

Three vs. Ten: Unequal Justice Under the Law

If There Was A Penn State Cover-Up of The Jerry Sandusky Scandal, Then Why Weren't All Ten Conspirators Charged and Held Accountable?

– By Eileen Morgan

By 2001, Jerry Sandusky had retired from Penn State to work full time at his charitable youth foundation, The Second Mile. Sandusky founded The Second Mile in 1977 to help underprivileged youth reach their full potential. On June 22, 2012, Sandusky was convicted on 45 counts of child sexual abuse.

On July 12, 2012, Louis Freeh declared in his report that the senior officials at Penn State conspired to cover-up Jerry Sandusky's child molestation to avoid bad publicity. A 'cover-up' is defined as 'a concealment that attempts to prevent something scandalous from becoming public.'

Penn State's culpability in the Jerry Sandusky Sex Scandal precariously pivots on the 2001 shower incident witnessed by Mike McQueary. We know that Mike McQueary walked into a locker room on an evening in February, 2001 and saw Sandusky alone in a shower with a young boy from The Second Mile. Mike McQueary, who was upset by what he saw, called his father, John McQueary, to convey what he just witnessed. His father did not instruct Mike to call the police but rather to 'come home.'

The McQuearys and Dr. Dranov Discuss the Incident

Mike then came home and spoke again to his father and family friend, Dr. Dranov, about what he had seen just moments earlier. John McQueary was a physician assistant and CEO of a physician's practice. In their respective professional positions, John McQueary and Dr. Dranov were mandatory reporters of suspected child abuse. If they failed to report suspected child abuse they would face criminal charges and jail time. Dr. Dranov testified that on the night in question he asked Mike, "What did you see?" Mike kept going back to the sounds. Dr. Dranov repeated the question, THREE times in total, "Mike, What did you see?" But Mike kept going back to the sounds. Dr. Dranov also testified that the only visual account Mike relayed was that he saw 'a boy look around, made eye contact, and then an arm pulled him back. Mike looked again and saw Sandusky walking out of the shower.' Because Dr. Dranov was a mandatory reporter, his repeated questioning was to clarify if a crime had been committed so that he would know whether or not to call the police and report Sandusky's crime as mandated by law. Mike McQueary, the elder McQueary, nor Dr. Dranov called the police that night. *There are only two possible reasons: 1) There was no crime witnessed or 2) They wanted to conceal Sandusky's child sex abuse.*

The Report to PSU Officials

The following morning, at the insistence of the elder McQueary and Dr. Dranov, Mike McQueary went to the home of Joe Paterno to tell Paterno what he had seen the night before. Paterno then relayed the information to his superiors, Tim Curley-Penn State Athletic Director, and Gary Schultz-Penn State VP of Business & Finance, who oversaw the University Park Police, and they, in turn, relayed the information to Penn State President Graham Spanier. Curley and Schultz then met with McQueary to hear the

account directly from him. Based on the information and details from McQueary, the three officials (Curley, Schultz and Spanier) agreed that Curley should report McQueary's account to the CEO of Sandusky's employer, The Second Mile. Paterno, Curley, Schultz, nor Spanier called the police. *There are only two possible reasons: 1) There was no criminal activity reported to them by the witness or 2) They wanted to conceal Sandusky's child sex abuse.*

The Second Mile Gets The Report

The Second Mile's CEO Jack Raykovitz, a licensed psychologist and mandatory reporter who was responsible for the children at the organization, took the information from Curley and discussed it with two board members of The Second Mile and the three of them decided it was a non-incident. Neither Raykovitz nor the other two board members called the police. *There are only two possible reasons: 1) There was no criminal activity reported to them by the hearsay witness or 2) They wanted to conceal Sandusky's child sex abuse.*

Chart of 2001 Sandusky Shower Incident

McQueary- Eyewitness

John McQueary – hearsay witness

Dr. Dranov – hearsay witness

Joe Paterno – hearsay witness

Tim Curley – hearsay witness

Gary Schultz – hearsay witness

Graham Spanier – hearsay witness (once removed from McQueary)

Jack Rakovitz-2nd Mile CEO – hearsay witness (once removed from McQueary)

Second Mile Board Member #1 – hearsay witness (twice removed from McQueary)

Second Mile Board Member #2 – hearsay witness (twice removed from McQueary)

In all, 10 men were directly or indirectly aware of the 2001 incident witnessed by Mike McQueary.

