

DOCUMENTATION OF DISHONESTY BY ROPES & GRAY

I am the "1960's alumnus" who is quoted in the middle paragraph of page 25 of the Ropes & Gray investigative report of June 15, 2015. I hereby document the dishonesty of Ropes & Gray in their description of my 2011-2012 correspondence with ASIJ Board Chair Allan O'Bryant and Head of School Edwin Ladd. Here is the background.

In my 2011 letter to the BoD, I challenged the board to do the following:

- publicly acknowledge the school's responsibility for past sexual abuse by its own staff
- thoroughly investigate and report
- identify and assist all possible victims
- help other schools to learn from ASIJ's failures.

All that R&G could say about this was that I was "seeking greater transparency" about the case.

In my 2012 letter to the BoD I stated that

- the board had not answered any of the points in my first letter
- they did not take my challenges seriously
- they were perpetuating the cover-up of previous boards and administrations, and
- they should reconsider their silence and inaction and fulfil their obligation to deal with this publicly.

Ropes & Gray described this letter as merely a request from me to "deal with [the Moyer matter] more publicly."!!!!

They spent the bulk of the report paragraph, 11 out of 16 lines, describing Ladd's reply to my first letter without pointing out that his reply did not address a single one of my challenges to the board. They also failed to point out that Ladd never answered my 2012 letter. They never once mentioned my third letter to Ladd two weeks later where I said

"I gather from your few comments and the little others have heard that the school has done little if anything and has not dealt publicly with the Moyer case. As the saying goes, it's never too late to do the right thing. You have an opportunity to address the following questions and take necessary remedial actions.

- *Has the school fulfilled its obligations toward the victims and their families?*
- *Has the school fulfilled its obligations towards the police authorities?*
- *Has the school fulfilled its obligations to report to its accrediting bodies and to implement their recommendations?*
- *Has the school fulfilled its obligations to inform its stakeholders?*

As a long-term student I always knew that the school expected a high level of integrity from me. Students and alumni should expect no less from the school's board and administration. Do the right thing!"

Neither Ladd nor the board responded to either of my 2012 mails, which sends a clear message about their integrity. Ropes & Gray had both letters and knew that the board and Ladd did not respond to the points in either, but they did not include this in their report.

In order to help Ropes & Gray to fully understand all the implications of my 2011-2012 correspondence with the board and Ladd, I wrote them a letter in October 2014 going through all the issues in detail, with 39 questions they should ask the board chair and Ladd to get to the bottom of the cover-up. They acknowledged receipt of it and therefore have no possible claim of lack of understanding or knowledge.

All of this is clear evidence that Ropes & Gray have deliberately misrepresented and hidden key facts in their reporting, facts that would implicate Edwin Ladd, Allan O'Bryant, Stephanie Toppino and other ASIJ directors in a willful cover-up of the Moyer scandal that has delayed getting help to Moyer's victims, prolonging their suffering for years.

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Postscript. Following is a further brief analysis of the Ropes & Gray report supplied yesterday to the Japan Times.

I have two major conclusions: 1. The report is invalid. 2. The report is a whitewash.

The report is invalid for two major reasons. First, the Executive Committee of the ASIJ Board of Directors who hired Ropes & Gray had a conflict of interest due to their own responsibility for covering up the Moyer case so that the scope of work given to R&G is unreliable, not to be trusted. Second, it is invalid because the R&G personnel assigned to the investigation were incompetent. They didn't know who I was, they sent me anonymous mails that didn't even give their company name, they didn't read the documentation I sent them in advance, they didn't know how to ask penetrating questions and they didn't follow up on leads I provided to them.

The report is a whitewash for the following reasons. R&G couldn't "bite the hand that feeds them" so they defended the directors and Head of School who hired them and did not consider the ample evidence that implicates them in misconduct. The report misrepresents my letters to the school in 2011-2012 and it fails to discuss my Nov. 18, 2013 letter to all the directors and trustees. It also ignores my October 2014 letter to R&G listing 39 questions that needed to be asked of the directors and Head of School to probe their complicity in a cover-up. It fails to investigate the extent of Moyer's contacts with Japanese children including the children of the Imperial family. It leaves out facts that could easily be found by an internet search. It fails to consider the reasons why Moyer's first wife left him, reasons that could have placed his first abuse years earlier. Numerous other stones are left unturned.

ASIJ has ignored my repeated requests for copies of the scope of work given to R&G. Making this public might help explain why the report is a whitewash, fails to ensure accountability and does not provide the truth once and for all that was requested by the high school student body and the school community.

The report leaves one feeling sick and empty and does not make it any easier for people who are affected to move on.