

whatever of the interests of children. I want to show what they are doing, so that every mother and father can ask himself or herself how comfortable they would be if it was their child who had been trapped in the lies and scorched earth tactics used by what is supposedly the premier school in Charleston.

How it Started

5. Beginning sometime between September, 1989 and March, 1990, I was sexually abused by Edward Fischer, a teacher at my high school, James Island High. I was in my senior year in high school. The abuse took place at his house in downtown Charleston. I was not directly a student of Mr. Fischer 's, meaning he did not teach any of my classes, but he has apparently selected me from observing students in the school, and he invited me to his house for what was supposed to be an evening of conversation about religion and politics. I was relatively shy. I was a good student. I attended church regularly. And I was flattered by the attention. My parents were pleased that I had been invited. I went with their consent.

6. The first visit was harmless enough, nothing out of the ordinary. We talked mostly about topics revolving around politics and religion. I do specifically recall him saying that he went to confession everyday, sometimes more than once. Looking back on it, that was one of many things Mr. Fischer said to me in order to get me to trust him.

7. We ate dinner. For reasons I do not at all understand I remember quite vividly certain specific things about that dinner. I helped him prepare the pork tenderloin steaks and shrimp. After dinner he showed me around his home. Our conversation shifted to physical fitness. I

remember standing in his computer/library room discussing weight lifting, and telling him that I was engaged in home weight training. He became concerned that without "formal" training in weightlifting I might use improper techniques and hurt myself. He gave several testimonials about why I must use proper techniques. He told me that he could help me learn the proper techniques so that I wouldn't hurt myself, and he added to his credibility by telling me about his involvement in school sports. He told me he had coached basketball and golf.

8. Just before I left that first evening, he took out a Polaroid camera and asked me to remove my shirt. He said he wanted to take a few pictures of me in order to show, at some later date, the progress I would make under his tutelage in muscle development. I was surprised, but he had made it seem reasonable. After taking three or four pictures of me, he said he wanted to see me regularly. He suggested every Thursday night at 5 PM.

9. As I look back on it now I see what messages he had sent me that night. I was welcome in his home, a special privilege for a student. He was a responsible adult who shared my interest in religion. He knew things which would benefit me. He was interested in helping me. I could trust him.

10. As I would later learn, each of those messages was a lie.

11. I returned to Mr. Fisher's home sometime after the first visit on a Thursday at 5pm. My second visit started out very much like the first: Conversation, food and more conversation. And once again, we began having a physical fitness oriented discussion very similar to the first. I mentioned having injured my arm. He offered his "expertise" in athletic injuries, which could help my problem. He was very detailed: he was intimate friends with an athletic trainer at the Citadel and that he would have that trainer look me over.

12. He led me upstairs to a spare bedroom to relieve pain I was having. He showed me a metallic vibrator that had a heating component to it. The way to "get to this injury is through heat," he explained, "you've got to put heat to it." And then what I now see was the reassurance: "I've done this to many athletes before, trust me."

13. He proposed that I take off my clothes and lay down on the bed." I was reluctant. He kept repeating, "You've got to trust me," and "I've done this before." Hesitantly, I ended up doing as he asked. I took my clothes off (with the exception of my underwear) and laid down on a small twin bed, belly down. I was very uncomfortable.

14. I repeated his words to myself as he started to rub a clear, cold cream on my right shoulder. He placed the vibrator where he had spread the cream. He repeated: "Do you feel it yet?" and "Relax." About thirty minutes went by. I began to relax.

15. He finished with my right shoulder and slowly moved the vibrator lower down my backside. He did this for a few minutes and then stated that he was going to remove my underwear. I was stunned. I did not know what to do. I begrudgingly allowed him to remove my underwear while I remained on my belly. I began to pray that no harm would come to me and that everything would be all right.

16. Once my underwear was removed, Mr. Fisher resumed using the vibrator on my lower back for a few more minutes. Then, without warning, he asked me to turn over onto my back. Slowly, I did, nearly paralyzed with fear. I did not have an erection. "Hum," he said. "Most guys your age would be hard as a rock by now."

