders in his neat and orderly study. I deliberately use

those two words because as I came to learn, and deeply appreciate, if nothing else Dan Barber is the most deliberate, organized, methodical individual I have ever worked with. In all candor, it took me a while to understand this and to learn how to work with someone whose thought process is a unique combination of linear and creative.

If not for that skill set, Jeremy Bell's murder would never have been solved, and Edgar W. Friedrichs would have continued assaulting twelve-year-old boys without a second's hesitation. When we started making our way, page by page, document by document, I gained a deep appreciation for Dan's dogged and extraordinary ability to connect the dots. The documents include not only the material the reader will see in the pages ahead but also the way Dan conducted the investigation.

While how an investigation is conducted, as compared to its fruits, is beyond the scope of this book, the reader will be asked to conjure up the image of the iconic TV detective from the 1970s, Columbo.⁴ At our first meeting, Dan stood and literally lectured me regarding the murder.

After four hours I suggested perhaps we should eat something. It was clear that Dan was fully engaged in the concept of the enabler and without using the word "ecosystem," that was what he conveyed as the essence of this terrible crime. We spoke the same language albeit using different words. That was critical to our undertaking as we instinctually understood both one another and who we needed to focus on. While we disagreed on the enablers' motivations, we were lockstep in the absolute requirement to kick their ass. Of that, the reader must have no doubt. This book seeks to do just that.

While Friedrichs was a convicted criminal and a serial pedophile, I think the reason Dan found me a suitable teammate was because of my book *Armies of Enablers*, which he had read. In retrospect, my focus on those who knew of the terrible crimes at MSU, USAG, the Catholic Church, Penn State, and OSU,

⁴ Philip Saltzman, *Columbo*, YouTube, 2022, <https://www.youtube.com/watch?v=PyfywQ98dIU>.

matched Dan's understanding of how Friedrichs was able to assault, with immunity and impunity, for decades.

We discussed, on more than one occasion, a possible desire to meet with Friedrichs where he is incarcerated; the point of such an undertaking would not be to hear the details of the assaults on vulnerable boys, but rather for him to explain to us how the system works. That became the focus of this project for me. To my endless gratitude and deep respect, Dan recognized that it was the enablers who demanded our attention and commitment.

When I first walked into his house, what caught my eye were two flowcharts that Dan had made. The charts, which are today in my office, are extraordinary not only because of their physical size but also because of the attention to detail. More than anything, they signaled the work of a private detective who had spent innumerable hours connecting the dots of Edgar Friedrich's criminal behavior. The two flowcharts reflected Dan's unique understanding of the enablers and their role in Jeremy's murder. To understand the flowcharts is to appreciate Dan's dogged and admirable commitment to demonstrate that absent enablers, Friedrichs would never have had the ability to commit the crimes he did. That cannot be overstated.

In joining forces, we had a laser focus on school district officials initially in Pennsylvania and subsequently in West Virginia, local law enforcement, the district attorney (now a judge) in West Virginia, and a medical examiner. It is not an exaggeration that we discussed at length the district attorney, Paul Blake, whose actions in the immediate aftermath of Jeremy's murder raise disturbing questions.

Our sense of a guiding hand in what can only be described as a determined effort to cover up the murder weighed heavily on us. We spent, literally, hours trying to understand the actions taken by various enablers in the hours and days after MP, the other boy in the cabin that fateful night, used a pay phone in the middle of the night in the backwoods to call for help. These disparate questions reinforced our conviction regarding the role of enablers, on two distinct levels: long term (school officials) and short term (law enforcement).

A Word About Law Enforcement

Dan and I spent significant time analyzing the actions of law enforcement both the night of Jeremy's murder and thereafter. To suggest that their decisions raise more questions than answers would be an understatement. Their actions are puzzling, reflecting a determined effort not to identify Friedrichs as the criminal responsible for Jeremy's murder. There is a profound sense of disquiet regarding what can only be defined as an effort to exculpate Friedrichs.

The most obvious question, what the hell were two twelve-year-old boys doing in a cabin with their teacher, seems to have escaped their attention. That is disturbing for it suggests either extraordinary incompetence or something far more sinister. These words are not written lightly; conversely, not addressing this issue would be akin to ignoring what is obvious.

Terminology is important. Words matter.

By example: a few years ago, I was invited to attend a meeting regarding the murder of Lauren McCluskey, a University of Utah student murdered by a man she briefly dated. Lauren's murder has been the subject of innumerable articles and documentaries.⁵ I am honored to be a member of the Lauren McCluskey Foundation.⁶

At this meeting, Lauren's murder was referred to as "Lauren's death." I immediately objected, saying, "as the only child of two Holocaust survivors, I am repeatedly asked whether my grandparents died in the Holocaust. No, they did not die. They were murdered. That applies to Lauren as well. She did not tragically die from some horrible disease. She was murdered."

