

LEHIGH VALLEY'S NEWSPAPER
THE MORNING CALL

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Of The Morning Call

10:45 PM EDT, July 12, 2012

Freeh: Penn State leaders agreed to hide abuse; their silence failed the victims

Investigators say university's culture bears some blame for not stopping Sandusky

A special investigation pins much of the blame for the Jerry Sandusky sex-abuse scandal on the do-nothing attitude of four top Penn State administrators — including legendary football coach Joe Paterno — who kept allegations under wraps to protect the university's image, according to a searing report released Thursday.

"The evidence clearly shows, in our view, an active agreement to conceal," Louis Freeh, a former FBI director who led the eight-month investigation, said at a news conference in Philadelphia.

Paterno and other top Penn State figures put the university's reputation over children's safety, emphasizing what was called "the Penn State Way" that promoted athletics without fear of oversight or reprisal from an ineffective board of trustees.

Those are some of the "saddening and sobering" findings in a 267-page investigation commissioned by Penn State that examined how the university handled allegations that Sandusky was sexually abusing children on campus.

Sandusky, a retired Penn State assistant football coach, was convicted June 22 on 45 of 48 counts of child sex abuse against 10 victims from 1994 to 2009.

For 14 years, Paterno, who coached football for more than six decades, exhibited a "total disregard" for the victims and concealed critical facts to avoid bad publicity, according to the report.

"Sixty-one years of excellent service to the university is now marred," said Trustee Karen Peetz.

The report contradicts what Paterno told The Washington Post in an interview shortly before his death in January when he said assistant coach Mike McQueary was vague in his description of

Sandusky's alleged rape of a young boy in a locker room shower in 2001. Paterno told the Post more details wouldn't have helped.

"And to be frank with you, I don't know that it would have done any good, because I never heard of, of, rape and a man," he said. "So I just did what I thought was best. I talked to people that I thought would be, if there was a problem, that would be following up on it."

The Post reported that Paterno was hesitant to make follow-up calls because he didn't want to be seen as trying to exert influence either for or against Sandusky.

On Penn State's campus Thursday, students and alumni defended Paterno's legacy as they have since the revered coach became embroiled in the controversy that started when Sandusky was charged by a Dauphin County grand jury in November.

"I think his legacy will still be preserved as a wonderful guy who tried to always keep the interests of the university at the top. However, I think in this particular case he made a mistake," said Dick Lipsky, a 1983 graduate who was on campus Thursday.

"Look at the totality of everything he ever did," said alumnus Tom Flad of Bethlehem, who has donated millions to the university. "You just can't take this one thing and make everything he created horrible."

The Paterno family also defended the coach's reputation, saying Paterno was never aware Sandusky was a child predator who drew victims from a charity he founded called The Second Mile. And, they said, Paterno immediately reported the McQueary incident to his superiors.

"The issue we have with some of the conclusions is that they represent a judgment on motives and intentions and we think this is impossible," the family said in a written statement. "He is still the only leader to step forward and say that with the benefit of hindsight he wished he had done more."

Although Paterno had agreed to be interviewed in the probe, he died before Freeh's team could talk to him.

Attorneys representing Sandusky's victims mostly praised the report and said it will bolster the lawsuits some are pursuing against the university.

Freeh "couldn't have spoken in stronger terms about the degree to which Penn State failed these young men," said attorney Matt Casey, who represents three victims.

"The report was a wholesale indictment of the institution and its leadership," said Tom Kline, who represents the 23-year-old man identified by prosecutors as Victim 5, who was assaulted six months after McQueary reported the shower incident. He said the report establishes his client's claim for punitive damages against Penn State in that "his incident was preventable."

The investigation, built on 430 interviews and 31/2 million documents, also found violations of the Clery Act, which requires university officials to report such crimes.

It found that Paterno, then university President Graham Spanier, then Vice President for Finance Gary Schultz and former Athletic Director Tim Curley had heard about Sandusky's behavior — including a 1998 criminal investigation that involved a young boy in the shower — and did nothing.

"None of them even spoke to Sandusky about his conduct. In short, nothing was done and Sandusky was allowed to continue with impunity," Freeh said.

