

Did Penn State Officials Know Jerry Sandusky Was a Pedophile Since 1998?

-By Eileen Morgan

If you accept the scathing conclusions drawn by Louis Freeh in his July 2012 report, then you believe that Joe Paterno, Tim Curley, Graham Spanier, and Gary Schultz knew that Jerry Sandusky was a pedophile since at least 1998 and enabled him to continue to molest boys for over a decade. At the time Sandusky was investigated in 1998, Curley had been AD for about 4 years, Schultz had been in his position for a similar length of time, and Spanier had been president for only about two and a half years. These men knew that Sandusky had a reputation of being a pillar of the community, a caring man who had dedicated his life to helping young, underprivileged children maximize their potential in life. According to Freeh, these men also knew that Sandusky used his prestige and celebrity to gain access into the lives of young, unassuming boys through his Second Mile Foundation. It is there, where he met and preyed on boys, destroying their innocence, leaving them psychologically damaged for a lifetime.

Freeh had us believing that these high ranking men of Penn State, Joe Paterno-Head Football Coach, Tim Curley-Athletic Director, Graham Spanier-President, and Gray Schultz-Senior VP of Business & Finance, conspired to cover-up Sandusky's vile behavior with innocent children for over 14 years in order to avoid bad publicity and to protect their precious football program of Penn State.

According to Freeh's report, these four men knew that Sandusky was investigated for suspected child abuse in 1998 and, although the District Attorney did not bring charges after a thorough investigation, these men somehow knew the allegations were legitimate and that Sandusky was a pedophile. But what were they to do with this knowledge? Since the DA would not press charges, which would keep the truth about Sandusky out of public eye, Freeh's theory suggests that they now needed to band together and cover-up Sandusky's sexual molestation of children.

A 'cover-up' is defined as 'a concealment that attempts to prevent something scandalous from becoming public.' Could it be that these men, from this point forward in mid-1998, were in 'cover-up' mode? Apparently, they needed to conceal Sandusky's behavior at all costs in order to protect the football program from bad publicity.

PSU Officials Despised Sandusky

At this juncture, Freeh's theory would require us to consider the thoughts and attitudes of these men toward Sandusky after realizing he was a pedophile. A child molester is probably the lowest form of humanity on this earth. It is doubtful there are any human

beings detested more than a pedophile. Even when incarcerated for their depravity towards children, pedophiles are often harmed by fellow inmates. That is the pinnacle of hatred. Fellow criminals will not even tolerate the nefarious ways of a child molester. If pedophiles survive jail time or get a light sentence, they have nowhere to go. They are completely ostracized from society, despised and given little value as a human being. Paterno, Curley, Spanier, and Schultz must have absolutely abhorred Sandusky. They would have had zero respect, zero tolerance, and zero concern for him. And, they would have wanted nothing to do with him being that they all had reputations for promoting the well-being and development of children and youth. Not only was Sandusky the lowest form of life, but, by Freeh's account, Sandusky now brought them into his sick world, and in order to protect the football program they had to accept his lifestyle and stand idly by while he continued to destroy children's lives while they turned a blind eye.

The Alleged Cover-Up Begins

The first investigation of Sandusky began in May 1998. However, just a couple months earlier, in February, Paterno and Sandusky began talks about Sandusky's retirement. So, within two months of the first talks of Sandusky's retirement, the four senior officials at Penn State allegedly became aware that Sandusky was a serial pedophile. Sandusky's retirement would have been the perfect way out of this mess. Given the circumstances and their likely disgust for Sandusky, they would have wanted to distance themselves from him as far as possible and as quickly as possible. A speedy retirement would have been the clear-cut remedy.

Knowing the probable mindset the Penn State officials must have had toward Sandusky and his repugnant behavior, consider the following timeline of events that transpired since 1998. Do the actions of the Penn State officials harmonize with their aversion to Sandusky? Was there a speedy retirement and a quick disengagement from all contact with him? Keep in mind that year after year these men were becoming more deeply involved within their cover-up, Freeh speculates, so they had to protect themselves and their criminality even more. Incredulously, we are asked to believe that these actions were indicative of how the four men would have interacted with Sandusky, the man they were trying to distance themselves from as quickly as possible.

