

THE REAL FACTS ABOUT JOE PATERNO AND PSU- FULL REPORT
CRITICAL ANALYSIS OF THE FREEH REPORT
ON THE JERRY SANDUSKY SCANDAL

July 29, 2012

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All words in black are verbatim from The Freeh Report

Located here: http://www.thefreehreportonpsu.com/REPORT_FINAL_071212.pdf

[My words in blue.]

WHY?

To thoroughly understand and make educated comments about any situation, one must take the time and read and research that situation. The Freeh Report uncovered many documents from the past decade but misrepresented the findings by making crucial conclusions that were only possibilities, not probabilities, and by no means concrete facts. A 'conclusion' is a reasoned deduction or inference. The 'conclusions' that Freeh surmised were just that, 'inferences', based on supposition, conjecture, presumption, guessing and some plain old lies. The report was replete with statements of only 'possibility', yet the media and public bought it hook, line and sinker as fact. The report spun and twisted words, sentences, and facts in order to produce a product that directly blamed Joe Paterno for allowing Jerry Sandusky's heinous crimes on children to continue for a 14 year period. The report basically called Joe Paterno a child rapist enabler. The report basically called Joe Paterno an accomplice to Jerry Sandusky's crime. If that is true, then I would say Joe Paterno is as much of a monster as Jerry Sandusky. And that is how the media and 99% of the public views Joe Paterno at this very moment. But I do not

believe that to be true, and the Freeh Report has not proven anything close to their allegation of Joe Paterno ‘knowingly allowing Jerry Sandusky to molest young boys year after year for 14 years.’

This analysis is to shed light on the truth or ‘untruth’ of the Freeh report. Many who have read the report and researched its findings already know much of what is written here. This is for those who never read it thoroughly or dissected the evidence, only glanced it over, or just read and/or listened to Freeh’s press conference on July 12, 2012. This analysis is for the public to see just how far-fetched the ‘conclusions’ are in the Freeh Report. This analysis contains ONLY what Freeh presented with my injected response. There is no new evidence being introduced, there are no rebuttal witnesses, no interviews of former players who can attest to Joe Paterno’s character, and no lawyer’s paid opinion. This is presented to help those who honestly want to make a fair and unbiased conclusion of their own. Instead of the Freeh Report laying out its findings only and allowing the public to come to their own conclusions, they took it upon themselves to formulate a single, biased, slanderous opinion for you. This is not a rebuttal of the facts they found, only a rebuttal to every statement they made that is based on errant presumptions and speculations. I believe you, the American public, is more intelligent and savvy than Freeh gives you credit for. I believe the American public was played and I believe you are very capable of discerning fact from fiction. This analysis is not to dispute the heinous crimes Jerry Sandusky was convicted of and it is not to defend inaction by Penn State. It is to expose the fallacy that ‘Joe Paterno knew Jerry Sandusky was a child molester since 1998 and yet did nothing about it and allowed Jerry to continue to molest children for 14 years.’

KEY NOTES:

The Freeh Report contains several sections, each section ranging from 1998-2011 that repeats information. These sections were the Press Conference Opening Remarks (OR) and the Main Report (MR) that contains a Timeline from 1998-2011, Key Findings and detailed analysis. Instead of repeating my remarks for each section, I will combine the sections from the Freeh Report in a chronological manner and add remarks where needed. This makes the entire case easier to follow and understand. The entire report is not analyzed, only the critical information regarding the 1998 and 2001 incidents are examined.

- When using the name 'Freeh', that means in general Freeh/The Freeh Report/Special Investigative Counsel Team
- The Freeh Report contains Exhibits 2A-2J,3A-3I,5A-5I,6A,10A. I find it interesting that there are missing Exhibits 1,4,7,8,9. Exhibits 2 correspond to Chapter 2, Exhibits 3 with Chapter 3, however, Exhibit 5 corresponds to Chapter 4, Exhibit 6 with Chapter 5. Did Freeh leave content and exhibits out of the original final report? Why? Did he leave out information that would otherwise taint his 'conclusions' that 'Paterno and top PSU officials knew Sandusky was molesting boys and stood by and did nothing to stop him for 14 years?'
- Exhibits 2A-2E,2H,2I all pertain to the 1998 case. However, Exhibit 2F (duplicate of 5G) is the 2001 email (that was leaked) regarding Curley's thoughts about changing his mind. Why is

this 2001 incident email mixed in with the 1998 emails? Why is there a duplicate of 5G?

- Exhibit 2G, also mingled in with the 1998 emails/documents is Sandusky's 1999 retirement requests with Paterno's handwritten notes. Why is this in this section? It is also a duplicate of Exhibit 3F, all exhibits in section 3 pertain to Sandusky's retirement.
- On page 2 of the Opening Remarks, Freeh states, 'To be absolutely clear, this public release is the first time anyone outside of our investigation team has seen the report.' On page 3, Freeh states, 'Let me assure you that none of these leaks came from the Special Investigating Counsel team.'
[[If NO ONE outside the team had seen or had knowledge of the report, how can you then proclaim that NO ONE inside the team leaked the emails? Both of those statements cannot be true, which means at least one of those statements is a lie.]]

KEY POINT: Read this report in the mindset of 1998, 2001 and so on, not 2012 (knowing Sandusky to be a convicted sex offender). Remember, in 1998, Jerry Sandusky was a well-respected football coach of Penn State, a charitable human being who founded The Second Mile to help underprivileged youth, a devoted husband, and a loving foster and adoptive parent of six children. Remember that each one of us lives life in real-time and makes the best possible choices day in and day out based on the

knowledge we have at that moment. We do not have the luxury of having a crystal ball showing us future events that enables us to make a different (right) choice at this current moment.

PART ONE- Who Was Interviewed For This ‘Thorough’ Investigation?

- **Key People February-June 1998 and who was interviewed by Freeh et al:**

Jerry Sandusky: Penn State Assistant Football Coach in midst of retiring from PSU Founder of The Second Mile foundation serving underprivileged youth
(NOT INTERVIEWED)

Mother and Boy: Boy showered with Sandusky, Mother reported it to University Park Police
(NOT INTERVIEWED)

Karen Arnold: Prosecutor of District Attorney’s office
(NOT INTERVIEWED)

Ray Gricar: District Attorney, State College, PA
(NOT INTERVIEWED- Missing in 2005, declared legally dead in 2011)

Thomas Harmon: Penn State University Director of University Park Police who reports to Schultz, Senior Vice President Finance and Business PSU
(NOT INTERVIEWED)

Ron Schreffler: Detective of University Park Police who reports to Harmon
(INTERVIEWED)

Alycia Chambers: Boy's psychologist
(NOT INTERVIEWED)

John Seasock: Counselor
(NOT INTERVIEWED)

Jerry Lauro: Department of Public Welfare (DPW)
Caseworker
(INTERVIEWED)

Gary Schultz: Senior Vice President Finance and Business PSU who oversaw the University Park Police
(NOT INTERVIEWED)

Graham Spanier: President of Penn State University
(Gave written statement)

Tim Curley: Athletic Director (AD) of Penn State University
(NOT INTERVIEWED)

Joe Paterno: Head Football Coach, Penn State University
(NOT INTERVIEWED- Agreed to interview but died prior thereto)

****Only 3 (DPW caseworker, Det. Schreffler, and Spanier) out of 14 KEY individuals of 1998 incident were interviewed.**

- **Key People February-June 2001:**

Jerry Sandusky: Retired Penn State Assistant Football Coach
Founder of The Second Mile serving
underprivileged youth of PA
(NOT INTERVIEWED)

Second Mile: Foundation of Jerry Sandusky where he met
and worked with young boys
(NOT INTERVIEWED)

Gary Schultz: Senior Vice President Finance and Business
PSU who oversaw the University Park Police
(NOT INTERVIEWED)

Graham Spanier: President of Penn State University
(Gave written statement)

Tim Curley: Athletic Director (AD) of Penn State University
(NOT INTERVIEWED)

Joe Paterno: Head Football Coach, Penn State University
(NOT INTERVIEWED- Agreed to interview but
died prior thereto)

Mike McQueary: Graduate Assistant, Former PSU Football
Player
(NOT INTERVIEWED)

Wendell Courtney: Outside legal counsel for PSU
(NOT INTERVIEWED)

John McQueary: Mike McQueary's father. He was the first person Mike spoke to after incident.

(NOT INTERVIEWED)

Dr. Dranov: McQueary's friend. He was the second person Mike spoke to after incident.

****Only 1 (Spanier) out of 10 KEY individuals of 2001 incident were interviewed.**

****Overall, ONLY THREE (3) out of NINETEEN (19) KEY WITNESSES WERE INTERVIEWED.**

- Mike McQueary was not asked to be interviewed. A source close to McQueary's family, speaking on the condition of anonymity, said McQueary made multiple offers to speak to the Freeh investigators but they did not follow up. Why would Freeh not speak to one of the central figures in this entire case?
- Joe Paterno wanted to speak to the public since November 8, 2011, and wanted to speak to Freeh, but they were not prudent in interviewing him before he passed away in January. Freeh says, Mr. Paterno passed away before we had the opportunity to speak with him. They had over two months to talk to him.
- Freeh states on page 1 of Opening Remarks (OR), that his law firm was 'retained...to conduct a full, fair and completely

independent investigation into the facts and circumstances raised by the Grand Jury report and the criminal charges against former Assistant Coach Gerard Sandusky.’ (Jerry Sandusky). How can interviewing only 3 key people out of 19 produce a ‘full, fair and complete investigation?’ On page 2, it says they took steps to ‘ensure ...the thoroughness of our investigation.’

