Introduction

Destruction of Trust

This book was not written out of the blue, quite the opposite. In 2017, my book *The Crime of Complicity: The Bystander in the Holocaust* was published. It explored whether the bystander, the individual who sees another in peril and chooses not to act on his or her behalf, is guilty of a crime. I argued in the affirmative and recommended that criminal codes incorporate a Duty to Act obligation.

In 2018, I was asked by Bryan Kay of the American Bar Association to consider a further writing project. We explored various themes; Bryan noted that as a sports junkie perhaps I might want to address the explosive situation of sexual abuse at Michigan State University (MSU). Like millions of others, I was vaguely familiar with the various news reports but did not have an in-depth understanding. I had indeed thought earlier of examining reported abuse in the Catholic Church, but had never fully engaged with that terrible issue.

But the more I thought about it, the clearer it became that exploring the sexual abuse cases at MSU and in the church was the natural next step after the first book. There is a link between the bystander and the enabler; while former is present when another is in harm’s way, the latter, as we shall come to see, creates the environment that facilitates that very harm. The enabler then is a natural extension of the bystander; recommending criminalizing the enabler is the logical progression after proposing the same regarding the bystander. There is a sequencing of the two—bystander and enabler—when examined through the lens of
the person in peril. It is through that perspective that we shall engage in the Duty to Act question. That is why we will hear the survivors’ voices throughout this book: the twin assaults—physical and emotional—they survived are the abuses that demand our attention.

The enabler and bystander have knowledge that another individual is at risk. We will discuss the different ways—whether directly or indirectly—in which they came to know of the peril. The critical fact is that they have knowledge. The question is, what did they do with that information? In deciding not to act on behalf of the person in peril, bystander and enabler alike facilitate the harm caused by the predator. It is my contention that both actors owe a duty to that person.

The failure to positively act—to provide assistance or prevent future harm—in accordance with that duty resulted in terrible consequences to an innocent person. Why? Because the enabler and bystander made the decision to walk away, literally and figuratively. That is the essence of abandonment. Both bystander and the enabler are of paramount importance to the predator; that understanding directly contributed to my decision to pursue this project.

This book focuses on cases of sexual assault at Michigan State University (MSU), and the Ohio State University (OSU); in USA Gymnastics (USAG) and the Catholic Church; and at Pennsylvania State University (PSU). In doing so, it in no way intends to ignore or exonerate the mind-numbing number of other sexual assault cases that occur every day, quite the opposite. It is hoped that by shedding light on these institutions, greater attention will be paid to the vulnerability of the survivors elsewhere and to the roles and responsibilities of those who could have acted to prevent the harm. These five institutions were chosen because of the sheer amount of documentary material—special reports, grand jury reports, victim impact statements—that illuminates how enablers protect their institutions and the perpetrators at the expense of the survivors.

1. While I reference Penn State University in this book and cite material relevant to the crimes committed on its campus, I did not engage with any individual assaulted by Jerry Sandusky. I did, however, interact with journalists who have covered the story.

I stated in my acknowledgments that the survivors whom I inter-
viewed are the “soul” of this book. I do not use that word lightly. It is
intended to denote something significant, something powerful. For that
is the reality of the subject matter at hand: the survivors with whom I
spoke were sexually assaulted by people they trusted, in some cases, the
people whom they trusted most. Were that not enough, the perpetrators
were enabled by individuals whom the survivors similarly trusted. The
theme of trust, then, is of paramount importance, for it is at the core
of what was shattered by perpetrator and enabler alike. That is of great
relevance in considering the consequences of the enabler’s action: they
violated trust no less than the perpetrator. Wherever a survivor turned,
there was an enabler who made the conscious decision not to provide
assistance, nor to prevent future attacks. The pattern repeated itself end-
lessly. Tragically, it will continue to repeat itself unless we, as a society,
loudly and clearly say: Enough.

Just saying “enough” is insufficient, however; we need to take action.
To understand why that is critical, one must hear the voices of the sur-
vivors; hear their pain; learn how they were abused; appreciate how deep
that abuse cuts, physically and emotionally. In many cases, the emotional
abuse presents a life-long struggle. The abuse is exacerbated because, as I
came to learn, many survivors chose not to share their experiences with
their families, or only did so many years—even decades—later.