17. Even at this point I still had not lost hope that things would be all right. I was certain that God would not allow me to be put in harms way. I had been faithful to God all my life. But

it was now apparent that everything was not going to be all right. Mr. Fisher placed the vibrator directly below and underneath my testicles. "Trust me," he kept saying, "Relax." My penis grew erect. "There ya go," he said. "That 's good," he exclaimed.

18. I was utterly mortified. He continued to talk, but I have no recollection of what he said. I have never been so humiliated or felt so hopeless. I had no idea about what would or could happen to me next. I never anticipated the state that I found myself in. I was in way over my head.

19. With his hands he touched and probed my lower extremities with his hands. He pressed quite firmly into my groin with his finger saying, "I usually get guys to shoot their wad up to the ceiling when I do this," he laughed. He continued to probe the same area with his fingers trying to get me to orgasm; but of course, I couldn ' t.

20. A few minutes later, Mr. Fisher escorted me to his bedroom. He kept talking, but I remember none of his chatter. I recall lying down on his bed, window curtains drawn B it was fairly dark. He rubbed my penis with his hands and eventually placed my penis in his mouth. "Now you tell me when you are about to blow, OK?" The last thing I recall him telling me another assurance: "This will help you with your wife when you get married." He remained fully dressed.

21. This was the first sexual encounter I had ever had in my life.

22. After what seemed an eternity, he got up and took from his dresser a white T-shirt. He placed it over my penis. "Let ' s finish this," he said, or something to that effect, and began rubbing this T-shirt vigorously up and down my penis until I climaxed.

23. After I climaxed he told me to go "piss." "You should always piss after you cum," he said. He gave some reason why, but I really don't recall what it was. I did as he said, wondering how I was going to get out of his house.

24. Before I was allowed to dress, he once again took out a Polaroid camera and took a couple of pictures of me in, as best I can recall, the upstairs hallway. I don't recall being very concerned about the picture taking. It seemed incidental compared to the events that had just transpired.

25. The first set of pictures he had taken on the first visit, I had seen. These pictures from my sexual initiation I never again saw. Before I left his home that evening, I do recall him insisting that I "trust him." "I'll see you next Thursday, Shaw," he said.

26. I drove home in a fog. What had just happened to me? Was it my fault? Had I done something to bring this on? Why had God allowed it to happen to me? How could I tell anyone what had just happened to me? When I got home, I said nothing about it, took a shower, and cried.

How it Continued

27. Many Thursdays this basic pattern of my first sexual encounter was repeated, with slight variation. First dinner, then the bedroom. He consistently justified what he was doing by

saying this activity would somehow help me when I got married, which I now take to have been his way of assuring me that it was "normal."

28. Sometimes before going into his bedroom he would show me pornographic material that he kept in his library/computer room. The pictures were only of nude women, some of which were shown having sex. In his bedroom, he would always make-up little "exercises" that would, in his words "improve my performance in bed with a woman." He made it a kind of goal of his to get me to "last longer."

29. From the third time I visited Mr. Fisher and continuing on through August of 1990, there were things that he would do to me consistently, every time we met. He always performed oral sex on me. He always licked me starting around my ears, down my neck, my chest, my back, my groin, my rectum, my thighs, my legs and finally my feet. He would tell me that this was some kind of way to desensitize my nerves so that when a woman did this to me "I wouldn't squirm."

Up to this point he never asked or had me do anything sexually to him. After about six encounters he did request that I put my hands on his shoulders just before and while I was climaxing. And as always, to make me climax he would use a white T-shirt from his chest of drawers. Most of the times he took pictures.

30. I was trapped. I didn't think I could tell anyone what was going on. Who would believe it? Was it my fault? I wasn't supposed to be having sex, so I presumed I would get into trouble and be blamed. I kept silent. Instead, I tried other ways of getting out of going to Mr. Fisher's home. I started to lie, which I also wasn't supposed to do. I'd pretend to be ill. I'd tell him I had to be somewhere else.