Schultz and Curley will face trial for allegedly lying to the grand jury and for not reporting suspected child abuse. Paterno, who was fired in November, and Spanier, who resigned at that time, were not charged.

Pennsylvania Attorney General Linda Kelly acknowledged the Freeh investigation in a statement Thursday, but would not say if more charges would be pursued as a result.

Freeh said the culture at Penn State was partly to blame for the long list of victims.

"The Athletic Department was perceived by many in the Penn State community as 'an island,' where staff members lived by their own rules," the report says.

To illustrate that, Freeh offered the remarks of a janitor who saw Sandusky performing oral sex on a boy in a football locker room and another who saw him showering and holding hands with the same boy in November 2000.

"What did they do?" Freeh said, noting one of the men, a Korean War veteran, said it was the most horrific thing he had ever seen. "They said we can't report this because we'll get fired.

"They knew who Sandusky was. ... They were afraid to take on the football program. They said the university would circle around," he said. "It was like going against the president of the United States. If that's the culture on the bottom, then God help the culture at the top."

Attorneys for Spanier said their client did not actively conceal Sandusky's crimes, nor was he told of any incident involving Jerry Sandusky that "described child abuse, sexual misconduct or criminality of any nature."

Curley and Schultz declined to be interviewed by Freeh's team. Their attorneys said without those statements, the record is incomplete.

"The result is a lopsided document that leaves the majority of the story untold," said Caroline Roberto, Curley's attorney.

There was no effort to conceal Sandusky's behavior, said Schultz's lawyer, Tom Farrell.

The administrators acted with little oversight from the board of trustees, the Freeh report says, noting that some trustees admitted the board often rubber-stamped Spanier's decisions.

"This was a failure of governance for which the board must also bear responsibility," the report says.

It also criticizes the board's actions after Sandusky was charged, saying, "The board was unprepared to handle the crisis," which sparked a public outcry and protests on campus. "This contributed significantly to its poor handling of the firing of Paterno, and the subsequent severe reaction by the Penn State community and the public to the board's oversight of the university and Paterno's firing."

In a news conference Thursday in Scranton, the board acknowledged it had neglected its duty.

"The Penn State board of trustees failed in our obligation to provide proper oversight of the university's operations," said Trustee Kenneth Frazier, chairman of the board's special investigations task force. "We are accountable for what's happened here."

The Freeh team's findings could have serious consequences for the university, which still faces civil lawsuits by Sandusky's numerous victims, an NCAA investigation of how the football program was managed and a federal investigation into possible Clery Act violations.

Slade McLaughlin, the Philadelphia attorney who represents the 18-year-old identified as Victim 1, said he believes the Freeh group delivered on its promise to perform a comprehensive and unbiased investigation.

"You saw someone who was willing to take on Joe Paterno," McLaughlin said.

Jeff Anderson, the lawyer for Travis Weaver, a 30-year-old Ohio man who went public last month as another alleged Sandusky victim, said the report should not have been limited to the time period from 1998 to 2011. "You need to go back to 1977 at a minimum," he said.

Weaver, who publicly disclosed his alleged abuse on television in June, told Anderson the report "validated" his allegations.

It brings to light the astonishing scope of "tragedy," said Larry Backer, a Penn State law professor and president of the faculty senate.

"The story is no longer a single act to which there was a reaction," he said, "but a decade-long set of interactions."

1998 shower incident

The investigation provided new information about administrators' knowledge of the first reported allegation against Sandusky, in 1998.

Coaches and others observed Sandusky showering with young boys on numerous occasions before 1998, though no one raised a red flag.

But university police were called to investigate when the mother of a young boy found the practice odd. They hid in the boy's house while his mother confronted Sandusky about showering with her son and recorded his admission. They even corroborated the boy's story with his 10-year-old friend, who said he, too, had showered with Sandusky.

Police kept university officials apprised of their actions, the report says.

In confidential notes in May 1998, which at first were concealed from investigators, Schultz wrote that the police recording reflected behavior by Sandusky that was "at best, inappropriate" and at worst, sexually improper.