Interactions of Paterno, Curley, Spanier and Schultz with Sandusky

1998 (Page numbers/Exhibits are referenced from Freeh Report)

February 1998

- Paterno made it clear to Sandusky that Sandusky would not be the next head football coach (p.56) (due to his time spent with Second Mile. (Exhibit 3D))

- Curley considered offering Sandusky an Assistant Athletic Director position. Sandusky declined. (p.56)

May 1998

- Report of suspected child abuse of Sandusky to UP Police, State College Police, DPW, CYS, DA. (p.41)

June 1998

- DA determined no charges would be filed following a thorough investigation. (p.50)

1999

January 1999

- Email from Curley to Spanier and Schultz, "I had a good meeting with Jerry today. He is interested in going one more year (coaching) and then transition into a spot that handles the outreach program....We need to have Joe in support." (p.57, Exhibit 3C)

May 1999

- Sandusky's letter re Retirement requesting: Second Mile to have an 'on-going' relationship with Penn State, Second Mile to have continuing 'visibility' at Penn State, Sandusky wanted 'active involvement in developing an outreach program featuring Penn State Athletes' and wanted 'ways for him to continue to work with young people through Penn State.' (p.58, Exhibit 3E)
- Sandusky also requested a \$20,000 yearly annuity in addition to his pension, an office with telephone, a title reflecting his relationship with Penn State, football ticket options, access to training and workout facilities, opportunity to run a football camp, and other options of maintaining visibility with Penn State. (p.58, Exhibit 3F)

June 1999

- 13th, Curley emailed Spanier and Schultz that 'Jerry is leaning towards retirement if they agree to the \$20,000 annuity.' The email also stated that '**Joe did give him the option to continue to coach as long as Joe was coach.**' And 'Perhaps we could suggest another option of **him coaching three more seasons....Since Joe is okay with him continuing to coach** this might make more sense to all concerned.' (p.58, Exhibit 3G)
- 29th, PSU finalized a retirement agreement which was agreed to by Sandusky and PSU on June 29, 1999 which gave Sandusky a one-time lump sum (in lieu of the yearly \$20,000 annuity); football tickets for life; basketball tickets for life; use of locker, weight rooms and locker room facilities for life; for 5 years, subject to renewal, Sandusky and PSU agreed to work collaboratively with each other in community outreach programs, such as Second Mile, and Second Mile will have occasional recognition in the Beaver Stadium Pictorial and the Penn State Football Story Show; and Sandusky will have an office and a phone in the

East Area locker room complex for purposes of these collaborative arrangements. (p.59, Exhibit 3H)

- 30th, Curley sought to have Sandusky re-employed as an 'emergency hire' for the 1999 football season. Sandusky was re-hired for 95 days at his existing salary plus 6% cost of living increase. (p.60)

July 1999

- Curley announced Sandusky's retirement and said Sandusky 'will continue to offer his services on a volunteer basis to the athletic department's Lifeskills and Outreach programs.' (p.108)
- In the same announcement, **Paterno praised Sandusky's contributions** to the University's football program and said **Sandusky was '...a person of great character and integrity.'** (p.108)

August 1999

- University officials agreed to give Sandusky Emeritus Rank. Provost Rodney Erickson signed off granting Sandusky Emeritus Status. (pp. 60-61)

August-December 1999

- Sandusky's final season as a Penn State football coach.

NOTE: Freeh's Special Investigative Counsel did not find **any** evidence that Sandusky's retirement was associated with Sandusky's alleged criminal behavior on May 3, 1998. (pp. 55, 58)

Overview of Sandusky's Post Retirement Relationship with Penn State

1999-2008

- Sandusky operated summer youth football camps at University Park campus (1999-2008), Behrend campus (2000-2008) and Harrisburg campus (2007-2008). (pp.105, 108)
- After his retirement, PSU made 71 payments to Sandusky for travel, meals, lodging, speaking engagements, and camps. Speeches were at American Football Coaches Association, Penn State Leadership Conference, and a presentation at Penn State Spring Conference. (p.106)