31. But he was better at boxing me in than I was at evasion. On Wednesdays, he would almost always call and see if I was coming. He would either talk to my parents or me. I was terrified every time the phone rang because sometimes, when I picked up the phone, it would be him. If I had skipped seeing him the last week he would be critical. I felt like I couldn't make up another excuse to avoid seeing him again and so therefore I felt obligated to go.

32. I was very thankful when I started working in May of 1990. I worked until 5PM and that made it easier to give Mr. Fisher an excuse as to why I couldn't come to his home. But the more frequently I made up some excuse to not go to his house, the more frequently he would call.

33. Working at the bank was a safe haven. He didn't know which bank I was working at and didn't have the telephone number. My safety net was shattered one day when the branch head teller said I had a phone call. Thinking it was my parents or a friend I picked-up the phone. It was Mr. Fisher. He had gotten my phone number from my mother, who of course had no idea I was trying to avoid him. She still encouraged the contact. He wanted me to come to his house after work but I declined and told him I'd see him next week. He was insistent. He said, "We don't have to do that anymore for awhile, Ok? I want you to trust me. Do you trust me? I promise, the next time you come over I won't do that stuff to you, Ok?"

34. That he had found me at work was devastating. I remember literally trembling with fear during and after this phone call. There was no place that I could go to escape this man. I had no safe haven. I had no way to explain what was happening to anyone. I felt that I had no choice but to go to his house. But at least he had promised it wouldn't happen again.

35. It was another lie. When I went back to Mr. Fisher ' s home everything went as usual at dinner. I thought that maybe, just maybe, everything would be OK. He led me upstairs, but to his library/computer room, not the bedroom. Maybe everything would be alright. He took out the pictures of nude women as he talked rather explicitly about things they were doing. Then he led me into his bedroom. I told him, "I thought you said we weren ' t going to do anything." He said, "Shaw, you ' ve got to trust me. If you are going to be a good lover you ' ve got to practice." I started to cry. The only thing he did different this particular time was to rub his genitalia around my anus. Everything else was the same.

36. To make matters worse, my parents now invited Mr. Fisher to my home for dinner. I was upstairs, in my house when the doorbell rang. I knew it was him because I had been peering out my bedroom window for quite sometime, watching for his tan BMW, praying that he wouldn ' t come. I remember hearing my parents opening our front door. I remember hearing them greeting him and thanking him for "looking after" their son. I began crying as I thought about what Mr. Fisher had done to me. I got in my parent ' s shower, crying bitterly as I slowly washed myself. I wasted as much time as I could before going downstairs. Eventually my mother called me to come down stairs. I could hear her voice over the noise of the shower. I remember dressing and eventually going down those steps, only to see Mr. Fisher, there in our living room, chatting and laughing with my parents. He was charming them, like he did me.

37. I got accepted to the University of South Carolina sometime during the mid-summer. I was so thankful that I would finally be able to rid myself of this awful burden. I stopped having to go over to Mr. Fisher ' s house the day I left for school, sometime in late August of 1990. I remember being so happy because there I could start all over again. I ' d be free.

38. I did not hear from Mr. Fisher again until sometime before Christmas of 1990. He sent a Christmas card to my university address B I don ' t recall what it said. I threw it away. At least once he called, trying to arrange to visit. I did not take the call, and did not return it when I got the message from my roommate.

The Affects Of the Abuse

39. In college, I became lost. I started using drugs and abusing alcohol. I had always been a good student, but now I was erratic. I didn ' t trust anyone. I was angry at God. I was angry at myself. I was confused about my own sexuality. I got into trouble, including criminal trouble. I went through wild personality swing, wild political swings, wild lifestyle swings. I had lost my rudder, so to speak. That went on from 1990 to 1997. My life is now on a completely different track than it would have been without this abuse. There is almost no part of my life that has not been affected by it. Every relationship I have, family or social, has been affected.

