

Michael F. Gallagher

TESTIMONY – HOUSE BILL 106

In December of 1997 I was questioned, without an attorney, about sexually molesting a student I had taught in fifth grade twelve years ago. I denied, to the police, any wrongdoing. I even permitted them to search our house for alleged pornographic pictures of her. Of course, they found nothing. A month later I was arrested. I later found the reason. My accuser's story was so detailed that the authorities sincerely believed her. They had no witnesses, no evidence, and had done very little investigation. From that January day until the following October, my family, all my relatives, and I suffered immensely from this horrid false accusation. My arrest, with me in handcuffs, was shown on the evening news of all the Delaware Valley television stations and in all the morning newspapers. During the following nine nightmarish months, daily living was a struggle. I felt as if I had no future.

Two days after my well-publicized arrest I remember finally going outside. I was nervous but I knew I had to face the world and, with courage, I managed to do so. It was not easy for my family or me to go to the local supermarket, our church or to walk in our neighborhood. People would stare at us but say nothing. I felt so ashamed even though I knew, in my heart, that I had done nothing wrong. I had gone into teaching to help children not to hurt them. Imagine, working with children was my career and now I was allowed no contact with them. I even had to ask my lawyers if I could visit my grandchildren.

During these nine months of pure hell my attorney would tell the District Attorney's office that we had "bombshell" evidence against my accuser, which we did. The prosecutor called her in again in October and her story literally fell apart. A polygraph was given. The operator admitted that it was the worst in the county all year. A press conference was held by the District Attorney. This time the media coverage of my innocence and

subsequent exoneration was exceptional. In December, 1998 Dateline, NBC ran the story of my false accusation.

Many people, after my vindication, asked me how I could have dealt with this nightmare and still have my sanity. I believe it was my faith in God and the unending support of my family and friends that saw us through. It showed me that there are many, many wonderful people in the world. And it taught me a lesson – never again will I just stand by when a friend is suffering in mind or body.

I had a son in the eleventh grade at the high school at the time. He bravely went through that year unharmed in spirit yet I knew he worried. I have a son with a top-secret clearance. I was concerned about him but it never affected his job. I have a son, though, who had to be treated as a patient in Abington Hospital partially because of my ordeal. Thank God today he enjoys good health and a good job. I believe I was very fortunate to have a wife that stood by me during the entire false accusation. I could never have traveled that rocky road without her.

The story of my exoneration ran in the NEA Today, the national newspaper of our teacher association. As a result I received over forty e-mail messages from education employees across the country who had also been falsely accused. Presently there are two teachers in the Pittsburgh area being prosecuted for sexual molestation of students. One goes on trial tomorrow after a yearlong wait. I believe in his innocence. This man is another law-abiding citizen. He has thirty-two years experience as an award-winning teacher. He is a good, good family man with a supportive wife and two grown daughters. Now, he goes through the nightmare I once had to endure.

It is difficult enough to recruit teachers with excellent credentials to teach our state's most precious resource, the children. Male teachers for elementary education are a rare commodity and are especially sought. Cases such as mine and other such cases in our state hinder that recruitment. Who wants to go into such a vulnerable profession?

My accuser, to this day, has never been charged for perjuring herself in a court of law. I hope that will soon change.

My total defense bill amounted to over \$43,000. Because of a technicality, the liability insurer only paid \$25,000 instead of the current \$35,000. They stated that since this alleged incident happened in 1985 that is the rate they would pay. And they did!

Through the generosity of the national and state teachers' association I was given \$12,500 to make up the difference. I had to pay over \$4,000 of that gift in state and federal taxes. I still have an outstanding legal bill of \$5700. The school district has refused to pay anything toward my defense. Had I been convicted of this false accusation, my accuser could have sued them for millions. So here I am, a law-abiding citizen of our commonwealth and because of a false accusation, I have lost almost \$10,000.

I would respectfully like to suggest two implementations to this bill:

1. Those convicted of false accusations should be made to pay the legal bills of the falsely accused.
2. If an accused agrees to take a polygraph and passes then the accuser should have to take one.

It is my feeling that this bill will protect those who truly accuse another of a felony offense. If such individuals are forthright and honest, then the threat of false reporting being a felony would have little impact on them.

Now, I realize that the implementation of this bill will not stop all false accusations. It will certainly act as a powerful deterrent for those who would do so, however. It would also save the taxpayers of the state money. I know much investigative time and effort went into pursuing the truth in my case by the county and the township.

So, I plead with you to think seriously about bringing this measure to the house floor. There are so many who, as I, have had to bear the stigma of a false accusation, a pain that will never really heal. Many professions such as education, medicine, law enforcement, and sports could benefit by this legislation. Just remember any of us can be accused falsely and have our entire career and family ruined by one devious individual.

Finally, I would like to read to you a short poem I wrote during one of those dark days in February of 1998. It summed up my feelings as I went through this horrible ordeal:

I look upon the squirrels as they scurry up our tree.

Oh, if only I were them, how free that I would be!

The world goes on without me; they hawk the same old thing.

If my mind would just be silent, what peace that it would bring.

But life is changed, yet only in my mind.

The friends they write; my sisters are so kind.

My wife and sons, brave souls, are supportive through it all.

Their hearts are crushed but still they're standing tall.

Yet here I am awaiting hope that seems to be elusive

And every now and then dark thoughts become obtrusive

I think of being punished for a crime I've never done.

Let's hope the jury will believe me and my case will soon be won.

Ah, yes, the sunlight comes in early as I face another day.

A day with new hope dawning. Keep me strong, O God, I pray.

Michael F. Gallagher

February 23, 2000