The pain of carrying such a burden alone is something I cannot imag-
ine. What added to the pain—what made the abuse much worse—was
the fact the survivors were abandoned by those they most trusted. While
the physical abuse was awful, the emotional abuse, it seems to me, was
even more painful to bear. That is not intended to minimize the conse-
quences of having doctors and priests assault their young bodies; rather,
its intended to emphasize the depth of the emotional abuse resulting
from abandonment by the enabler. For the survivors, it was the utter
violation of trust that cut so deeply into them. That is an abuse that,
perhaps, has not been sufficiently understood regarding the enabler–
survivor relationship. It is very much on the minds of the survivors.

But the question of trust went beyond that; the survivors were aban-
doned by the institutions they most loved. That, seemingly, made the
insult deeper and more painful. They were harmed in the very places
with which they so powerfully identified; the perpetrators and enablers were individuals who worked at these places.

The irony must not be lost: One day, these institutions held the survivors out as examples of “our” excellence; the next day, they shoved them out the door. The manner in which they did so only intensifies the abuse: with a couple of exceptions it was not a forceful kick in the ass, but rather, abuse in the form of abandonment. That is, those in positions of authority simply walked away from those in need. It was a figurative slap in the face. However, it may well have hurt more than a physical slap.

Broken trust demands accountability. The word “demand” is used deliberately; it was a theme survivors articulated loud and clear. Particularly painful is their recognition that the institutions to which they gave hearts and souls have avoided accepting accountability for their suffering. That has only exacerbated their overwhelming sense of being abandoned.

The role of institutions is essential to our discussion; the survivors whose voices we shall hear are, for the most part, in great pain regarding the institutions they so dearly loved. Whether one was a Spartan, a Buckeye, an elite USAG athlete, or a deeply committed Catholic, it was understood that there was a clear relationship between the individual and their institution: a mutual relationship, reflecting two-way commitment and obligation. As an individual, one was all in; one thought they, the institution, was all in too. One committed to them, believed in them, was proud to wear their colors. There was a sense of pride, belonging, commitment, and loyalty. Coaches, priests, and senior officials created a team that one was a part of. Team and belonging were intrinsic to how these individuals understood the relationship and what their expectations were.

What they did not expect was that the institution to which they were committed and devoted, which they loved, would make the decision to enable a predator who was attacking them. They did not expect the institution, in the words of survivor Mattie Larson, to enable a predator to turn her body in his plaything.

Strong words. Awful words. But that is the consequence of the institutional enabling of predators. That is exactly how we must understand
it. Otherwise, we will not fully appreciate or understand the degree of harm and abuse caused by perpetrator and enabler alike.

Tiffany Thomas-Lopez, another survivor, was blunt in describing the consequences of institutional enabling: “They super fucked me.” Mattie and Tiffany’s powerful words will serve as an important path when we consider enablers, individuals and institutions alike.

The list of enablers at the relevant institutions is extraordinarily long and far-reaching. This is one of the reasons survivors have such a tragically difficult time for many years: wherever they have turned, there has been another enabler. That abuse was in addition to the abuse suffered at the hands of the predator. That warrants criminalizing the enabler.

My decision to pursue this project was reinforced once I started watching victim impact statements of Larry Nassar’s victims at Michigan State University; watching the women who appeared in front of Judge Rosemarie Aquilina in a Lansing, Michigan, courtroom compelled me to write this book. The themes of destruction of trust, lack of accountability, and abandonment were a constant refrain; they were expressed honestly, painfully, oftentimes with anger.

The statements were powerful. But, they were more than that: they were clear in pointing a finger at the enablers who facilitated Nassar’s assaults on their young bodies. Their anger—Mattie Larson’s words, “Do you know how much I fucking hate you?”—was obviously directed at Nassar. After all, he was the defendant and they were testifying as to his punishment. The victim impact statements were intended to convince Judge Aquilina to impose on Nassar the maximum punishment possible. However, they also left no doubt as to the anger directed towards Michigan State’s coaches, trainers, and university officials, including President Lou Anna Simon. No enabler escaped unscathed. Names were named; people were called out.

