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Report slams Penn State's 'total disregard' in Sandusky case

Senior Penn State administrators exhibited a "total disregard for the safety and welfare" of the children who were sexually abused by former Penn State University assistant football coach Jerry Sandusky, according to an internal investigation of the university.

"The most powerful men at Penn State failed to take any steps for 14 years to protect the children who Sandusky victimized," the investigation concluded.

It cited former Penn State University president Graham Spanier, former vice president Gary Schultz, former head football coach Joe Paterno and Athletic Director Tim Curley, now on leave, as never demonstrating "through actions or words, any concern for the safety and well-being of Sandusky's victims until after Sandusky's arrest."

The 267-page report by former FBI director Louis Freeh comes less than three weeks after Sandusky was convicted of 45 counts of child sexual abuse involving 10 victims during a span of 15 years. Sandusky remains in a central Pennsylvania county jail awaiting formal sentencing.

At a press conference in Philadelphia after the report was released Freeh said Paterno, who died in January of cancer, could have stopped the abuse "if he so wished."

"We have a great deal of respect for Mr. Paterno and condolences for his family on the loss, it's a person with a terrific legacy, a great legacy, who brought huge value not just to the university but the

program," Freeh said. "He, as someone once said, made perhaps the worst mistake of his life. But we're not singling him out. We're putting him in a category of four other people who we would say are the major leaders of Penn State."

"None of them ever spoke to Sandusky about his conduct," Freeh said. "Nothing was done and Sandusky was allowed to continue with impunity. ... None of these four men took responsible action."

He also said the university trustees needed to take responsibility.

"The board failed in its oversight," he said. "They did not create an atmosphere where the personnel and the senior officials were accountable to the board."

Freeh said a 2000 incident, in which Sandusky's abuse of a young child in a football locker room was witnessed by a university janitor, represented a culture of silence that prevailed at Penn State to avoid bad publicity.

"What I found to be extremely telling and critical in deciding not just what I thought recommendations should be, is the janitors," Freeh said. "These are the employees of Penn State who clean and maintain the locker rooms in the Lasch building where young boys are being raped. They witness, what I think in the report is probably the most horrific rape that's described. And what do they do? They panic. The janitor who observes it says it's the worst thing he ever saw. He's a Korean war veteran. He said he's never seen anything like that. 'It makes me sick.' He spoke to the other janitors. They were awed and shocked by it. But, what did they do? They said they can't report this cause they'd be fired. They knew who Sandusky was."

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

Paterno's family issued a written statement Thursday, saying the report was being reviewed. But the statement cautioned against "replaying of events from the last 15 years or so in a way that makes it look obvious what everyone must have known and should have done."

"The idea that any sane, responsible adult would knowingly cover up for a child predator is impossible to accept," the family said. "The far more realistic conclusion is that many people didn't fully understand what was happening and underestimated or misinterpreted events."

"It can be argued that Joe Paterno should have gone further," the statement said. "He should have pushed his superiors to see that they were doing their jobs. We accept this criticism."

The Freeh Report said a "critical written correspondence" uncovered earlier this year contained evidence of a proposed plan to report a 2001 incident to law enforcement officials involving Sandusky and a young boy in a university shower room that was witnessed by football assistant coach Michael McQueary.

"After Mr. Curley consulted with Mr. Paterno, however, they changed the plan and decided not to make a report to the authorities," the report said.

The report said Curley recommended a different course of action to Spanier and Schultz: they would offer Sandusky "professional help;" assist him in informing "his organization" (the Second Mile) about the allegation; and, if Sandusky was "cooperative," not inform the Department of Public Welfare of the allegation.

"Their failure to protect the ... child victim, or make attempts to identify him, created a dangerous situation for other unknown, unsuspecting young boys who were lured to the Penn State campus and football games by Sandusky and victimized repeatedly by him," the report said.

"Further," the report said, "they exposed this child to additional harm by alerting Sandusky, who was the only one who knew the child's identity, about what McQueary saw in the shower on the night of February 9, 2001."

Citing witness statements and other evidence, the university officials acted "in order to avoid the consequences of bad publicity."

"The most powerful leaders at Penn State University - Spanier, Schultz, Paterno and Curley - repeatedly concealed critical facts relating to Sandusky's child abuse from the authorities, the Board of Trustees, Penn State community, and the public at large," the report said.