- On page 3 of the OR, it says ‘Also, the Pennsylvania Attorney General requested that we not interview certain potential witnesses.’ On page 12 of the Main Report, Freeh says ‘on the advice of counsel (i.e., Sandusky, Schultz, Curley and former University outside legal counsel Wendell Courtney) declined to be interviewed. At the request of the Pennsylvania Attorney General, the Special Investigative Counsel did not interview former Pennsylvania State University Director of Public Safety Thomas Harmon or former coach Michael McQueary, among others. Although the information these individuals could have provided would have been pertinent to the investigation, the findings contained in this report represent a fair, objective and comprehensive analysis of facts. [To say ‘the information these individuals could have provided would have been pertinent to the investigation’ is a gross understatement. That information would have been extremely beneficial and necessary to present a report that is fair, objective and factual.]

- This is supposed to be a fair, unbiased investigation. But only a detective, caseworker and Spanier were interviewed to find the details of the past 14 years at PSU regarding Jerry Sandusky. Does that sound like an investigation that will find truth and produce concrete evidence as to what exactly happened over the past 14 years?
- On page 2, it says ‘We analyzed over 3.5 million emails and documents...the discovery of critical 1998 and 2001 emails – ***the most important evidence in this investigation.***’
[[(Emphasis added.) It is important to note here that the ENTIRE BASIS of the conclusions in Freeh’s report regarding Joe Paterno’s knowledge of Sandusky’s criminal behavior of the molestation of boys, lies within 3 sentences of 3 emails out of the 3.5 million emails and documents discovered and analyzed by Freeh’s team over the past 8 months. The conclusions by Freeh about Paterno’s knowledge of Sandusky’s criminal behavior were not based on any interviews, any individual’s knowledge, or any document authored by Paterno himself, only by Freeh’s interpretation of three email sentences referencing Joe.]]
- On page 9 of the Main Report, it says The Special Investigative Counsel implemented the investigative plan by:
 - Conducting over 430 interviews of key University personnel
[Who? They were not the key people who were involved in the

1998 or 2001 incidents, so what key information could they have provided? The Attorney General asked Freeh not to interview key potential witnesses.] and other knowledgeable individuals [Who specifically? What knowledge did they have? That Sandusky was a child molester? So were they involved in this alleged cover-up?] to include: current and former University Trustees and Emeritus Trustees; current and former University administrators, faculty, and staff, including coaches; former University student-athletes; law enforcement officials; and members of the State College community at the University Park, Behrend, Altoona, Harrisburg and Wilkes-Barre campuses, [[What do these campuses have anything to do with the incidents that occurred at University Park?]] and at other locations in Delaware, Pennsylvania, New York, Maryland and the District of Columbia, [[What do these States have anything to do with the incidents that occurred at University Park?]] and by telephone;

- Analyzing over 3.5 million pieces of pertinent electronic data and documents; [[Based on 8 hour workdays, over the 8 month long investigation, that equals 14,583 pieces of evidence reviewed per day (7 days per week), almost 2,000 pieces of evidence reviewed per hour, including weekends, assuming they had all 3.5 million pieces of evidence starting on day 1, which they did not. So that means the Freeh team had to search and find **and** then analyze almost 2000 documents per hour, seven days a week, around the clock, including working weekends for 8 months straight. Those are astounding

figures. They also compiled a 267 page report at some point based on those documents.]]

- Establishing a toll-free hotline and dedicated email address to receive information relevant to the investigation, and reviewing the information provided from telephone calls and emails received between November 21,2011 and July 1, 2012. [[Who was aware of this hotline? I was not. Does this mean any person across the country could have called in and told the team anything they wanted? How was this information that was gathered validated? Who would have pertinent knowledge of Sandusky's criminal behavior? Wouldn't that make them an enabler? Who would have knowledge of what the key people involved knew besides the key people involved? If there were others across the country that knew what PSU officials and Paterno 'allegedly' knew of Sandusky, then would it be a 'cover-up' since so many other people knew? How can this report be a 'fair, comprehensive analysis of the facts' when the information received is coming from any arbitrary person who knows nothing about the FACTS. Freeh's own implementation of his investigative plan, outlined above, is proof that this is a witch hunt looking for rumors and gossip from anyone, rather than a plan of integrity that seeks to uncover facts, and facts only.

PART TWO- Freeh's Conclusion of Joe Paterno's knowledge of Jerry Sandusky's behavior

Based on the facts above:

- Freeh interviewed only 3 out of 19 KEY people of the 1998 and 2001 incidents
- The rest of the information from interviewees came from anyone, who supposedly had knowledge, throughout the Mid-Atlantic and across the nation. That appears to be a highly suspect manner of operation on such a high profile case.
- Finally, Freeh says ***the most important evidence in this investigation*** came from 3 emails that referenced Joe or coach (3 out of 3.5 million documents).
- Taking into account these facts, it should be very apparent that any conclusions Freeh reached were based on very little factual evidence.

The following are Freeh's statements of conclusions, based on their limited evidence. From the Opening Remarks and the Main Report:

OR page 3,]] Our most saddening and sobering finding is the total disregard for the safety and welfare of Sandusky's child victims by the most senior leaders at Penn State. The most powerful men (Graham Spanier, Tim Curley, Gary Schultz and Joe Paterno) at Penn State failed to take any steps for 14 years to protect the children who Sandusky victimized. OR page 4, That these men, including Paterno, repeatedly concealed critical facts relating to Sandusky's child abuse from the authorities.... The evidence shows that these four men also knew about a 1998 criminal

investigation of Sandusky relating to suspected sexual misconduct with a young boy in a Penn State football locker room shower. Again, they showed no concern about the victim. The evidence shows that Mr. Paterno was made aware of the 1998 investigation of Sandusky, followed it closely, but failed to take action. [MR page 14](#), The most saddening finding by the Special Investigative Counsel is the total and consistent disregard by the most senior leaders at Penn State for the safety and welfare of Sandusky's child victims. Four of the most powerful people at The Pennsylvania State University -President Graham B. Spanier, Senior Vice President-Finance and Business Gary C. Schultz, Athletic Director Timothy M. Curley and Head Football Coach Joseph V. Paterno - failed to protect against a child sexual predator harming children for over a decade.

[\[\[So what Freeh is saying is that the top four men, including Paterno, at PSU knew that Jerry Sandusky was a child molester back in 1998 and for the next 14 years covered it up and did nothing to stop Jerry and thus 'allowed' Jerry to continue to molest young boys year after year from 1998 until 2011, when Sandusky was arrested. These conclusions will be addressed later once the evidence is analyzed.](#)

PART THREE-ANALYSIS OF 1998 INVESTIGATION

- **Review of Key People February-June 1998 and who was interviewed by Freeh et al:**

Jerry Sandusky: Penn State Assistant Football Coach in midst of retiring from PSU Founder of The Second Mile foundation serving underprivileged youth (NOT INTERVIEWED)

Mother and Boy: Boy showered with Sandusky, Mother reported it to University Park Police (NOT INTERVIEWED)

Karen Arnold: Prosecutor of District Attorney's office (NOT INTERVIEWED)

Ray Gricar: District Attorney, State College, PA (NOT INTERVIEWED- Missing in 2005, declared legally dead in 2011)

Thomas Harmon: Penn State University Director of University Park (NOT INTERVIEWED)

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John Seasock: Counselor (NOT INTERVIEWED)

Jerry Lauro: Department of Public Welfare (DPW)
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Joe Paterno: Head Football Coach, Penn State University
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****Only 3 (DPW caseworker, Det. Shreffler, and Spanier) out
of 14 KEY individuals of 1998 incident were interviewed.**

On pg. 40, Freeh writes:

A. Sandusky's Criminal Activity 1995-1998

Before May 1998, several staff members and football coaches regularly observed Sandusky showering with young boys in the Lasch Building (now the East Area Locker Building or "Old Lasch"). None of the individuals interviewed by the Special Investigative Counsel notified their superiors of this behavior. Former Coach Richard Anderson testified at Sandusky's trial in June 2012 that he often saw Sandusky in the showers with children in the football facilities but he did not believe the practice to be improper.

[[First of all, this statement should not be under the heading 'Sandusky's Criminal Activity'. Although we later find out in 2012 that he did abuse boys during this time frame, crimes were not known by any of the four top men at PSU. Secondly, from this statement, it is very clear that there were always kids from Second Mile around, working out and showering with Jerry Sandusky. Apparently that is not criminal behavior and none of the individuals who saw it thought it was criminal. We now have the first accounts of Jerry Sandusky showering with young boys. Are all these staff members and football coaches being accused of a cover up? Because in Freeh's conclusions he states that]] Penn State failed to take any steps for 14 years to protect the children who Sandusky victimized.