While Nassar was the primary focus of the victim impact statements, no listener could fail to recognize the following: young boys and girls had been assaulted by unrelenting, adult male predators who had been enabled by adult males and females. Some of the survivors were assaulted hundreds of times over the course of a number of years. Others were assaulted “only” once.
Regardless of the number of assaults or the number of years, the people we will meet in this book are true survivors. Many of them have, literally, been to hell and back. Some, by their own testimony, are still working their way back to normal, healthy lives. The struggle reflects the consequences of the intersection of the themes outlined above. For some, the struggle has been just that, a terrible struggle. The pain and suffering many of the survivors have carried within them over the course of decades illuminates the cost of sexual assaults. That is something easily—perhaps—lost in an understandable focus on the attack. In reality, decades later, the pain and anger come through loud and clear.\(^3\) It is unmistakable. It demands our attention.

We—society writ large—owe the survivors our fullest attention and willingness to roll up our sleeves and get to work on their behalf. Otherwise, not only will their pain remain unabated, but the pain of future survivors is completely foreseeable. One of the most powerful messages repeatedly expressed by survivors was a deep desire to be involved in efforts to address predators and enablers alike.

Sadly—that is, I think, the best word—some survivors hold themselves guilty for not having reported the crimes of the predator; from their perspective, had they done so, assaults that occurred years after they were attacked could have been prevented. The misplaced guilt survivors articulate is striking in comparison to the repeated denials uttered by the enablers, whether directly or through layers of lawyers, spin masters, and press statements. The candor with which the survivors describe their pain, and in certain cases, their guilt, is only “matched” by the pervasive, almost systemic, unctuousness of the enablers.

What stood out, perhaps more than anything else in my interactions with the survivors, is their clear recognition that two distinct actors caused them significant harm. The survivors confronted two distinct categories of evil: predator and enabler. While criminal law is fully equipped to prosecute predators, the gaps and loopholes available to the enabler must be addressed. Otherwise, not only will enablers continue with their lives while the survivors suffer, but future enablers will

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\(^3\) For more on this, see research on Adverse Childhood Experience (ACE); I thank Rep. Brian King for drawing my attention to this.
follow in their footsteps. Decisions to prosecute MSU president Lou Anna Simon and MSU gymnastics coach Kathy Klages are obviously welcome; however, these two are but the tip of the iceberg. Underneath that tip is where we find the armies of enablers.

The word “armies” is intended to convey just that: an endless number of enablers, far more numerically significant and institutionally powerful than just one army. While one army is significant, several armies are, literally, insurmountable. They come at you from different directions, they use every strategic and tactical advantage possible, they have unlimited resources, they carry the “prestige” of seemingly reputable and esteemed institutions, they represent success and power. They are arrogant; they are dismissive; they are deceitful; they are punitive. They are adults in positions of authority.

And the survivor? The survivors we will meet were somewhere between seven and twenty years old when they were abused.

Who attacked the survivor? A predator known to the survivor and largely trusted by the survivor.

Who protected the predator? An enabler directly positioned to protect the survivor.

What did the enabler do? He or she protected their “hallowed” institution: protect the institution; enable the predator; abandon the survivor.

That needs to be framed as a crime. Not a moral or ethical crime, but a crime punishable to the fullest extent of the law. The more interviews I conducted with survivors, the greater my clarity regarding the need to create a framework facilitating criminalization of the enabler.

Without the enablers, the perpetrators would not have had the enormous confidence and impunity to act as they did. There is no question that the perpetrators we will encounter knew their actions would go unpunished. Their actions were akin to a running back with an open field ahead of him, unencumbered sprinting to the end zone with strong, powerful blockers clearing the path.

Because many of the survivors we will meet are athletes, the sports metaphor is applicable. The predators—Larry Nassar, Richard Strauss, Jerry Sandusky, and an endless array of priests—knew their path to the end zone was clear and uncluttered, as their “offensive line” had removed all possible obstacles. Waiting in the end zone were young bodies to
which the predator would have full, unlimited, and endless access for purposes of satisfying their criminal perversions. That is the crux of the fate that awaited the survivors. It was enabled by those they trusted. That is why the theme of abandonment is so paramount.

Survivor Peter Pollard’s phrase “destruction of trust” suggests that time and again the runner (perpetrator) and blocker (enabler) violated the trust they owed to the victim. It is for that reason that the blocker must also be criminalized; without their blocking the path, the runner would not make it, untouched, to the end zone. This was a team effort. Sometimes enablers were coaches, sometimes trainers, sometimes priests, sometimes monsignors, sometimes bishops, sometimes cardinals, sometimes athletic directors, sometimes senior officials, even a university president. There was always a teammate the predator counted on to clear the path on the gallop to the end zone.