Finding Out that Porter-Gaud Knew and Did Nothing

40. Not until October, 1997 did I learn any information suggesting that Edward Fischer was known to sexually abuse students. I found out about it from a telephone call from a friend of mine in Charleston, who saw a news report that Mr. Fischer had been arrested. From that initial phone call, I learned that criminal charges were being brought against him. I decided to contact the Solicitor ' s office to tell my story. I knew if only one person told, Fischer would more than likely get off. During the later part of 1997, through a series of telephone calls from various

people, I became aware that a former student of Fischer from Porter-Gaud, Guerry Glover, had been abused by Fischer for many years and had repeatedly tried to get the school to do something about him.

41. Through that process I eventually learned, later in 1997, that Porter-Gaud had complaints from parents in the early or mid 1970s about Fischer acting inappropriately, and the school insisted he resign in 1982 for being, as they put it, "too intimate" with a boy. But nothing was put in Fischer 's personnel file. No mention was made of it by people who knew when it came time to make a job application reference. All of these prominent and smart people involved at Porter-Gaud had apparently decided that it was better to let Fischer be around and keep preying on students like me instead of telling the truth of what their experience had been with him.

After all, he wouldn 't be sexually abusing their students. He would be sexually abusing someone else's students.

42. Porter-Gaud didn 't have the courage to tell the truth about their experience with Fischer. He applied for a job at my high school and Porter-Gaud said he had "no mental peculiarities," and that he was "well fitted for the position." That was their summary for a teacher they had asked to resign for twice being out of line with one of their students.

43. The school will admit that they knew these things in 1981 or 1982. In fact, since the student who first reported Fischer is known, and left the school by 1976, Porter-Gaud knew about Fischer before 1976. Dozens and dozens of victims are victims because school officials at Porter-Gaud did not have the courage to speak the truth.

44. Fischer used the Porter-Gaud lies to get the job that put him in contact with me. The Charleston County School District now says in court documents that it would never have hired Fischer if Porter-Gaud had told the truth about him.

45. We now know that Fischer began abusing children in 1959, and continued abusing them up until the time he was arrested. He was abusing a fourteen year old when he was arrested in 1997. And the only reason he was arrested is because Guerry Glover got tired of waiting for Porter-Gaud to act and he finally went to the Solicitor 's office on his own and filed a report. The only reason Fischer retired from teaching was because Guerry Glover went to a lawyer and a contact was made with the Charleston County School District and questions were asked. In response to the first inquiry, Fischer announced his resignation from teaching.

46. The very idea that someone knew enough about Edward Fischer to demand that he resign but didn 't have the courage to tell the truth makes me furious. It makes me furious that I and scores of other victims might not have had our lives altered if Porter-Gaud had exhibited the slightest responsibility with the information it had. Because of Porter-Gaud I was victimized by Edward Fischer.

Porter-Gaud ' s Lack of Courage

47. And now the school ' s arrogance is on display. Having lied about Fischer, having refused to help remove him from teaching or even alert people to be watchful, Porter-Gaud now seeks to have my suit dismissed because of the statute of limitations. As I understand it, they say no one can sue them now because they have successfully hidden the truth about Fischer. The principle Porter-Gaud stands for is: if you hide it well enough and for long enough we think it should insulate you from responsibility.

48. In addition, Porter-Gaud continues to lie. When the story of Fischer first came out in October, 1997, the school ' s press release said "At all times, Porter-Gaud has taken both legally and morally appropriate action with the information it has had available and will continue to do so." Since Porter-Gaud knew about Fischer since the mid 1970s and lied about their experience with him since that time, lying is apparently considered appropriate at Porter-Gaud.

49. The press release also said "We learned information we had never known." It said, "the school has no direct knowledge of what happened to [Guerry Glover] or any other former students while the accused teacher was at Porter-Gaud." Those are outright lies, and they now know those statements are not true. They have always known of the student in the mid 1970s, although they contend it was 1981 (which cannot be true), and they have always known of the student in 1982. Since about 1987 they knew about Guerry Glover. In 1994 they would not help Guerry Glover report Fischer. In 1997 they would not help Guerry Glover report Fischer. The lesson here is that people at Porter-Gaud tell the truth when forced to tell the truth, and only when forced to tell the truth. Until forced to tell the truth, they lie.

