

## **WHY WAS GOING BACK TO THE 1998 INVESTIGATION SO CRUCIAL?**

**By Eileen Morgan**

Q. Why did the Attorney General (AG) and Louis Freeh focus on the 1998 investigation of Jerry Sandusky and force this to be the crucial starting point?

A. Because the AG had to use the 1998 investigation to fit their narrative that the Penn State (PSU) officials had covered up for Jerry Sandusky's child molestation for over a decade and this narrative allowed the AG to cover up the failures of PA state agencies in the 1998 investigation.

Here's my theory.

This story is much more sensational: Joe Paterno, iconic head football coach of Penn State, known worldwide for his no-nonsense approach to life and football, beloved by players, students, and fans alike, enabled his assistant coach to have freedom to molest innocent children in the PSU football facilities in order to protect his precious Penn State football program.

This sensationalized story, which was the narrative from the start, focused on Joe Paterno and his alleged failure. It doesn't focus on the true criminal. This was what the media took and ran with. Sure, they mentioned Sandusky's name, but that was not their focus. This is exactly what the AG/Freeh wanted.

And here we are today.

The real story should have read: Second Mile founder, Jerry Sandusky, manipulated and deceived thousands of parents, players, coaches, fans, police detectives, child welfare employees, and even his wife for at least 14 years while he systematically used his Second Mile Foundation to prey on innocent boys and sexually molest them.

The true story would have been shocking and heartbreaking enough. But the true story has a problem for the AG.

The investigation into Aaron Fisher's (Victim 1) allegations began in 2008. In June, 2009, the investigator (and the AG, who was Tom Corbett at the time) became aware of the 1998 Sandusky investigation that involved the university Park Police Dept, the State College Borough Police, the Dept. of Public Welfare (DPW), Centre County Child and Youth Services (CYS), and the District Attorney (DA). In December 2010, the investigator/AG became aware of the 2001 incident involving Mike McQueary walking in on Sandusky and a boy showering in a PSU football locker room.

Upon reviewing the police file of the 1998 investigation, the AG/investigator became aware that the PA state agencies, namely, DPW and CYS, had botched the 1998 case against Sandusky. These agencies had concrete evidence, including a report from licensed psychologist Dr. Chambers, who determined Sandusky exhibited 'grooming behaviors' and was a 'likely pedophile.' However, rather than use Chambers' report, the DPW enlisted CYS to obtain a report from John Seasock, an unlicensed counselor. Seasock determined Sandusky did not exhibit the behavior of a pedophile but that of a 'football coach.' And with that report, the investigation was successfully derailed. Was it incompetence on the part of the DPW and CYS or a cover up to protect Sandusky and The Second Mile? (For details, please see my [Critical Analysis of The Freeh Report](#) and Ray Blehar's Detailed Analysis of 1998, coming soon.)

The problem is this: The 1998 investigation undoubtedly shows that the DPW and CYS were clearly negligent in their investigation and had enough evidence to charge Sandusky or at least further investigate by talking to more children from the Second Mile which likely would have led to charging Sandusky and taking him off the streets.

What is AG Corbett to do? It is now 2010 and he is trying to put a case together to charge Sandusky with child sexual abuse but does he want to implicate his own state agencies and expose their careless and reckless work that would have put Sandusky away over a decade ago? Does he want to jeopardize his state and make them liable for their failures?

Enter Penn State officials. The 2001 case was a perfect cover for the botched 1998 investigation. If AG Corbett could manipulate the facts of the 2001 incident and entangle them with the 1998 investigation, he would be able to kill two birds with one stone. He would be able to camouflage the mistakes of 1998 while at the same time direct the blame for Sandusky's crimes onto Joe Paterno, Tim Curley, Gary Schultz, and Graham Spanier. In addition, Sandusky was still coaching in 1998. In 2001, he had retired. Therefore, tying the 1998 investigation to Penn State would provide a stronger case that PSU officials were involved in a cover up since Sandusky was a coach at that time.

