

## **Chapter 9**

# **The Pulitzer Prize**

*“We never lost sight of what the true story was. Sara and the staff kept focused on what was important.”*

*—Patriot News Publisher, John Kirkpatrick*

On April 17, 2012, the Pulitzer committee announced that the *Patriot News (P-N)* was the Pulitzer Prize winner for local reporting for its coverage of the “explosive Penn State sex scandal.” The citation read:

*“Awarded to **Sara Ganim and members of The Patriot-News Staff**, Harrisburg, Penn., for courageously revealing and adeptly covering the explosive Penn State sex scandal involving former football coach Jerry Sandusky.”*

The fact that the Pulitzer committee would refer to the scandal as the “Penn State sex scandal” was a reflection of the biased coverage by the *P-N*. Had the paper of record honestly reported the facts of the Sandusky matter, it would have revealed a problem of much more significant scope that continues to endanger every child in Pennsylvania. In order to craft a false narrative of a “Penn State sex scandal,” the *P-N*’s Pulitzer winning coverage avoided any in-depth discussion of three significant issues in the child abuse investigation of Jerry Sandusky:

- The Pennsylvania statute regarding child abuse reporting;<sup>1</sup>
- The practices and procedures for child abuse investigations; and
- The roles and responsibilities of child protective services.

By not addressing these matters in its scandal coverage, the paper was able to avoid reporting many of the failures by the Pennsylvania State Police (PSP), Office of Attorney General (OAG) investigators, child welfare agents from the Department of Public Welfare (DPW), Centre County Children and Youth Services (CYS), and individuals from The Second Mile (TSM) charity, all of whom were responsible for protecting children.

*P-N* Publisher John Kirkpatrick’s statement that the paper “never lost sight of the true story” was nonsense. The true story has never been written.

The *P-N* submitted ten works to the Pulitzer committee for the judging of its coverage. Although each work varied in terms of accuracy and expertise, most of the columns contained errors that were obvious to anyone familiar with the details of the case. Each of those stories should have been corrected and, in some cases, front page corrections should have been run. However, as history reveals, the *P-N* has not corrected the vast majority of errors that plagued its articles.

The Pulitzer jurors<sup>2</sup>, due to their geographic dispersion, likely worked from their understanding of the scandal based on national headlines, thus would not recognize many of the inaccuracies in the stories.

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<sup>1</sup> 23 Pa. C.S. § 6311

<sup>2</sup> Sherry Chisenhall, editor and vice president, news, *The Wichita Eagle* (Chair) Nicole Carroll, vice president, news and executive editor, *The Arizona Republic*, Kevin Dale, news director, *The Denver Post*, Jane Hirt, managing editor, *Chicago Tribune*, John Winn Miller, publisher, *The Concord (NH) Monitor*, Debra Adams Simmons, editor, *The Plain Dealer*, Cleveland, OH, William Snyder\*, professor and chair, photojournalism, Rochester Institute of Technology

A summary of each Pulitzer nominated story follows. Please note that many of the errors cited in these stories are errors which the Pulitzer committee could have found if they had put in a minimal effort of fact-checking.

### Story #1: March 31, 2011

**Jerry Sandusky, former Penn State football staffer, subject of grand jury investigation** was the first story about the scandal. In September 2013, Sara Ganim boasted<sup>3</sup> that the facts in this story “were 100 percent accurate.” As the evidence shows, her statement was 100 percent wrong.

The story made two erroneous statements regarding the complaint that originated the investigation of Sandusky. Namely, they claimed the complaint was made in 2009.

*According to five people with knowledge of the case, a grand jury meeting in Harrisburg has been hearing testimony for at least 18 months about the allegation, which was made in 2009 by a 15-year-old from Clinton County.*

*The allegations against Sandusky surfaced in 2009, when he was volunteering as an assistant high school football coach at Central Mountain High School in Clinton County.*

The original complaint was made on November 20, 2008.<sup>4</sup>

The column also incorrectly stated the abuse began when Aaron Fisher was ten years old.

*The teen told authorities that Sandusky had inappropriate contact with him over a four-year period, starting when he was 10.*

The grand jury presentment<sup>5</sup> stated that Fisher met Sandusky when he was 11 or 12 years old in the summer of 2005 or 2006 and didn’t get to know Sandusky until his second year of a Second Mile camp. Fisher began frequently interacting with Sandusky during the track season in 2007. That places Fisher at age 12 or 13 at the time his abuse started.

In addition, the column mistakenly reported that the school superintendent, John DiNunzio, reported Sandusky’s abuse to Clinton County Children and Youth Services.

*DiNunzio, who is now interim superintendent with the Bellefonte Area School District, called Clinton County Children and Youth Services. Once it left his desk, he says, he never heard a word from police.*

Later press reports and the Moulton Report<sup>6</sup> reported that Central Mountain High School (CMHS) principal, Karen Probst, called Clinton County CYs to make the complaint.

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<sup>3</sup> Sara Ganim, in her review of Aaron Fisher’s book, *Silent No More*

<sup>4</sup>[http://filesource.abacast.com/commonwealthofpa/mp4\\_podcast/2014\\_06\\_23\\_REPORT\\_to\\_AG\\_ON\\_THE\\_SANDUSKY\\_INVESTIGATION.pdf](http://filesource.abacast.com/commonwealthofpa/mp4_podcast/2014_06_23_REPORT_to_AG_ON_THE_SANDUSKY_INVESTIGATION.pdf), page 36

<sup>5</sup> <http://www.attorneygeneral.gov/uploadedfiles/press/sandusky-grand-jury-presentment.pdf>, page 2

<sup>6</sup> [http://filesource.abacast.com/commonwealthofpa/mp4\\_podcast/2014\\_06\\_23\\_REPORT\\_to\\_AG\\_ON\\_THE\\_SANDUSKY\\_INVESTIGATION.pdf](http://filesource.abacast.com/commonwealthofpa/mp4_podcast/2014_06_23_REPORT_to_AG_ON_THE_SANDUSKY_INVESTIGATION.pdf), page 34

Granted, details of the case were not known at the time of the *P-N*'s initial press report, however, by 2013, Ganim had to know a number of the details in this story were wrong. The unwillingness of the *P-N* to admit errors and make corrections and/or retractions was a standard practice in its Sandusky coverage.

The *P-N* admitted<sup>7</sup> that Ganim had obtained the 1998 police report in early 2011 and used it to break the story of the Sandusky investigation. Given that she possessed the report, this erroneous passage reveals that Ganim was purposely writing a falsehood to cover-up that she had possession of it.

*"According to sources close to the investigation, the boy told police in 1998 that Sandusky had showered with him in a locker room of the Lasch Building — home to the football program — during a tour. The boy claimed Sandusky washed his body during the shower, sources said."*

However, the most interesting or curious thing I found in Story #1 was this passage:

*"Another boy, now an adult in the armed forces, was named as a witness in the 1998 Penn State police report and has been contacted by state police, his wife confirmed. When reached by phone, his mother said she took her son to Penn State police for questioning in 1998 but didn't listen to the interview. She said she never asked her son what happened."*

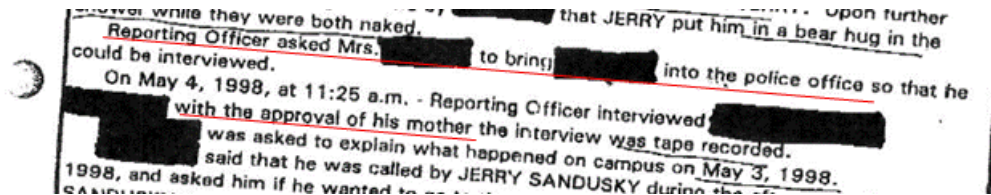
That should have raised a few eyebrows. It is rather incredible that a mother, who took her 10 year-old son (BK) to the police station to be interviewed about an incident, never asked him what he said to the police. The police report<sup>8</sup> provided no evidence that the boy's mother was involved in the interview process.<sup>9</sup> In fact, she was never mentioned anywhere in the police report. The police report also indicates the interview occurred at the boy's home.

<sup>7</sup> [www.pennlive.com/midstate/index.ssf/2011/11/jerry\\_sandusky\\_sacbndal\\_answer.html](http://www.pennlive.com/midstate/index.ssf/2011/11/jerry_sandusky_sacbndal_answer.html)

<sup>8</sup> Released to the public on March 23, 2012

<sup>9</sup> According to a [November 23, 2011 column](#), Sara Ganim used the 1998 police report to track down one of the mothers and break the story of the Sandusky grand jury investigation. There is no mention of the mother of the second boy in the police report, so there is clearly something amiss with this story

Conversely, the police report mentions that the investigators asked permission of Victim 6's mother to record his interview and that the interview took place at the police office



Given that the *P-N* had the police report in its possession, was this sloppy reporting or was the newspaper covering up the fact that the police and Centre County CYS did not follow the Public Welfare Code's provision<sup>10</sup> to interview the parent during a child abuse investigation? As other evidence will reveal, the *P-N* continuously failed to identify when investigative missteps occurred during the Sandusky investigation.

Mr. Kirkpatrick's claim that the paper "never lost sight of the true story" was undeniably wrong.

Ganim was carefully steering the *P-N*'s reporting away from the truth at every turn.

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<sup>10</sup> 055 Pa. § 3490.55 (d) (2)

## Story #2: November 4, 2011

**Jerry Sandusky, a Penn State University football legend and founder of The Second Mile, faces charges of sex crimes** contained the same errors on the date of the investigation and the age of the child when he was first abused by Sandusky. It also contained the same curious statement regarding the mother of the second child interviewed in 1998 not knowing what he told the police. However, the most significant falsehood printed in this story was that Sandusky *retired* from The Second Mile in August 2010, when in fact, the *P-N* knew his **“official” retirement from the charity was a sham**.

