

FRANK FINA BLOWS HOLE IN FREEH REPORT: Joe Paterno Was Not Part of Cover-Up

Fina's Amazing Revelation

We all know by now that Louis Freeh was hired by Penn State to 'conduct a full, fair, and completely independent investigation'¹ regarding the criminal charges that had been brought against Jerry Sandusky in 2011. I have [written extensively](#), along with my colleagues, that Freeh's investigation was anything but full, fair, or independent (or factual for that matter).

Although the mainstream media may not be interested or aware of what we have to say, it should pay close attention when former PA state Chief Deputy Attorney General Frank Fina states that he found 'no evidence' that Joe Paterno was involved in covering-up Sandusky's child abuse. Fina was one of the former prosecutors who conducted the probe into child abuse allegations against Sandusky and ultimately convinced the jury to convict Sandusky on 45 of 48 counts of child sex abuse.

This bears repeating. On September 4, 2013, former Sandusky prosecutor Frank Fina claimed, "I do not believe Coach Paterno was a part of the conspiracy to conceal -- to cover-up the crimes at Penn State by Jerry Sandusky. "And, I'm viewing this strictly on the evidence, not any kind of fealty to anybody. I did not find that evidence."²

Except for a few local media outlets mentioning this incredible information, Fina's declaration was not widely disseminated on the newswire 24/7 like those egregious Findings and Conclusions by Louis Freeh on July 12, 2012. However, had Fina said the opposite, that during his investigation he indeed found evidence that would implicate Paterno and that he would be charged if alive today, you know, without a doubt, that radio, tv, and message boards would have been lighting up and buzzing 24/7 with this astonishing revelation.

It's unfortunate that society loves to take part of tearing someone down but wants no part of the truth that vindicates that someone they had so much fun destroying.

Not only was that a startling announcement, but Fina also maintained that Penn State President Graham Spanier, Senior Vice President Gary Schultz and Athletic Director Tim Curley were putting the school's brand above the repeated sexual abuse of young boys on its campus. Fina said, "They had been [obstructing justice] for many years."²

I [previously asked](#) if Fina's extrajudicial statements regarding Spanier, Schultz, and Curley, violated any Rules of Conduct, but now I ask: Does Fina's statement regarding Joe Paterno in conjunction with Freeh's Findings actually exonerate all four men?

Freeh Refresher Course

On the morning of July 12, 2012, Freeh conducted a press conference in which he read his 7 page summary statement¹ and announced the release of his 267 page Freeh Report.³

¹Louis Freeh's Press Release (PR) http://progress.psu.edu/assets/content/Press_Release_07_12_12.pdf

²http://www.cbsnews.com/8301-18563_162-57601201/sandusky-prosecutors-penn-state-put-schools-prestige-above-abuse/

³The Freeh Report (FR) http://progress.psu.edu/assets/content/REPORT_FINAL_071212.pdf

Pages 4-6 of his statement contained an overview of his Findings. Those three pages alone contained at least 10 specific references to Spanier, Schultz, Paterno, and Curley of allegedly knowing about Sandusky's crimes, showing no regard for the child victims, and covering up the crimes.

In summary, according to Freeh, Spanier, Schultz, Paterno, and Curley allegedly:

- Had a total disregard for the safety and welfare of Sandusky's child victims.
- Failed to take steps for 14 years to protect the children who Sandusky victimized.
- Did not demonstrate any concern for the victims.
- Exposed the child (2001) to additional harm.
- Repeatedly concealed critical facts relating to Sandusky's child abuse from the authorities.
- Knew about a 1998 criminal investigation and showed no concern about that victim.
- Failed to alert the Board of Trustees in 1998 or take action against Sandusky.
- Had callous and shocking disregard for child victims.
- Took no responsible action after February 2001.
- Showed inaction and concealment.

Freeh claims the 'most important evidence of this investigation' were critical 1998 and 2001 emails among Spanier, Schultz, and Curley relating to Sandusky's crimes.

Freeh also alleges that Joe Paterno was the mastermind behind the cover-up of Sandusky's crimes and that Paterno changed the plan of Spanier, Schultz, and Curley going to the authorities. Freeh bases this solely on one email, 'the most important evidence of the investigation.'

Paterno Did Not Change Plan

I thoroughly explain on pp. 50-57 of my [Freeh Report Analysis](#) how Freeh's own evidence proves this allegation is completely false. Here is the summary. (It is important to note that Spanier, Schultz, and Curley have not had their day in court and are presumed innocent until proven guilty. Based on their testimony, Spanier, Schultz, Paterno, and Curley did not believe, based on the information reported to them, that the 2001 shower incident was criminal in nature, but rather inappropriate behavior by Sandusky horsing around with a minor.)