The following day Schultz wrote: "Is this opening of pandora's [sic] box? Other children?"

And he made the notation, "Not criminal."

The report shows emails among Schultz, Curley and Spanier about the investigation. Curley wrote in a May 6, 1998, email response to Schultz, with "Joe Paterno" as the subject line, "I have touched based with the coach. Keep us posted. Thanks." He copied Spanier on the email.

A week later, Curley requested an update several times, writing, "Coach is anxious to know where it stands."

Freeh zeroed in on the emails Thursday, telling reporters, "The coach clearly wants to be advised what is going on. The notion that there was no attention paid at the time is completely contrary to the evidence."

The information contradicts Paterno's testimony before the grand jury in January 2011. Asked then if he had heard of any accusations or rumors about Sandusky before the 2001 shower incident, Paterno said, "I do not know of anything else that Jerry Sandusky would be involved in, no. I do not know of it. You did mention — I think you said something about a rumor. It may have been discussed in my presence, something else about somebody. I don't know. I don't remember, and I could not honestly say I heard a rumor."

Schultz, Curley and Spanier also have denied knowledge of the 1998 incident.

That police investigation ended with the Centre County district attorney opting against filing charges. Administrators didn't prevent Sandusky from using university facilities and did not report the incident to the board.

The report notes Spanier's lack of action stands in stark contrast to his barring from campus in 1997 a sports agent who bought \$400 worth of clothing for a Penn State football player. The agent "fooled around with the integrity of the university, and I won't stand for that," the report quotes Spanier as saying.

Sandusky's retirement

Investigators found no link between the 1998 allegation and Sandusky's retirement a year later. In fact, Paterno wanted him to stay on as assistant coach, and the university offered Sandusky the job of assistant athletic director. But he opted instead for emeritus status — though he apparently did not meet the requirements — and a generous retirement package.

"He was paid a very large, unprecedented sum of money, \$168,000," Freeh said. "He was given not just emeritus status, but extraordinary access to the key and most sensitive parts of the university's football program.

"However, there is no evidence that we have found that would indicate that retirement and all the elements that went into it were related in any way to removing him from the university, silencing him, whatever you want to describe."

His retirement seemed to have been spurred more by disappointment.

In an undated note found in Paterno's files and apparently written before Sandusky's retirement, Paterno wrote:

"If there were no 2nd Mile then I believe you belief [sic] that you probably could be the next Penn State FB Coach. But you wanted the best of two worlds ... you don't have the luxury of doing both. One will always demand a decision of preference. You are too deeply involved in both."

After his retirement, Sandusky also received 71 payments for travel, meals, and other activities from 2000 to 2008, Penn State accounting records show. Those records do not list the dollar amount.

2001 shower incident

In February 2001, McQueary saw Sandusky in the shower with an unknown boy and reported it to Paterno, who waited two days so as "not to interfere with anyone's weekend" before reporting the incident to Schultz and Curley, the report notes. They, in turn, reported it to Spanier.

On Feb. 25, 2001, a record shows Spanier, Curley and Schultz planned to tell The Second Mile about the allegation and report it to the state Department of Public Welfare.

But two days later, that plan unraveled after Curley discussed it with Paterno, the report says. Curley then recommended offering Sandusky professional help, assisting Sandusky in informing the Second Mile and barring him from Penn State facilities. Later, Curley admitted that ban was never enforced. If Sandusky cooperated, administrators agreed, there was no need to inform the welfare department, the report says.

The "only downside for us is if the message isn't 'heard' and acted upon, and we then become vulnerable for not having reported it," Spanier wrote in a Feb. 27, 2001, email. "But that can be assessed down the road. The approach you outline is humane and a reasonable way to proceed."

Freeh said he could not elaborate on the conversation between Curley and Paterno.

Particularly disturbing, his report notes, is that there is nothing to suggest anyone tried to "identify the child victim or determine if he had been harmed" — and that by telling Sandusky university officials were aware of the incident, they may have further endangered the child.

Most of all, not reporting Sandusky to authorities in 2001, the report says, "created a dangerous situation for other unknown, unsuspecting young boys."