⁵ Jen Hill, "Lauren McCluskey: The Tragic and Unnecessary Tale," *Salt Lake Magazine*, October 27, 2023, <https://www.saltlakemagazine.com/lauren-mccluskey/>; *ESPN Investigates Lauren McCluskey's Murder | Listen (Full Documentary)*, YouTube, 2023, <https://www.youtube.com/watch?v=zYGkIL70TD4>; *KUTV, 5 Years After Lauren McCluskey's Murder, Mom Jill Asking Universities to Make Vow to Listen, Believe*, YouTube, 2023, <https://www.youtube.com/watch?v=2qrc2h9ZHTc>.

⁶ Lauren McCluskey Foundation, January 2019, <https://laurenmccluskey.org/>.

That distinction is essential both in Lauren's case and the actions of law enforcement in the aftermath of Jeremy's murder.

While clear signs of foul play were evident, you had to work really hard to ignore them. For trained and seasoned law enforcement officials to miss them raises deeply disturbing questions regarding the extent of their efforts to protect Friedrichs. The failure to miss so many clearly visible signs is indicative of enabling behavior.

While Dan and I argued about enabler motivations, we wholeheartedly agreed about the disturbing decision-making process and actions of local law enforcement. To call it unsettling is the polite version; to point an accusatory finger of enabling is the more accurate expression.

That is akin to "Lauren's death" compared to "Lauren was murdered."

Were those in attendance at the meeting irritated? I have no doubt. Will the pages ahead make people uncomfortable? I have no doubt. After all, no one enjoys being called out for their decisions and actions. However, to do otherwise is not possible.

To stay silent is to disrespect the victim, whether Lauren McCluskey or Jeremy Bell, and ensures we do not learn a damn thing. I doubt that is what we want. It is certainly something that must not be tolerated or accepted.

A Word About the Book

In 2022, Dan Barber made the extraordinary decision to bequeath to me the documents in his possession. It goes without saying that this unprompted decision has changed my life. I once asked Dan what he had planned on doing with the material. While he had given thought of possibly donating them to an academic institution there was no clear plan or direction. Dan's decision, from a personal perspective, was both humbling and life changing.

This book is a direct product of that decision and reflects Dan's commitment to ceaselessly work with me to ensure the descriptions in the pages are accurate in telling the story of how a twelve-year-old boy was murdered by his teacher. When Dan

shared with me his decision, he literally issued the following mandate: I am giving you this material with the understanding you will make every effort to ensure that what happened to Jeremy does not happen to another child.

That mandate directly led to the establishment of the S.J. Quinney College of Law's Bystander Initiative.⁷ It is not an exaggeration to state that Jeremy Bell, whose picture Dan gave me and is prominently positioned in my office, is at the core of this project. The end goal is to convince legislators to criminalize enablers by giving voice to survivors harmed by enablers of physical, sexual, and emotional abuse and violence.

In addition to reviewing, analyzing, and incorporating the documents from Dan, I am grateful for the teachers and educators from across the country who were most gracious with their time and insights. For obvious reasons, anonymity was guaranteed thereby allowing them to speak freely.

All conversations have been duly memorialized and noted in our records. In addition to the 15,000 pages, I met with Dan a number of times during the writing process; his editing of each line, phrase, and word was of immeasurable assistance as he is, truly, the expert on Jeremy's murder and the ecosystem of pedophilia.

However, we also agreed to disagree on various issues of interpretation related to enabler motivation. That is an issue of great significance to this book and of particular relevance to the effort to criminalize enablers. The primary point of disagreement between us is related to what it is enablers are seeking to protect; the question is whether they are seeking to protect a particular institution, as I argue, or protect their self-interest, as Dan argues. Both positions are legitimate and correct. Perhaps there is an intertwining of the two that reflects a more nuanced approach.

What is of particular importance is recognizing that enablers cause harm and their decisions have real consequences and

⁷ Suzi Morales, New Initiative Studies "Ecosystem" of Abuse, S.J. Quinney College of Law, University of Utah, January 4, 2023, <https://tinyurl.com/3dfxsmp8>.

ramifications. While Jeremy's murder is the most extreme example, Edgar Friedrichs' unlimited access to vulnerable children was also the direct consequence of the enablers' decisions.

The discussion regarding the need to hold enablers accountable must be viewed through the twin lenses of the harm caused and the need for accountability. That is the primary focus in this book. As you make your way through the text, it is important to recall that I am not just telling the Jeremy Bell story, his murder is the backbone and soul of this project.

We hope to honor his memory as we fight for survivors in his name.

The Complicity of Silence

Confronting Ecosystems of
Child Sexual Abuse in Schools

Prologue

It is tragic that a book such as this had to be written.

The reason for that is clear: a teacher never should have had unlimited access to a twelve-year-old boy who was “fair game” for the teacher who was a serial predator. That, at its core, is the essence of this book. The questions addressed in this book focus on how the hell did this happen and, no less importantly, how the hell do we prevent this occurring in the future.