[[Did all these witnesses enable Jerry to do this for 14 years? If you are going to blame Joe Paterno for covering up since 1998, then you must blame everyone who witnessed these showers back then and said nothing.]]

(Freeh Report, pg.41-46 for details)

II. Events of May 3, 1998 at the Lasch Building

According to Centre County court records and University Police Department records, on the afternoon of May 3, 1998, Sandusky called the home of an 11-year-old boy and invited him to go to a Penn State athletic facility that evening to exercise. The boy, who met Sandusky through the Second Mile youth organization about a month earlier, accepted the invitation. Sandusky picked up the boy at about 7:00 p.m., and took him to the Lasch Building on the Penn State campus.

[[The boy came home with wet hair and his mother did not like that he showered with Sandusky.]]

III. Investigation of Sandusky - 1998

A. May 4-6, 1998: Police Report, Initial Investigation and Psychological Evaluation of the Victim

At 7:43 a.m. on May 4, 1998, the boy's mother called Alycia Chambers, a licensed State College psychologists who had been working with her son, to see if she was "overreacting" to Sandusky's showering with her son. The psychologist assured the mother that she was not overreacting and told her to make a report to the authorities. The boy's mother called the University Police Department and reported the incident to Detective Ron Schreffler around 11:00 a.m. [\[\[Note: The University Park Police Dept/Campus Police handled this report and investigation.\]\]](#)

Around 11:30 a.m., Detective Schreffler interviewed the boy. The boy told Schreffler what happened with Sandusky the previous evening, and added that a 10-year-old friend of his had been in a shower with Sandusky on another occasion where Sandusky similarly squeezed the friend.

Later that day, Chambers met with the boy who told her about the prior day's events and that he felt "like the luckiest kid in the world" to get to sit on the sidelines at Penn State football games. The boy said that he did not want to get Sandusky in "trouble," and that Sandusky must not have meant anything by his actions. The boy did not want anyone to talk to Sandusky because he might not invite him to any more games. Chambers made a report to the Pennsylvania child abuse line and also consulted with colleagues. Her colleagues agreed that "the incidents meet all of our

definitions, based on experience and education, of a likely pedophile's pattern of building trust and gradual introduction of physical touch, within a context of a 'loving,' 'special relationship'.

[\[\[Chambers and her colleagues clearly labeled this behavior as a likely pedophile's pattern.\]\]](#)

That afternoon Schreffler contacted John Miller, a caseworker with the Centre County Children and Youth Services ("CYS") about the allegation. However, there were several conflicts of interest with CYS's involvement in the case'. In light of these conflicts, the Department of Public Welfare ("DPW") took over the case from CYS on May 5, 1998 and assigned it to caseworker Jerry Lauro.

Schreffler also contacted Karen Arnold, Centre County prosecutor in the District Attorney's office, to discuss the case. Schreffler had decided to call the prosecutor at the outset of the investigation so he did not "have to worry about Old Main sticking their nose in the investigation," which he knew from experience could occur.

[\[\['Old Main' refers to the head of PSU, Spanier. They wanted to handle this on their own and not get Spanier involved.\]\]](#)

Around 8:00 p.m. on May 4, 1998, Schreffler and Miller spoke with the boy's friend about his contact with Sandusky. The friend stated that he had gone to the Penn State campus on two occasions with Sandusky, whom he met through the Second Mile. Sandusky took him to the Lasch Building, where they wrestled and then showered together. While in the shower,

Sandusky came from behind and lifted him in a bear hug. Following this interview, Schreffler and Miller re-interviewed the first boy.

[\[\[Insert from page 48 \]\]](#) On May 5, 1998, Schultz also learned from Harmon that the Penn State University Police were "going to hold off ' making any crime log entry for the Sandusky allegations. The crime log entry would have been a public record of the incident concerning Sandusky with the boy, yet Harmon reported to Schultz before noon on May 5 that " [w]e're going to hold off on making any crime log entry. At this point in time I can justify that decision because of the lack of clear evidence of a crime." Schreffler said he delayed pulling an incident number for the Sandusky investigation because it was his normal procedure for drug investigations and he was not initially sure of what type of investigation he had. Schreffler did not know why the report ultimately was opened as an "Administrative Information" file but said may have been the one who decided on the label. All pages of the police report are labeled " Administrative Information."

[\[\[End of insert. Why did Harmon hold off in making log entry? Apparently, because it would be public record. The record was clearly labeled incorrectly so that it would not be easily observed by the public. \]\]](#)

On May 6, 1998, Schreffler reviewed voicemail messages and caller identification information from the home of the victim. Sandusky had called the boy twice on May 3, 1998 and once on May 6, 1998. Sandusky left a voicemail on May 6, 1998, inviting the boy to work out. The boy did not return the call.

B. May 7-9, 1998: A Second Evaluation of the Victim

On May 7, 1998, Chambers provided a copy of her written report to Schreffler. Chambers said she was pleased with the response of the agencies involved, as the "gravity of the incidents seems to be well appreciated."

[\[\[She reminded Schreffler of the 'gravity of the incidents.' \]\]](#)

Also on May 7, 1998, Lauro interviewed the boy's mother. According to Schreffler's notes, Lauro had received copies of the boy's recorded statement, yet Lauro advised the Special Investigative Counsel that he did not have full access to the facts of the case and was unaware of psychologist Chambers' evaluation. Lauro said that if he "had seen [Chambers'] report, I would not have stopped the investigation," which he thought at the time fell into a "gray" area and involved possible "boundary" issues.

[\[Why didn't Det. Schreffler show or discuss Chambers' report of likely pedophilia to DPW caseworker Lauro?\]](#)

Schreffler had a discussion with Arnold that day as well. Arnold told Schreffler to postpone a second psychological evaluation of the boy until an additional investigation could be completed. Nonetheless, a second evaluation of the boy occurred on May 8, 1998 as part of DPW's investigation. Counselor John Seasock, who had a contract to provide counseling services to CYS, conducted the evaluation. During the meeting with Seasock the boy described the incident with Sandusky. Given that the boy did not feel forced to engage in any activity and did not voice

discomfort to Sandusky, Seasock opined that "there seems to be no incident which could be termed as sexual abuse, nor did there appear to be any sequential pattern of logic and behavior [\[\[there were TWO boys who experienced the exact same behavior from Sandusky. \]\]](#) which is usually consistent with adults who have difficulty with sexual abuse of children." Seasock's report ruled out that the boy "had been placed in a situation where he was being 'groomed for future sexual victimization.'" Seasock recommended that someone speak with Sandusky about what is acceptable with young children and explained, "The intent of the conversation with Mr. Sandusky is not to cast dispersion (sic) upon his actions but to help him stay out of such gray area situations in the future." [\[\[Why was there a second evaluation by Seasock when Arnold instructed that she wanted no more evaluations at the time? Who was Seasock and who asked him to do the evaluation? How did he get access to the boy? Why didn't Seasock interview the other boy and Sandusky? Seasock had a contract with CYS \(who also contracted with Second Mile\), so that was a conflict of interest and Seasock's interview should never have been allowed. \]\]](#)

On May 9, 1998, Schreffler discussed the outcome of Seasock's evaluation with Seasock. While Seasock said he identified some "gray areas," he did not find evidence of abuse and had never heard of a 52-year-old man "becoming a pedophile ." When Schreffler questioned Seasock's awareness of details of the boy's experience, Seasock acknowledged he was not aware of many of the concerns Schreffler raised but stated Sandusky "didn't fit the profile of a pedophile," and that he couldn't find any indication of child abuse.

[\[\[Why didn't Schreffler share Chambers' report with Seasock?\]\]](#)

C. May 12-19, 1998: Police Overhear Sandusky Admit to Showering with the Victim

On May 12, 1998, Sandusky called the boy again and arranged to pick him up at his house the next day. On May 13, 1998, Schreffler and a State College police officer went to the boy's house and hid inside. When Sandusky arrived they covertly listened in to his conversation with the boy's mother. Schreffler overheard Sandusky say he had gone to the boy's baseball game the night before but found the game had been cancelled. The boy's mother told Sandusky that her son had been acting "different" since they had been together on May 3, 1998 and asked Sandusky if anything had happened that day. Sandusky replied, "[w]e worked out. Did [the boy] say something happened?" Sandusky added that the boy had taken a shower, and said "[m]aybe worked him too hard." Sandusky also asked the boy's mother if he should leave him alone, and she said that would be best. Sandusky then apologized.

On May 19, 1998, at the direction of the police, the boy's mother met with Sandusky again in her home. As they listened from another room, the officers heard the mother ask Sandusky about the bear hug in the shower, and whether his "private parts" touched the boy while they hugged. Sandusky said, "I don't think so ...maybe." He also said he had showered with other boys before, but denied having "sexual feelings" when he hugged her son. He admitted telling the boy that he loved him. Sandusky asked to speak with her son and the mother replied that she did not feel that was a good idea as her son was confused and she did not want

Sandusky to attend any of the boy's baseball games. Sandusky responded, "I understand. I was wrong. I wish I could get forgiveness. I know I won't get it from you. I wish I were dead."