Peter and I agreed on one critical issue but disagreed on another. We agreed that the most important undertaking is to prevent such conduct in the future. We disagreed as to how to proceed. Perhaps that is a reflection of our different disciplines and professions, since Peter is a social worker and I am an attorney. I believe in criminal codes as a deterrent; Peter is committed to principles of restorative justice and efforts to change human behavior. Perhaps the two means are not mutually exclusive, as our common focus is to ensure that what happened to these survivors will not happen to others.

I approached the interviews with a fair amount of trepidation, clearly compounded by the fact those who agreed to be interviewed had suffered terribly. While my previous books involved interviewing a wide range of people, including Holocaust survivors, meeting with sexual assault survivors was a new experience for me. (That is not to compare one group of survivors with another or to suggest the pain of one survivor is more acute than that of another.) I had previously addressed questions of bystander complicity, but the role of the enabler in sexual assaults was a new undertaking.

4. This phrase was used by Peter Pollard in describing the enabler. Skype conversation, October 18, 2019.
To say that I am humbled by the survivors agreeing to speak with me is an understatement. I have tried to do justice to their voices, which must be heard. Their voices are essential in an effort to examine three distinct issues: criminalizing bystander and enabler complicity; extending the Statue of Limitations; and clarifying the Title IX obligations of American universities.

To truly understand the importance of these issues, particularly their urgency, we must listen to and learn from the survivors. Otherwise, the discussion is abstract, theoretical, and devoid of context. It is not my intention to use the survivors’ voices in making the legal argument; it is absolutely my intention to ensure their voices are heard when the public debates these issues. This is a fine line: to incorporate survivor voices is not to make this a book about survivors.

My intention is to press upon the reader, through the survivors’ voices, the obligation to ensure enablers be penalized in the future, and institutions be held accountable when they choose to protect themselves rather than vulnerable members of their communities. For those two reasons we must listen to the survivors. Otherwise, we cannot truly understand the consequences of tolerating enabler conduct and failing to impose accountability requirements on institutions.

We must not allow ourselves to casually shrug our shoulders, as if to say, “Yes, this is terrible, but these are all special circumstances that do not represent mainstream society.” That specious argument fails to understand a tragic reality: the combustible combination—from the survivor’s perspective—of perpetrator and enabler is not limited to “special” circumstances. It can happen here, there, anywhere. That is the point. That is what demands our attention. We can no longer allow ourselves the comfort—perhaps “arrogance” is a better word—of the bland statement offered to me on more than one occasion, “This couldn’t happen at my institution.”

Such an argument reflects denial, whether deliberate or not is irrelevant, of a reality that is staring us in the face. A casual glance at any news source should make this self-evident. Time after time we are confronted with accounts of how sexual assaults were enabled by those who were in a position to act on behalf of the survivor. However, what stands out more than anything else is the fact that we are not really surprised.
It is a source of deep concern that people in positions of power hold on to a myth that their institution has enough protocols, safety measures, and other means to ensure sufficient protection to those for whom they are responsible. Listening to the survivors makes clear how empty many of the oft-repeated assurances are.

As difficult as the conversations were for me, I can only imagine how painful they were for the survivors. Actually, I cannot imagine; it would be presumptuous. That was made repeatedly clear to me in my interactions with the survivors. These were women and men who had been violated by people they trusted, or at least had every reason to trust. The perpetrators were their physicians or religious leaders.

Moreover, the people we will meet in this book were young, sometimes very young, when they were abused. The youngest survivor was seven when her priest started abusing her, and that abuse lasted for seven years. To understand the severity of the injury, to truly appreciate the depth of the physical and emotional hurt, requires focusing on the enabler.

That is why the question I posed to the survivors was, “What did you expect from the enabler?” In other words, what did you expect from the person who enabled the perpetrator who assaulted you? The term “enabler” perhaps sounds somewhat passive, as if that person were not fully engaged and not directly responsible for the harm caused. A stance akin to, “Oh yes, that is really terrible. . . . What’s for dinner?”

Nothing could be further from the truth; nothing could be more incorrect from the survivor’s perspective. To be clear: for the survivor, the enabler was critical to the assault. Theirs was not a passive role; it was an active role: Person A tolerated or facilitated the assault of person B by person C. That is not some casual spectator at a sporting event, disinterested in the final score. On the contrary, to understand the enabler we must recognize that they could have acted to prevent a terrible act but made the decision not to do so. In making that fateful decision, they enabled a crime.