While the teacher demands the full wrath of society, those who protected the teacher over decades have never been held accountable. It is, almost twenty-seven years after the murder, too late to punish the many individuals who failed the boy and protected his murderer. Shame on them is but the mildest epithet of which they are deserving and richly earned.

In the pages ahead, the role of those who bear this guilt—the enablers—is discussed at length. Otherwise, we will have learned nothing.

The murder of Jeremy Bell on November 7-8, 1997, was the final act in a thirty-year span in which Edgar W. Friedrichs assaulted an unknown number of boys in Pennsylvania and West Virginia.

A few words of thanks and gratitude are essential.

The book owes its genesis to an extraordinary private detective, Dan Barber, who single-handedly solved the case after law enforcement had closed it. If not for Dan, Jeremy Bell’s murderer would never have been brought to justice because of a determined effort to protect him. That is a reality, notwithstanding how unfathomable.

I have spent innumerable hours and countless days with Dan in the past two years; his presence, insights, and extraordinary

commitment are at the core of this book. For that, I am deeply grateful.

When I proposed this book project to Steve Errick the then-COO at Fastcase/Full Court Press, I was delighted at his immediate interest. It was not our first book project as Steve had published my books at different houses over the years. Nevertheless, this undertaking—because of the subject matter—was different from previous books. I am thankful to Steve for his decision to publish. While working on the book, Steve left Fastcase to work for a non-profit organization, the American Arbitration Association, but left me in the hands of Morgan Morrissette Wright and Susan Jenkins. The book greatly benefited from that hand-off.

This book draws on an article I co-authored with Valeri Craigle, Aya Hibben, and Henry Fradella: “Holding Enablers of Child Abuse Accountable: The Case of Jeremy Bell,” published by the peer-reviewed *Criminal Law Bulletin*.¹

The article and book are part of the S.J. Quinney College of Law Bystander Initiative,² which was established in the fall of 2022. I owe many thanks to the Initiative’s donors who recognize the importance of our work and have been generous and gracious in their financial support.

A very large thank you is owed to Hannah Sakalla who graduated from the S.J. Quinney College of Law (2023) and worked on this book during her third year of law school. Her contributions are deeply appreciated. The term “ecosystem,” which is critical to understanding the link between enablers and institutions

¹ Amos N. Guiora, Valeri Craigle, Aya Hibben, and Henry Fradella, “Holding Enablers of Child Sexual Abuse Accountable: The Case of Jeremy Bell,” 59 No. 4 *Crim. Law Bulletin* Art. 3 (February 21, 2023), <https://ssrn.com/abstract=4366186> or <http://dx.doi.org/10.2139/ssrn.4366186>.

² Suzi Morales, New Initiative Studies “Ecosystem of Abuse, S.J. Quinney College of Law, University of Utah (January 4, 2023), <https://tinyurl.com/3dfxsm8>; Lindsay Wilcox, Utah Law Announces New Alexander Zeev Guiora Bystander Initiative Award (Winter 2024), <https://www.law.utah.edu/resgestae-issue/utah-law-announces-new-alexander-zeev-guiora-bystander-initiative-award/>.

and the harm that causes, was coined by Hannah, and brilliantly captures what Jeremy Bell faced. I have adopted that term both in this book and in innumerable discussions regarding enablers.

Several people took the time to read and comment on previous drafts. Some have requested anonymity, which is understandable; please know how much your efforts and insights are appreciated and respected. That very much holds true for the following friends and colleagues whose time and efforts were similarly invaluable: Billie-Jo Grant, Terri Miller, and Faith Colson.

There is one person who deserves a stand-alone thank you: over the past two years, Anya Korfine has literally dedicated and devoted herself to this book. Anya, who graduated May 2023 from the University of Utah's Honors College, made the decision to continue working on the book notwithstanding her graduation. That is neither a given nor an easy commitment given that, like all college graduates, she has moved on with her life. Nevertheless, notwithstanding that celebrated change in her status, Anya's contribution to this book is extraordinary and from which the reader and I greatly benefit. Working on this book, for all the obvious reasons, was challenging with difficult moments given its subject matter. Nevertheless, Anya never flinched, and for that I am deeply grateful.

Chapter I

The Story of Jeremy Bell

On August 1, 2005, in Circuit Judge John Hatcher's courtroom in Fayetteville, West Virginia, Edgar W. Friedrichs was "convicted of felony murder and death of a child by a custodian or guardian."¹

With respect to felony murder, the crime for which Friedrichs was sentenced to life imprisonment:

The felony murder rule is a rule that allows a defendant to be charged with first degree murder for a killing that occurs during a dangerous felony, even if the defendant is not the killer. The felony murder rule applies only to those crimes that are considered "inherently dangerous," as the rationale underlying the felony murder rule is that certain crimes are so dangerous that society wants to deter individuals from engaging in them altogether. Thus, when a person participates in an inherently dangerous crime, he or she may be held responsible for the fatal consequences of that crime, even if someone else caused the actual death.²

¹ Matthew Hill, "Ex-Beckwith Principal Found Guilty of Boy's Murder," *Herald*, July 29, 2014, <https://tinyurl.com/yc8stwcj>.

