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Spanier trial opens old wounds for Penn State faithful

To many, the trial of Pennsylvania State University former president Graham B. Spanier was supposed to be the last chapter on the Jerry Sandusky scandal, finally resolving if the school and leaders shared some blame.

But here's what happened in the nine days since Mr. Spanier's child endangerment conviction:

A statement by long-silent Louis Freeh on the case stirred Twitter critics. Two Spanier jurors spoke out, one calling the verdict a mistake. Defenders of Mr. Spanier and the late football coach Joe Paterno used the jury's split decision to double-down on their support. A stack of still pending civil cases pivoted on the news. And Mr. Spanier's lawyer promised an appeal.

Even Sandusky's victims weren't spared from the fray.

"Running out of sympathy for 35-yr-old, so-called victims with 7 digit net worth," Penn State alumni trustee Al Lord told The Chronicle of Higher Education last week, referring to the millions the school has paid in settlements.

Together, the message was clear.

"It's not the end of the story," Terry W. Hartle, senior vice president at the D.C.-based American Council on Education, who has watched closely the case roil the campus since 2011, said of the verdict, "because there continue to be discussions about who knew what, when events took place and what was said at events that probably, at the end of the day, are unanswerable."

To Alison Kiss, executive director of the Clery Center, which advocates for proper reporting of campus crime, the misdemeanor endangerment convictions of Mr. Spanier and two aides, ex-athletic director Tim Curley and ex-vice president Gary Schultz, sent a decisive message.

"It's very clear ...," she said, "that they could have done more."

Among the more surprising turns in the aftermath was the public emergence of Mr. Freeh, the former FBI director who had been largely out of the spotlight since his scathing 2012 investigative report that faulted Mr. Spanier, Mr. Curley, Mr. Schultz and Mr. Paterno for covering up Sandusky's sex attacks on boys.

Issued hours after Mr. Spanier's conviction — and after Mr. Curley and Mr. Schultz had pleaded guilty to a similar charge — Mr. Freeh's statement rang like a boast of vindication.

"Today, they are convicted criminals," he wrote. "And Joe Paterno's once iconic legacy is forever marred by his own decision to do nothing when he had the chance to make a real difference."

The statement was so unusual — in it, he also called for current Penn State president Eric Barron to step down, even though Mr. Barron wasn't at the school when the scandal broke — that some news outlets at first questioned its authenticity.

But Mr. Freeh's swagger not only drew social-media pushback from Penn State faithful who for years have vilified him, it inflamed alumni-elected trustees who saw the Spanier verdict as a victory because jurors cleared him of more serious felony endangerment and conspiracy counts.

"There was no such conspiracy," said trustee Bill Oldsey.

They also challenged Mr. Freeh's latest attack on Mr. Paterno, pointing to Mr. Curley's testimony at Mr. Spanier's trial.

The former athletic director had been called by prosecutors, ostensibly to help convince jurors that the three men acted in concert. But Mr. Curley testified that he alone decided in 2001 not to alert state welfare authorities after learning from Mr. Paterno that assistant coach Mike McQueary saw Sandusky showering with a boy on campus after hours.

"Tim said very clearly on the stand he made the decision," said trustee Barb Doran, who attended the Spanier trial. "Joe Paterno was vindicated, and that's big."

She's one of eight alumni trustees on the 38-member board. As a group they hold Mr. Freeh primarily responsible for what they see as the false narrative of a university cover-up. Years later, they still are poring over thousands of pages of his investigative materials, for which they fought in court to gain access, and hope to make public the flaws.

Meanwhile, the ex FBI-director's conclusions about Mr. Spanier, Mr. Paterno and the other administrators have become cornerstones of other legal battles still pending — all of which are likely to pick up steam because of the convictions.

Mr. Spanier is suing the former FBI director in Centre County court for libel and defamation, alleging Mr. Freeh's report falsely made him a scapegoat. The longtime president is also suing Penn State for breach of contract, and the school seeks the repayment of millions of dollars it paid its former president.

Mr. Paterno's estate is warring in court with the NCAA, which relied on Mr. Freeh's finding in assessing crippling sanctions it imposed on Penn State in 2012, some of which have since been rolled back.

The jury's verdict against Mr. Spanier will drastically change the terrain for the three suits, said George Bochetto, a Philadelphia lawyer whose practice includes defamation and libel cases.

"It hurts all those cases, absolutely, positively," he said.

In a statement after the verdict, the university acknowledged Sandusky's victims and noted the convictions reflected "a profound failure of leadership."

Former Penn State board member David R. Jones said he stands by the board's decision to oust Mr. Spanier in 2011 because of that faulty leadership.

Even if Mr. Spanier's conviction is reversed on appeal, it would not discredit that decision, which was never based on criminality, said Mr. Jones, a retired New York Times editor who serves as an emeritus trustee.

In the years since, Penn State in many ways has moved beyond the scandal, hiring an officer to insure compliance with the federal crime-reporting law, training thousands of employees on the law, instituting programs to fight sexual assault and misconduct, creating new positions focused on the issue, overhauling its board governance and establishing a hotline.

Donations remain up, as does enrollment.

Current students weren't even enrolled when Sandusky was charged in November 2011. Many haven't followed the scandal, but live in its long shadow.

"I know some people are disappointed with the result and others are probably satisfied or want even more punishment for him and his colleagues," said senior Terry Ford, student body president. "My only hope is that the university community can come together ... and refocus our attention on what our core mission is: Teaching, research and service."

But attorney Tom Kline, who represented the sole Sandusky victim who testified at Mr. Spanier's trial, said Penn State likely will be living with ramifications for years to come.

"So long as there is a perpetuation of any remaining unresolved claims and issues," he said, "Penn State will be tragically and unfortunately mired in this past tragedy."