*“Rumors about Sandusky’s conduct began swirling on message boards and football websites soon after he retired from his post at the Second Mile in August 2010.”*

In preparation for a few other stories about TSM, the *P-N* actually analyzed the charity’s IRS filings and Annual Reports<sup>11</sup> which revealed Sandusky’s “\$57,000 consulting fee ended” (this fact was noted in Story #6). His salary was not reported as an expense item on the IRS reports for 2008, 2009, and 2010. Much like the charity, the *P-N* did not make this information immediately known by the public and waited until August 2012 to reveal Sandusky had actually resigned in 2009. In other words, the paper was complicit in perpetuating a false story about Sandusky’s faked 2010 retirement from TSM.

The *P-N* also never questioned TSM’s statements that **no reports of abuse occurred during its programs for children** – even though there was ample evidence proving those statements were false.

*Second Mile charity officials say they were shaken by the allegations and charges, but insist their priority will remain in helping kids.*

*“That is why we have many policies and procedures designed to protect the children involved in our programs, including employee and volunteer background checks, training and supervision,” said President and CEO of the Second Mile, Jack Raykovitz, in a statement released Friday afternoon. “As a result, other than occasional bumps and bruises, we have never had an incident impact the safety, health or well-being of children during our programs, and we will continue to do everything in our power to maintain the trust placed in us by the families and professionals with whom we partner to keep that record intact.”*

Through the *P-N*’s review of the charity’s Annual Reports,<sup>12</sup> it knew about TSM’s Friend Fitness program, which paired an adult and child for one-on-one physical workouts. Many of Sandusky’s crimes involved him taking TSM children, one on one, to the gym to work-out and shower. This was the exact scenario for the infamous McQueary incident that occurred on the PSU campus.

### The Second Mile 2010 Annual Report

#### Friend Fitness

- Through mentoring and individual strength training exercises, The Friend Fitness Program helps adolescents achieve personal, academic, and fitness goals. In 2010 the Friend Fitness Program provided opportunities for improvement to 119 teens at sites located in Centre and Chester Counties. During bi-weekly sessions, 73 adult mentors assisted students in working on their goals while providing positive encouragement. This Program also includes social and team-building activities such as picnics, group workouts, and luncheons for students and mentors.

***“My favorite thing about the Friend Fitness program is the fun and friendly environment. My mentor really helps me stay motivated and has given me great advice over the years.”***

***—Friend Fitness Mentee from Centre County***

<sup>11</sup> Extensive review of the charity’s IRS filings and Annual Reports was conducted by Donald Gilliland in support of Story #7 of the Pulitzer nomination package.

<sup>12</sup> Id.

The report from Tim Curley to TSM regarding the McQueary incident – where Sandusky was showering with a Second Mile child<sup>13</sup> - disproved Dr. Raykovitz's statement that no abuse occurred during program activities.

Finally, the *P-N* knew that TSM was not being straightforward about the true number of children the charity served.

*The State College-based charity has seven branches across Pennsylvania. Its advertising says it reaches more than 280,000 kids each year.*

*The majority of those are through its sports trading card program called Nittany Lions Tips, which features motivational messages from Penn State athletes.*

Without saying so, the *P-N* was reporting that TSM was inflating its numbers of children served by including distribution of a Nittany Lion Tip card as a 'child served.' As part of the analysis the *P-N* should have examined the unit cost per card distributed. That analysis would have shown that cost per unit was increasing as quantities increased<sup>14</sup> – a clear indication that the charity was padding its expenses.

Either the *P-N* didn't perform a cost analysis or this was simply another fact they didn't see fit to report.

The evidence clearly reveals that the *P-N*'s reporting was purposely concealing the truth with respect to the failings and mismanagement at TSM.

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<sup>13</sup> While the victim in this incident was unknown, all of the other Sandusky victims had met him through his charity. A man who came forward claiming to be Victim 2 (the person in this incident) was a Second Mile participant and received a settlement payment from PSU.

<sup>14</sup> Second Mile Annual Reports 2004 to 2010

### Story #3: November 7, 2011

**Mothers of two of Jerry Sandusky's alleged victims lash out at Penn State officials' handling of scandal** was a somewhat misleading headline for this story.

While the mother of Victim 6 expressed dismay at Penn State officials' handling of the Sandusky matter, the second mother (of Aaron Fisher) was clearly upset and lashing out over the **treatment she and her son received when they complained to school officials at Central Mountain High School (CMHS)**.<sup>15</sup>

Numerous media outlets, including the *Huffington Post*, reported that CMHS officials told Fisher and his mother to "go home and think about it" before they reported Sandusky.

Fisher's psychologist, Michael Gillum, wrote a stinging rebuttal<sup>16</sup> to the recent report by Geoffrey Moulton, in which Gillum expressed his disappointment that CMHS officials were not held accountable for their efforts in attacking the credibility of Fisher and his mother before the two made their report to Clinton County CYS.

As with many other columns written by Sara Ganim, you would get through about one third of the column before realizing the headline was misleading.

*"They told me to go home and think about what I wanted to do, and I was not happy," she said. "They said I needed to think about how that would impact my son if I said something like that. I went home and got [my son] and we came to [Children and Youth Services] immediately."*

Rather than expanding on the mother's story and exposing the deficiencies of CMHS, as other media outlets did, Ganim immediately changed course and stated that the prosecutors had praised CMHS for acting appropriately.

*"Officials at Central Mountain High School have said they immediately reported the abuse, and Attorney General Linda Kelly praised them for doing the right thing."*

While CMHS may have met the legal requirements for reporting the abuse of Aaron Fisher, school officials failed to exercise proper protections for their students. The grand jury presentment reported that CMHS's assistant principal, Steven Turchetta, was allowing Sandusky to access children and take them out of classes at the school. In addition, the grand jury presentment stated that Turchetta often served as a mediator between Sandusky and the teenage boys he was mentoring when *arguments broke out*. Sandusky's ability to access her child at CMHS was troubling to Aaron Fisher's mother, Dawn Daniels.

*"I called the school principal and the guidance counselor and said, if nothing else, he's taking my son out of classes. He's leaving the school with him. ... So I asked them to call him into the office and ask [my son] how he felt."*

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<sup>15</sup> [http://www.huffingtonpost.com/2011/11/22/penn-state-scandal-jerry-sandusky-victim-mother\\_n\\_1108979.html](http://www.huffingtonpost.com/2011/11/22/penn-state-scandal-jerry-sandusky-victim-mother_n_1108979.html)

<sup>16</sup> [http://filesource.abacast.com/commonwealthofpa/mp4\\_podcast/2014\\_06\\_23\\_REPORT\\_to\\_AG\\_ON\\_THE\\_SANDUSKY\\_INVESTIGATION.pdf](http://filesource.abacast.com/commonwealthofpa/mp4_podcast/2014_06_23_REPORT_to_AG_ON_THE_SANDUSKY_INVESTIGATION.pdf), page 332



Even though the *P-N* mentioned Daniels being upset about Sandusky taking her son out of classes, the article failed to report the significance of CMHS officials **allowing** it to happen. The actions by Assistant Principal Turchetta were simply inexcusable when viewed through the lens of child protection and school safety.<sup>17</sup>

Near the end of the column, Daniels eventually made statements expressing her disappointment at PSU officials who allegedly did not report Sandusky to the police.

*When the arrests were announced Saturday, and the family learned that two Penn State officials had known about a prior incident and didn't report it to police,<sup>18</sup> she flipped out.*

*"I'm infuriated that people would not report something like that," she said. "I still can't believe it. I'm appalled. I'm shocked. I'm stunned. There's so many words. I'm very mad. They could have prevented this from happening."*

While it has yet to be proven that PSU officials failed to make a report of the incident to the police,<sup>19</sup> the law<sup>20</sup> clearly *does not require* such a report. Moreover, a fair interpretation of the law suggests that PSU's report to The Second Mile was, in fact, going beyond the University's mandated legal requirements, since it had no reporting responsibility under the statute.<sup>21</sup>

The bias against PSU in this story continued when Ganim penned another falsehood about the dates of Fisher's abuse in an attempt to tie PSU's alleged reporting failure in 2002 to the crimes committed against him.

*"Her son has accused Sandusky of four years of abuse, and it started not long after Curley and Schultz were notified of an abuse report in 2002."*

That statement was clearly contradicted by the grand jury presentment that stated Fisher's abuse began in 2007 during the track season.<sup>22</sup> Obviously, a time lapse of five years between Fisher's abuse and the incident at PSU makes it hard to justify a "cause and effect" relationship between the two incidents. To overcome that problem, the *P-N* simply lied to shorten the approximately five-year time lapse.

Other media reports revealed that CMHS had been ignoring many of the red flags of possible child abuse before Sandusky became a volunteer assistant coach there. Another student at the school, F.P., reported that Sandusky began contact with him in 1997 and continued that relationship until the boy

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<sup>17</sup> National Crime Prevention Council, School Safety and Security Toolkit, page 10

<sup>18</sup> The column treated the allegations as facts.

<sup>19</sup> VP for Finance and Business Gary Schultz spoke with police Chief Tom Harmon the day after he received a report of the incident. Harmon denied getting a report from Schultz; however, Harmon's testimony revealed his memory was so poor he could not remember an on-campus riot and takeover of a building that occurred just two months later.