In my conversations with the survivors, the role of the enabler was front and center. As awful as the assaults were, the survivors pointed an
accusatory finger at their enablers. The phrase “their enabler” is perhaps jarring, because the enabler might be considered more accurately aligned with the perpetrator. However, I deliberately use “their enabler” when referring to the survivor, because that individual enabled the assault that occurred to them. The pronoun “their” is important for it suggests the enabler had a duty to the survivor but chose not to honor that obligation; in that context, the enabler became “their” enabler. This was the person the survivor thought would protect them; the person they assumed owed them—and not the perpetrator—a duty.

The word “their” is powerful, because it means there is a direct relationship between two individuals, devoid of an intermediary. It is a possessive, akin to “mine” or “my.” That is what makes the enablers conduct so devastating to the survivors. The enabler is not some remote figure, residing on a different planet, speaking an incomprehensible language, practically or intellectually. Not in the least. The enabler was within arm’s reach. There was a relationship even though the enabler, in contrast to a bystander, did not see the crime committed. None of these enablers was present when young bodies were assaulted. But they were told directly by those who they knew (the survivors), for whom they had a responsibility, to whom they owed accountability.

The survivors with whom I spoke did not walk up to random strangers in the street and say, “You won’t believe what just happened to me!” Nor did they stand on the rooftops and yell to the broader public. Not at all. They did exactly what any young victim should do: go to an individual in a position of authority whom they trusted to act in their best interests and put an end to predators assaulting their bodies. They reported to the person they believed was best positioned to protect them.

In the case of survivors who did not complain, who did not understand they were being assaulted, under no condition are “their” enablers to be understood as innocent. As we shall come to see, coaches, trainers, and senior officials who were not told still established the toxic and dangerous environment that enabled the predator. Of that, there must be no doubt.

To ignore this is, from the survivor’s perspective, to miss a critical component of the assault. As I came to learn from the survivors themselves, the enabler’s decision not to protect is no less painful and traumatic than
the actual physical attack. It is perhaps the most heart-breaking, if not devastating, aspect. For the survivor, the two are intertwined and must be so viewed: Without the enabler, there is no perpetrator.

In focusing our conversation on “What were your expectations of the enabler?” I did not intend to minimize the consequences of the harm caused by the perpetrator. I wished to focus on the enabler and the harm that individual or institution caused the survivor. In some cases, survivors shared with me the actions and harms of the perpetrators; others chose not to share these details. That was not, however, the primary issue at hand. After all, the perpetrators have been identified, prosecuted, convicted, and incarcerated. The decision to address the enabler reflected my commitment to the survivors to bring the harm done to them by their enablers to the public’s attention. That is the reason the reader will hear—in the survivors’ unfiltered language—and learn about enablers, rather than perpetrators.

Some of the survivors allowed me to use their names; others requested anonymity. The decision was theirs. Where the survivor is referenced anonymously, I have noted that in the text. Our communications included in-person meetings, Skype calls, and cell phone calls. With the survivors’ permission, I took notes during our conversations.

Some of the survivors made clear our communication would be limited to one interaction; with others, there were follow-up communications, by Skype or email. With those who agreed, I shared drafts of the book, requesting their comments and feedback. While I am sure reading this material was difficult for them, their comments were of the utmost importance, as they brought my attention to important matters that otherwise were incorrect or reflected my failure to understand particular points they had previously expressed. On matters of interpretation, disagreement is always possible.

The structure of the book is as follows. Chapter 1, “Holocaust Bystander to Contemporary Enabler,” traces the development of the idea of complicity from the survivor’s perspective from my earlier work on complicit bystanders in the historical context of the Holocaust to

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7. The obvious exceptions are Dr. Richard Strauss, who committed suicide, but not before assaulting Ohio State University students; and the Catholic priests who have escaped justice.
complicit enablers in contemporary society. The enabler may be identified both as an individual and as an institution. Chapter 2, “From Impunity to Accountability,” examines the consequences to the survivor of the perceived impunity of the enabler, and argues for the need to hold the enabler accountable. Chapter 3, “Enough,” discusses the anger rightly voiced by the survivors toward their enablers and the need to make their voices heard. In Chapter 4, “Survivor Expectation,” we hear in survivors’ own words and from their stories about the athlete–coach relationship and the culture of enabling that is hidden behind a veil of institutional secrecy. Chapter 5, “Where the Hell Are the Adults?” focuses on USA Gymnastics’ dereliction of duty in giving Larry Nassar total and unsupervised access to the young women gymnasts training under their care. Chapter 6, “Complicity,” documents the pervasiveness of complicity in enabling sexual assault. It examines its nature, and how it is experienced by the survivor.