2000-2011

- Sandusky had regular access to premium season seats in the Nittany Lion Club for all home PSU football games. (p.105)

2003-2011

- Penn State football staff and players helped Sandusky with his annual Second Mile Golf Outings. (p.108)
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2001

February 2001

- Mike McQueary witnessed Sandusky alone in the shower with a boy in the football locker room. (p.62)
- McQueary told his father, John, and Dr. Dranov (omitted by Freeh), who told Mike to tell Paterno, who informed Curley and Schultz, who informed Spanier. McQueary also met directly with Curley and Schultz. Curley informed the executive director of Second Mile, Jack Raykovitz, who told two Second Mile board members. (p.62)
- Schultz discussed the matter with PSU outside legal counsel Wendell Courtney. (p.62)
- Schultz and PSU legal counsel Wendell Courtney recollected that Centre County CYS was informed.(p.84 and p. 213 of Preliminary Perjury hearing transcripts)
- Curley and Schultz discussed, according to an email **that was CC'd to Schultz's assistant Joan Coble**, the possibility of informing Dept. of Public Welfare. (p.73, Exhibit 5F)
- Sandusky was told by Curley and Raykovitz not to bring children into the football facility any more. (pp.76-78)

September 2001

- In a press release, **Gary Schultz praised Sandusky for his work with Second Mile.** (p. 79)

2008

- Late 2008, Aaron Fisher (Victim 1) reports abuse by Sandusky.

2009

March 2009

- 12th, Attorney General (Tom Corbett) launches his Sandusky investigation.

2010

January 2010

- Investigation is ramped up. PSU subpoenaed for Sandusky's records. (p. 82)

May 2010

- 14th, **Curley wrote a letter of recommendation for Sandusky for the American Football Coaches Association Outstanding Achievement Award.** (p.106)

December 2010

- 28th, PSU counsel Cynthia Baldwin was informed that Paterno, Curley and Schultz would be subpoenaed. (p.82)
- 28th, Baldwin informed Spanier and Schultz. (p.83)

2011

January 2011

- 3rd, Baldwin met with Paterno. (p.83)
- 12th, Paterno, Curley, and Schultz appeared before the Grand Jury. (p.84)

March 2011

- 24th, Spanier subpoenaed to testify before the Grand Jury. (p.85)
- 28th, Curley and Spanier received word that the Patriot-News was running a story about the Sandusky investigation. (p.85)
- 31st, Patriot-News ran story about Sandusky investigation. (p.85)

November 2011

- 4th, Charges filed against Curley, Schultz and Sandusky. (p.91)
- 9th, Paterno and Spanier terminated from PSU (p.94)

Do PSU Officials' Actions Correlate with Freeh's Depiction?

To summarize, in 1998 the PSU men would have been repulsed by Sandusky and desperate to disassociate themselves from him immediately. Since, according to Freeh, they were now presumably covering up Sandusky's crimes, implicating themselves in criminal activity, they would have been in all out 'protective mode.' But the last thing they would have allowed, once Sandusky retired, was for him to have unlimited access to the football facilities. Logical thinking would suggest they couldn't have taken the chance of Sandusky committing additional crimes at these facilities, increasing the possibility of exposing their own cover-up and criminal activity. This would have been much too risky.

Recap of Behavior

Freeh's Special Investigative Counsel did not find **any** evidence that Sandusky's retirement was associated with his alleged criminal behavior on May 3, 1998. If PSU officials knew of Sandusky's pedophilia, why didn't they jump at the chance to firm up his retirement quickly in 1998?

Retirement talks began in February 1998 but did not come to fruition until June 1999, 1.5 years later. Paterno gave Sandusky the option to continue to coach as long as Paterno was head coach, and Curley and Paterno discussed the option of Sandusky coaching 3 more years. Sandusky asked for many special retirement perks. If the PSU officials were covering up for his pedophilia, Sandusky would have had NO negotiating power and his retirement would have been post-haste. Curley negotiated an emergency re-hire for the 1999 season at Sandusky's regular salary PLUS 6% cost of living, a very generous offer and increase for someone he must have loathed if he knew Sandusky was molesting children.