<sup>20</sup> *General rule.* Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), licensees who, in the course of the employment, occupation or practice of their profession, come into contact with children shall report or cause a **report to be made to the Department of Public Welfare** when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is a victim of child abuse.

<sup>21</sup> Universities were not covered under the law at that time.

<sup>22</sup> <http://www.attorneygeneral.gov/uploadedfiles/press/sandusky-grand-jury-presentment.pdf>, page 2

was 16 in 2003. F.P. reported the same behaviors – that Sandusky would show up at the school and take him out of class. They too had shouting matches and Sandusky was “clingy” when F.P. tried to stop the relationship.<sup>23</sup>

The truth began to leak out in the column, when Fisher’s mother called out the failures of many people involved, including TSM.

*When her son first came forward, every day was a struggle. There was this overwhelming feeling of deception. Sandusky was supposed to be a role model.*

*“In the beginning, it was extremely upsetting. I was so shocked. It got so bad we didn’t know what to do,” she said. “[He] is really, really afraid of Jerry. He told me numerous times when he started backing away from him, you just can’t tell him no. I said, why not?”*

*Her son replied, “You just don’t do that.”*

*“His attorney was saying how these disadvantaged children, you can’t trust them ... because they come from low income. I don’t think that has any bearing on anything,” she said. “I was warned that is what this basically would be about, because kids in The Second Mile are basically disadvantaged.”*

*In the first page of their presentment, grand jurors noted that, too. They accused Sandusky of using the charity to find his victims, “many of whom were vulnerable due to their social situations.”*

The truth was that the neither CMHS nor the TSM charity acted on the signs of possible abuse they observed. Sandusky took advantage of their shortcomings and continued to access and abuse children.

Again, those facts were never reported by the P-N.

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<sup>23</sup> [http://rockcenter.nbcnews.com/\\_news/2011/11/21/8935748-jerry-sandusky-clingy-says-man-mentored-by-former-penn-state-asst-coach](http://rockcenter.nbcnews.com/_news/2011/11/21/8935748-jerry-sandusky-clingy-says-man-mentored-by-former-penn-state-asst-coach)

#### Story #4: November 11, 2011

**Special report: Who knew what about Jerry Sandusky? There were many missed chances to investigate as early as 1995** was one of the most factually inaccurate stories the *P-N* published during the scandal. Ironically, early in the story, Sara Ganim wrote:

*Who was telling the truth? Who was trying to keep the truth silent?*

As the evidence will show, reporting the truth was not accomplished in Story #4. As Ganim might say, they “were trying to keep the truth silent.”

Part of the *P-N*’s silencing of the truth was its failure to mention that the child abuse reporting statute didn’t apply to Curley and Schultz.<sup>24</sup> Therefore, Mike McQueary’s words had nothing to do with the failure to report charges against the two men.

*Right now, the case against Schultz and Athletic Director Tim Curley — both charged with perjury and failure to report a crime — hinges mainly on the word of that eyewitness, then-graduate student Mike McQueary. McQueary is now a Penn State assistant football coach.*

In addition, Ganim also failed to mention that a perjury charge can’t be prosecuted on the words of just one witness.<sup>25</sup> In other words, a corroborating witness was needed — and there wasn’t one.

Given that Ganim was a “crime and courts” reporter who admitted that the *P-N*’s legal staff helped write her columns, there is little doubt that the “paper of record” made a conscious decision to ignore the laws pertaining to the case. They wouldn’t want the facts to get in the way of a good story.

The *P-N*’s fictional reporting in this story continued when Ganim wrote that **McQueary reported an “anal rape”** to Joe Paterno. She attempted to justify using the term “anal rape” by referencing a meeting that the *P-N* editorial board had with local district attorneys. According to Ganim, the local DA’s advised them that reporting the incident as a “rape” would help them get convictions in other rape cases.<sup>26</sup>

Ganim also explained that the term “rape” was used because the proper term, Involuntary Deviate Sexual Intercourse (IDSI) was too long and people didn’t know what it meant. She also remarked, “That’s a lot of copy” if you spell it out every time.<sup>27</sup>

A few weeks after Ganim published the that falsehood of an “anal rape” being reported to Paterno, McQueary testified (at the December 2011 preliminary hearing) that he never used the words “anal rape,” “sodomy,” and/or “anal intercourse” in discussing the incident with Paterno.<sup>28</sup>

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<sup>24</sup> Curley and Schultz were not “enumerated” occupations that required them to report child abuse. This error in interpretation of the law was universal in the media, however the attorneys of Schultz and Curley have motioned from dismissal of the charges based 23 Pa.C.S. § 6311 (b) Enumeration of persons required to report

<sup>25</sup> Perjury - 18 Pa. Cons. Stat. § 4902 (f) Corroboration.--In any prosecution under this section, except under subsection (e) of this section, falsity of a statement may not be established by the uncorroborated testimony of a single witness.

<sup>26</sup> <http://www.poynter.org/how-tos/newsgathering-storytelling/181753/sara-ganim-explains-how-she-develops-sources-gets-them-to-open-up/>

<sup>27</sup> Id.

If that falsehood wasn't bad enough, the **story also contained a fictional chain of reporting** which showed a watering down of information at each stage.<sup>29</sup>

*According to the grand jury, then, here is how McQueary's eyewitness account became watered down at each stage:*

*McQueary: anal rape.*

*Paterno: something of a sexual nature.*

*Schultz: inappropriately grabbing of the young boy's genitals.*

*Curley: inappropriate conduct or horsing around.*

*Spanier: conduct that made someone uncomfortable.*

*Raykovitz: a ban on bringing kids to the locker room.*

The truth was that there was not a "chain" of reporting. That story was a fabrication in several different ways.

First, the actual sequence of reporting from the grand jury report was as follows (with direct reports in **bold** face):

**Mike McQueary to John McQueary** (Dr. Dranov was not mentioned in grand jury report)

**Mike McQueary to Joe Paterno**

Joe Paterno to Tim Curley

Joe Paterno to Tim Curley and Gary Schultz

Gary Schultz to Wendell Courtney (for legal advice)

Gary Schultz and Tim Curley to Graham Spanier (initial discussion)

Tim Curley met with Jerry Sandusky

**Mike McQueary to Tim Curley and Gary Schultz**

Tim Curley to Graham Spanier and Gary Schultz (follow on discussion)

Tim Curley to Jerry Sandusky

Tim Curley to Dr. Jack Raykovitz

Mike McQueary **directly reported to four of the seven** people who received a report of the incident. Notably, the *P-N* omitted the person McQueary spoke to after the incident – his father. **John McQueary did not advise Mike to call the police after** hearing his son's report. This is a rather important fact that was ignored by the *P-N* as it was **fabricating its story** of how the incident got reported.

The next falsehood by the *P-N* was that Schultz followed Paterno in the reporting chain. Paterno did not make his report to Schultz, he made it to Curley.<sup>30</sup>

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<sup>28</sup> <http://www.dauphincounty.org/government/Court-Departments/CurleySchultz/12-16-Preliminary-Trial-Transcript.pdf>, page 72 "I never used the term anal or rape in this from day one." Page 72, "Would you have ever used the term sodomy with Coach Paterno?" "No, never."

<sup>29</sup> The *P-N* editorial board would later use this same fictional reporting chain in an *Op-Ed* calling for reforms to PA's child abuse reporting system. In that story, it opined that the problem at PSU was "too many middle men."

<sup>30</sup> <http://www.dauphincounty.org/government/Court-Departments/CurleySchultz/12-16-Preliminary-Trial-Transcript.pdf>, page 177

Curley and Schultz then heard from Paterno at the same time on Sunday, February 11, 2001.<sup>31</sup> **Paterno never testified to what he told Schultz** when the three men met. In fact, Paterno didn't even recall that Curley and Schultz came to his house to discuss the incident.<sup>32</sup> Paterno's only recollection of the discussion was the one phone call he made to Tim Curley.<sup>33</sup>

After Curley and Schultz met with Paterno, Schultz then discussed the matter with then PSU legal counsel Wendell Courtney. **Courtney was another person missing from the chain of reporting.** According to Courtney, he advised PSU officials to contact Centre County CYS.<sup>34</sup>

The following day, February 12, 2001, Curley and Schultz met with Spanier and told him of inappropriate conduct in the showers between Sandusky and a younger person. Spanier referred to the incident as "horseplay" or "horsing around" according to a letter he wrote to the Freeh investigative team. That disproves **the statement attributed to Spanier by the P-N.**

After a rather curious delay, Curley and Schultz met with McQueary to discuss the incident. Neither side agreed on what was said. Later, Curley met with Raykovitz and explained to Raykovitz what McQueary had told him (that Sandusky was seen in the shower with a boy).<sup>35</sup> The **P-N downplayed what Curley had actually reported to Raykovitz**, stating that it was a ban on Sandusky bringing children into the locker room.

Finally, when the grand jury transcripts were published in December 2011, they **disproved a number of the P-N's statements**, specifically; that Schultz never received a report of "grabbing of genitals,"<sup>36</sup> and that McQueary never used the term "anal rape."

As the evidence revealed, the **P-N's** story was one fabrication after the other. To be clear, **this was a "story," not a news report.**

After Mike McQueary made **direct reports to FOUR people**, none of them considered that an immediate call to police or emergency services was justified. Also, the person who received a second-hand report, and had the most experience working in a profession that would mandate them to report an incident of child abuse, didn't report it.

However, that didn't stop the **P-N's** condemnation of Paterno, Spanier, Curley, and Schultz, who were "layman," for coming to the same conclusion as the trained professional.