[[Anybody who accidentally does something wrong and is called out on it does not 'wish they were dead.' That is a subliminal confession of guilt that most detectives or investigators should be able to identify.]]

The law enforcement officers did not question Sandusky at this time. Had the officers been better trained in the investigation of child sexual abuse they would have interrogated Sandusky directly after his confrontation with the boy's mother. A timely interview with Sandusky may have elicited candid responses such as the identification of other victims.

[["Had the officers been better trained in the investigation about child abuse...." Wait a minute. Freeh has accused a football coach, an athletic director, a VP of Finance and Business and a school President (who are not trained in child sexual abuse) for not doing enough to take Sandusky to the proper authorities in 2001 to get him off the street, away from young boys, but gives a free pass to the 1998 actual law enforcement team who were paid and trained to protect society? Yes, this 1998 team is the same law enforcement (police, CYS,DPW,counselors, District Attorney) who Freeh says the football coach and school officials (who are not trained in child sexual abuse) should have reported Sandusky to in 2001. So remember this 1998 case which was thoroughly investigated by University Park/Campus Police, CYS,DPW, District Attorney and found no criminal behavior regarding Sandusky.]]

D. Late May 1998: District Attorney's Decision to Not Prosecute Sandusky

Sometime between May 27, 1998 and June 1, 1998, the local District Attorney declined to prosecute Sandusky for his actions with the boy in the shower in the Lasch Building on May 3, 1998. A senior administrator of a local victim resource center familiar with the 1998 incident said the case against Sandusky was "severely hampered" by Seasock's report. The District Attorney at the time of the 1998 incident has been missing for several years and has been declared dead. The prosecutor assigned to the Sandusky case declined to be interviewed by the Special Investigative Counsel.

[\[\[How did Seasock's report get on DA Gricar's desk and not Chambers' report? Schreffler had Chambers' report that Sandusky was a likely pedophile. Schreffler also talked to Arnold, the prosecutor of the DA's office. So how did Chambers' report get by-passed by Schreffler and Arnold? Did Gricar actually see both reports?](#)

E. June 1, 1998: University Police Speak with Sandusky

On June 1, 1998, Schreffler and Lauro interviewed Sandusky. Lauro said he did not discuss an interview strategy with Schreffler before meeting with Sandusky. Lauro recalled that the interview took place in a small weight room in the Lasch Building while Sandusky was seated on a weight bench and that Lauro asked most of the questions. Schreffler recalled that the interview was conducted in an office in the Lasch Building so as not to put Sandusky on the defensive.

According to the interview notes in the case file, Sandusky told the interviewers that he hugged the boy in the shower but said there "wasn't anything sexual about it." Sandusky also said that he had showered with other boys in the past. Lauro advised Sandusky that it was a mistake to shower with kids. Sandusky agreed and said, "honest to God nothing happened." Schreffler advised Sandusky not to shower with any child and Sandusky replied that he "wouldn't." Schreffler and Lauro also told Sandusky that the police could not determine if a sexual assault occurred. No notes or records reflect that Schreffler or Lauro consulted with the District Attorney during or after the interview.

Lauro also told the Special Investigative Counsel that he never spoke to Schreffler about whether improper actions took place between Sandusky and the boy. Lauro stated, "it wasn't until Schreffler told me that there wasn't anything to the case that I closed mine." Schreffler's file notes state that Lauro agreed that no sexual assault occurred.

REVIEW OF 1998 CASE:

- Several staff members and football coaches regularly observed Sandusky showering with young boys in the Lasch Building /football facilities but did not believe the practice to be improper
- In early May, 1998, a mother reports to Univ. Park Police that Jerry Sandusky showered with her son
- The University Park/Campus Police Dept, Children and Youth Services, Dept. of Public Welfare, Prosecutor and District Attorney all handled this 1998 report and investigation

- Harmon held off making a crime log entry that would be a public record. The entry was later mislabeled “Administrative Information”
- Psychologist Chambers and her colleagues clearly labeled Sandusky’s behavior of showering with a boy as a likely pedophile’s pattern, gave her report to Pennsylvania child abuse line and to Det. Schreffler
- Counselor Seasock, who went against orders to interview boy, determined that Sandusky "didn't fit the profile of a pedophile," and that he couldn't find any indication of child abuse. Reviewed with Schreffler.
- DPW caseworker was never given Chambers’ report
- It is unclear if Det. Schreffler, who was the lead detective, knew the entire case, reviewed all reports and listened to Jerry’s confession, ever discussed Chambers’ report to prosecutor Arnold or DA Gricar
- By June 1, 1998, the local District Attorney declined to prosecute Sandusky for his actions with the boy in the shower in the Lasch Building on May 3, 1998 because the case against Sandusky was "severely hampered" by Seasock's report
- Schreffler advised Sandusky not to shower with any child and Sandusky replied that he "wouldn't."
- The entire 1998 law enforcement team of University Park/Campus Police, CYS, DPW, District Attorney who were paid and trained to protect society all got a free pass by Freeh for letting Jerry Sandusky get away with child sex abuse, even

though they had a report that he was a pedophile, had 2 child witnesses and heard Sandusky admit he often took showers with young boys, and then apologized and ‘wished he was dead.’

WHAT DID PSU OFFICIALS AND JOE PATERNO KNOW OF 1998 INCIDENT?

It is clear from the record that the 1998 investigation was handled by law enforcement and child welfare services and the District Attorney’s office. The PSU officials were not involved in investigating this case at all; they only received updates from Harmon (Director of University/Campus Police who got reports from Det. Schreffler). Harmon was in communication with Gary Schultz (V. Pres of Business and Finance who oversees the University/Campus Police Dept. Freeh states on pg. 34, The University Police Department is part of the Finance and Business unit. It has jurisdiction over all crimes that occur on University grounds. Its officers have the same authority as municipal police officers and enforce both the laws of the Commonwealth of Pennsylvania and University regulations. Schultz was in communication with Tim Curley, athletic director, regarding the incident. Freeh discovered several hand written notes of Schultz and emails (Exhibits 2A-2E) with updates back and forth between Harmon and Schultz, and Schultz and Curley. Remember Freeh stated that the “**most important evidence in the investigation came from emails.**”

Exhibit 2A is below:

From: Gary C. Schultz <gcs2@psu.edu>
Sent: Wednesday, May 06, 1998 2:06 PM
To: Tim Curley
Cc: Spanier-Graham (GBS)
Subject: Re: Joe Paterno

Will do. Since we talked tonight I've learned that the Public Welfare people will interview the individual Thursday.

At 05:24 PM 5/5/98 -0400, Tim Curley wrote:

>I have touched base with the coach. Keep us posted. Thanks.

>

>Tim Curley

>Tmc3@psu.edu

>

This email originated from Curley on 5/5/98 with subject "Joe Paterno".

Curley writes Schultz: "I have touched base with the coach. Keep us posted. Thanks." Schultz replies as you can see above. This issue is important because Freeh uses this email and the second email below to say that Joe Paterno unequivocally knew of the exact details of the 1998 case. What did Paterno actually know? The email above simply says that Curley 'touched base with the coach.' Since the subject matter says 'Joe Paterno', Freeh concludes that 'the coach' referred to Paterno. (Although there is a possibility that this email was in a long chain of other emails, talking about Paterno on a completely different subject matter with 'Joe Paterno' in the subject box and Curley just never changed it, and now he is referring to Sandusky as 'the coach'. After all, Sandusky was still coaching at this time and it is most likely the athletic director spoke to him about this investigation. During this time there was much email communication about Sandusky's retirement, as well.) Assuming arguendo that 'the coach' refers to Paterno, what does 'touched base' mean? Freeh determines 'touched

base' to mean that Paterno was told every detail about the 1998 investigation. However, since the investigation involves a highly sensitive issue that would be detrimental to Sandusky if not true, and it involved a minor, it is very likely that no details were given to Paterno. It is very possible that Curley 'touched base' with Paterno to let him know that the authorities were talking to Sandusky about an issue and that if it developed into anything concrete Curley would divulge the details to Paterno. This email by no means gives any specific evidence of what Curley told Paterno. So to say that Paterno knew the details about this 1998 case is far reaching and only a small possibility, not a probability.

- It is interesting to note that Schultz replies "Will do. Since we talked *tonight* I've learned that DPW will interview the individual Thursday." This email was generated at 2:06pm in the afternoon. So what does it mean "since we talked tonight"? That makes no sense. It was day time and 'tonight' had not happened yet.
- Also note that Spanier is only cc'd on this first email about the 1998 case and the very last email when the case is closed. There are no emails from Spanier, and none of the many emails back and forth for over a month were ever sent to Spanier. So it is very likely he did not know about this case. Remember, Schreffler wanted to keep 'old main' out of the investigation anyway.

The second email that Freeh uses to back up his conclusion that Paterno knew every detail about the case and was following it closely is Exhibit 2B.

