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Abuse Scandal Inquiry Damns Paterno and Penn State

In 1998, officials at Penn State, including its president and its legendary football coach, were aware Jerry Sandusky was being investigated by the university's police department for possibly molesting two young boys in the football building's showers. They followed the investigation closely, updating one another along the way.

One of those officials, Gary Schultz, articulated in dire terms what the incidents might suggest:

"Is this opening of Pandora's box?" Mr. Schultz wrote in notes that he would keep secret for years. "Other children?"

The officials did nothing. No one so much as spoke to Mr. Sandusky.

Last month, Mr. Sandusky, for three decades one of Joe Paterno's top coaching lieutenants, was convicted of sexually attacking 10 young boys, nine of them after the 1998 investigation, and several of them in the same football building showers.

Louis J. Freeh, the former federal judge and director of the F.B.I. who spent the last seven months examining the Sandusky scandal at Penn State, issued a damning conclusion Thursday:

The most senior officials at Penn State had shown a "total and consistent disregard" for the welfare of children, had worked together to actively conceal Mr. Sandusky's assaults, and had done so for one central reason: fear of bad publicity. That publicity, Mr. Freeh said Thursday, would have hurt the nationally ranked football program, Mr. Paterno's reputation as a coach of high principles, the Penn State "brand" and the university's ability to raise money as one of the most respected public institutions in the country.

The fallout from Mr. Freeh's conclusions was swift, blunt and often emotional. Phil Knight, the chief executive officer of Nike and an ardent Paterno loyalist, had Mr. Paterno's name removed from a child care center Knight had founded in Oregon; Bobby Bowden, the former football coach at Florida State who is second behind Mr. Paterno in career victories, called on Penn State to take down the statue of Mr. Paterno that stands on its campus in State College, Pa.; and students, faculty and former Penn State players suggested no one could hide from the ugly truth of what they said was a devastating but fair investigation.

Mr. Freeh, in a formal report to the university's board of trustees that ran more than 250 pages, offered graphic evidence of the implications of what he termed "a pervasive fear" of bad publicity:

In 2000, a janitor at the football building saw Mr. Sandusky assaulting a boy in the showers. Horrified, he consulted with his colleagues, but decided not to do anything. They were all, Mr. Freeh said, afraid to "take on the football program."

"They said the university would circle around it," Mr. Freeh said of the employees. "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."

Indeed, Mr. Freeh's investigation makes clear it was Mr. Paterno, long regarded as the single most powerful official at the university, who persuaded the university president and others not to report Mr. Sandusky to the authorities in 2001 after he had violently assaulted another boy in the football showers.

"We have a great deal of respect for Mr. Paterno," Mr. Freeh said of his investigators. "And condolences to his family for his loss." But of Mr. Paterno, Mr. Freeh added: "He, as someone once said, made perhaps the worst mistake of his life."

"The facts are the facts," Mr. Freeh said. "There's a whole bunch of evidence here. And we're saying that the reasonable conclusion from that evidence is he was an integral part of this active decision to conceal. I regret that based on the damage that it does, obviously, to his legacy."

The investigation's findings doubtless will have significant ramifications — for Mr. Paterno's legacy, for the university's legal liability as it seeks to compensate Mr. Sandusky's victims and perhaps for the wider world of major college athletics.

Already, the reverberations of the scandal have been extraordinary, its effects felt in everything from the shake-up in the most senior ranks of the university to the football program's ability to recruit the

country's most talented high school prospects to a growing wariness among parents about the relationships their children have with their sports coaches.

And with the Freeh investigation being made public Thursday — the probe took seven months and involved more than 400 interviews and the review of voluminous e-mail correspondence and other documents — the reverberations seemed destined to deepen.

"The conclusions could not be any more harsh," said Russell Frank, a journalism professor at Penn State. "It's a very powerful indictment of the people in charge."

Lawyers for Mr. Sandusky's victims reacted with a kind of resigned disgust.

"I can't say that anything astonishes us anymore, but it's pretty astonishing," Michael J. Boni, a lawyer for one of Mr. Sandusky's victims, said of the report. "I wouldn't be surprised if these leaders face new criminal charges for failure to report what they knew to the authorities."

Mr. Freeh said he had turned over his evidence to the state attorney general's office, which has handled the criminal investigation of the Sandusky scandal. Two of the senior Penn State officials singled out for blame by Mr. Freeh — Mr. Schultz, who oversaw the campus police, and Tim Curley, the athletic director — are facing criminal trials for having failed to report the 2001 assault and then lying about it under oath.

Mr. Sandusky is set to be sentenced later this summer, perhaps in September.