The **P-N** revealed its bias when it failed to condemn the most qualified person in the entire reporting chain for failing to report Sandusky. Dr. Jack Raykovitz, who was the Executive Director of TSM, had a PhD in psychology and worked in a child development practice.<sup>37</sup> As a psychologist, he was required to

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<sup>31</sup> Id, page 179

<sup>32</sup> Paterno police interview, October 24, 2011.

<sup>33</sup> Id.

<sup>34</sup> Courtney email, January 9, 2011

<sup>35</sup> <http://www.dauphincounty.org/government/Court-Departments/CurleySchultz/12-16-Preliminary-Trial-Transcript.pdf>, page 187

<sup>36</sup> Id, page 211, "**without him telling me**, but, you know, I had the feeling that there was perhaps some kind of wrestling around activity and Jerry might have grabbed some young boys genitals or something of that sort is the **impression** I had.

<sup>37</sup> <http://www.linkedin.com/pub/jack-raykovitz-ph-d/10/178/689>

report suspected child abuse. Dr. Raykovitz's response to the information he got from Tim Curley was to advise Jerry Sandusky to wear swim trunks the next time he showered with a child after a workout.<sup>38</sup> As a result of Raykovitz's failure to report, Sandusky was allowed to have unfettered access to the children who participated in TSM programs. Some of those children would later become his victims.

Inexplicably, the *P-N* was not critical of the actions and/or inactions of Dr. Raykovitz in any of its reporting during the scandal.

The column also provided an inaccurate account of the 1998 incident on the PSU campus, which was quite a feat, considering that Ganim had the police report at her disposal.

Her first error was that she reported both boys involved in the incident had showered with Sandusky at the same time.

*The boy told police that Sandusky had showered naked with him. A second boy was in the showers at the time, but did not testify before the grand jury.*

This was clearly not the case, as noted on the very first page of the 1998 police report.

Parent of 11 year old male reported that her son was hugged in a shower room by a staff member. Investigation determined that a 10 year old male was also hugged in the shower at a different time by the same staff member. Investigation continuing by this department and Centre County Children & Youth Services Bureau & the Centre County District Attorney's Office.

Crime Victim's Comp Fund? \_\_\_\_\_ Supervisor *[Signature]* Officer *[Signature]*  
Dom. Violence Victim Rights? \_\_\_\_\_ Ronald L. Schreffler

PAGE 1 OF 8

Ganim's report also failed to mention the Pennsylvania Department of Public Welfare's (DPW) role in the investigation. According to Ganim, Centre County Children and Youth Services was identified as the investigating agency of the 1998 incident, when in reality it was DPW who took over jurisdiction of the case.

*The Centre County Office of Children and Youth Services also was investigating that case.*

*Investigator Jerry Lauro<sup>39</sup> said this week he didn't feel there was enough evidence for abuse charges solely based on interviews with the boys.*

Lauro was a representative from the Harrisburg office of DPW who was allegedly brought in to investigate due to Centre County having a conflict of interest with TSM. However, the Altoona/Cresson Office of DPW was the regional office with jurisdiction; it has never been sufficiently explained<sup>40</sup> why Lauro was assigned to the case. However, in 1998, Jerry Lauro was the only person with the authority and responsibility to determine the outcome of the child abuse investigation. Lauro's decision was that Sandusky was not abusing a child and determined the complaint to be "unfounded."

<sup>38</sup> [http://www.pennlive.com/midstate/index.ssf/2012/08/second\\_mile\\_jerry\\_sandusky\\_3.html](http://www.pennlive.com/midstate/index.ssf/2012/08/second_mile_jerry_sandusky_3.html)

<sup>39</sup> Lauro was a Program Representative for DPW. He was not an investigator for Centre County CYS.

<sup>40</sup> The Freeh Report stated that Lauro was assigned because he worked on high-profile abuse cases; however there are no provisions in the Public Welfare Code or in DPW procedures for high profile cases.

The *P-N*'s deficiency in outlining the procedures for child abuse investigations made it appear as if Lauro's presence in the investigation was typical, when it was not. However, where the newspaper went seriously awry was in its continual blaming of DA Ray Gricar for not prosecuting the case.

*Gricar knew the results of the sting before he made his decision not to prosecute.*

The full story was that Gricar could not have prosecuted the case when the DPW's investigator had determined it to be "unfounded." Lauro would have been the star witness for the defense in such a case.

In conclusion, the 1998 abuse investigation of Sandusky was not closed by DA Ray Gricar, it was closed by DPW's Jerry Lauro.

## Story #5: November 13, 2011

**Special report: Inside the Jerry Sandusky investigation - why did it take so long?** The errors in this column could have been identified by the Pulitzer committee by simply cross-referencing it against the other articles the *P-N* submitted in its nomination package. However, the other journalistic issue with this story was that it was written so haphazardly that it was nearly incomprehensible. In other words, Ganim did not use the pyramid writing style and her reporting appeared to be a list of random facts about the investigation that were scattered among other facts that were not specifically related to the investigation.

At around the half-way point of the article, it finally got around to making the point that the investigation was mishandled, which should have been among the first points presented.

*“It was completely mishandled,” one source close to the investigation told The Patriot-News. “I know these investigations take time, some of them, but someone should have been on this day and night from the beginning because of the severity ”of the allegations.”*

After that point was made, the missteps in the investigation should have flowed in order of significance. Again, one of the most significant points of the story was near the end, where former prosecutor Beth Karas stated:

*“If they were taking the allegation seriously, and of course they were, then it seems the children of Second Mile should be of paramount concern,” she said. “At a minimum, I would think they inquired of Second Mile about Sandusky’s role there, as of the time the investigation began, and whether he had contact with children.”*

Four of the first five persons interviewed (Aaron Fisher, Steve Turchetta, F.A., and F.P.) about Fisher’s 2008 allegations by the OAG all mentioned Sandusky’s involvement with TSM. Every child who was part of the case was involved with TSM; however, the *P-N* failed to call out the seemingly obvious incompetence of the OAG investigators who didn’t connect Sandusky’s abuse of children with his role at TSM .

To Ganim’s credit, she did place a couple significant pieces of information near the beginning of the article, but she didn’t provide the necessary background to understand that investigative procedures were not being followed.

*At first, the case shuffled through the legal system. It was referred from Clinton County to Centre County, where the crimes were alleged to have taken place. In March 2009, then-Centre County District Attorney Michael Madeira transferred the case to then-Attorney General Tom Corbett’s office, citing a conflict of interest.*

*Despite the fact that Sandusky might continue to have contact with young boys through The Second Mile, despite the explosive possibility that a legendary Penn State coach might have committed repeated sexual assaults, only one state trooper was assigned to the case.*



What Ganim failed to report, which was a consistent deficiency across her scandal reporting, was that the statute required the formation of a multi-disciplinary investigative team<sup>41</sup> to work the case.

In the next sentence, Ganim again provides a fact, but doesn't explain that the case couldn't move forward because there was only one victim. In "pillar of the community" sexual abuse cases, multiple victims are typically needed to gain a conviction.<sup>42</sup>

*A grand jury began looking at the case in Harrisburg, but the investigation centered around only the one alleged victim and one set of incidents of abuse.*

The next two sentences in the story were falsehoods, one of which was contradicted by a date given earlier in the column.

*Finally, in fall 2010, the attorney general's office began to supervise the case.*

*One of the first things that happened was the discovery of a 1998 report in the files of the Penn State police.*

The first sentence was disproven by Ganim's earlier statement in the story that reported the case had transferred to the OAG in March 2009.

The discovery of the 1998 police report didn't happen in the fall of 2010, rather it happened on January 3, 2011. I suspect the *P-N* reported this known falsehood to likely cover up the fact that they got the police report as a result of a leak.

While the paper contended that Ganim had received a tip on it and tracked down the report early in 2011,<sup>43</sup> the *P-N* avoided admitting that the police report was used to break the Sandusky story. Why would they be so secretive about their possession of the report if they obtained it honestly? Their failure to admit they possessed the police report and used it to break the story indicates that it was most likely obtained through a leak.

As it turned out, the 1998 police report was the single biggest factor in making the case because it led to the interview of the mother of Victim 6, who – along with her daughter – identified three other Sandusky victims. Therefore, from the leads provided by this mother, the police were able to contact victims 4, 5, 6, and 7. However, the reason Ganim glossed over this fact in the column is likely because – according to a stipulation in the Sandusky trial – she passed the name of the investigator to the mother.

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<sup>41</sup> (c) **Investigative team.**--The county agency and the district attorney shall develop a protocol for the convening of investigative teams for any case of child abuse involving crimes against children which are set forth in section 6340(a)(9) and (10) (relating to release of information in confidential reports). The county protocol shall include standards and procedures to be used in receiving and referring reports and coordinating investigations of reported cases of child abuse and a system for sharing the information obtained as a result of any interview. The protocol shall include any other standards and procedures to avoid duplication of fact-finding efforts and interviews to minimize the trauma to the child. The district attorney shall convene an investigative team in accordance with the protocol. The investigative team shall consist of those individuals and agencies responsible for investigating the abuse or for providing services to the child and shall at a minimum include a health care provider, county caseworker and law enforcement official.

<sup>42</sup> [http://www.missingkids.com/en\\_US/publications/NC70.pdf](http://www.missingkids.com/en_US/publications/NC70.pdf), page 76

<sup>43</sup> [http://www.pennlive.com/midstate/index.ssf/2011/11/jerry\\_sandusky\\_sacbdal\\_answer.html](http://www.pennlive.com/midstate/index.ssf/2011/11/jerry_sandusky_sacbdal_answer.html)

Given the above, the story's later assertion that adding "more investigators" that led to finding "more victims" was patently false – and she knew it to be false when she wrote it.