² "The Felony Murder Rule in Criminal Law," *Justia*, October 16, 2023, <https://tinyurl.com/mw2hmtx2>.

What the reader must keep in mind is that Jeremy Bell's murder was not planned by Friedrichs and that Friedrichs' obsession with the child was not a secret. Warning signs were obvious yet ignored. Jeremy's friends said as much when informed of his death.³ What was not known was the determined way the enablers worked. This book reflects an effort to confront the reader with this terrible reality.

While this book tells the story of the murder of this innocent child, its purpose is not to examine the perpetrator of this crime or the crime itself. The purpose is to honor Jeremy's memory by shedding light on the people who had the power to save his life but actively chose not to.

These are enablers.

Jeremy's story, horrifying as it is, paints a tragically clear and all too familiar picture of what happens when enablers are allowed to act without accountability and consequences. This book aims to illustrate and explore the ecosystem of enablers that fosters, protects, and allows abuse to occur and suggests both legal and social solutions to this crisis.

The Murder of Jeremy Bell

Sometime in the middle of the night on November 7-8, 1997, Jeremy Bell, a twelve-year-old boy, was murdered by Edgar Friedrichs, then a fifty-eight-year-old man and formerly Jeremy's fourth- and fifth-grade teacher. Friedrichs killed Jeremy by forcefully administering chloroform and the prescription drug amitriptyline to him while they were staying at Friedrichs' cabin on the New River in West Virginia.

The night Jeremy was killed, there was another boy staying in the cabin with Jeremy and Friedrichs, who will be identified only as MP. When Friedrichs found Jeremy unresponsive on the floor of the cabin, he woke MP abruptly and told him that "there's

³ The word "death" is used deliberately as the working assumption was that Jeremy had died, not that he had been murdered.

something wrong with Jeremy.” Friedrichs sent MP out into the night, where he immediately began searching for a phone.

[I] went searching for a phone. I didn’t know where it was. Because he hadn’t told me where it was. . . . And the fourth time I found it. . . . I was sort of like zoned out. . . . I walked down to the river, and the policeman [came] down there, and I just hugged him and started crying.⁴

It is assumed that Friedrichs used this time both to sanitize the crime scene and to develop a cover story for law enforcement. When the police did arrive, Friedrichs claimed he had tried to revive Jeremy by performing CPR over the course of several hours.

MP was able to find a pay phone in the woods and call for assistance, and the police briefly interviewed him when they arrived at the scene. The day after Jeremy’s death, he was informally interviewed by a detective by the last name of Burke. MP told Detective Burke the boys had been instructed to play a game that involved quickly drinking juice and that there was “a sort of like bitter sugarless-like kind of stuff” in the cup.

He told them that Friedrichs had been talking about prostitution and rating different sex acts that night. MP said Friedrichs gave Jeremy a pill out of an orange prescription bottle, and he became sleepy shortly after drinking the juice. Friedrichs testified at trial that earlier in the day the boys had been wrestling and Jeremy had hit his head. MP did not mention this detail in his interview with the police. While this and other things MP might have witnessed would have potentially been damning to Friedrichs’ own account of that evening, the police failed to obtain a detailed account from MP as part of their investigation of Jeremy’s death.

MP subsequently testified that Friedrichs would regularly take boys from Beckwith School on after-school outings that included watching them go skinny dipping. Once, after forcing them to change in front of him, MP noticed that Friedrichs had

⁴ MP in his testimony.

an erection. During one of these trips, Friedrichs would talk to them about sex.

Friedrichs' relationship with Jeremy was widely considered to be suspicious and unprofessional and was a source of concern to parents and teachers in the community. Friedrichs extended special privileges to Jeremy at school. Friedrichs gave Jeremy money and gifts and took him on excursions to different places, including his cabin dozens of times. He tutored him privately, taught him how to swim at his indoor pool, and was involved in his after-school activities. To the best of our knowledge, these were not school-sanctioned events and there were no other instances of teachers swimming with students, going on private excursions to the teacher's personal cabin, or giving them money and gifts.

When MP returned to school shortly after the murder, it seemed no one considered that he might need psychological help to recover from this nightmare. He was never considered a victim, even though he witnessed and experienced Friedrichs' abuse firsthand. A careful read of this case sheds a disturbing light on the role of law enforcement's actions in the immediate aftermath of Jeremy's murder. One issue of particular concern is the stunning lack of support and care for MP, who was thirteen years old at the time of the murder.

The extreme trauma he endured that night was largely ignored by law enforcement. As the court records make clear, his trauma was utterly ignored by the police. What seemed of greater importance to law enforcement at the time was simply closing the case as quickly as possible.