Exhibit 2B:

From: Gary C. Schultz <gcs2@psu.edu>
Sent: Thursday, May 14, 1998 8:55 AM
To: Thomas Harmon
Subject: Re: Jerry

Good, Tom. Thanks for the update and I agree that we want to resolve quickly.

At 04:48 PM 5/13/98 EST, Thomas Harmon wrote:

>The psychologist from DPW spoke with the child. They have not spoken
>to him. It is still my understanding that they intend to do this. I
>have also been advised that they want to resolve this quickly.

>

>> Date: Thu, 14 May 1998 04:11:19 -0400
>> To: Tim Curley <tmc3@psu.edu>
>> From: "Gary C. Schultz" <gcs2@psu.edu>
>> Subject: Re: Jerry

>

>> Tim, I understand that a DPW person was here last week; don't know
>> for sure if they talked with Jerry. They decided to have a child
>> psychologist talk to the boys sometime over the next week. We won't know anything before then.
>>

>> At 02:21 PM 5/13/98 -0400, Tim Curley wrote:

>> >Anything new in this department? Coach is anxious to know where it stands.

>> >

>> >Tim Curley

>> >Tmc3@psu.edu

>> >

- Here, about a week later from the first email, Curley writes: "Anything new in this department? Coach is anxious to know where it stands." Freeh alleges that 'Coach' refers to Paterno, and that Paterno knows the details and is following this case very closely and is anxious to get updates. However, Freeh assumed 'the coach' in the first email refers to Paterno because the subject of the email is 'Paterno'. So why doesn't Freeh apply the same logic here and conclude that 'coach' in this email refers to Sandusky since the subject of this email is 'Jerry'? Freeh changes his logic whenever it suits him to make

sure that this report points directly at Paterno for being culpable of a cover up for Sandusky's heinous crimes.

- It is much more reasonable to conclude that 'coach is anxious' is referring to Sandusky. #1 because the subject is 'Jerry' and #2 because Sandusky is the one who is being investigated and his reputation, career, and life are on the line. He certainly would be anxious. And he would want to know where it stands. And it is most probable that Curley would be in touch with Sandusky because Sandusky is a football coach, a full-time employee of PSU at this time and he is being investigated by the law, so SOMEONE from PSU would be in touch with Sandusky about this matter.
- Interesting to note: Freeh can find no evidence in his report that any PSU officials were ever in touch with Sandusky at this time or once the case was closed. Hmmmm....it seems they actually did have the evidence, but twisted their reasoning in order to direct blame on Paterno. (More on this topic to follow.)
- These emails are hard to follow since one set of emails is between Curley and Schultz, and the other set of emails is between Schultz and Harmon but they all run together and are out of time and date sequence. Also, the quote marks are out of sync. The > should be consistent, but they go from >> to > to >>. This email looks altered.
- Following the emails based on date and time: Curley asks Schultz for updates. Harmon gives Schultz updates. And then Schultz replies to Curley after getting Harmon's update the day before. However, the update that Harmon emailed Schultz is not exactly what Schultz emailed Curley. You would think that Schultz would have told Curley the exact update he got from Harmon, but he didn't.

- Harmon tells Schultz the psychologist spoke with the child, but not Jerry. Schultz tells Curley that he's 'not sure' if they spoke to Jerry and that a psychologist is supposed to speak with the boys next week. Those are two different stories. The email Schultz relays to Curley is a different account of what Harmon relayed to Schultz
- So here you have 2 of 3 emails of the entire investigation that are ***the most important evidence in this investigation.*** Are they definitive as to who is referred to as 'coach'? No. Are they definitive as to what exact details were told to 'coach'? Absolutely not. Therefore, one cannot reasonably conclude that 'coach' in both emails were Paterno nor that Paterno was told any details about the 1998 shower investigation of Sandusky.

On page 39, Freeh states:

- While no information indicates University leaders interfered with the investigation, Spanier, Schultz, Paterno and Curley were kept informed of the investigation [\[\[Was Spanier and Paterno kept informed? Not conclusive. \]\]](#)
- Despite their knowledge of the [\[1998\]](#) criminal investigation of Sandusky, Spanier, Schultz, Paterno and Curley took no action to limit Sandusky's access to Penn State facilities or took any measures to protect children on their campuses. [\[\[This last statement makes absolutely no sense. Why would the PSU officials limit Sandusky's access to PSU facilities? He was a coach and he was found innocent of any wrong doing by the law enforcement and the DA. Why would Penn State officials need to protect children on](#)

their campus? The authorities determined that the children were not being abused, so why would the children need protection from Sandusky? Even though the DA dropped the charges against Sandusky in 1998, Freeh is writing this report as if Jerry Sandusky was tried and convicted of being a child molester in 1998 and that the PSU officials knew this and did nothing about it. However, the antithesis is true. Sandusky was not charged with any crime and was free to carry on, working at Second Mile where he was around a multitude of boys day in and day out. So the authorities obviously were not concerned that the children of Second Mile were in any danger. Yet, in his conclusive remarks on pg 4 of OR, Freeh attacks the PSU officials saying The evidence shows that these four men also knew about a 1998 criminal investigation of Sandusky relating to suspected sexual misconduct with a young boy in a Penn State football locker room shower. Again, they showed no concern about the victim. The evidence shows that Mr. Paterno was made aware of the 1998 investigation of Sandusky, followed it closely, but failed to take action. [MR page 14,] The most saddening finding by the Special Investigative Counsel is the total and consistent disregard by the most senior leaders at Penn State for the safety and welfare of Sandusky's child victims. Four of the most powerful people at The Pennsylvania State University -President Graham B. Spanier, Senior Vice President-Finance and Business Gary C. Schultz, Athletic Director Timothy M. Curley and Head Football Coach Joseph V. Paterno - failed to protect against a child sexual predator harming children for over a decade. [[How in the world can Freeh go back to 1998 and accuse these men of PSU of having 'no concern about the

victim' in 1998? How can Freeh accuse Paterno (if he knew anything) of 'failing to take action'? What action was Paterno supposed to take in 1998? How were the top officials at PSU supposed to show concern for the victim in 1998? ALL law enforcement officials, child welfare depts., and the District Attorney found NO WRONG DOING by Sandusky in 1998, and therefore, there was NO victim. These are Freeh's own words and evidence. If Freeh is going to blame anybody for 'showing no concern for the victim' in 1998, then he needs to blame Det. Schreffler, Harmon, Lauro, Seasock, Arnold and Gricar, because they are the trained entities that had all the evidence (2 victims and Chambers' report of pedophilia) to charge Sandusky with a crime. But they did not. Yet Freeh, with all his evidence that clearly shows who dropped the ball in 1998, maliciously spins the truth and publicly blames innocent men, including Joe Paterno, for a cover up and 'allowing' Jerry to get away with molesting children in 1998. Remember, this is supposed to be a thorough, fair and unbiased investigation into the facts. As you can see, it's anything but fair, unbiased, or factual. Unfortunately, these are the words and conclusions that everyone heard or read on July 12, 2012. And instead of taking the time to read the actual evidence, the media and public took Freeh's report, which vilified Joe Paterno, as complete truth.

THE 1998 CASE IS CLOSED (MR-pgs. 50-51)

- June-The DA drops the case against Sandusky less than a month after the shower incident
- Schreffler and Lauro meet with Sandusky to tell him 'there was no criminal behavior established' and he was told 'not to shower with youth' anymore, and Sandusky said he 'wouldn't.'
- Harmon emails Schultz to tell him case closed and that Schreffler and Lauro met with Sandusky.
- Harmon did NOT mention that the detective told Sandusky not to shower with boys anymore.
- Schultz emails Curley to relay Harmon's message.
- Pg. 50 Neither Harmon nor Schultz's emails set forth, or suggest, that they planned to discuss the incident with Sandusky. Pg. 51 Nothing in the record indicates that Spanier, Schultz, Paterno or Curley spoke directly with Sandusky about the allegation,[[Freeh says there is no indication that any PSU officials spoke with Sandusky. Sandusky was an employee of Penn State. Curley was the Athletic Director and was notified and kept apprised of the 1998 case about an employee. It is impossible to conclude that Sandusky was being investigated by the police yet had no contact about the matter with Curley. What employer in this country who knew that their employee was being investigated for criminal activity would not be in touch with their employee? The more reasonable conclusion is that the email from Curley, with Subject: Jerry, asking Schultz for an update and 'Coach is anxious to know where it stands', is referring to Sandusky being anxious and wanting to know where it stands because he is being

investigated for a serious crime that will affect the rest of his life. And since there were no emails from 'coach' to Curley asking Curley 'where does it stand?', it is obvious that 'coach' verbally asked Curley for an update which means Curley would likely respond to 'coach' verbally.]] Nothing in the record indicates that Spanier, Schultz, Paterno or Curley spoke directly with Sandusky about the allegation, monitored his activities, contacted the Office of Human Resources for guidance, or took, or documented, any personnel actions concerning this incident in any official University file. [[Since the DA dropped the case in 1998 and found Sandusky of no wrong doing, then why Paterno or Curley need to 'monitor his activities.'? The PSU officials nor Paterno ever saw Chambers' report that Sandusky was a likely pedophile so they assumed he was wrongfully accused. However, there were members of the investigative team of 1998 that did know of Chambers' report. Why are they not being held accountable? Schreffler actually knew EVERY detail, including Chambers' report, heard Sandusky's confession, etc. Was there a cover up since 1998? If there was, as Freeh concludes, then the cover up began with the 1998 investigative team, including Schreffler and the DA's office, and not Joe Paterno. In addition, Harmon DID NOT give Schultz any instructions on handling Sandusky or monitoring Sandusky. Harmon DID NOT tell Schultz (Curley) that Sandusky was NOT to shower with boys nor did Harmon tell Schultz (Curley) that Schreffler told Sandusky NOT TO SHOWER WITH BOYS. So the police tell Sandusky not to shower with boys, but never notify Sandusky's peers or bosses that they should monitor Sandusky around boys. Law enforcement officials are the ones who are trained

and educated about handling this kind of situation, yet Freeh blames the failure to convict Sandusky in 1998 and the failure to monitor Sandusky on UNTRAINED university officials.]]