### ***MORE INVESTIGATORS, MORE VICTIMS***

*State Police Commissioner Frank Noonan — who took office in January — increased the number investigators to eight, including five from the state police and three from the attorney general's office.*

*"He did move it forward, absolutely," said state police spokeswoman Maria Finn said. "He was very familiar with the case and believed it was necessary to increase the resources (and) investigators. It was also a time when the case was picking up steam with more leads."*

*Quickly, the investigation took off and they discovered new victims.*

The fact was that only ONE victim was identified from leads developed after Noonan was sworn in as PSP commissioner.<sup>44</sup> Victim 3 was found in July 2011 from camper/participant lists obtained from TSM.

The evidence reveals that Ganim and the P-N were again fabricating a story about how the police, under the direction of Commissioner Frank Noonan, tracked down the victims in the Sandusky case and, at the same time, were covering up an improperly run investigation.

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<sup>44</sup>[http://filesource.abacast.com/commonwealthofpa/mp4\\_podcast/2014\\_06\\_23\\_REPORT\\_to\\_AG\\_ON\\_THE\\_SANDUSKY\\_INVESTIGATION.pdf](http://filesource.abacast.com/commonwealthofpa/mp4_podcast/2014_06_23_REPORT_to_AG_ON_THE_SANDUSKY_INVESTIGATION.pdf). Page 27

## Story #6: November 15, 2011

Second Mile official had concerns about Jerry Sandusky and certain boys in 2008 was an article written as if a bunch of facts written on slips of paper were pulled from a hat to construct a story.

The most interesting thing about this story is that it reveals a lot of behind the scenes information about the charity (if you were persistent enough to ferret out the information). The most interesting detail was that **Sandusky's** consulting fee ended in late 2008 or early 2009<sup>45</sup> as he was no longer shown to be working any hours. In other words, the charity had fired him "on paper."<sup>46</sup>

|   |       |   |   |   |   |  |  |          |    |        |
|---|-------|---|---|---|---|--|--|----------|----|--------|
| JERRY SANDUSKY<br>DIRECTOR                | 0.00  | X |   |   |   |  |  | 0.       | 0. | 0.     |
| DR JACK RAYKOVITZ<br>EMPLOYEE / PRESIDENT | 40.00 | X | X | X | X |  |  | 130,846. | 0. | 5,433. |
| KATHERINE GENOVESE<br>EMPLOYEE            | 40.00 |   |   | X |   |  |  | 100,580. | 0. | 5,433. |
| HENRY LESCH<br>EMPLOYEE                   | 40.00 |   |   | X |   |  |  | 74,635.  | 0. | 4,031. |

BAA For Privacy Act and Paperwork Reduction Act Notice, see the Instructions for Form 990. Schedule J-2 (Form 990) 2008  
TEEA4301 12/15/08

### SCHEDULE J-2 (Form 990)

Department of the Treasury  
Internal Revenue Service

### Continuation Sheet for Form 990

Attach to Form 990 to list additional information for Form 990, Part VII, Section A, line 1a.

OMB No 1545-0047

**2008**

Open to Public  
Inspection

Name of the Organization

Employer identification number

THE SECOND MILE

23-2061185


#### Part I Continuation: Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees

| (A)<br>Name and Title             | (B)<br>Average hours per week | (C)<br>Position (check all that apply) |                       |         |              |                              |        | (D)<br>Reportable compensation from the organization (W-210599-MSC) | (E)<br>Reportable compensation from related organizations (W-210599-MSC) | (F)<br>Estimated amount of other compensation from the organization and related organizations |
|-----------------------------------|-------------------------------|--|-----------------------|---------|--------------|------------------------------|--------|---|--|---|
|                                   |                               | Individual trustee or director         | Institutional trustee | Officer | Key employee | Highest compensated employee | Former |   |  |   |
| MARC MCCANN<br>EMPLOYEE           | 40.00                         |  |                       | X       |              |                              |        | 62,693.   | 0.   | 5,433.  |
| KATHY ANDERSON-MARTIN<br>EMPLOYEE | 40.00                         |  |                       | X       |              |                              |        | 58,953.   | 0.   | 1,131.  |
| BONNIE MARSHALL<br>EMPLOYEE       | 40.00                         |  |                       | X       |              |                              |        | 64,219.   | 0.   | 5,433.  |
| SUZANNE YOUNG<br>EMPLOYEE         | 40.00                         |  |                       | X       |              |                              |        | 41,920.   | 0.   | 0.  |
| DAVE WOODLE<br>DIRECTOR / V-CHAIR | 0.00                          | X                                      | X                     |         |              |                              |        | 0.  | 0.   | 0.  |

The story then went on to state that Sandusky resigned in 2009 and his founders message, a regular feature in the charity's annual reports, had been replaced by testimonials from TSM participants in the 2009 and 2010 editions.

<sup>45</sup> The 2008 IRS 990 form for Aug 31, 2008 to Aug 31, 2009 revealed Sandusky was not paid his \$57,000 consulting fee. Once they learned of his abuse investigation in November 2008, it appears he was off the payroll.

<sup>46</sup> This does not rule out that Sandusky was paid by the charity by some other means.



In the past two Annual Reports, you have heard me speak about our dream to build a permanent home for Second Mile children, families, and supporters: The Second Mile Center for Excellence. I am pleased to report that this year we have moved closer to realizing this dream. Thanks to our dedicated committee and many generous donors, The Second Mile Campaign for Excellence is nearing its Phase 1 goal and preparing to embark on Phase 2 of this fundraising effort. As part of Phase 1, we will be building two components of the Center for Excellence: the Outdoor Recreational Complex and the Educational and Recreational Building.

The Outdoor Recreational Complex will include football and soccer fields, baseball fields, basketball courts, volleyball courts, a fitness trail, a high ropes course, pavilions, and gazebos. With all of these elements, The Center for Excellence will provide a place for play and for learning. These outside spaces will be used for playing large group games, providing breakaway areas for small groups, facilitating initiatives, and best of all, they will help in the promotion of an atmosphere where a kid can simply be a kid.

The Educational and Recreational Building will include a multi-purpose gymnasium, exercise facilities, classrooms, and dormitory space. We are currently in the design phase of this building, working with an owner's representative and architects to design a space that will best fit our program needs and be a welcoming space for all members of The Second Mile family. This building will be the cornerstone of The Center for Excellence Campus, providing the spaces we need to stage Friend Events, run Challenge Program weeks-in-residence, hold Friend Fitness workouts, conduct the Leadership Institute, train volunteers to implement our programs regionally, and even host some of our special events.

The possibilities The Center for Excellence represents are endless, and we are excited to have a place coming closer to fruition, a place that will stand long into the future and represent The Second Mile's commitment to children and families. When I founded The Second Mile, I envisioned an organization that would always keep its promise to children, and I believe that, through The Center for Excellence, we always will.

*Jerry Sandusky*  
Jerry Sandusky  
Founder

## 2008 Annual Report

### You Help Change Children's Lives...

#### A THANK YOU FROM ONE OF THE YOUNG PEOPLE YOU'VE SUPPORTED

Dear Second Mile Donor,


As a "graduate" of a Second Mile program who is enrolled in college and has financial need, I was eligible to apply for a scholarship through The Second Mile's Children's Scholarship Fund. I recently learned that I was awarded a \$1,000 scholarship and am writing this letter to give sincere thanks to all donors to The Second Mile. Although, to you, it may have been just a natural act to donate money to The Second Mile, I want to let you know that your generosity to The Second Mile impacted my life throughout my adolescence and is now helping me to continue to reach for my dreams.

I started The Second Mile Friend Fitness Program when I was in the eighth grade and continued with it all the way until my graduation from high school. The program taught me many valuable skills, including how to live in a healthy manner. However, more importantly, The Second Mile taught me how to work hard and to never give up, even when things seem almost too tough to bear.

These values that have been instilled in me have continued to carry me throughout my college education. Currently, I am a junior at the Pennsylvania State University and have been accepted this year into the new and prestigious MAcc Program in the Smeal College of Business. The MAcc Program is the Master's of Accountancy Program that accepts only a select number of students who are dedicated to a career as an accountant. It is a five-year program, master's inclusive, which gives students the opportunity to earn all of their required class hours for CPA certification and also provides an excellent chance to line up internships and jobs before graduation. My future goals are to continue my hard work as a student and graduate with a Master's Degree in Accounting, securing an internship at one of the four major accounting firms.

Like other students who have participated in Second Mile programs, I have The Second Mile and the program mentors and staff to thank for their support and you to thank for providing programs like Friend Fitness and the Children's Scholarship Fund that make that support possible. I hope that you know that I will never take your contributions for granted.