MP's mistreatment is an example of the collateral damage an enabler inflicts. While Friedrichs was eventually convicted for his crimes, MP was left to deal with his own trauma alone. Neither the police nor the school officials, who were aware of the details of the case, offered MP support of any kind. He is, tragically, the second boy in this case whose life was damaged by their actions.

The school officials who failed to offer MP support when he returned to school, and the police who failed to thoroughly interview him, allowed Friedrichs to cover up his crime and continue

to abuse other children. The emphasis on the enabler's actions regarding MP is important in understanding the threefold harm they cause: to the victim (Jeremy), to the secondary victim (MP), and to future victims vulnerable to the perpetrator acting with impunity because of the enablers.

In Friedrichs' case, enablers ensured he would have unlimited access to vulnerable boys for over thirty years. Their decision to protect him, notwithstanding complaints, concerns, and rumors, ensured that he could act, confident in the unabated protection the enablers provided him. While Jeremy's murder is our primary focus, to truly understand the reach and power of the enabler, we must closely examine how their actions affected MP.

The harm caused to MP demands attention because he is a classic indirect victim whose pain and suffering can be directly attributed to those who enabled Friedrichs. That enabling stretched over thirty years, endangering vulnerable boys, initially in Pennsylvania and subsequently in West Virginia. While Jeremy's murder is the most dramatic manifestation of Friedrichs' enablers, their conduct was criminal for years before the murder and in its immediate aftermath.

If not for Dan Barber, the private detective who solved the case, Edgar Friedrichs would have continued to have unabated access to vulnerable boys. The reason is simple: those who enabled Friedrichs for over thirty years before the murder continued to do so in its aftermath. Because MP sought to hold the Pennsylvania enablers liable for the harm caused to him by Friedrichs, both on the night of the murder and prior to that, his lawsuit⁵ against the Interboro School District is particularly important.

After all, it was the school administrators in that district who protected Friedrichs in the face of complaints years before he murdered Jeremy. Case in point: a letter of recommendation written

⁵ Notice of Removal, Ex. A., Amended Complaint, *Pascocciello v. Interboro Sch. Dist.*, No. 5:04-cv-01085 (S.D. W. Va. Oct. 6, 2006), ECF No. 1; *see also* Second Amended Complaint, *Pascocciello v. Interboro Sch. Dist.*, No. 5:04-cv-01085 (S.D. W. Va. Dec. 27, 2004), ECF No. 51.

REFERENCE FORM

Return To: CAREER DEVELOPMENT CENTER
WEST CHESTER STATE COLLEGE
WEST CHESTER, PENNSYLVANIA 19380

Concerning: _____ Major: Elementary
Yr. of Grad. 1964

Friedrichs Edgar W. (Jr.)

LAST NAME FIRST MIDDLE/MAIDEN

Mr. Edgar Friedrichs was a 5th grade teacher at Prospect Park for about eight years. Mr. Friedrichs fulfilled his teaching responsibilities. He was an active member in the Prospect Park P.T.O. Mr. Friedrichs had a good rapport with his fellow teachers and parents.

I would be happy to discuss any further observations with a prospective employer.

Signature Robert J. Castle Date Sept. 19, 1974

Name (Printed) Robert J. Castle Official Position Principal

Institution Prospect Park Ele Address 940 + Pa. Ave.
Prospect Park.
19076

by Robert Castle,⁶ who had been Friedrichs' principal in Prospect Park, Pennsylvania, where there had been serious allegations of misbehavior with children that resulted only in an agreed-upon

⁶ Letter of Recommendation from Robert Castle, former Principal of Prospect Park School, concerning Edgar Friedrichs (Sept. 19, 1974) (on file with authors).

termination of Friedrichs' employment. That letter is an example of enabler conduct in the face of his known criminal behavior.

In his lawsuit, MP alleged that Interboro's failure to report Friedrichs' known assaults in its schools led Fayette County to hire Friedrichs and to the eventual assault of Jeremy. However, a West Virginia court ruled that the suit was barred by the statute of limitations. In addition to the suit against Interboro, MP also filed a lawsuit against Fayette County, which was settled. In 2006, MP filed a lawsuit against Friedrichs; however, the court held MP could not prove he suffered emotional distress from Friedrichs' actions.

Plaintiffs' motion fails because it presents no evidence of MP's emotional distress, serious or otherwise. In addition, while plaintiffs present some evidence of foreseeability, they fail to address the closeness in relation between Jeremy Bell (the injury victim) and MP (the plaintiff allegedly suffering emotional distress).

The courts' holdings against MP, in conjunction with the actions of school administrators and law enforcement, dramatically demonstrates the consequences of enabler conduct.

Who Was Edgar Friedrichs?

Edgar Friedrichs was a serial child molester who not only abused and murdered Jeremy, but also sexually abused numerous other children, across multiple schools, in different states. Perhaps Edgar Friedrichs can best be described through the eyes of his victims. The following statements by several victims (identified only by their initials) were collected during Dan Barber's investigations of the Interboro School District (Pennsylvania) and the schools in West Virginia.