"Although concern to treat the child abuser humanely was expressly stated, no such sentiments were ever expressed by them for Sandusky's victims," the investigation concluded.

The report described Spanier, Paterno, Curley and Schultz as wielding such power at the university that they went "unchecked" by Penn State's board of trustees and "empowered Sandusky to attract potential victims to the campus."

"Indeed that continued access provided Sandusky with the very currency that enabled him to attract his victims," the report said. "Some coaches, administrators and football program staff members ignored red flag of Sandusky's behaviors and no one warned the public about him."

Penn State immediately released a statement that said officials are "currently reviewing (Freeh's) findings and recommendations. We expect a comprehensive analysis of our policies, procedures and controls related to identifying and reporting crimes and misconduct, including failures or gaps that may have allowed alleged misconduct to go undetected or unreported."

At a press conference Thursday afternoon Penn State's board of trustees and the university's president addressed the investigation and talked about how the school would implement recommendations in the report.

Chairman Karen Peetz said the board "accepts full responsibility for the failures that occurred. The board, in cooperation with the administration, will take every action to ensure an event like this never happens again."

Penn State President Rodney Erickson said he was "horrified" when he learned of the Sandusky allegations last year.

"With today's report we can continue the process of addressing the most painful chapter in the university's history," he said. "We must work together as we begin picking up the pieces and rebuilding our community."

The review, which focused on how top Penn State administration officials dealt with Sandusky during the time of the abuse and following a 2001 report of the former coach's abuse of a young boy in a university football locker room, is likely to have immediate implications on a continuing state grand jury investigation and the pending perjury trial of Curley and Schultz.

The two administrators, who have denied any wrongdoing, are charged with lying to the grand jury about a report of the 2001 incident that was related to them by McQueary.

Freeh's report said that "evidence shows" that all four men — Spanier, Paterno, Curley and Schultz — also knew about a 1998 criminal investigation of Sandusky relating to suspected sexual misconduct with a young boy in a Penn State football locker room shower. The boy's mother had notified police.

"Again, they showed no concern about that victim," the report said. "The evidence shows that Mr. Paterno was made aware of the 1998 investigation of Sandusky, followed it closely, but failed to take any action, even though Sandusky had been a key member of his coaching staff for almost 30 years, and had an office just steps away from Mr. Paterno's."

"At the very least," the report said. "Mr. Paterno could have alerted the entire football staff, in order to prevent Sandusky from bringing another child" into the building where Sandusky abused several children.

Spanier, Schultz, Paterno and Curley also "failed to alert the Board of Trustees about the 1998 investigation or take any further action against Mr. Sandusky," the report said.

None of the officials, the report found, even confronted Sandusky about his conduct.

"In short, nothing was done and Sandusky was allowed to continue with impunity," the report said.

McQueary, a key prosecution witness in the Sandusky criminal trial, said he told the administrators and head football coach Paterno that Sandusky was engaged in "extremely sexual" conduct with a boy, who looked to be as young as 10. The boy has never been found.

Curley and Schultz told the grand jury that McQueary's report did not include an account of sexual activity.

The incident was at the heart of the university's decision, following Sandusky's November arrest, to remove Spanier from his post and fire Paterno, a college football legend who had directed the program for nearly a half century.

The report also revealed:

- After a story in the Patriot News newspaper reporting that Shultz, Paterno and Curley were among those appearing before the grand jury, a Penn State trustee e-mailed Spanier and asked if this is something the board should be briefed about. Spanier told the trustee that "we are only on the periphery of this."
- One trustee said that Spanier may have been "left to float too freely by himself" because he felt he could fix anything. Other trustees expressed that Spanier "filtered" issues in the best light of the desired outcome; showed trustees "rainbows" but not "rusty nails" and "scripted" or "baked" issues leaving no room to debate.

- Spanier on July 6 told investigators he made no effort to limit Sandusky's access to Penn State, and that he was unaware that Sandusky continued to be on campus and have access to children sleeping in campus dorms. Yet Spanier was "very aggressive" in an unrelated case in which he banned from campus a sports agent who had purchased \$400 worth of clothing for a Penn State football player before the 1997 Citrus Bowl.