Sincerely,  
Lindsey Hoff



## 2009 Annual Report

### You Help Change Children's Lives...

#### A "THANK YOU" FOR YOUR IMPACT FROM TWO SECOND MILE LEADERSHIP INSTITUTE PARTICIPANTS

"During high school, I participated in The Second Mile Leadership Institute. Through the program, I learned leadership skills and ways I can give back to my school and community. The program gave me confidence to run for my high school's student council, where I was elected Vice President during my senior year, and I was also selected to as Salutatorian at my graduation ceremony. Now, as a freshman at Penn State University, I am looking forward to expanding my leadership skills and meeting new people. I would not have had the skills or confidence to do any of this without The Second Mile. Thank you for all that you have done for me." -Poi Veng Suan



"Staff who work with students in the Migrant Education Program nominated me for a wonderful opportunity - to participate in The Second Mile's Leadership Institute. The Second Mile motivated me to learn how to be courageous, confident, and resilient, and taught me the importance of staying positive in order to be a great leader. The Institute also helped improve my social skills as my team initiated a project in our schools, a Celebration of Diversity. I also decided to serve others in ways beyond our team project: the program motivated me to spend time doing community service by becoming a companion to the elderly and disabled and by picking up trash to beautify our neighborhood. The Second Mile taught me that I can have an impact on our society, the environment and my community. As a freshman at Penn State University Park, I want to continue to give back by volunteering to educate and encourage my peers to accomplish their goals. I know that without the support of The Second Mile, I would not have gotten this far." -Theana Lanh



## 2010 Annual Report

Despite all of this knowledge, the *P-N* continued to perpetuate the charity's story that Sandusky had "retired" in the fall of 2010 throughout the majority of its scandal coverage.

The *P-N*'s obfuscation of the charity's knowledge of Sandusky's child abuse was also evident in this passage:

*"The Second Mile raised approximately \$17 million between 2002, when the charity was notified by Penn State that Sandusky had been banned by the university from bringing Second Mile youths on campus, and late 2008, when Sandusky stepped away from the programming aspects of the charity because he was the target of a new investigation."*

The Sandusky grand jury presentment stated that PSU Athletic Director Timothy Curley informed TSM "of the conduct that was reported to him."<sup>47</sup> Curley's grand jury testimony was that McQueary informed him that Sandusky was showering with a child,<sup>48</sup> thus TSM was made aware of a behavior that should have been reported as suspected child abuse. The Executive Director of TSM, Dr. Jack Raykovitz was a licensed psychologist and was among the enumerated individuals who are required by law to

<sup>47</sup> Sandusky grand jury presentment, page 8.

<sup>48</sup> Curley/Schultz preliminary hearing transcripts, December 16, 2011, page 187.

report suspected child abuse. The *P-N*'s Sandusky coverage **continuously downplayed the information that PSU had reported regarding the 2001 incident to the charity.**

The *P-N*, in this column and in many others, **repeated the falsehood that Sandusky had stepped away from the programming aspects of the charity** after his abuse investigation became known to the charity. The trial testimony<sup>49</sup> revealed that Sandusky continued to abuse one TSM participant past his sixteenth birthday in July 2009. Also, a number of media outlets reported that instances of Sandusky attending TSM events involving children in 2009 and 2010, to include banquets<sup>50</sup> and TSM's Summer Challenge camp.<sup>51</sup>

While the headline for the story indicated that the *P-N* was reporting about the charity's knowledge of Sandusky's abuse, the column actually revealed very little about that topic. Instead, the **column addressed the lack of openness and transparency in how the charity dealt with the Sandusky investigation within its own board and with the public.** It bears repeating – Sandusky's resignation was forced by the TSM State Board in 2009. The regional boards and the public were not made aware of Sandusky's abuse finding or that he had resigned.

*At least seven members of the organization's south-central board of directors have resigned in the last week, Schimmer said. He expects more will quit in the coming days.*

*"I was not happy with the sequence of events and notifying members of our organization," he said.*

*Schimmer said he was unaware who knew what at the state board level or when they knew it.*

*"We in the south-central board were not notified of the existence of any allegations prior to the formation of the grand jury," Schimmer said. "At that point, it was simply an allegation and everybody was in disbelief."*

A more appropriate headline for the story would have said "Charity's cover-up of Sandusky's abuse investigation puts it on the verge of collapse."

Before joining the *P-N*, Sara Ganim attended a Centre County Board of Commissioners meeting in January 2011,<sup>52</sup> where Dr. Raykovitz and Katherine Genovese approached the county for a grant for the Center for Excellence. The grant was eventually approved<sup>53</sup>. At that meeting, the couple was asked if Sandusky was involved with the project. Raykovitz responded: **"He still works with us at special events,** things like that, but he's not involved in the programs, or anything that has to do with the project per se." Genovese added, "Jerry retired from the organization this past year."<sup>54</sup>

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<sup>49</sup> Commonwealth v. Sandusky, 6-13-2012, page 236

<sup>50</sup> <http://www.theprogressnews.com/default.asp?read=16492>

<sup>51</sup> <http://pittsburgh.cbslocal.com/2011/11/11/mother-claims-second-mile-lied-about-sanduskys-presence-at-camp/>

<sup>52</sup> [http://www.pennlive.com/midstate/index.ssf/2011/03/jerry\\_sandusky\\_former\\_penn\\_sta.html](http://www.pennlive.com/midstate/index.ssf/2011/03/jerry_sandusky_former_penn_sta.html)

<sup>53</sup> <http://www.theprogressnews.com/default.asp?read=28988>

<sup>54</sup> WJAC-TV, January 2011

Given the above, Ganim knew that TSM kept Sandusky involved with the charity even after his forced resignation and public retirement. Despite her knowledge of Sandusky's active role with the charity, her reporting up until August 2012 repeated the falsehood that he retired in 2010.

The information and research that was performed for Story #6 laid the ground work for the *P-N*'s next story regarding the relationship between PSU and TSM – which also obfuscated what truly was happening at the charity.



## Story #7: November 17, 2011

**Special report: The Second Mile and Penn State: Charity and university's fates were tied together** was yet another biased report by the *P-N* that failed to report the most significant relationships between PSU and TSM, while highlighting rather insignificant ones. To wit:

*"The Penn State Nittany Lion mascot wore a Second Mile T-shirt.*

*There's no more striking image of the bond that existed between the university and the kid's charity founded by **Jerry Sandusky**"*

While the mascot may have served as an image, the real bonds between TSM and PSU – as the evidence will show -- were in their respective executive board rooms. However, the *P-N* used Sandusky's former role as the PSU football defensive coordinator to concoct a story about how PSU's and the charity's fates were tied to the Sandusky scandal and that PSU was using TSM to build its brand.

*"Either way, Penn State strengthened its "brand" through Second Mile programs and events. The Nittany Lion mascot in the Second Mile T-shirt was a regular feature — both at fundraisers and at programs for the children."*

In actuality, the opposite was true.

TSM was associating itself with the PSU brand in order to enrich itself and build its reputation. PSU gained little to nothing from its association with TSM. Similarly, the fates of each were not tied together, as PSU has survived the Sandusky scandal while TSM has collapsed.

The *P-N* story was quite a stretch.

However, the bias in its reporting on this story became obvious when it broached the subject of PSU graduates choosing TSM as philanthropy.

*At a university that makes a production of inducting graduates into the alumni "family," those who wanted to be philanthropic turned easily to The Second Mile. It was seen as a Penn State "family" business.*

*Nearly all the top employees at the charity had Penn State degrees.*

*The son of Penn State's board chairman served on the Second Mile's board. More than three-quarters of the current Second Mile board are Penn State alumni.*

*Penn State students served as interns at The Second Mile, soliciting donations from local businesses for charity events, and received university course credit for doing so.*

*Penn State football players volunteered for The Second Mile. And The Second Mile featured Penn State players on inspirational sports cards it distributed to children in 421 of Pennsylvania's 500 school districts.*

*It was great public relations for Penn State's athletic program. More than 1 million sets of cards were distributed.*

The *P-N*'s reporting on the "family" business was highly deficient because it omitted many of the key relationships between PSU Board of Trustee members and TSM Board members.

Instead, it focused on rather insignificant relationships, such as that of Lloyd and Dottie Huck, who gave approximately \$5,000 per year to the charity.

*Dorothy "Dottie" Huck and her husband, Lloyd, are big Penn State donors. In total, the Hucks have given the university more than \$20 million.*

*Lloyd Huck, a former chairman of the board at Merck, sits on the Penn State board of trustees. Dottie Huck sits on the board of The Second Mile. In the last five years, the Hucks gave more than \$21,000 to The Second Mile, and Merck gave at least another \$8,000.*

The *P-N*'s continued spin on this story was clearly exposed however, when it tied the donations of Merck to Lloyd Huck. Huck retired from Merck in 1986,<sup>55</sup> however, **the current Merck CEO, Kenneth Frazier, was a member of the PSU BOT when the article was published.**<sup>56</sup> Again, the *P-N* did not mention Frazier when referencing the recent Merck donations in its column. This omission was not an isolated occurrence, as nearly every November 2011 BOT member who donated to TSM was omitted from the column.

Corporate CEO, **John Surma of US Steel sat on the PSU Board.**<sup>57</sup> US Steel had consistently donated between \$5,000 and \$9,999 from 2004 to 2008.<sup>58</sup> There was no mention of Surma or US Steel in the column.

**Paul Silvis, a PSU BOT member, was the one time "Head Coach" at Restek Corporation**<sup>59</sup> which also donated between \$2000 and \$4,999 every year from 2004 through 2009.<sup>60</sup> There was no mention of Paul Silvis and/or Restek in the column.

While the *P-N* omitted all of those donor relationships from the PSU Board, it took the opportunity to again highlight less significant donations and relationships with PSU.

