

FREEH: Judge, Jury, and Executioner

Penn State Should Delay Settlement Talks Until All Trials Have Concluded

- by Eileen Morgan

The Freeh Report, which was supposed to be based on a full and fair investigation, was published on July 12, 2012. The Penn State Board of Trustees paid Louis Freeh between \$6.5 and \$10 million to conduct the investigation (the University has avoided providing a precise amount by lumping Freeh's bills with some others.) Yet they have never publicly reviewed, discussed, questioned, challenged or verified any of the Findings or Conclusions of the report. The Board's statements on July 12 and their subsequent actions have communicated an acceptance of the report. The most scathing conclusion was that 'Penn State officials knowingly enabled Jerry Sandusky to molest boys for 14 years on and around the campus.' Since when does one man's *opinion* become gospel truth, bypassing the court of law, to determine the accused's fate? This certainly is the course of action taken by the Penn State Board of Trustees, The NCAA, and the general public. These entities blindly enabled Freeh to be the judge, jury and executioner of Joe Paterno, Tim Curley, Graham Spanier and Gary Schultz. The Board's overwhelming silence on the matter of the Freeh Report speaks volumes. Each day they continue to remain quiet only increases the decibels of their approval of the report. Their uncontested acceptance of the Freeh Report opened the door for the NCAA to waltz in and levy unjustifiable sanctions on Penn State. The NCAA sanctions will be costing Penn State as much as \$100 million. The Trustees' stance regarding the victims' lawsuits and their criteria for settling on financial compensation has not been made public and it appears we may never be privy to these settlements. Keep in mind, the NCAA fines and the settlements to Sandusky's victims that PSU will be paying out is directly related to Penn State's culpability of Sandusky's crimes, which was determined by Louis Freeh's Report, which was paid for by the Board, who reported they NEVER read nor reviewed the report before receiving it and announcing that they were implementing its recommendations. In other words, the PSU Board of Trustees will be paying out tens of millions of dollars for *alleged* wrongs that have yet to be proven in a court of law. I am not referring to Sandusky's crimes, but rather Freeh's theory that university officials enabled Sandusky's crimes. How the Penn State Board of Trustees has gotten away with such a breach of fiduciary responsibility is absolutely mind boggling. Their leadership and good governance pertaining to the Sandusky Scandal has been non-existent since November 2011.

The American Justice System Must Be Upheld

Truth, honesty and justice are core values that this society must uphold. Many of us are seeking the entire truth behind the Sandusky Scandal, whatever that may reveal so that the victims will have justice. I believe the victims who were sexually abused by Sandusky should be compensated by Sandusky and any entity that was complicit with his crimes. Is Penn State culpable for Sandusky's crimes? The evidence thus far reveals no factual basis that Penn State officials were complicit. The Freeh Report has been [dismantled](#)¹ by a number of individuals and the Pennsylvania Attorney General has some [questions to answer](#)². However, the Penn State Board of Trustees appears to not care about truth, honesty and justice, but believes it best to just open its checkbook and compensate anyone who claims to be a victim. Again, I believe the victims should be compensated by all entities proven to be culpable, but I believe it to be a grave injustice for Penn State to compensate victims, until it is proven that PSU officials knowingly covered up Sandusky's crimes since 1998. If the Board freely compensates all claimants without absolute verification that a cover-up took place, then justice will not be served. This would not only perpetuate greed, dishonesty, and unlawfulness in our society but would encourage others to abuse the justice system that all Americans depend on to be fair and balanced. It is abhorrent what Sandusky did, but only those parties responsible, perhaps Sandusky alone, should have to make restitution.

PSU vs. Sandusky's Victims

Since July 2012, it has been reported that at least 25 men have come forward to sue Penn State for Sandusky's crimes. Only ten victims (Victim 2 and Victim 8 were unidentified and not present) were part of the Sandusky Trial. Of those ten victims, only two (Aaron Fisher-Victim 1 and Victim 9) reported abuse by Sandusky after the 2001 incident which involved Mike McQueary witnessing Victim 2 alone in the football shower with Sandusky. Victims 3, 4, 5, 6, 7, 8, & 10 all were abused before the 2001 incident.

Note: The date of the abuse of Victim 5 is in dispute and based on analysis, we believe the 1998 date to be correct, not the 2001 date testified to at trial.

¹ Eileen Morgan's Freeh Report Analysis, July 29, 2012.

² Eileen Morgan's 'Three vs. Ten: Unequal Justice Under The Law', February 11, 2013.

Chronological Chart of Sandusky's Abuse³

- Victim 7 - Abused 1997 in PSU pool.
- Victim 10 – Abused 1997-1999 in pool and Sandusky's home
- Victim 4 - Abused 1998-2000 in various locations.
- Victim 6 - Single shower incident 1998.
- Victim 5 - Single shower incident 1998.
- Victim 3 - Abused 2000 at Sandusky home & in shower.
- Victim 8 - Abused PSU shower 2000, Victim has not been identified, only by hearsay witness.
- Victim 2 – Abused PSU shower 2001 - witnessed by McQueary – reported by PSU officials, who reported it to Second Mile.

(Four years of apparent stop of abuse.)

- Aaron Fisher (Victim 1) – Abused 2005-2008 at Sandusky's home & CMHS.
- Victim 9 – Abused 2006-2009 at Sandusky's home

The 1998 Investigation

Victim 6 was at the center of the 1998 investigation which was reported by his mother to the police. The 1998 investigation of Sandusky was thoroughly conducted by University Park police, State College police, DPW, CYS, and the District Attorney. After a month long investigation the DA determined there was not enough evidence of criminal activity and did not file charges against Sandusky.

The Penn State officials - Joe Paterno, Tim Curley, and Graham Spanier, claim they never knew of, let alone knew any details of the 1998 investigation. The trials for Curley, Spanier, and Gary Schultz have been postponed at the time of this article, therefore, what exactly was known by Curley and Spanier has not been determined by the court of law. We do know that the police officials and proper state/county agencies investigated Sandusky and found no evidence to bring charges. This clearly exonerates the Penn State officials from culpability in 1998. If they knew anything, they knew that Sandusky was unjustly accused of any wrong doing. This knowledge, if they knew anything, would certainly not give them any reason (and would be unlawful) to treat Sandusky like a child molester.

³ Ray Blehar's 2011 Grand Jury Presentment, November 10, 2012.

This begs the question: Why would Penn State compensate any victims that were abused by Sandusky prior to 2001? Even for victims 2, 1, and 9 in which the abuse began in 2001, 2005, and 2006, respectively, one would think that PSU would wait for the results of the trials for Messrs. Curley, Spanier, and Schultz.

One Final Thought

When it comes to Penn State admitting to the school's alleged cover-up and paying restitution to 25 victims, the majority of which did not go to trial and prove Sandusky's abuse in a court of law, one can only hope that the Trustees will finally review the heavily flawed Freeh Report and facts regarding the victims and dates of the abuse prior to any settlements. Perhaps the most fair, reasonable, and lawful action for all parties involved would be for PSU to wait until the trials of Messrs. Curley, Spanier, and Schultz have concluded to decide Penn State's culpability, if any. After all, these men have only been *alleged* to have committed a crime. It is time to finally uphold **due process**, the foundation of the American justice system, and put an end to Freeh's reign of being judge, jury, and executioner.

Eileen Morgan
2-19-13