Interboro School District, Pennsylvania, circa 1973

"Edgar W. Friedrichs Jr. . . . my fifth-grade teacher, on the pretext of using me to demonstrate anatomy during

health class, stood me on a desk, and in front of the entire class, massaged my penis.”—JS

(JS’s younger brother was also molested but did not make a statement.)

“Friedrichs was my fifth-grade teacher. . . . When he and I were alone in his classroom after the safety meetings he would sexually molest me. This continued on a weekly basis throughout my all of my fifth-grade year and part of sixth grade. . . . [H]e would lay me down take off my clothes and perform oral sex on me. Then he would attempt anal sodomy until he ejaculated on me.”—TR

Powellton Elementary, West Virginia, circa 1983

“He performed oral sex on me.”—KB

Beckwith Elementary, West Virginia, circa 1995

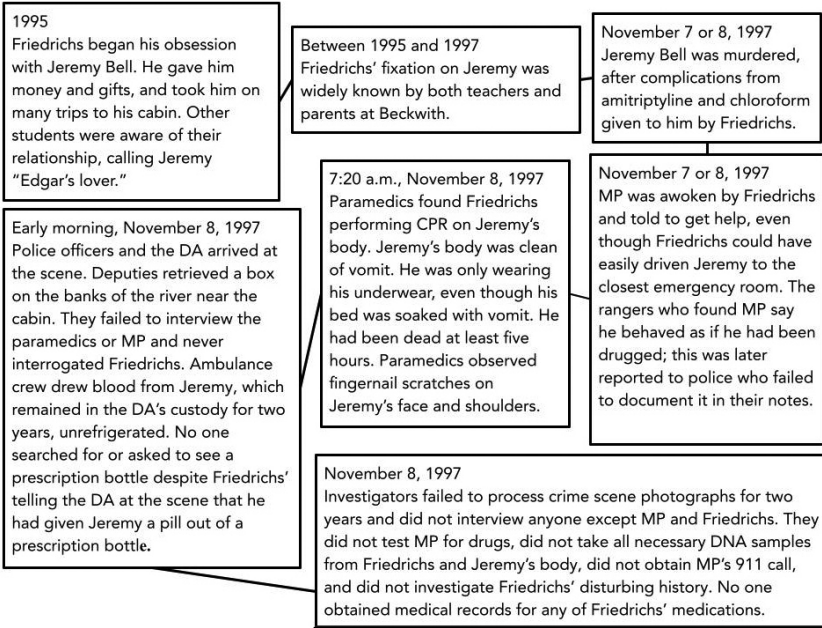
(On one of the many camping trips that Friedrichs asked the boys to skinny dip.)

“Mr. Friedrichs came up behind me and hugged me from behind with an erect penis.”—JT

“We went in the bathroom, there was stalls, and he asked us to change right out in the open.”—MC

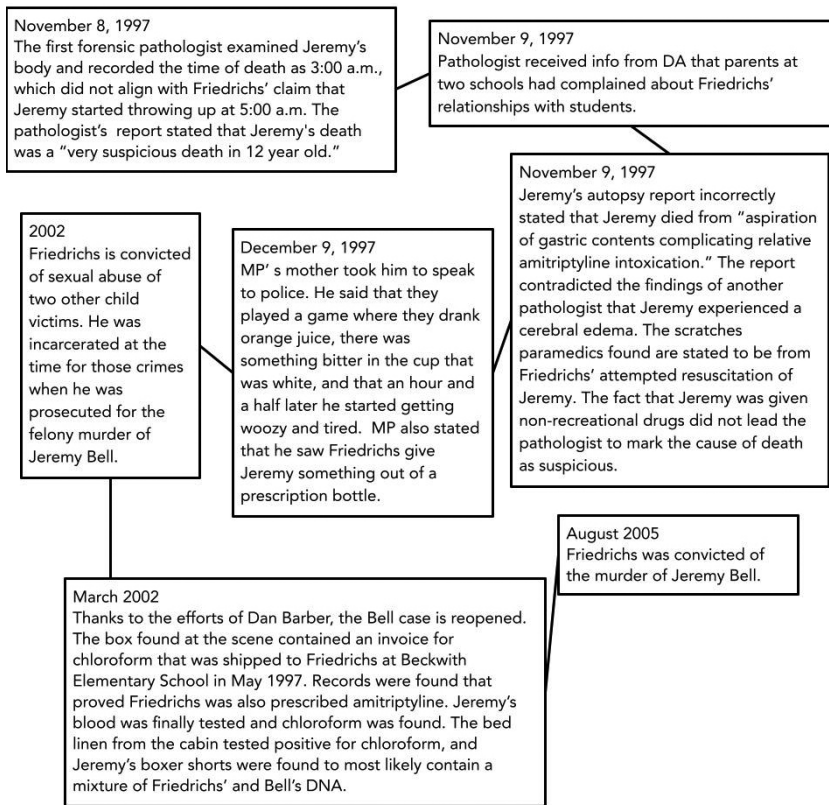
“Mr. Friedrichs asked us to change in front of him.”—MP

The inclusion of these statements is not intended to draw attention to the criminal behavior of Edgar Friedrichs but rather to set the stage for understanding the consequences of enabler behavior. As the following two schematics demonstrate, complaints had been filed regarding Friedrichs that were systematically ignored by those mandated to act on them. The decision to ignore and dismiss ensured that Friedrichs would continue with his criminal behavior, confident he would be protected.