*The university donated money to the charity last year, as did the Penn State Altoona Campus, the Penn State Milton S. Hershey Medical Center and the Lake Erie chapter of the Penn State Alumni Association.*

*The university, meanwhile, basked in a certain afterglow of goodwill from being so closely related to the charity.*

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<sup>55</sup> [http://en.wikipedia.org/wiki/Lloyd\\_Huck](http://en.wikipedia.org/wiki/Lloyd_Huck)

<sup>56</sup> <http://www.psu.edu/trustees/members/frazier.html>

<sup>57</sup> [http://en.wikipedia.org/wiki/John\\_P.\\_Surma](http://en.wikipedia.org/wiki/John_P._Surma)

<sup>58</sup> The Second Mile, Annual Reports 2004 to 2010

<sup>59</sup> <http://www.restek.com/philosophy>

<sup>60</sup> The Second Mile, Annual Reports, 2004 to 2009



*It opened its campuses for Second Mile summer camps.*

The Lake Erie Chapter of the Alumni Association **donated between \$500 and \$999**, while the Penn State Altoona campus and the Penn State Milton Hershey Medical Center **donated between \$1,000 and \$1,999 in 2010.**<sup>61</sup> Finally, according the TSM's IRS 990 forms, **PSU charged TSM the full price**<sup>62</sup> for food and lodging when it used PSU's facilities for its camps. In other words, PSU was not so charitable to the charity.

**Section B. Independent Contractors**  
**1** Complete this table for your five highest compensated independent contractors that received more than \$100,000 of compensation from the organization

| (A)<br>Name and business address                      | (B)<br>Description of Services | (C)<br>Compensation |
|---|--------------------------------|---------------------|
| PENN STATE UNIV 103 SHIELDS BLDG UNIV PARK PA 16802   | FOOD & LODGING                 | 124,587.            |
| PA CHAMBER INSURANCE PO BOX 8500-54773 PHILA PA 19178 | HEALTH INSURANCE               | 136,135.            |
|   |                                |                     |
|   |                                |                     |

**2** Total number of independent contractors (including but not limited to those listed above) who received more than \$100,000 in compensation from the organization ▶ **2**

BAA TEEA0108 01/30/10 Form 990 (2009)

All of the information above was on the public record at the time of the *P-N*'s Pulitzer submission, yet none of the Pulitzer Jurors saw fit to pull the records to ensure the reporting in this column accurately reflected the relationships between PSU and TSM.

However, the *P-N*'s most serious omissions regarding the "One Big Family" story were its failure to identify the business and fund raising relationships between the TSM Board and the PSU Board.

For example, **TSM Board Chairman Robert Poole** was a PSU distinguished alumnus<sup>63</sup> who had numerous construction contracts with Penn State.<sup>64</sup> Poole is the Major Gifts Chair for PSU's Campaign for the Future fundraising campaign.<sup>65</sup> Poole was one of the top donors to TSM, providing donations of over \$50,000 per year through his charitable foundation.<sup>66</sup> His name was not mentioned at all in the column.

Similarly, **TSM Board member Ric Struthers** was also a distinguished alumnus of the University and was a member of PSU's Campaign for the Future fundraising campaign.<sup>67</sup> Struthers had cut a lucrative contract for MBNA's Consumer Credit Division valued at over \$30M to obtain the contact information of all PSU graduates.<sup>68</sup> He was also a considerable donor to TSM. Struthers and/or MBNA's charitable foundation donated over \$50,000 to the charity.<sup>69</sup> Struthers name was never mentioned.

<sup>61</sup> The Second Mile, Annual Report 2010

<sup>62</sup> The Second Mile, IRS 990s, 1998-2010

<sup>63</sup> <http://www.smeal.psu.edu/about/advisory/bov/poole.html>

<sup>64</sup> <http://deadspin.com/5860893/second-mile-is--penn-state-school-paid-25-million-to-company-run-by-chairman-of-sanduskys-charity>

<sup>65</sup> <http://www.smeal.psu.edu/about/advisory/bov/poole.html>

<sup>66</sup> The Second Mile, Annual Reports, 2004 to 2010

<sup>67</sup> <http://www.smeal.psu.edu/about/advisory/bov/struthers.html>

<sup>68</sup> <http://www.philly.com/philly/blogs/inq-phillydeals/Penn-State-investigator-was-exec-at-firm-with-PSU-ties.html>

<sup>69</sup> The Second Mile, Annual Reports, 2004 to 2010

**TSM Board member Linda Gall** was also on the Campaign for the Future fundraising committee.<sup>70</sup> Her husband, Blake, was a member of the PSU Investment Council.<sup>71</sup> The Galls donated over \$50,000 per year to TSM.<sup>72</sup> Again, there was no mention of Blake or Linda Gall in the *P-N*'s column.

PSU Board of Trustee members **John Surma, James Broadhurst, Karen Peetz, and Ted Junker (emeritus)** served on the Campaign for The Future alongside the TSM Board Members. This fact may explain why the PSU BOT never discussed TSM's possible culpability for Sandusky's crimes.

Other notable omissions from the "One Big Family" story included **Governor Tom Corbett and Senator Jake Corman**. Corbett, who **approved**<sup>73</sup> a **\$3 million grant** for the building of TSM's Center of Excellence is also an ex-officio member of the PSU Board. Corman (R-Centre County) is a PSU graduate and joined the TSM State Board in 2009 -- when Sandusky was forced to resign from the charity.

One last TSM Board member, who should not have been missed in the *P-N*'s scandal coverage was Michael Sullivan. He is the owner of the **Automated Records Center**, which "lost" several years' worth of the charity's records related to Sandusky's travel.

The *P-N*'s omissions in this column didn't appear to be by accident and were part of its recurring practice not to report significant facts about the charity.

There was one other set of people the *P-N* forgot to mention: notable PSU officials whose names did **not appear** on the annual donor lists.

They were: Joe Paterno, Graham Spanier, Timothy Curley, and Gary Schultz.

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<sup>70</sup> [http://giveto.psu.edu/s/1218/images/editor\\_documents/Media\\_and\\_Events/Publications/Annual\\_Reports/2012-endowment-report.pdf](http://giveto.psu.edu/s/1218/images/editor_documents/Media_and_Events/Publications/Annual_Reports/2012-endowment-report.pdf), page 32

<sup>71</sup> Id, page 27

<sup>72</sup> The Second Mile, Annual Reports 2004 to 2010

<sup>73</sup> <http://www.post-gazette.com/news/state/2011/11/16/Corbett-approved-grant-for-Sandusky-charity/stories/201111160299>

## Story #8: November 20, 2011

For people around the world, Penn State and its football program go hand in hand was a somewhat accurate description of the passion PSU alumni have for the football program. However, it had some rather inexplicable errors regarding the 2004 meeting with Paterno and PSU administrators and information on Paterno's salary that in no way should have passed a review by the editors.

In both instances, the *P-N* had written prior columns explaining the misperceptions regarding both stories.

The first is the "urban legend" of the attempted firing of Joe Paterno in 2004. The author of the column, Ivey DeJesus wrote:

*Deeper than the audacity of Paterno, who in 2004 amid a dismal 4-7 season put his ranking superiors in place. Then-President Graham Spanier and then-athletic director Tim Curley had gone to Paterno's house to collect his resignation. "Not yet," replied a legendary coach who is celebrated on campus by a three-credit class and a life-size bronze statue. College football's winningest coach would decide the right time. He sent them on their way.*

That story was rightly debunked by the *P-N*'s own David Jones, which he recounted the story in a November 23, 2011 column. In the column, former PSU president Graham Spanier called the reports of the meeting "erroneous."

DeJesus's suggestion that Paterno was a highly paid coach also should not have gotten by the editors.

*"Paterno commanded a generous salary, bolstered from the belief among administrators that he and Penn State football generate hundreds of millions of dollars on and off the field."*

Again, the *P-N* went to considerable lengths early in the decade to find out how much Paterno was paid. When the amount was finally revealed, it proved that Paterno's salary was quite modest for a coach of a major football program. And again, David Jones, provided an accurate assessment in his November 23, 2011 column.

*That term "millions" will be mentioned when Spanier finally sits down with a serious prospect for Paterno's successor. Whether Penn State, long accustomed to paying an average salary to a legendary coach, can stomach a going rate among elite programs of \$2 million to \$3 million annually is a valid question.*

*"Penn State does not pay outlandish salaries to anyone," Spanier said. "We try to compensate all of our coaches fairly, and we are aware of the market forces. But we do feel there's something special about being a coach at Penn State.*

*"So if someone wants to come and be a coach at Penn State to make lots of money and be rich, this isn't the culture that supports that."*

The editor's decision to let these errors go to press indicated that the *P-N* was sacrificing accuracy for sensationalism. The idea of a scandal involving someone with a reputation as clean as PSU and Joe Paterno was apparently too good a story to pass up – even if it wasn't true.

Perhaps the most accurate statement in the entire column came at the end, where the author used the word “protagonist” (in the improper context) to define PSU’s role in the scandal. By definition, a protagonist is a leading character in a fictional work or a theatrical production.

The fiction in this case was the *P-N*’s reporting of PSU’s role in the Sandusky scandal.

## Story #9: December 11, 2011

Another version of Mike McQueary's story about Jerry Sandusky surfaces provides another example of the P-N's failure to provide a complete picture of the evidence that was known at the time, including P-N's neglect to explain the relevant laws in the case.

As the headline of Story #9 indicated, another version of Mike McQueary's story had surfaced – this time from the grand jury testimony of Dr. Dranov:

*According to the source with knowledge of Dranov's testimony before the grand jury, it went like this:*

*McQueary heard "sex sounds" and the shower running, and a young boy stuck his head around the corner of the shower stall, peering at McQueary as an adult arm reached around his waist and pulled him back out of view.*

*However, Dranov told grand jurors that he asked McQueary three times if he saw anything sexual, and three times McQueary said no, according to the source.*

*Because of that response, the source says, Dranov told McQueary that he should talk to his boss, head football coach **Joe Paterno**, rather than police.*

While Ganim reported the details of Dranov's testimony, she did not provide what I would consider to be a black and white version of how it differed from Mike McQueary's version. In short, McQueary **didn't actually see Sandusky and the boy in the shower** and only knew it was Sandusky after he exited. After hearing McQueary's story, Dr. Dranov did not recommend that Mike call the police or child welfare to report the incident.

