

By Michael R. Sisak (Staff Writer)

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Freeh issues scathing report detailing cover-up at Penn State

PHILADELPHIA - The bronze statue outside Penn State's football stadium bears a simple description of Joe Paterno's reputation before the storm of child sex abuse allegations against a former assistant coach became public last fall: "Educator. Coach. Humanitarian."

A report issued Thursday, following an internal investigation into the university's secretive handling of the allegations against Jerry Sandusky, cemented the late Mr. Paterno's revised legacy: enabler and accessory in one of the biggest scandals in American academia.

Mr. Paterno, the report said, dissuaded top administrators from taking a February 2001 allegation to law enforcement even though he had closely monitored a brief university police investigation into a similar episode of abuse involving Mr. Sandusky three years earlier.

"Our most saddening and sobering finding is the total disregard for the safety and welfare of Mr. Sandusky's child victims by the most senior leaders at Penn State," the lead investigator, former FBI Director Louis Freeh, said at a news conference here. "The most powerful men at Penn State failed to take any steps for 14 years to protect the children who Sandusky victimized."

A jury convicted Mr. Sandusky last month on 45 counts of child sex abuse related to at least 10 victims over the last two decades, including the 1998 and 2001 incidents. He remains jailed awaiting sentencing.

Mike McQueary, the graduate assistant who witnessed the February 2001 abuse, reported it to Mr. Paterno and later to athletic director Tim Curley and senior vice president Gary Schultz. None of them alerted the authorities and Mr. Sandusky continued to freely use the football facility, Mr. McQueary said.

Mr. Paterno's influence and the administrators' willingness to protect Mr. Sandusky from punishment amid the dual reports of abuse in campus showers were indicative of a cloistered culture at Penn State where doing what was right crumbled under the weight of fear at all levels, Mr. Freeh said.

At the top, Mr. Freeh said, Mr. Paterno, Mr. Curley, Mr. Schultz and president Graham Spanier cowered at the notion of bad publicity for the university and its heralded football program. At the bottom, Mr. Freeh said, the janitors who witnessed Mr. Sandusky abusing a boy in a campus shower in November 2000 feared being fired if they alerted authorities.

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

The university's board of trustees has already moved swiftly to change the culture described by Mr. Freeh. The trustees voted unanimously to dismiss Mr. Paterno and Mr. Spanier just days after Mr. Sandusky's arrest in November and pledged Thursday to enact the 119 policy changes Mr. Freeh said would foster an environment that "protects children and not adults who abuse them."

Everyone, Mr. Freeh said, has the duty to "blow the whistle."

Kenneth Frazier, the chairman of the board's special investigations task force, called the 267-page report "sad and sobering." The board's chairwoman, Karen Peetz, said the panel accepted "full responsibility" for the lack of oversight, which the report said allowed Mr. Paterno's and the officials' power to go unchecked.

Ms. Peetz, speaking at a press conference in Scranton, said the report's findings about Mr. Paterno "marred" the "61 years of excellent service" he gave to the university. Mr. Paterno's family, in a statement, said the former coach reported what he knew about the February 2001 incident to "Penn State authorities and he believed it would be fully investigated."

"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. Mr. Sandusky was a great deceiver. He fooled everyone - law enforcement, his family, coaches, players, neighbors, university officials, and everyone at Second Mile."

Mr. Paterno's inaction in February 2001 and that of the officials, however, enabled Mr. Sandusky's abuse to continue, Mr. Freeh said. Mr. Sandusky met or started abusing four of his victims after the incident, according to the prosecution's timeline of the case.

If the officials had banned Mr. Sandusky from bringing boys into campus facilities after the May 1998 allegation, they could have prevented at least three more shower incidents. Mr. Schultz, in handwritten notes pertaining to the 1998 incident, wondered if the allegation against the Mr. Sandusky was an indication of a "Pandora's box" and if "other children" were involved.

Still, Mr. Freeh said, "Sandusky was allowed to continue with impunity."

Mr. Sandusky molested at least one boy in a campus shower in August 2001, six months after the February 2001 incident and a supposed warning from Mr. Curley not to bring youths into team facilities. Prosecutors at Mr. Sandusky's trial last month identified the boy, now a man in his mid 20s, as Victim 5.

-Tom Kline, the attorney for Victim 5, said the investigative report showed "men in power knew and understood there was a pedophile running around the campus."

"Sandusky paraded children around like trophies," said Mr. Kline, a Hazleton native. "He paraded children through the locker room. He was naked with children in the locker room. He was seen by a janitor. He was seen by an assistant coach. It was known by Coach Paterno. It was known by Mr. Spanier, by Mr. Curley, by Mr. Schultz - the men Mr. Freeh told us were the university powers - and they did nothing. It was a large, huge American tragedy, and it happened here in Pennsylvania."