PART FOUR-JERRY SANDUSKY RETIRES

- At least as early as February 1998, Paterno and Sandusky were discussing Sandusky's retirement. In 1999 Sandusky retired and asked for special perks after he retired, including 'access to training and workout facilities.' In a handwritten note by Paterno on this proposal (Exhibit 2G) it reads: 'Is this for personal use or 2nd Mile kids. No to 2nd Mile. Liability problems.' First, Freeh only makes a small mention of this at the bottom of page 51. But this is very important to show that Paterno did not want 2nd Mile kids around the football facility since it would be an insurance liability on PSU. Paterno didn't mention 'No 2nd mile kids, because of shower incident.' He made no inference to the 1998 case. Surely, if he had known about the shower incident just one year prior, he would have notated something about that since that incident happened in the very facility that Sandusky wants continued access to.
- Also it is key to note that Paterno did not want 2nd Mile kids to be in the football facility. Did that ever get written into Sandusky's retirement agreement? Did Curley make it clear to Sandusky what Paterno wanted? I make note of this because Freeh alleges on page 51 that Witnesses consistently told the Special Investigative Counsel that Paterno was in control of the football facilities and knew "everything that was going on." As Head Coach, he had the authority

to establish permissible uses of his football facilities. Nothing in the record indicates that Curley or Schultz discussed whether Paterno should restrict or terminate Sandusky's uses of the facilities or that Paterno conveyed any such expectations to Sandusky. [[If Paterno had control of the football facilities and had authority to establish permissible uses of *his* football facilities, then why was his order that he did not want 2nd Mile kids to use *his* facility not clearly passed on to Sandusky and not enforced? Freeh wants us to believe that Paterno was all-powerful over all of PSU, yet he did not want Sandusky to bring kids to facility and Curley nor Schultz wrote that stipulation into the retirement agreement. Apparently, Paterno is not omnipotent, contrary to Freeh and all those witnesses.]]

PART FIVE-Sandusky's Criminal Behavior 1999,2000

[[On pg. 22 of Timeline (Main Report) Freeh outlines that there was another victim (#4) who was assaulted in 1999 at the Alamo Bowl in Texas and that there was a victim (#8) who was assaulted in 2000 in the football shower. The 2000 incident was directly witnessed by a janitor and corroborated by another janitor, both who told a senior janitor. However, they did not go to the police nor tell their superiors. Yet again, Freeh gave them a free pass and did not hold these two adults responsible for failing to protect a child and failing to report a crime. (One janitor is not of sound mind at this time.) The other janitor made up an excuse that he was scared to be fired (not validated with any evidence). Does that excuse him? So Freeh determines the 'fear of being fired' trumps helping a boy being

molested by Sandusky? Is the 'fear of being fired' more valuable than protecting a child's innocence? More valuable than saving a child from being molested? Freeh mentions nothing in his report that rebukes the janitors' decision to not go to police. Yet these janitors, Freeh reports, often saw Sandusky with boys in the showers after hours. Here are eye witnesses to child rape and they do NOTHING. And Freeh finds no fault with these three adult men. But remember Freeh's conclusions, OR page 3,]] Our most saddening and sobering finding is the total disregard for the safety and welfare of Sandusky's child victims by the most senior leaders at Penn State. The most powerful men (Graham Spanier, Tim Curley, Gary Schultz and Joe Paterno) at Penn State failed to take any steps for 14 years to protect the children who Sandusky victimized. OR page 4, That these men, including Paterno, repeatedly concealed critical facts relating to Sandusky's child abuse from the authorities.... The evidence shows that these four men also knew about a 1998 criminal investigation of Sandusky relating to suspected sexual misconduct with a young boy in a Penn State football locker room shower. Again, they showed no concern about the victim. The evidence shows that Mr. Paterno was made aware of the 1998 investigation of Sandusky, followed it closely, but failed to take action. MR page 14, The most saddening finding by the Special Investigative Counsel is the total and consistent disregard by the most senior leaders at Penn State for the safety and welfare of Sandusky's child victims. Four of the most powerful people at The Pennsylvania State University -President Graham B. Spanier, Senior Vice President-Finance and Business Gary C. Schultz, Athletic Director Timothy M. Curley and Head Football Coach Joseph V. Paterno - failed to protect against a child sexual predator harming children for over a decade.

The conclusion is that Joe Paterno and PSU officials allowed Sandusky to rape boys from 1998-2011. Up to this point in 2001, we now know that there were no less than FOUR boys molested by Sandusky. We also know there was a law enforcement team who had enough evidence (2 boys and a report indicating Sandusky was a likely pedophile) to arrest Sandusky, but they let him go free, and we know there was an eyewitness who saw an attack by Sandusky on a boy. There is no evidence that proves Paterno knew anything, and if he knew anything it was that Sandusky showers with boys (which many staff members and coaches already knew), but that the law found nothing wrong with that. So it is baffling, with all the evidence uncovered by Freeh, how Paterno and PSU officials can be blamed for Sandusky's crimes on the victims back to 1998.

- Who had total disregard for the safety and welfare of Sandusky's child victims? (University Police, DPW, DA, PSU janitors)
- Who failed to take any steps for 14 years to protect the children who Sandusky victimized? (University Police, DPW, DA, PSU janitors)
- Who concealed critical facts relating to Sandusky's child abuse from the authorities? (University Police, DPW, DA, PSU janitors)
- Who failed to take action? Who failed to protect against a child sexual predator harming children for over a decade. (University Police, DPW, DA, PSU janitors)

PART SIX- ANALYSIS OF 2001 SHOWER INCIDENT

- **Review of Key People February-June 2001:**

Jerry Sandusky: Retired Penn State Assistant Football Coach Founder of The Second Mile serving underprivileged youth of PA
(NOT INTERVIEWED)

Second Mile: Foundation of Jerry Sandusky where he met and worked with young boys
(NOT INTERVIEWED)

Gary Schultz: Senior Vice President Finance and Business PSU who oversaw the University Park Police
(NOT INTERVIEWED)

Graham Spanier: President of Penn State University
(Gave written statement)

Tim Curley: Athletic Director (AD) of Penn State University
(NOT INTERVIEWED)

Joe Paterno: Head Football Coach, Penn State University
(NOT INTERVIEWED- Agreed to interview but died prior thereto)

Mike McQueary: Graduate Assistant, Former PSU Football Player
(NOT INTERVIEWED)

Wendell Courtney: Outside legal counsel for PSU
(NOT INTERVIEWED)

John McQueary: Mike McQueary's father. He was the first person Mike spoke to after incident.

(NOT INTERVIEWED)

Dr. Dranov: McQueary's friend. He was the second person Mike spoke to after incident.

****Only 1 (Spanier) out of 10 KEY individuals of 2001 incident were interviewed.**

2001 Shower Incident-

The true details of this incident are yet to be known as to what exactly did Mike McQueary see in February 2001 and what exactly did Mike McQueary tell Paterno, Curley, and Schultz in 2001. McQueary, Paterno, Schultz, and Curley have varying accounts of what McQueary told them and it appears that McQueary's story has changed since 2001.

Whatever the case, Freeh has concluded that the top PSU officials and Paterno have been engaged in a cover-up by enabling Sandusky to molest young boys for 14 years, dating back to 1998. It is already clear from the facts and evidence submitted by Freeh that these men had nothing to do with the 1998 investigation and that Sandusky was not charged with any wrong doing.

The chain of events is this. Mike McQueary saw Sandusky and a boy in the football shower. McQueary was upset at what he saw and told his father and a doctor friend, Dr. Dranov. The next day he told Paterno, The next day Paterno told his superiors Curley and Schultz. Remember Schultz oversees the University Park Police. Freeh states: The University Police Department is part of the Finance and Business unit. It has jurisdiction over all crimes that occur on University grounds. Its officers have the same authority as municipal police officers and enforce both the laws of the Commonwealth of Pennsylvania and University regulations. This is important because the media and public crucified Paterno for not going to

the police in 2001. In 2001, Schultz was overseeing the same University Park Police he oversaw in 1998. No one has said anything negative about the police investigation of 1998 regarding its jurisdiction or authoritative powers. Yet, even the PSU Board of Trustees fired Paterno, because they felt he did not take it to proper authorities.