That confidence in turn resulted in his acting with impunity and ensured continued harm to vulnerable children. That is a direct consequence of enabler conduct. Rather than acting aggressively in the face of repeated complaints, those mandated with child protection and welfare made the decision to protect a teacher openly accused of sexually assaulting children. In proposing that enablers be held accountable for their actions, the fundamental premise is that their actions cause serious, permanent, dangerous, and life-altering harm.

The harm is not abstract or ephemeral; it is real and impactful. Absent enablers, Edgar Friedrichs would never have had the extraordinary access to schools that he did and would not have been able to sexually assault vulnerable twelve-year-old boys. That is the essence of our discussion moving forward.



Who Were the Enablers?

The role of law enforcement in Jeremy's murder can be categorized as suspicious at best. There was a determined decision to ignore clear markings on his body, to rely on a sham or incompetent pathology report, and to conclude that a perfectly healthy twelve-year-old boy asphyxiated on his own vomit. Despite the best efforts of Dan Barber and my research team, the "why" of this egregious behavior by law enforcement cannot be determined. While suppositions abound, there is nothing that would hold up to cross-examination in a court of law.

The same discussion of "motivations" applies to the school administrators who protected Friedrichs over three-plus decades. However, in contrast to the situation with law enforcement, a

plausible argument can be presented that school administrators protected Friedrichs to protect their schools. However, even though the primary intention was not to protect Friedrichs, he was the beneficiary of the administrators' decisions to ensure that the school was protected. The distinction between the actions of law enforcement enablers and school administrator enablers is important; the former are all but impossible to explain, the latter can be explained albeit not justified or excused.

However, even though the school administrators' primary objective was to protect the school, Friedrichs also benefited. For Jeremy, the consequence, regardless of priorities and motivations, was horrific: he was murdered. While Friedrichs was ultimately prosecuted and convicted, notwithstanding determined efforts by local law enforcement to prevent this, those who enabled his conduct continued with their professional lives without skipping a beat.

There is no documentation indicating that any of Friedrichs enablers gave a moment's thought to the consequences of their actions. Quite the opposite. The instinctual response was to grant Friedrichs—after a staged suicide attempt—a paid leave after which he was allowed to re-enter the classroom.

After a twelve-year-old boy died in his cabin.

These events occurred before Dan proved Friedrichs murdered Jeremy. Similarly, there is no indication that school administrators asked themselves, “How the hell did this happen?” or “What the hell were two twelve-year-old boys doing alone in a cabin with their teacher?”

Enabler actions created the environment whereby Friedrichs could abuse boys. There is no indication that any enabler was forced to explain or confront his actions. That is true with respect to those enablers who allowed Friedrichs to continue with his teaching career even after a boy—before the murder conviction—had been found dead in his cabin in circumstances that should have sent off loud alarm bells ringing throughout the school district. That did not happen.

If members of Jeremy's family had not been suspicious about the cause of death, the truth behind his murder would have never

been unearthed. That seems to have been the intent of those who made every effort to quickly bury Jeremy and move on, notwithstanding the clear signs as to what had caused his death. The circumstances of Jeremy's death and the way the investigation was conducted make that very clear as they reflect what can only be termed "determined efforts" of local law enforcement to cover up the murder—which nearly succeeded.

Dan discovered during his investigation that Friedrichs had a pattern of abusing boys in various school districts in two different states. Despite complaints filed against Edgar Friedrichs,⁷ decision makers in these school districts—who were legally and contractually obligated to protect their students—made the decision to ignore the red flags surrounding Friedrichs.

Their actions directly contributed to the abuse of boys in two states and the murder of one child. While the traditional focus is directed at the perpetrator, our attention is directed at those who comprise the ecosystem that protected Friedrichs and abandoned Jeremy. This ecosystem, a concept critical to understanding how an Edgar Friedrichs can assault innocent boys over decades, is at the core of our undertaking. This ecosystem protected Friedrichs and abandoned Jeremy, making his murder literally predictable, if not inevitable.

Jeremy Bell never should have met Edgar Friedrichs.

Edgar Friedrichs never should have been allowed in a classroom in West Virginia.

Edgar Friedrichs should have been incarcerated years before he met Jeremy Bell.

These three, brief, sentences are all "what ifs" and "should haves." While there is no indication that enablers intended for Friedrichs to murder Jeremy, there is no indication they did anything to prevent the terrible crime. In other words, no disciplinary action was taken against Friedrichs even when reports were made. There is certainly no evidence that any enabler did anything to protect Jeremy Bell.