Mr. Spanier, Mr. Curley and Mr. Schultz were prepared to alert the state Department of Public Welfare to the 2001 allegation, but Mr. Curley backed off the plan after speaking with Mr. Paterno, according to emails Mr. Freeh said his investigators uncovered in March.

Mr. Freeh called the emails "the most critical evidence" in the case.

Mr. Curley emailed Mr. Spanier and Mr. Schultz on Feb. 27, 2001, two weeks after Mr. McQueary went to Mr. Paterno, and told them he had changed his mind about an agreed-upon plan to alert the authorities.

"After giving it more thought and talking it over with Joe yesterday," Mr. Curley said, he instead wanted to tell Mr. Sandusky "we feel there is a problem" and would offer him "professional help."

If Mr. Sandusky was cooperative, Mr. Curley said, according to the report, "we would work with him" to inform Mr. Sandusky's charity for troubled youth, the Second Mile. If Mr. Sandusky did not cooperate, Mr. Curley said, "We don't have a choice and will inform" the state Department of Public Welfare and the Second Mile.

According to the report, Mr. Spanier replied, "This approach is acceptable to me," and acknowledged the university's potential liability if the abuse did not stop: "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. But that can be assessed down the road. The approach you outline is humane and a reasonable way to proceed."

An email dated May 13, 1998, with the subject line "Jerry," confirmed Mr. Paterno's awareness of the earlier on-campus incident, the report said. In it, the report said, Mr. Curley asked Mr. Schultz about the police investigation: "Anything new in this department? Coach is anxious to know where it stands."

Mr. Sandusky retired the following season.

The report said there was no evidence to suggest he was forced out because of the abuse allegation, but a handwritten notation from Mr. Paterno indicated concern over a retired Mr. Sandusky being allowed to bring children from his Second Mile charity into football facilities. Mr. Freeh said his investigators worked on the Penn State campus, out of the former campus child-care center, for seven months. They interviewed more than 430 people and sifted through more than 3.5 million e-mail messages, he said.

Investigators included former members of the Pennsylvania and Delaware state police. They conducted interviews from the day before Thanksgiving through last Friday, when they met with Mr. Spanier in Philadelphia.

They did not interview Mr. McQueary, Mr. Schultz, Mr. Curley or Mr. Sandusky.

To date, the internal probe has cost \$6.5 million, Penn State spokesman David La Torre said.

Investigators interviewed one Penn State staffer more than a dozen times, pressing for testimony that matched the premise Mr. Paterno "ran the university," a person close to the former coach said.

The interviews frequently devolved into interrogations, with critical or derisive questions about Mr. Paterno, the person said. The investigators, the person said, gave the impression that their report

was designed to acquit the board of trustees and place undue blame on Mr. Paterno.

"Not true," Mr. Freeh said when asked Thursday about the person's criticism.

"Many, many witnesses we spoke to described Mr. Paterno as one of the most powerful leaders on the campus," Mr. Freeh said.

Mr. Paterno, he said, could have stopped the abuse and cover-up "if he wished."

Mr. Freeh's report closed another chapter in a case that has rocked Penn State.

Penn State students rioted in downtown State College after Mr. Paterno's dismissal, turning the main drag separating the campus from the surrounding community into a battleground of tear gas and broken glass.

Many chanted support for the fired coach and screamed obscenities in vain at the men they viewed as responsible for his plight - Mr. Sandusky and the two officials charged in the cover up, Mr. Curley and Mr. Schultz.

The allegations of Mr. Sandusky's abuse, encapsulated first in a 23-page grand jury report in November, emerged at his trial last month as horrific tales of a dream friendship with a local legend turned nightmare with a serial pedophile.

Eight of Mr. Sandusky's victims testified, all of them describing a sordid pattern of enticement with gifts, including Penn State football tickets, followed by workouts, overnight stays at Mr. Sandusky's home and awkward touching that evolved into forced sexual conduct.

One victim said Mr. Sandusky would squeeze his knee, run a hand up his leg and occasionally touch his penis during car rides, cuddled with him in bed and rubbing up against him while showering.

Others described far worse, including forced oral sex.

Two of the victims, the boys from the November 2000 incident witnessed by the janitors and the February 2001 incident witnessed by Mr. McQueary, were never identified.

Mr. Paterno's family, in its statement Thursday, acknowledged the former coach "made mistakes" and "regretted them." If he had known the severity of Mr. Sandusky's abuse, the family said, he would have done more.

To think Mr. Paterno "would have protected Jerry Sandusky to avoid bad publicity is simply not realistic," the family said. "If Joe Paterno had understood what Sandusky was, a fear of bad publicity would not have factored into his actions."