Per the retirement agreement, University officials granted Sandusky Emeritus status and the men 'allowed' the retirement to include unlimited access to the football facilities, workout room and locker room, the very place Freeh believes they knew that some of Sandusky's depraved sexual events frequently occurred.

The PSU officials agreed to an on-going relationship with Sandusky and Second Mile. Sandusky continued to run camps for young boys at Penn State's Main Campus for almost a decade after he retired, was paid for speeches, travel, food, etc. at PSU functions, and had premium seating for all home football games. PSU football coaches and players participated throughout the years in Second Mile golf outing fundraisers.

Freeh disclosed emails from the 2001 incident in which Spanier expressed the course of action they would take with Sandusky, based on what they knew at the time, was 'humane and reasonable.' (Exhibit 5G) If Spanier knew Sandusky was a child molester, why would he have had any concern for him and care if they were 'humane and reasonable' toward him? It flies in the face of logic. In addition, Exhibits 5C, 5E, 5F, and 5G all discuss informing the Dept. of Public Welfare (DPW) and Second Mile. If they were trying to conceal Sandusky's behavior why would going to DPW and Second Mile even be an option? Curley in fact did report the incident to Second Mile, Sandusky's employer and agency responsible for the children in Sandusky's care. They obviously were not concealing their 'cover-up.'

In July 1999, Paterno publicly praised Sandusky and said he was 'a person of great character and integrity.' In 2001, Schultz publicly praised Sandusky for his Second Mile work. And in May 2010, Curley wrote a letter of recommendation for Sandusky for the American Football Coaches Association Outstanding Achievement Award.

Do these actions represent actions of men who knew Jerry Sandusky was a pedophile? Do these actions depict animosity one would have toward a serial child molester, who they knew had unfettered access to young boys through the Second Mile and who could, at any

time of day, week after week, month after month, year after year, be molesting innocent boys?

Where Are The Emails and Phone Records?

By December 28, 2010, Spanier and Schultz knew that Paterno, Curley and Schultz were subpoenaed to appear before the Grand Jury on January 12, 2011. Freeh discovered a chain of two emails dated January 10, 2011 between Wendell Courtney and Gary Schultz. Courtney was giving Schultz a heads-up that Baldwin had called him inquiring about the 2001 incident. (Exhibit 5B)

If these four men at PSU had conspired for over a decade to cover-up Sandusky's pedophilia, there would probably have been a rash of emails and phone calls between them once they found out they were being subpoenaed to testify about Sandusky. Around the end of December 2010 and beginning of January 2011 these men would have been scrambling to talk to one another, to get their story straight, and to review their knowledge of 1998 and 2001 so that they would be on the same page regarding Sandusky's behavior.

Freeh found two routine emails between Courtney and Schultz on January 10, 2011. That's it. Where are all the other emails between Curley, Spanier, and Schultz? Certainly Freeh would have discovered numerous emails between these men discussing the subpoenas and their plan of attack regarding Sandusky and their cover-up. These men were about to have their presumed 14 year cover-up of a former coach molesting boys on the Penn State campus blown wide open. This was a five alarm fire. So where are the five alarm fire related emails?

What about phone records? The Attorney General subpoenaed the men's PSU office phone records, as well as their home and cell phone records. Surely there would have been a conspicuous trail of relevant phone calls between these men who were desperate to talk to each other so their stories regarding the last 14 years would corroborate with one another.

In addition, knowing they were complicit with Sandusky's crimes all those years and knowing they would probably be facing criminal charges, wouldn't Curley, Schultz and Spanier have retained competent counsel who specialized in criminal matters?

Do the lack of emails, lack of phone records, and lack of proper counsel portray the behavior of men being subpoenaed who had conspired in a child molestation cover-up? Do their actions represent actions of men who knew Jerry Sandusky was a pedophile since 1998?

No. In reality, the PSU officials' behavior suggests that they had absolutely no idea Sandusky was ever a pedophile. Freeh's most 'saddening finding' that Paterno, Curley, Spanier, and Schultz knowingly allowed Sandusky to molest boys for over a decade is clearly NOT SUPPORTED by facts, actions, or records.

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