Certainly, the prospect of the financial hit the university is apt to take became graver with Mr. Freeh's report on his investigation.

"I believe the report is a road map, a resource manual and a guidebook to the civil litigation," said Tom Kline, a lawyer for another of Mr. Sandusky's victims.

One new and central finding of the Freeh investigation is that Mr. Paterno, who died in January, knew as far back as 1998 that there were concerns Mr. Sandusky might be behaving inappropriately with children. It was then that the campus police investigated a claim by a mother that her son had been molested by Mr. Sandusky in a shower at Penn State.

Mr. Paterno, through his family, had insisted after Mr. Sandusky's arrest that he never knew anything about the 1998 case. In fact, he had testified under oath before the grand jury hearing evidence against Mr. Sandusky that he was not aware of the 1998 investigation.

But Mr. Freeh's report asserts that Mr. Paterno not only knew of the investigation, but followed it closely. Local prosecutors ultimately decided not to charge Mr. Sandusky, and Mr. Paterno did nothing.

Mr. Paterno failed to take any action, the investigation found, "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."

"In order to avoid the consequences of bad publicity," the most powerful leaders of Penn State, Mr. Freeh's group said, "repeatedly concealed critical facts relating to Sandusky's child abuse from the authorities, the board of trustees, the Penn State community and the public at large."

One of the most damning episodes laid out by Mr. Freeh's investigation involved the university's handling of a 2001 report of Mr. Sandusky sexually attacking a 10-year-old boy in the football building's shower.

A graduate assistant had witnessed the assault, and reported it in person to Mr. Paterno the next day. Mr. Paterno said he would figure out how to handle the alarming report, and inform his superiors.

The Freeh investigation suggests that the university's senior administrators — then-president Graham B. Spanier, Mr. Curley and Mr. Schultz — were prepared to formally report Mr. Sandusky to state authorities, but that Mr. Paterno persuaded them to do otherwise.

After Mr. Spanier and Mr. Curley decided to report Mr. Sandusky, the investigation asserted, "the only known, intervening factor" was a conversation between Mr. Curley and Mr. Paterno.

It was then decided the "humane" thing to do would be to speak to Mr. Sandusky, offer him professional help and warn him not to bring children on campus any longer. An e-mail from Mr. Spanier at the time hinted at the potential implications of their actions in 2001.

"This approach is acceptable to me," Mr. Spanier wrote to his colleagues. "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."

Lawyers for Mr. Spanier, who was forced to resign along with Mr. Paterno days after Mr. Sandusky's arrest last November, insisted he had never actively sought to conceal anything about Mr. Sandusky's conduct and had never been informed of its full severity.

The Paterno family issued a statement Thursday saying “it could be argued” that Mr. Paterno should have done more in his handling of Mr. Sandusky. But the statement said: “The idea that any sane, responsible adult would knowingly cover up for a child predator is impossible to accept. The far more realistic conclusion is that many people didn’t fully understand what was happening and underestimated or misinterpreted events.”

The consequences of the lack of action by Mr. Paterno and others, whatever its explanation, were grim. Mr. Freeh said that by allowing Mr. Sandusky to remain a visible presence at Penn State following his retirement from coaching in 1999, he was essentially granted “license to bring boys to campus for ‘grooming’ as targets for his assaults.”

The Freeh investigation also determined that Mr. Sandusky, upon his retirement shortly after the 1998 investigation, received both an unusual compensation package and a special designation of “emeritus” rank that carried special privileges, including access to the university’s recreational facilities. With respect to money, Mr. Spanier, the president, approved a lump-sum payment to Mr. Sandusky of \$168,000.

Mr. Freeh’s investigators interviewed two senior and longtime university officials who said they had never heard of this type of payment being made to any retiring employee.

The N.C.A.A., which is investigating Penn State and has the power to penalize its athletic programs, said it would read the Freeh report, and that Penn State would have to answer for it.

Mr. Freeh was appointed by the university’s board of trustees shortly after Mr. Sandusky’s arrest and given broad powers to determine how Penn State had failed to adequately act to halt his repeated abuse of young boys. Mr. Freeh included in his final report numerous recommendations for addressing many of the institutional shortcomings his investigation had uncovered.

“One of the most challenging of the tasks confronting the Penn State community is transforming the culture that permitted Sandusky’s behavior, as illustrated throughout this report, and which directly contributed to the failure of Penn State’s most powerful leaders to adequately report and respond to the actions of a serial sexual predator,” Mr. Freeh wrote. “It is up to the entire University community — students, faculty, staff, alumni, the board and the administration — to undertake a thorough and honest review of its culture.”