50. Porter-Gaud takes credit for cooperating with the Solicitor. By that they mean that when served with a subpoena, when they have no choice but to convey information, they convey information.

51. A copy of the school 's substantially false press release is attachment 1 to this affidavit.

52. Porter-Gaud claimed in a letter to parents in November, 1998 (attachment 2) that the headmaster had asked legal counsel "to report the information that we had on the allegations to the Solicitor 's Office months before any information became public or the lawsuits were filed." That too is a lie. I now know that Porter-Gaud was approached by Guerry Glover about Fischer *for the third time* in May, 1997. He was rejected, in writing. In August, 1997, Porter-Gaud received a letter about Edward Fischer, from a lawyer representing Guerry Glover. In May, 1997 after rejecting a meeting with Guerry Glover, Porter-Gaud 's lawyer asked the Solicitor 's office if Porter-Gaud was legally obligated to report a teacher 's sexually abuse of a student. They were told they were not obligated to report it, and so they did not. They now claim they did make such a report. It is a lie. The Charleston Solicitor 's office had no information from Porter-Gaud about Edward Fischer in May, 1997, as the school infers. The Solicitor 's first information came from Guerry Glover in October, 1997 and a search warrant was issued very quickly after that first meeting. If one listened to the Porter-Gaud "spin," one would have to believe the Solicitor 's office had information about Fischer 's sexual abuse months earlier and did nothing until October, 1997. In fact, Porter-Gaud 's headmaster told Guerry Glover, who had come back to talk to him in May, 1997 about Edward Fischer, that the headmaster had "nothing else to add to what I have said before." Attachment 3. Guerry Glover had first talked to that headmaster about Edward

Fischer in 1994, when the headmaster was new to the job. But Guerry Glover had told James Bishop Alexander, another school official, about Edward Fischer abusing him in approximately 1987. At each opportunity (1982, 1987, 1994, 1997) the school did nothing to itself report or even assist Guerry Glover in reporting Edward Fischer.

53. Porter-Gaud blames Guerry Glover for its taking no action. Yet when the school continued to refuse to help, Guerry Glover eventually went *on his own* to report Edward Fischer. When he found out how to do it without them, he did it without them.

54. In this case the school has at least four sets of lawyers. In my deposition one of the objects was obviously to try to make the process as disgusting as possible. Shooting the messenger, as it were, has consistently been the school's approach to this problem. In my deposition I was asked the following questions, each of which seems to have had no purpose but to make the process as offensive as possible.

Had I ever masturbated at my house before I met Fischer? (P. 128)

Am I a homosexual? (P. 134)

To what males have I been sexually attracted? (P. 136)

Would I list each male to whom I have been sexually attracted (p. 136)

With how many males have I had a sexual relationship? (P. 137)

Have I had a sexual relationship with any of my roommates? (P. 138)

Why didn't I sue other schools? (Pp. 149 - 151)

Have a had a normal sexual relationship? (P. 167)

Do I get the feeling my close friends want to have sex with me? (P. 172)

What other individuals have done drugs with me? (P. 176)

To go with those questions, Porter-Gaud has claimed in the case that I was at fault. They knew about Fischer, they lied about him, and the reason I was abused by him is my fault.

55. Porter-Gaud also claims it had no duty to warn me about Fischer. Porter-Gaud wants the standard to be that when a school knows a teacher sexually abuses students the school, since it has no duty to warn, is within its rights to pass that teacher on to other students, and to lie about its experience with that teacher.

56. I believe those defenses tell much about the standards of Porter-Gaud, and their conduct as an institution. Their motto, which is W-A-T-C-H, stands for Words, Actions, Thoughts, Character, Habit. What I can observe are their words, which are lies; their actions, which lack courage; and their character, which is to avoid responsibility, lie about their own conduct, and blame the victim. On the whole it is a singularly unimpressive performance by an institution that supposedly imparts moral education and supposedly has some regard for the interests of children.

57. Further, affiant sayeth not.

Shaw Simpson

SWORN to before me this ____
day of _____, 1998.

Notary Public for South Carolina
My Commission Expires: _____