Chapter 7, “The Bystander Duty to Act,” takes a close and practical look at the complexity of criminalizing bystanders, based on my active engagement with Representative Brian King of the Utah State Legislature to enact bystander legislation; research conducted over the years; and a law review article co-authored with my research assistant, Jessie Dyer. It argues that bystander Duty to Act legislation is a logical precursor to enabler Duty to Act legislation. Chapter 8, “Criminalize the Enabler,” discusses legislative proposals with respect to protecting the vulnerable, while Chapter 9, “Sexual Assault and Enabling at Universities: Title IX,” discusses existing Title IX legislation and suggests measures that could heighten universities’ obligations of protection to their students. Chapter 10, “The Challenges Ahead,” recaps the main points of enabler complicity from the survivor’s perspective and looks to the future.

In the epilogue I discuss a specific meeting with a survivor that shows the courage and strength of all the survivors discussed in this book. The book ends with a piece titled “Violated by Water” meant to showcase the emotions portrayed throughout this book.

Such is the nature of this undertaking, which builds off my previous book, *The Crime of Complicity*. It is in some ways a sequel. The first book was more personal in nature, as I explored in great detail my parents’ travails and experiences during the Holocaust. The oft-used term,
which in reality says very little, to capture the horror of the Holocaust is “unimaginable.” Frankly, the phrase “unimaginable suffering,” however well intentioned, has become, for me, meaningless. Terminology matters. Words have meaning.

This is particularly the case when bringing to the fore the suffering of another human being. To understate their plight, however unintentionally, results in minimizing their suffering. It is for that reason that I recoil when people—innocently, no doubt—refer to Holocaust “victims” who “died.” No, they did not die: THEY WERE MURDERED. To phrase it in any other manner is historically incorrect. It also fails to capture the essence of the Holocaust.

In the same vein, there is significance in the use of the terms “victor,” “survivor,” and “victim.” While the common expression is “Holocaust survivor,” my 87-year-old mother is adamant in referring to herself as a “Holocaust victor.” Similarly, the women attacked by Nassar refer to themselves as an “army of survivors.” They eschew the word “victim.” On more than one occasion, I was reminded of this important terminological distinction. In using the term “survivors” in this book, I honor their request. More than that: while not in any way minimizing the harm done to them, there was never a sense of “woe is me.” In that sense, those with whom I spoke are truly survivors, badly injured by two different actors: one in physical terms, both in emotional terms.

Perhaps that was a result of our deliberate focus on the survivors’ expectation of the enabler. Posing the “expectation” question inevitably leads to examining what duty was owed to the survivors. That is particularly relevant when considering the consequences of the decision to not provide assistance. The question of imposing a duty to act on the enabler is a theme we will explore throughout this book. It builds on the duty question developed in _The Crime of Complicity_ regarding bystander obligation. In that sense, imposing Duty to Act requirements on the enabler can be understood to be the logical step after imposing Duty to Act requirements on the bystander.

There is a direct relationship between the two, despite the differences in how the two actors came to learn of the peril of another human being. In addition to the question of knowledge, there is another important difference between bystander and enabler: the former was “by chance”
at the scene when a person was in need of assistance, the latter was in a position of authority and facilitated the attack by refusing to act when informed of the harm, or deliberately ignored a known danger.

Duty to act is even more pronounced when the person in peril is a child and the enabler is an adult in a position of authority tasked with responsibility for that child’s health and welfare. Individually and collectively, these individuals must affix to their clothing the scarlet A that Hester Prynne was forced to wear in Nathaniel Hawthorne’s classic. More important, enablers and bystanders must also be brought to justice. Otherwise we shall do nothing more than perpetuate the complicity of enablers and bystanders. The duty to act owed to the injured, regardless of age, gender, status, sexual orientation, and/or race must outweigh any other consideration—with the caveat that there is no requirement that the enabler or bystander put themselves in harm’s way. That is the only circumstance that would justify their not acting. To create additional exceptions is to enhance and to tolerate the peril of the vulnerable.