Freeh states a handwritten note by Schultz on Feb. 25, 2001, discusses reporting the Sandusky incident to Department of Public Welfare (DPW). On Feb. 26, 2001, Schultz emailed Curley to confirm the plan, including reporting to DPW. On Feb. 27, 2001, Curley emailed Schultz and Spanier saying that after discussing the matter with Paterno the day before, Curley wanted to change the plan and possibly not inform DPW if Sandusky was cooperative.

Freeh alleges, "After Curley consulted with Mr. Paterno, however, they changed the plan and decided not to make a report to the authorities."

“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.”

Freeh further solidified Paterno as the orchestrator of the cover-up by alleging that Paterno’s words carried a lot of weight with Curley, who would run big decisions by Paterno. And, that Curley would follow his instructions regardless of consequences.

Thus, Freeh claims that Paterno changed the plan and led the other three men away from reporting to DPW by stating that the only ‘intervening factor to report the incident’ was Paterno’s conversation with Curley on Feb. 26, 2001.

However, Freeh writes in a previous section of his report, ‘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.*’

Freeh confirms by his own admission that Schultz and Curley had already decided (2 weeks earlier) 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), 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.

Even though I prove, based on Freeh’s own evidence, that Paterno did not orchestrate a cover-up, it is clear from his press release and his full report that Freeh emphatically concludes that the four most senior leaders at Penn State – Spanier, Schultz, Paterno, and Curley, conspired to conceal the truth about Sandusky and that Paterno was the leader of the cover-up. This so-called Finding was the **most crucial** to Freeh’s probe and was based on one email-‘the **most critical** evidence of the investigation.’

Math 101

Based on Freeh’s conclusions we can write the following formulas:

Spanier + Schultz + Paterno + Curley = Cover-Up And Spanier + Schultz + Paterno + Curley = 4.

Based on the transitive property: 4 = Cover-Up

Now take into consideration Frank Fina’s statement.

“I did not find evidence” that Coach Paterno was a part of the conspiracy to conceal -- to cover-up the crimes at Penn State by Jerry Sandusky.

Considering Fina’s statement, the formula now becomes:

Spanier + Schultz + Curley = 3. We already know: 4 = Cover-Up.

Since $3 \neq 4$ then Spanier + Schultz + Curley \neq Cover-Up.

Fina Exposes Freeh's Baseless Findings

This momentous proclamation by Fina takes Paterno, the central player, out of the formula of Freeh's crucial Finding and therefore, that Finding falls flat on its face. In fact, if the **most damning** conclusion based on the **most critical** piece of evidence falls flat on its face, then the **entire Freeh Report** loses all credibility and must be publicly rejected by the Penn State Board of Trustees.

Fina Nor Freeh Prove Cover-Up

Also, consider this. How can you possibly have a cover-up without Joe Paterno and Mike McQueary? I have previously written how a cover-up is impossible without the key witness, McQueary, being a conspirator. But, now, add the fact that the central Penn State figure, previously accused of covering-up, is no longer a conspirator, and you cannot remotely have a cover-up. It is absolutely impossible. If the key witness, McQueary, is not involved in a cover-up but is free to talk about the incident to anyone he pleases, and if Paterno is not involved in covering up Sandusky's behavior, then how can a cover-up be plausible with only Spanier, Schultz, and Curley? And oh, by the way, Curley did not keep Sandusky's behavior quiet and only between the three of them. Curley went outside of Penn State and informed the Director of The Second Mile, who then told two Second Mile board members of Sandusky's behavior. Again I ask: How can there logically be a concealment of Sandusky's behavior by **only 3 out of 10 men** who all knew about the February 2001 Sandusky incident witnessed by McQueary? (10 men = Mike McQueary, John McQueary, Dr. Dranov, Joe Paterno, Tim Curley, Gary Schultz, Graham Spanier, Jack Raykovitz, Bruce Heim, & Bob Poole.)

In addition, if Paterno was not the mastermind behind the cover-up, then who was?

No Flipping

If it was Spanier, then Curley and Schultz would have turned on him and pled to a lesser charge. If Curley and Schultz were behind the cover-up, then Spanier would have turned on them and made a deal with the Attorney General.

The answer to all these questions is very simple. There was no cover-up. There is no evidence of a cover-up. There is no logical explanation of a cover-up given all the facts above. And finally, there was no need for a cover-up because the former Penn State leaders - Spanier, Schultz, Paterno, and Curley - did not know back in 2001 that the reported horseplay was actually child sex abuse as we all have come to now know. It really is that simple.

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