⁷ See Appendix A.

Jeremy was abandoned by those entrusted with his welfare and safety. Those who made the fateful decisions that exposed him to a serial predator were state officials who had one primary obligation: protect children attending school as mandated by state law.

Jeremy and the other boys victimized by Friedrichs were exactly where the state required them to be, in school. The boys conducted themselves fully in accordance with the law. They were failed by adults who made the clear decision to protect a criminal, while willfully and consistently ignoring their legal obligation to the boys. This was not a moral obligation, but one clearly articulated in state law that school administrators were subject to. This was not a matter of discretion, subject to interpretation and nuance. They failed in their legal duty.

While the criminal code in West Virginia was belatedly applied to Friedrichs, there is, presently, no mechanism for holding those who protected him liable. Those who protected Friedrichs, and who the law must recognize as bearing culpability, are defined as enablers. To protect children more effectively, we must focus on those who protected the perpetrator.

There is no indication that Friedrichs intended to kill the boy; there is no evidence the murder was premeditated, reflecting planning and preparation. What was preplanned was stocking the cabin where the child was murdered with chloroform and amitriptyline, but not for the purpose of causing the boy's violent demise. Rather, the chloroform was intended by all accounts to knock the boy out, thereby facilitating Friedrichs' sexual assault.

The state medical examiner's findings⁸ were puzzling at best, suggesting the boy had asphyxiated on his own vomit, disregarding clear marks on his face and clavicle suggesting there had been a violent interaction prior to his death. Questions abound why the District Attorney reached out to a retired medical examiner to conduct Jeremy Bell's autopsy. The reason for this seemingly

⁸ Autopsy Report of Jeremy Bell filed by Irvin M. Sopher, M.D., Medical Examiner for the state of West Virginia (Jan. 16, 1998) (on file with author).

perplexing decision has never been fully articulated. Similar confounding questions exist regarding why MP, the other boy in the cabin, was never thoroughly questioned and why local law enforcement never spoke to the responding EMTs.

The autopsy in the immediate aftermath of the murder was conducted by Dr. Irvin Sopher. Two years later, the state medical examiner, Dr. James Kaplan, reviewed Sopher's findings. That re-examination highlighted the disturbingly confusing autopsy by Sopher that led him to misstate the cause of death. This is an issue of great importance. It is in line with the entire way local law enforcement conducted itself in the immediate aftermath of discovering Jeremy's body.

Kaplan testified that the cause of death was murder. His report and testimony, based on a review of the autopsy, forcefully countered Sopher's conclusion. In the same vein, a careful reading of Sheriff William Laird's deposition (not the sheriff at the time of the murder) makes it clear that, as Dan once noted, "the fix was in."

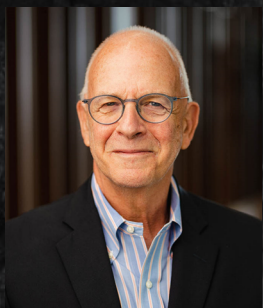
Unfortunately, albeit not surprisingly, no law enforcement officers were ever held accountable for their actions in the aftermath of the boy's murder.

In November 1997 twelve-year-old Jeremy Bell was killed at the hands of Edgar W. Friedrichs, a serial pedophile, teacher, and later principal, who taught for decades at Pennsylvania and West Virginia schools despite extensive complaints submitted to school administrators. In *The Complicity of Silence: Confronting Ecosystems of Child Sexual Abuse in Schools*, law professor Amos N. Guiora carefully analyzes the case with the assistance and extraordinary documentation of Dan Barber, the private investigator who solved it.

As an expert in the power systems that allow the worst criminal behavior to fester unobstructed, Guiora uses the specific facts of the Bell case to demonstrate how a network of enablers and bystanders “passing the trash” allowed a proven predator to remain free and access children at several schools from 1975 to 2001, while advocating for the broader policy changes and social safeguards that are necessary to prevent such disasters from occurring in the future.



About the Author



Amos N. Guiora is Professor of Law at the S.J. Quinney College of Law, the University of Utah. He is a Distinguished Fellow at The Consortium for the Research and Study of Holocaust and the Law at Chicago-Kent College of Law, and a Distinguished Fellow and Counselor at the International Center for Conflict Resolution, Katz School of Business, University of Pittsburgh. Guiora serves on the Board of the Lauren McClusky Foundation. In 2023 Guiora received the University of Utah’s Distinguished Faculty Service award and in 2024 the University of Utah College of Law Outstanding

Professor Award. For the past ten years Guiora has been researching, writing, and lecturing on the question of bystanders (originally in the Holocaust) resulting in his previous books, *The Crime of Complicity: The Bystander in the Holocaust* and *Armies of Enablers: Survivor Stories of Complicity and Betrayal in Sexual Assaults*. Guiora established the College of Law’s Bystander Initiative.