The individuals involved in the Sandusky case had varying levels of responsibility under the law due to their professional backgrounds and experience. Those who were doctors, such as Dr. Dranov, or child care professionals were required to report instances of abuse. In this case, **none of the mandated reporters<sup>74</sup> believed a report was warranted.**

Next, Ganim didn't mention that McQueary's testimony was not only contradicted by Curley and Schultz, but practically everyone else who was involved in the case.

*But more importantly than public opinion, Mike McQueary's story is a key element to all the criminal cases involved in the Sandusky scandal.*

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<sup>74</sup> (b) Enumeration of persons required to report.—Persons required to report under subsection (a) include, but are not limited to, any licensed physician, osteopath, medical examiner, coroner, funeral director, dentist, optometrist, chiropractor, podiatrist, intern, registered nurse, licensed practical nurse, hospital personnel engaged in the admission, examination, care or treatment of persons, Christian Science practitioner, member of the clergy, school administrator, school teacher, school nurse, social services worker, day-care center worker or any other child-care or foster-care worker, mental health professional, peace officer or law enforcement official.

*His witness testimony was the only evidence of an assault in 2002 presented to grand jurors, and his detailed account is the reason that perjury charges were filed against two ousted Penn State officials. Both said they were told only about horseplay that made McQueary uncomfortable, while McQueary testified he told them explicit details about a rape.*

Only John McQueary confirmed that Mike conveyed that a sexual act occurred. Conversely, the other **seven individuals<sup>75</sup> involved stated that Mike didn't provide details of a sexual act occurring.**

Had those details been explained in the column, most reasonable people would have concluded that John McQueary was simply sticking up for his son and the overwhelming evidence was that Mike McQueary did not convey that he had actually observed a sex act in the showers.

In discussing the perjury charges, Ganim never mentioned in order to establish perjury, there has to be a corroborating witness to verify that McQueary told Curley and Schultz about a sex act occurring. Because McQueary alone met with Curley and Schultz, there was no corroboration to legitimately prosecute the charges.

*The case against them is dependent on the premise that McQueary's testimony is more credible than theirs.*

The P-N's coverage was consistently deficient in explaining these types of legal issues that would have shown the perjury charges, like the failure to report charges, were groundless. Please recall that Ganim was allegedly a "crime and courts" reporter, but missed those rather basic facts.

The inaccurate reporting by Ganim continued when she did not provide a full description of all the differences in McQueary's stories. **McQueary just didn't tell four stories, he told seven.**

*Since charges were filed Nov. 4, several variations of McQueary's story have come out publicly.*

- *His grand jury testimony says he heard slapping noises and saw a boy being sodomized by Sandusky.*
- *His hand-written statement to police says, "I did not see insertion. I am certain that sexual acts/the young boy being sodomized was occurring." He says the whole incident lasted about a minute.*
- *In an email he sent to friends following the firing of Joe Paterno, he says "I made sure it stopped," something not mentioned in the grand jury testimony or police statement.*
- *And now Dranov's testimony describes a new scenario.*

The first problem in Ganim's comparison is that no one has seen the actual transcript from the grand jury, so those were not McQueary's exact words. However, McQueary would testify in December that he never used the word "sodomy" to describe what he saw.

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<sup>75</sup> Dr. Dranov, Joe Paterno, Tim Curley, Gary Schultz, Graham Spanier, Dr. Jack Raykovitz, and Wendell Courtney

McQueary's handwritten statement is accurate. However, the third and fourth bullet points do not provide statements precisely about what McQueary saw.

A more accurate recitation of the versions provided by McQueary would have been:

- His handwritten statement was that he saw a boy being "sodomized" by Sandusky;
- His grand jury summary was that he saw a boy being subjected to anal intercourse;
- His email to friends didn't say what he saw, only that it was "broken up" when he left;
- He told his father that he didn't see penetration but saw Sandusky positioned behind the boy;
- He told Dranov that he saw Sandusky pull the boy back into the shower;
- He didn't tell Paterno specific details out of respect for the coach, however, he intimated that he told Paterno it was "extremely sexual and over the lines."
- He told Curley and Schultz that it was "extremely sexual and over the lines."

As the evidence above revealed, his stories to the police and father were much more graphic in terms of describing a sex act than the stories he related to his friends, Dr. Dranov, and PSU officials. In other words, McQueary provided graphic details to the police in 2010 but did not provide those details in 2001. Additionally, the words "extremely sexual and over the lines" seem to be rehearsed. Similarly, at another hearing, McQueary used the words "molestation act."<sup>76</sup>

A full reporting of the facts would have led to this conclusion.

Unfortunately, the *P-N* consistently fell short on reporting the full facts in this case.

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<sup>76</sup> July 29, 2013, Preliminary Hearing, pages 9 and 60

## Story #10: December 20, 2001

**Focus of public argument about moral responsibility turns to former Penn State official Gary Schultz** is yet another column that would have flunked the “credibility test” if the Pulitzer committee had even rudimentary knowledge of the Sandusky case. In fact, if I wasn’t so familiar with the reporting errors in the P-N’s coverage, I would have been surprised these mistakes made it by the paper’s editors.

*Only Schultz, head of the campus police department, knew about a weeks-long investigation four years prior, involving Sandusky, a boy and the same locker room<sup>77</sup> as the one where McQueary told him he witnessed a sexual assault.*

The incidents occurred in different buildings on the PSU campus.

*Only Schultz told the grand jury that state Children and Youth Services was involved in the 2002 case, when there is no record that the agency was ever told.*

Under the Public Welfare Code, unfounded records are expunged. If the report was made in 2002, there would have been no record of it. This fact was true for the 1998 investigation – no CYS record existed.

*After deciding that Sandusky should be banned from bringing kids to campus following the 2002 report by McQueary, Curley is the one who made the call to The Second Mile, telling Raykovitz that there had been an internal investigation<sup>78</sup> into Sandusky.*

Curley testified that he told Dr. Raykovitz the same information he was told by McQueary – that Sandusky had showered with a boy. Curley did not testify to conducting an internal investigation.

*Police detective Ronald Schreffler and Pennsylvania Children and Youth Services investigator Jerry Lauro, both involved in the 1998 case, have blamed Gricar for not pursuing that case.*

Lauro worked for DPW, not CYS. In three other media reports,<sup>79</sup> Lauro claimed that he decided there was no abuse due to lack of evidence, however, he contradicted those statements when talking to the P-N, and stated Gricar made all the decisions.

*While McQueary’s graphic testimony about seeing a boy being assaulted in a shower late at night in March 2002 was compelling,<sup>80</sup> Sandusky’s attorney, Joe Amendola, has pointed out that his reaction doesn’t match the description of what he saw.*

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<sup>77</sup> The 1998 incident occurred in the East Area Locker Room of “Old Lasch,” while the 2002 (sic) incident occurred in the Staff Locker Room of the new Lasch Building.

<sup>78</sup> Curley told Raykovitz that Sandusky had showered with a child. Another Second Mile official stated that Raykovitz had suggested that Sandusky wear swim trunks the next time he showered with a child.

<sup>79</sup> *The New York Times*, *Pittsburgh Post-Gazette*, and *Business Week*

<sup>80</sup> Story #9 revealed that Sandusky’s testimony was inconsistent. It would later be revealed that the grand jury who heard McQueary’s testimony was replaced in February 2011, thus the statements that McQueary was found “extremely credible” or that McQueary’s testimony was “compelling” were attributed to grand jurors who didn’t hear him testify.



The jury that heard McQueary's testimony was dismissed before the grand jury presentment was written. It is false to state that the jury found McQueary's testimony to be "extremely credible" or "compelling." Only the OAG and police found McQueary's testimony to be "compelling."

While the accuracy of this report was rather poor, the entire premise of making an argument of "moral responsibility" was necessary by the P-N because the legal arguments didn't support that Schultz did anything wrong.

*It's becoming obvious that Schultz is now a focus of the public argument about moral responsibility to do more — the same that led to the ousters of Paterno and Spanier.*

*In the court of law, the felony perjury charge is a much bigger deal — it carries a seven-year sentence.*

*But in the court of public opinion, the summary failure to report — which has the same consequences of a traffic ticket — has been much more of a focus.*

As I noted previously, there were no legal bases<sup>81</sup> for the perjury and failure to report charges made against PSU officials.

The P-N's reporting never broached that subject and instead pressed the argument that Schultz should have done more.

Instead of simply reporting the facts, P-N's reporters, editors, and most importantly, its legal staff, apparently determined that writing a story about Penn State officials who did not "**do more**" about an uncertain report they received in 2001 was better for business than writing stories about the **government and charity officials who failed to do their jobs** in 1998, 2001, and 2008.

In closing, P-N Publisher, John Kirkpatrick may have been right when he said:

*"We never lost sight of what the true story was."*

**You can't lose something you never had.**

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<sup>81</sup> Attorneys for the defendants in this case have filed motions for dismissals of the failure to report charges on the grounds that their clients were not mandated reporters under the 2001 law in effect and that the crime occurred outside the statute of limitations. In addition, motions for dismissal of the perjury charges have been filed because the defendant's right to counsel was violated. Rulings on those motions are pending.