That is why the 1998 investigation was the crucial starting point of the Jerry Sandusky scandal. If the AG only went back to 2001 to pin Sandusky's crimes on the PSU officials, Corbett/Linda Kelly (new Attorney General 2011) would encounter several problems.

First, the AG's office would have had to disclose the 1998 investigation. (They couldn't pretend it didn't exist because then they would look incompetent. It would have eventually been discovered.) If they disclosed the 1998 investigation and left it at that, anyone briefly reviewing it would have seen their incompetency or cover-up and the AG would have had to admit the PA state agencies failed and thus, would have been castigated by the media and citizens around the state and across the nation for allowing Sandusky to be free to molest children for an additional 14 years.

Second, to use *only* the 2001 incident to shift the blame for Sandusky's crimes onto the PSU officials, would not have been convincing. (Keep in mind, the heat would have been on DPW and CYS anyway.) Reviewing the 2001 incident testimonies, it is clear that Mike McQueary did not see a crime. He did not see Sandusky molesting a child in the shower in 2001. He was shocked to see Sandusky with a boy alone in the shower at 9 o'clock at night. It didn't seem right. (It wasn't.) It made him uncomfortable. (It should have.) But it was not criminal.

How do we know?

In 2010, McQueary testified what he witnessed was extremely sexual and over the line. That is a description of a crime, therefore why did McQueary hesitate to call the police? And if he did see that type of act, shouldn't he have stepped in, stopped the abuse, and protected the child. Mike McQueary is 6'4" and over 200 pounds. He would have no problem "handling" the 56 year old Sandusky. So, what stopped him?

It was the fact that he didn't see anything that required his intervention.

That is the only reasonable explanation for his hesitancy to call the police. I'm sure he considered calling the police, but what would he have told them? There was no crime, so would he be falsely accusing someone of child molesting? Falsely accusing a beloved coach? He's in a jam. So he tells his father and Dr. Dranov, who tell him to tell Paterno, who tells Curley and Schultz, who tells Spanier. They collectively tell Sandusky's employer, CEO of The Second Mile, Jack Raykovitz, who is responsible for the child. That doesn't appear to be a cover-up. None of the men that McQueary told tried to conceal any part of his story. They relayed it on to the person(s) they felt would best be able to handle the non-criminal activity that McQueary witnessed.

Third, taking the 2001 incident alone to direct blame for Sandusky's crimes onto PSU officials, (already weak, as proven above,) would not have established a pattern. One very vague incident, that seemed to have been handled properly at the time, given the facts, could possibly have been forgiven by the citizens of the world. In addition, Sandusky was no longer a PSU employee in 2001, so this would have made it a Second Mile problem. The focus would have been on Sandusky's foundation, not PSU.

No, without pinning 1998 on PSU officials, the state of Pennsylvania was in for a beating. So, to establish a **pattern** of covering up Sandusky's crimes was a necessity. The AG establishing a pattern by PSU officials, starting back in 1998, would undoubtedly start a media firestorm and turn the attention to Joe Paterno and the other school officials while diverting attention away from the botched 1998 investigation. By 2010, the AG's office needed a plan to cover up for the failed 1998 investigation and shift the blame onto PSU officials.

Enter the Grand Jury Presentment. Mike McQueary's account appeared to have been embellished (to assure conviction of Sandusky) and perhaps to manipulate the 2001 incident as handled by Paterno, Curley, Schultz and Spanier. The presentment claimed that McQueary saw Sandusky anal raping a child and that he told Paterno, Curley and Schultz what he saw. But they did not go to the police. The media firestorm ensued. The blame for another man's crimes rested squarely on Paterno, Curley, Schultz and Spanier. But how could the AG get around the 1998 investigation that was clearly improperly handled by the state and allowed Sandusky to be free for another 14 years? How could they pin 1998 on PSU?