After Curley and Schultz review Mike McQueary's account in conjunction with Spanier, they decide, according to Freeh to do the following Exhibit 5E:

- ③ • Tell Chair* of Board of Second Mile. 2/25/01
- ② • Report to Dept of Welfare.
- ① • Tell J.S to avoid bringing children alone into Lasch Bldg

*who's the chair??

Exhibit 5E above, is a handwritten note dated 2-25-01. Freeh alleges this is Schultz's handwriting and that they decide to: tell the Board of 2nd Mile, Report to Dept of Welfare, and tell Sandusky to avoid bringing children into Lasch Bldg (football facility-something Paterno had requested back in 1999 when Sandusky retired.)

- How was this validated to be Schultz's note and how was date validated?

Freeh's strongest piece of evidence against Paterno in the 2001 incident is an email, only the 3rd email used out of 3.5 million, (this was leaked prior to release of report) Exhibit 2F/5G reproduced below:

From: Gary C. Schultz <gcs2@psu.edu>
Sent: Wednesday, February 28, 2001 2:13 PM
To: Graham Spanier; Tim Curley
Subject: Re: Meeting

<html>

Tim and Graham, this is a more humane and upfront way to handle this. I can support this approach, with the understanding that we will inform his organization, with or without his cooperation (I think that's what Tim proposed). We can play it by ear to decide about the other organization.

 At 10:18 PM 2/27/01 - 0500, Graham Spanier wrote:
 <blockquote type=cite cite>Tim: This approach is acceptable to me. It requires you to go a step further and means that your conversation will be all the more difficult, but I admire your willingness to do that and I am supportive. The only downside for us is if the message isn't "heard" and acted upon, and we then become vulnerable for not having reported it. But that can be assessed down the road. The approach you outline is humane and a reasonable way to proceed.

 At 08:10 PM 2/27/01 - 0500, Tim Curley wrote:
 <blockquote type=cite cite>I had scheduled a meeting with you this afternoon about the subject we discussed on Sunday. After giving it more thought and talking it over with Joe yesterday-- I am uncomfortable with what we agreed were the next steps. I am having trouble with going to everyone, but the person involved. I think I would be more comfortable meeting with the person and tell him about the information we received. I would plan to tell him we are aware of the first situation. I would indicate we feel there is a problem and we want to assist the individual to get professional help. Also, we feel a responsibility at some point soon to inform his organization and maybe the other one about the situation. If he is cooperative we would work with him to handle informing the organization. If not, we do not have a choice and will inform the two groups. Additionally, I will let him know that his guests are not permitted to use our facilities.

 I need some help on this one. What do you think about this approach?</blockquote>

 Graham B. Spanier
 President
 The Pennsylvania State University
 201 Old Main
 University Park, Pennsylvania 16802

 Phone: 814-865-7611
 email: gspanier@psu.edu
 </blockquote></html>

Freeh alleges that this email proves beyond a shadow of a doubt that Paterno was the leader in orchestrating a cover-up of the 2001 incident.

Page 3 of Opening Remarks

“After Curley consulted with Mr. Paterno, however, **they** changed the plan and decided not to make a report to the authorities.” (Emphasis added)

Page 4 of Opening Remarks

“Based on the evidence, the only known, intervening factor between the decision made on February 25, 2001 by Spanier, Curley, and Schultz, to report the incident to the Department of Public Welfare (DPW), and then agreeing not to do so on February 27th , was Mr. Paterno’s February 26th conversation with Mr. Curley.”

[[[THIS IS THE MOST DAMNING ALLEGATION AGAINST JOE IN ALL THE REPORT. They are suggesting that on or before February 26, 2001, Spanier, Schultz, and Curley had an action plan, Plan A(Exhibit 5E above, generic written note) -to go to Second Mile and Dept Public Welfare and tell Jerry Sandusky not to bring kids to locker room. But, on February 27, 2001, after Curley ‘consulted’ (email says ‘talked it over’) with Joe, (Exhibit 2F/5G above) Freeh states that Joe intervened and convinced Curley to change the plan and go with Joe’s Plan B, which was to go to Jerry and get him professional help but NOT go to DPW. Freeh unequivocally states that Joe Paterno was the man in power and that he single-handedly changed the original plan of Schultz, Curley and Spanier of February 26, 2001 to Joe’s own plan on February 27, 2001 which would be to go to Sandusky and get him help and NOT go to authorities i.e. DPW. First of all, this email contains no information as to the conversation between Curley and Joe. There are no references to what Curley said to Joe nor what Joe said in return.]]]

Page 63,70,71- REPORT

[[[Exhibit 5C below is proof, however, that Joe did not intervene and change the plan of going to authorities. Exhibit 5C is a note by Schultz handwritten on FEBRUARY 12, 2001. This note was written TWO WEEKS prior to Curley speaking to Joe. The note is discussed below by Freeh.]]]

PENNSSTATE

Confidential



Date: *2/12/01*

From: Gary C. Schultz

To:

*Talked w TMC
reviewed 1998 history
- agreed TMC will discuss w JVP &
advise we think TMC should meet
w JS on Friday.
- unless he confesses to having a problem,
TMC will indicate we need to
have DPW review the matter
as an independent agency concerned
w child welfare.
- TMC will keep me posted.*

Senior Vice President for Finance and Business/Treasurer

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208 Old Main
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~ A contemporaneous 'confidential' note (Exhibit 5C) of a February 12, 2001 meeting between Schultz and Curley reflects that the men 'reviewed 1998 history.' The note states that Schultz and Curley 'agreed [Curley] will discuss with JVP [Paterno] & advise we think Curley should meet with JS [Sandusky] on Friday. Unless he confesses to having a problem, [Curley] will indicate we need to have DPW review the matter as an independent

agency concerned with child welfare.’ **Without ever speaking to McQueary, Schultz and Curley had already decided that not reporting Sandusky’s conduct to authorities may be an option.**

(Emphasis added.)

[[[Freeh admits right there that Schultz and Curley had already decided that NOT reporting Sandusky’s conduct to authorities may be an option before even talking to McQueary (or Paterno the second time). The men also state they want to go meet Jerry on Friday (in 4 days) February 16, 2001 (before Curley even talks with Joe on Feb 26 or 27), which means the plan Schultz & Curley ultimately decided to follow was one of THEIR ORIGINAL OPTIONS. It had NOTHING to do with Joe changing the plan or intervening. On February 12, Schultz writes down that they want to go to Jerry on Friday (very soon, 4 days) and UNLESS he confesses to a problem, they will go to DPW, meaning that if he confesses to having a problem then they will get him help and not go to DPW.]]]

~ By February 12, 2001,Schultz and Curley agreed that Curley would discuss with Paterno the idea of approaching Sandusky to see if he would “confess to having a problem;”....

[[[Here, Freeh totally re-writes and re-phrases what was written on the note to spin it like it was Joe’s idea. The confidential note (Exhibit 5C) says exactly that ‘Curley will discuss with JVP & advise we think Curley should meet with JS [Sandusky] on Friday. Unless he confesses to having a problem, [Curley] will indicate we need to have DPW review the matter as an independent agency concerned with child welfare.’ You have to insert the indirect object after advise: ‘Curley will discuss with JVP & advise [Joe] we (Curley & Schultz) think (Curley) should meet with JS (Sandusky) on Friday’ THERE IS NO MENTION THAT CURLEY WOULD DISCUSS WITH JOE “the idea of approaching Sandusky to see if he would ‘confess to having a problem’ ”. See the above entry from report, the entire phrase is being twisted and re-worded so that Joe is to blame. That sentence says that Schultz and Curley are going to advise Joe what THEY are going to do with Jerry. There are NO notes regarding Curley discussing with Joe the idea of seeing if Jerry would confess to a problem. Freeh twisted that one

sentence around to make it look like Joe's idea, when all along it was Schultz's and Curley's.]]]

~ At a February 25, 2001 meeting, Spanier, Schultz and Curley discussed an action plan for addressing the Sandusky incident. Schultz's handwritten notes (Exhibit 5E) from this meeting indicate: "3) Tell Chair of Board of Second Mile 2) Report to Dept of Welfare. 1) Tell JS [Sandusky] to avoid bringing children alone into Lasch Bldg.

~On February 27, 2001, however, after discussing the matter with Paterno the day before, Curley recommended a different course of action to Spanier and Schultz: they would offer Sandusky 'professional help'; assist him in informing 'his organization'(Second Mile) about the allegation; and, if Sandusky was "cooperative", not inform the Department of Public Welfare of the allegation. [[That last statement is not true. The email never says they 'would not inform Dept. Public Welfare.' It says they 'feel responsible at some point to inform Second Mile and maybe the Dept. Public Welfare.']]

