

Seeking Closure in Verdict, Penn State Finds More Discord

By Jack Stripling | MARCH 30, 2017

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At a 2014 meeting of the Penn State board, Albert Lord (standing) confers with Anthony Lubrano (middle) and Ryan McCombie (left). After the former president Graham Spanier's conviction last week, Mr. Lord said he was "running out of sympathy" for Jerry Sandusky's sexual-abuse victims. Those remarks and a furious statement by Louis Freeh suggest anything but calm in the trial's wake.

Sandusky's "so-called victims."

In the years since Mr. Sandusky's arrest, Penn State has paid out legal settlements of nearly \$93 million to more than 30 victims.

"Running out of sympathy for 35 yr old, so-called victims with 7 digit net worth," Albert L. Lord, the Penn State trustee and former chief executive of Sallie Mae, the student-loan giant, said in an email on Saturday. "Do not understand why they were so prominent in trial. As you learned, Graham Spanier never knew Sandusky abused anyone."

Since his firing by Penn State, in 2011, Mr. Spanier has denied that he was ever told of anything sexual happening between Mr. Sandusky and minors. But the jury concluded that the former president had endangered children by failing to report to authorities, in 2001, that Mr. Sandusky had been spotted showering with a young boy in a Penn State locker room.

"Obviously he knew children were at risk for something," Victoria Navazio, a juror, told the Associated Press after the trial. "He knew there was a problem."

Mr. Spanier was convicted on a single misdemeanor-grade charge that is punishable by a maximum of five years in prison and a \$10,000 fine. He was found not guilty of both criminal conspiracy and a second count of endangering the welfare of children.

Just before Mr. Spanier's trial, Timothy M. Curley, Penn State's former athletics director, and Gary C. Schultz, a former senior vice president for finance and business, both took misdemeanor-level plea deals rather than face the serious charges that Mr. Spanier battled in court.

For a brief moment last week, Pennsylvania State University leaders described the child-endangerment conviction of Graham B. Spanier, the university's former president, as an opportunity for closure to a sexual-abuse scandal that has roiled the institution for more than five years. But that opportunity may already be lost.

Within a day, the verdict provoked new turmoil. And it came in forms that had been seen before at Penn State: recriminations, calls for resignations, and signs of an internecine struggle on the university's board.

The trial reopened old questions about whether Penn State's leaders had sought to protect their own reputations at the expense of young boys, who were molested by Jerry Sandusky, a former Nittany Lions assistant football coach. A Penn State trustee, venting over the verdict, seemed all but certain to ignite further controversy about that issue, telling *The Chronicle* in an email over the weekend that he was "running out of sympathy" for Mr.

The case against Mr. Spanier descended at times into administrative minutiae, as jurors heard about Penn State filing systems, meeting schedules, and email use. But prosecutors never allowed the jury to forget that, as Penn State's leaders deliberated, Mr. Sandusky could continue to rape children.

Penn State Scandal

This selection of articles from *The Chronicle's* archives looks back on the Jerry Sandusky scandal and its fallout at Pennsylvania State University.

- Louis Freeh Savages Penn State's Leaders and Calls for Its President to Resign
- Guilty Verdict Puts a Dark Coda on Spanier's Fall
- Spanier's Conviction Highlights Lessons of Sandusky Scandal
- Spanier Is Found Guilty of Child Endangerment in Sandusky Sex-Abuse Case



One victim, a 28-year-old man identified as John Doe, testified at Mr. Spanier's trial that he had been sexually assaulted in Penn State's Lasch football building in 2002, when he was a young boy. The witness helped to bolster the prosecution's case that Mr. Spanier, in going along with a plan not to report Mr. Sandusky's showering incident to child-welfare authorities, endangered future victims.

The victim presented a quandary for Mr. Spanier's lawyers, who declined to cross-examine the 28-year-old. At the same time, the defense team labored to keep the jury's focus on discrete questions of law, not the crack-voiced recollections of a clearly traumatized man.

"This case is not about whether Jerry Sandusky is guilty of child abuse," Samuel W. Silver, Mr. Spanier's lawyer, said in his closing argument.

After all of these years, that statement encapsulates the divisions that persist at Penn State, where trustees still disagree about whether administrators were unfairly scapegoated.

Did the university's board, too lax in its oversight for too long, overcorrect amid public outrage and rush to condemn Mr. Spanier, his colleagues, and Joe Paterno, the legendary Nittany Lions football coach, who died a few months after Mr. Sandusky's arrest? Or were those men, who had operated with impunity, appropriately held accountable by both the university and the justice system?

The horrors of Mr. Sandusky's crimes, Mr. Lord said in an interview, are seared into the minds of the public, rendering all but impossible a fair-minded assessment of whether Mr. Spanier and other top officials had acted inappropriately based on the facts as they understood them.

"I am tired of victims' getting in the way of clearer thinking and a reasoned approach to who knew what and who did what," he said.