Enter Louis Freeh. In November, 2011, Freeh was hired by the Penn State Board of Trustees 'to conduct a full, fair and completely independent investigation....' Well, by this time Corbett, who was the Attorney General when the investigation into Sandusky began, is now PA Governor and sits on the PSU Board of Trustees. At his press conference<sup>1</sup> in reaction to the Freeh Report, the Governor stated he identified Freeh and encouraged the BOT to hire Freeh to do this 'independent' investigation. It is not hard to believe that Corbett/Kelly could have made Freeh aware of their desires and that Corbett/Kelly's narrative should be reflected in the final version of the Freeh Report. After all, the Board is paying him \$6.5 million. He should give them what they ask for.

Enter The Freeh Report. If you read it, you know Freeh's scathing conclusions were baseless. But those conclusions did the job. The media firestorm ensued (again). All the attention was yet again on the perceived 'failings' of Paterno, Curley, Schultz and Spanier, and not on the actual failings of DPW and CYS. Thus, the PSU officials are accused of knowing Sandusky was a pedophile since 1998 (which has never been proven) and did nothing to stop him. This 'failure', along with the 'unreported' 2001 incident, establishes a pattern of covering up for Sandusky.

That is why the AG/Freeh had to begin with the 1998 investigation: to cover up the state's egregious errors.

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<sup>1</sup> <http://www.youtube.com/watch?v=RbhZk8OCImY>

Here's another way to look at it. Imagine this: there was never a 2001 incident. Do you think the AG and Freeh would have had any grounds to accuse Paterno, Curley, Schultz and Spanier of a cover up in 1998? Absolutely not. And the truth about the 1998 investigation would have emerged and those the DPW and CYS would have come under fire. (Which is what should be happening now.)

Now imagine this: the 1998 investigation never happened. Do you think the AG and Freeh could have successfully pulled off accusing Paterno, Curley, Schultz and Spanier of covering up Sandusky's abuse in 2001? As mentioned before, this incident, taken alone, does not show any intent to cover up McQueary's account. Sure, in hindsight, it seems obvious what should have been done, but that's not reality. This account, standing on its own, provides no proof of a cover up and shows no pattern. Sandusky was no longer with Penn State so the Second Mile would have been the focus. The reason the media and general public bought into the false narrative from the start was because the AG and Freeh were able to tie in the 1998 account and pin that on PSU, which gave much more credence that the PSU officials must have covered up 2001 too.

\*As a side note, there are several analyses of the Freeh Report (as listed above and others), that patently refute Freeh's conclusions. As time goes on, more evidence surfaces. I would like to add another tidbit of information that clearly demonstrates Freeh's disingenuous tactics.

If you recall, Graham Spanier denies knowing or remembering any investigation regarding Sandusky showering with a boy in 1998. The evidence that Freeh uses to 'prove' that Spanier knew of 1998 were two vague emails that Spanier was cc'd on. The first was Exhibit 2A of the Freeh Report, which states: "Will do. Since we talked tonight I've learned that the Public Welfare people will interview the individual Thursday." There was no mention of an investigation or that a university employee was in trouble. In fact it doesn't even mention a name. The second email sent June 9, 1998, again only copied (cc'd) to Spanier, is shown in Exhibit 2E of the Freeh report. This email mentions Jerry's name and that the investigation was over. Even so, Spanier claims he had no knowledge of these emails. What's interesting to know is that Spanier was on an international trip to the UK from June 8, 1998 to June 19, 1998. This was before the days of blackberrys and internet cafes. Spanier had no access to email while away. When he returned he would have had over one thousand emails waiting for him in his

inbox. It is very likely that an email with no urgency and one that he was only copied on would have not caught his attention or made a lasting impression. HOWEVER, what's even more interesting, and this has been confirmed, is that Spanier had a calendar book and was meticulous about keeping dates and times of meetings, lunches, business trips, etc. The AG and Freeh had copies of Spanier's calendar and knew that Spanier was away when that email was sent to him. They knew it was likely he would not have seen it or remembered it among the hundreds of emails awaiting his return. That's one little piece of evidence Freeh failed to disclose. What other pieces of evidence have they failed to disclose because it doesn't fit their narrative that the PSU officials are guilty of a cover up?