[[[At some point after Feb 12, Schultz and Curley must have met with Spanier and they write down on February 25, 2012 the NEW course of action which is shown in Exhibit 5E to: 1)tell chair of board of Second Mile 2)Report to Dept of Welfare and 3)tell Jerry to avoid bringing children alone to Lasch Bldg. This new course of action however, does not sit well with Curley, because remember, a couple weeks ago they were going to try and handle this with Jerry alone, to see if he would confess to a problem (showering with boys, not a problem with child molesting) and then get help for him and keep this quiet without involving authorities. So now Curley is thinking this new plan over for a couple days and in the email of February 27, 2001, Exhibit 2F Curley states "I had scheduled a meeting with you this afternoon about the subject we discussed on Sunday [that would be February 25, 2012, the date of the note of the new course of action that Spanier, Curley and Schultz agreed upon] After giving it more thought and talking it over with Joe yesterday— I am uncomfortable with what we agreed were the next steps. I am having trouble going to everyone, but the person involved...." It says "I", not "we." Curley goes on to say that he wants to go to Jerry first and see if they can get him professional help. And

if he doesn't cooperate, they will have no choice but to go to authorities. Basically, he was going back to the original plan on February 12, 2012 that he discussed with Schultz. It appears Curley didn't like the new plan and was the one who was thinking it over, and was the one with being uncomfortable. (This line of thinking is most likely because in 1998 it was the same scenario of a shower account and he knew the decision by the authorities back then was that nothing criminal happened. This previous investigation had to be the basis of Curley's decision.) Curley circled back to the original plan THAT DIDN'T INCLUDE JOE PATERNO. The fact that he says he talked to Joe confirms nothing. In fact, this email makes more sense when you include the original plan between Schultz and Curley on Feb 12, then you see the updated plan on Feb 25, and now Curley is uncomfortable and wants to go back to his original plan that reflects the 1998 outcome. IT WAS NOT JOE'S INFLUENCE, INTERVENING, OR PERSUASION. It was Curley/Schultz's plan.]]]

Now let's look at those two notes 5E and 5C side by side. That generic note 5E is crucial in Freeh's conclusion that Curley and Schultz had a plan on 2-25-12, but Paterno came in and changed the plan to cover-up for Sandusky. We already established that it was not Paterno's plan not to go to authorities but it was Schultz's and Curley's original plan, as evidenced by Exhibit 5C.


Looking more closely at the two handwritten notes of Schultz, you will see that they don't seem to be written by the same person. Exhibit 5E:

- ③ • Tell Chair* of Board of Second Mile. 2/25/01
- ② • Report to Dept of Welfare.
- ① • Tell J.S to avoid bringing children
alone into Lash Bldg

*who's the chair ??

Exhibit 5C

PENNSSTATE *Confidential*



Date: *2/12/01*
From: Gary C. Schultz
To:

*Talked w TMC
revisited 1998 history
- agreed TMC will discuss w JVP +
advise we think TMC should meet
w JVP on Friday.
- unless he ~~confirms~~ to having a problem,
TMC will indicate we need to
have DPW review the matter
as an independent agency concerned
w child welfare.
- TMC will keep me posted.*

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- Exhibit 5C, is a handwritten note by Schultz. This is on his letterhead with his name and title clearly visible. Why is the above note 5E not on his letterhead too? When you examine these two documents closely, they don't appear to be written by the same individual.

- The lettering in 5E is fat with big loops in 'l', 'g', 'f', in 5C they are not. 5E is much more legible with rounded letters. 5C is tighter, sloppier, with sharper, less rounded letters. 5E the slashes in the date are slanted, 5C the slashes are straight. The word 'welfare' is written totally different in each note. The 'J' in 'JS' in 5E is loopy and cursive. The 'JS' and 'JVP' in 5C is not cursive and totally different without any periods between letters. In 5E, it's called 'Dept of Welfare', in 5C it's called DPW. Look at all the 'f's in 5C ('Confidential', 'confesses', 'welfare') the bottom go straight down, no loop. But the 'f's in 5E in the word 'of' (twice) have big loops.
- It seems to be different handwriting. This is of utmost importance because Freeh uses this generic note 5E along with Exhibit 2F/5G as proof positive that Paterno changed the minds of Curley, Schultz and Spanier.
- If you zoom in on these two notes at 200% you can see where some lettering has clean, crisp edges, while other lettering has rough edges and are very 'pixelated.' If these notes were scans of the original why would some lettering produce a clean copy and other lettering produce a pixelated copy? All the emails and handwritten notes need to be thoroughly reviewed by an expert.
- It would appear that the generic note 5E which is so crucial to Freeh allegations that 'Paterno was the mastermind behind the 2001 cover-up and had allowed Sandusky to rape children for 14 years' is falsified and a forgery.

PART SEVEN – WAS THERE A COVER UP?

Freeh concludes that the top four men (Spanier, Schultz, Curley and Paterno) covered up Jerry Sandusky's criminal activity on children for 14 years, dating back to 1998.

- The 1998 shower incident was cleared by law enforcement and the District Attorney. If there was a cover up in 1998 it was by local authorities and not by PSU officials or Joe Paterno
- The 1999 sexual assault was known by no one.
- The 2000 sexual assault was seen by janitors and not reported. If there was a cover up in 2000 it was by the janitors and not by PSU officials or Joe Paterno
- The 2001 shower incident witnessed by McQueary was told to Paterno who took it to his superiors, Tim Curley and Gary Schultz (head of University Park Police) who he assumed would take care of the allegations and report to proper officials.
- If there was a cover up by Paterno in 2001, then why did he escalate the information by McQueary to his boss and to the head of University Park police? Paterno was NOT the eyewitness and was only a 3rd party bystander. Anything he was told was hearsay. After reporting to his boss his involvement was complete since he could possibly taint the investigation if he 'stuck his nose' in it. Clearly the evidence shows that Paterno was not involved in any cover up.
- Why did Curley and Schultz not report this to Dept. of Public Welfare? We do not know, as their trials are yet to occur but it was not because Paterno instructed them not to. Can you conclude from Freeh's report that Schultz, Curley and Spanier conspired together to cover up Sandusky's sexual assault on children? Absolutely not. Again, just three years prior in 1998, a very similar situation of Sandusky in the shower with a boy was investigated and there was found to be no criminal behavior. It is highly probable that Curley and Schultz (who are not trained in child sex abuse) assumed it was the same

behavior and that an investigation would produce the same results. So Curley and Schultz mistakenly bypassed authorities and treated this similar to how the 1998 law enforcement team did. They reported to Second Mile and told Sandusky he was prohibited from bringing children to football facilities.

- It does not appear to be a cover up by Curley, Schultz and Spanier because they did inform Second Mile and they did discuss going to DPW. Why did they bring Second Mile into this if they wanted to cover up Sandusky's behavior? (At this point they do not know it is sexual assault, they only know it is Sandusky's behavior to take showers with young boys, which Freeh says was common knowledge at the time.)
- Also, on February 26, 2001 Schultz emails Curley and **cc's Joan Coble (his assistant)**. If Schultz and Curley wanted to cover up Sandusky's behavior then why would Schultz cc his assistant on this CONFIDENTIAL email about the Sandusky incident? Was Joan Coble part of the cover up too?
- The Second Mile employed Sandusky full time by 2001, they were aware day in and day out of how much time Sandusky spent with young boys. Why did they not take precautions to protect all those young boys? They were in constant contact with Dept. of Public Welfare and Child and Youth Services because those agencies placed the boys into the Second Mile programs. Why didn't Freeh hold them accountable? After all, Second Mile was Sandusky's employer and was responsible for the boys who Sandusky was showering with. How can this be a fair and complete report without any investigation into Second Mile? Were they covering something up?
- Freeh's conclusions of the top four men covering up Sandusky's criminal behavior is baseless and absolutely false as proven here by his OWN EVIDENCE.

CONCLUSION

- The 1998 shower incident was handled and investigated by local law enforcement and no charges were filed by the District Attorney office against Sandusky.
- The 2001 shower incident was reported to Paterno who reported to his superiors, including head of University Park Police. Paterno's superiors inform Sandusky's foundation Second Mile (who also are responsible for the boys) and they do nothing.
- There is no evidence, besides Freeh's baseless speculations and opinions, that the top four men at PSU covered up and knowingly allowed Sandusky to molest children for 14 years.
- Did the PSU officials make a grave mistake? Yes, and so did the entire 1998 investigative team, and they will probably never forgive themselves for it. Was it out of total disregard for the safety of children just to avoid publicity? No. The 'publicity' they speak of in the email is regarding Sandusky's known behavior to shower with boys. It was NOT the publicity of Sandusky molesting boys, because they never knew that until 2011.
- If there was a cover up, it seems to be coming from someone much higher on the food chain. However, the entire Freeh Report, from the time of the leaked email to the day he released the report, has been maliciously geared to blaming Joe Paterno, Schultz, Spanier and Curley of knowing and covering up Sandusky's sexual assault crimes.
- Why was Freeh so hell-bent on directing the blame on Paterno and PSU officials? Is there an undertow force at work here laying the blame at the foot of a dead man so that the real truth behind these monstrous crimes of Sandusky stays dormant?