- While Penn State's Board of Trustees requested the special investigation, Freeh said he "took the unusual step of not providing any draft of the report" to the trustees. Members received it at "the same time and in the same manner as everyone else," he said.

- Investigators wanted to interview Sandusky but he didn't want to talk. The assistant district attorney who declined the prosecution in 1998 also refused to speak with investigators.

Freeh's report could have profound consequences for Spanier and the legacy of Paterno, who died in January shortly after being diagnosed with lung cancer.

Neither man was charged when the initial criminal case was filed last fall, but Spanier's attorneys and Paterno's family — in advance of Freeh's report — had issued strong statements claiming they did not attempt to cover for Sandusky. The statements referred to a recent CNN report, citing e-mails obtained by Freeh's investigation, which suggest that Spanier was made aware of the 2001 incident involving Sandusky and that a decision was made not to notify authorities after a reported consultation with Paterno.

"At no time in the more than 16 years of his presidency at Penn State was Dr. Spanier told of an incident involving Jerry Sandusky that described child abuse, sexual misconduct or criminality of any kind," Spanier attorneys Peter Vaira and Elizabeth Ainslie said earlier this week. "Selected leaks, without the full context, are distorting the public record and creating a false picture."

In a separate statement earlier this week, Paterno's family said that the coach "did not cover up for Jerry Sandusky."

"Joe Paterno did not know that Jerry Sandusky was a pedophile," the family said. "Joe Paterno did not act in any way to prevent a proper investigation of Jerry Sandusky. To claim otherwise is a distortion of the truth."

On Thursday Bob Williams, vice president of communications for the NCAA, issued a statement that said: "Like everyone else, we are reviewing the final report for the first time today. As President Emmert wrote in his Nov. 17th letter to Penn State President Rodney Erickson and reiterated this

week, the university has four key questions, concerning compliance with institutional control and ethics policies, to which it now needs to respond. Penn State's response to the letter will inform our next steps, including whether or not to take further action. We expect Penn State's continued cooperation in our examination of these issues."

Freeh said Penn State "failed to implement" the provision of a 1990 federal law that requires the collecting and reporting of the crimes such as Sandusky committed on campus in 2001.

The U.S. Department of Education launched a review late November to examine whether Penn State violated federal reporting and response requirements related to crimes committed on campus. Since then, Penn State has hired an official to coordinate and oversee programs that ensure overall compliance.

On Wednesday, Education Department Press Secretary Justin Hamilton declined to address the report but he said the department will "work with all relevant campus officials and law enforcement personnel to determine whether or not there was a violation of the Clery Act. Beyond that, our investigation is ongoing and we have no more information to add at this time."

Beyond the potential legal and personal ramifications, the Freeh Report also could represent more financial liability for the university which is bracing for a wave of civil lawsuits from attorneys representing Sandusky's eight known victims who testified at the former coach's trial.

Immediately following the Sandusky guilty verdicts, Penn State issued a statement indicating its willingness to provide compensation for the victims. But attorneys representing at least two of the victims said they were planning legal action, regardless, but only after reviewing the Freeh Report.

"The moment the verdict was announced against Sandusky, the landscape of this scandal shifted toward a new focus on Penn State," said attorney Tom Kline, who represents one of Sandusky's victims.

"There is no doubt that we are going to file a claim against Penn State," Kline said. "Jerry Sandusky may have been the perpetrator, but Penn State was his enabler."

Wes Oliver, a Widener University law professor who has been closely monitoring the case, said it is in Penn State's "best interest to attempt to resolve the lingering matters quickly."

"The verdicts were so overwhelming against Sandusky," Oliver said, "that it suggests there shouldn't have been any doubt early on" that Sandusky represented a threat to children.

"It could take years to resolve these claims, but it is in everyone's best interest to settle these differences quickly," he said.

On Thursday Penn State freshman Mary Krupa downloaded the Freeh Report while sitting on campus at the HUB-Robeson Center, bracing herself for the worst but hoping that the information will help the Penn State community move forward.

"I wish I could get into their heads," Krupa said of university officials who ignored the abuse. "I just don't know what they were thinking to not report this. I just really hope the world does not think their actions represent us, the students."