Mr. Spanier contacted Mr. Lord years ago, asking for advice about whether to sue Louis J. Freeh, the former FBI director, who had been commissioned by Penn State's board to investigate the university's handling of the Sandusky case. Mr. Freeh's harsh conclusion was that Mr. Spanier and the most powerful men at Penn State had demonstrated a "total disregard" for the safety of children, an assertion Mr. Spanier, who decided to sue, calls libelous.

It was Mr. Lord's rocky business background, the trustee said, that first drew Mr. Spanier to him for guidance on how to wage the legal fight of a lifetime. Since then, the two have forged an alliance. Mr. Lord, white-haired with a Florida tan and a blue blazer, sat through all of the testimony in Mr. Spanier's criminal trial last week, pacing the halls of the courthouse, in Harrisburg, Pa., for hours as the jury deliberated.

"I've been engaged in corporate rough and tumble," said Mr. Lord, who is helping to finance Mr. Spanier's lawsuit. "Graham knew that I'd had a bumpy but successful career."

Mr. Lord said he knew that his email about "so-called victims" could be combustible. But he declined an opportunity to apologize for his words or to back away from them in any way.

"The notion that there can be only one point of view with respect to all this stuff," he said, "and trustees at Penn State should toe a line that reflects the politically correct point of view, is symptomatic of what ails us."

Mr. Lord's comments sidestep all of the careful diplomacy of Mr. Spanier's lawyers. But such is Mr. Spanier's dilemma. The former administrator is silent, while a cadre of supporters make his case with varying levels of sensitivity and effectiveness.

The men and women coming to Mr. Spanier's defense include Penn State trustees, the most vocal of whom are a group of alumni-elected members, like Mr. Lord, who have struggled to find great influence on the 38-member board. They include men like John S. Nichols, a professor emeritus of communications and international affairs at Penn State, who will talk cogently for hours about his friend's innocence.

But they also include conspiracy theorists on Twitter, whose interests vacillate between Mr. Spanier's trial and the debunked Pizzagate story, about a supposed pedophile ring at a Washington restaurant.

Endless Tide of Fallout

In the days since Mr. Spanier's trial concluded, administrators in Penn State's Old Main building have tried to defuse a bomb that other people keep activating. The university's carefully worded first statement about the verdict began with concern for the victims before saying that "in the view of the jury" — not necessarily anyone else — Mr. Spanier and his colleagues "fell short" of Penn State's high expectations for leaders.

But it was an unexpected statement from Mr. Freeh that captured the most attention, reigniting old resentments and casting the week's events in the most visceral of terms.

"For over 12 years, these men actively protected a notorious pedophile who inflicted irreparable harm on countless child victims on the campuses and locker rooms at PSU," wrote Mr. Freeh. "Although these men had multiple opportunities to stop this vicious, serial predator from continuing to sexually assault children who trusted the PSU campuses and programs as safe havens, they decided together to protect this monster rather than report him to the police."

For good measure, Mr. Freeh called for the resignations of Eric J. Barron, Penn State's current president, Mr. Lord, and Anthony P. Lubrano, another Penn State trustee, portraying them all as part of a cabal determined to protect Mr. Paterno's legacy. Mr. Paterno was never charged with any crime, but questions persist about what he may have known about his longtime assistant's abuses.

Mr. Barron, who visited *The Chronicle's* offices just before Mr. Spanier's trial, said that, apart from a few particularly passionate trustees, he rarely hears about the Sandusky matter anymore. He would prefer to talk about the university's work with first-generation students and its "launchbox" program for business start-ups.

But there seems to be an endless tide of Sandusky fallout to beat back. Mr. Lord's comments about victims, published here for the first time, have already provoked outrage.

"This office will never 'run out of sympathy' for victims of sexual abuse," Joe Grace, a spokesman for Josh Shapiro, Pennsylvania's attorney general, wrote in an email.

"This victim of sexual abuse at the hands of Sandusky offered testimony that was surgically constrained to establish the harm that Graham Spanier's inaction caused — which was an element of the case we had to prove," he wrote. "Clearly, unlike Mr. Lord, the jury understood how Graham Spanier's failure to act, while a predator was in his midst, caused actual and grievous harm."

Penn State provided a much softer statement from its board chairman, who distanced himself from Mr. Lord's comments but did not condemn them outright.

"Al Lord's comments are personal and do not represent the opinions of the board or the university," Ira M. Lubert, the chairman, said. "The sentiments of board and university leadership were expressed in the very first line of the statement released by Penn State: First and foremost, our thoughts remain with the victims of Jerry Sandusky."

Thomas R. Kline, a lawyer for the victim who testified at Mr. Spanier's trial, objected strongly to Mr. Lord's comments, which he called "profoundly tragic and sad."

"It would be so much more constructive for those entrusted with guiding Penn State beyond the troubled Paterno/Spanier era to chart a course that will heal the wounds and provide a pathway forward for the university, something which is not accomplished by baseless commentary," Mr. Kline wrote in an email to *The Chronicle*.

"A hallmark of the post-Paterno/Spanier era by those who continue to defend the repudiated past has been to revictimize those who Penn State harmed the most," he continued. "We look forward to the day when Penn State has finally turned the page on this tragedy."

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