Was This A Cover-Up?

The actions/testimony of all the hearsay witnesses was identical. If there was a cover-up to conceal Sandusky's crimes, then they would necessarily be acting in concert. John McQueary, Dr. Dranov, Paterno, Curley, Schultz and Spanier testified that no criminal sexual act between Sandusky and the child was reported to them by Mike McQueary. None of these men called the police when the incident was reported to them and their testimony validates why they did not call the police.

If there was a cover-up, there would have been an effort to conceal the incident. However, the facts show that each man McQueary talked to reported the incident to other individuals up the chain of command. If John McQueary and Dr. Dranov were covering up for Sandusky's crimes, then they would

never have told Mike to report the incident to Paterno. If Paterno wanted to cover-up for Sandusky's crimes, then he would not have reported it to Curley and Schultz. Not only did the hearsay witnesses not conceal the information, but Curley reported it outside the university to the CEO of The Second Mile. If the Penn State Officials were concealing Sandusky's crimes they most definitely would NOT have reported the incident to additional people, let alone The Second Mile. To share this information with other individuals outside of their circle would have relinquished control of their cover-up putting them at high risk of being exposed. The PSU officials' actions were the antithesis of the actions of a cover-up. In addition, McQueary testified that he told other individuals about the incident and that he was never told by any of his superiors not to tell others. "Neither Curley nor Schultz ever told me not to talk about this to others. Neither of them made any effort to prevent me from talking to anyone in the world."

Since the elder McQueary and Dr. Dranov are mandatory reporters and did not report the incident, one can only assume that they believed Mike did not witness child sex abuse by Sandusky. Each of the men, Mike McQueary, John McQueary, Dr. Dranov, Paterno, Schultz, Curley and Spanier, were concerned that Sandusky was showering alone with a child and they each reported it to a person up the chain of command they thought would best handle the situation given the information and facts they had at the time. Sandusky was confronted about the incident and told that it was inappropriate to shower with children.

So, what was the reason why the eyewitness, along with the other nine hearsay witnesses, did not call the police? Were the men conspiring to conceal Sandusky's child sex abuse? The preponderance of evidence clearly says NO. The reason no one called the police was because no crime was witnessed by Mike McQueary. The evidence, actions and testimony of all the individuals involved clearly prove that there was no effort to conceal the 2001 shower incident, at least up to the point that The Second Mile was informed.

The problem with the State's case against Curley, Schultz, and Spanier, is that neither John McQueary nor Dr. Dranov has been charged with perjury, failure to report, or conspiracy. This can only mean that the State believes their testimony to be credible and true. If Paterno, Curley, Schultz and Spanier acted in the same manner as the elder McQueary and Dr. Dranov (not calling the police) and testified similarly as the elder McQueary and Dr. Dranov regarding McQueary's account, then why has Paterno been blamed and why have Curley, Schultz, and Spanier been charged with perjury, child endangerment, and conspiracy, yet John McQueary and Dr. Dranov have not? All six men received the same account from McQueary. If there was a conspiracy to cover-up then ALL the men were in collusion and should be held accountable. Since the State does not believe John McQueary or Dr. Dranov broke the law, then they certainly should not be charging Curley, Schultz and Spanier with breaking the law.

Either all the men broke the law and are at fault or none of them are at fault. This is an egregious injustice by the state of Pennsylvania. The Attorney General's haphazard methods of applying the law in this case must be exposed.

Finally, Mike McQueary filed a whistle-blower lawsuit against Penn State in October, 2012. In that lawsuit there are no claims by McQueary that he was forced to conspire with Paterno, Curley, Schultz or

Spanier to conceal Sandusky's child abuse crimes. Certainly McQueary would have filed that charge in his lawsuit to assure a victory and maximum payout. This clearly proves, in addition to the other evidence, that there was no such concealment by Penn State officials to cover-up for Jerry Sandusky's crimes as alleged by Louis Freeh's Report.

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