

New York Times ¹

November 5, 2011

Former Coach at Penn State Is Charged With Abuse

By MARK VIERA

A former defensive coordinator for the Penn State football team was arrested Saturday on charges of sexually abusing eight boys across a 15-year period. Jerry Sandusky, 67, who had worked with needy children through his Second Mile foundation, was arraigned and released on \$100,000 bail after being charged with 40 counts related to sexual abuse of young boys.

Two top university officials — Gary Schultz, the senior vice president for finance and business, and Tim Curley, the athletic director — were charged Saturday with perjury and failure to report to authorities what they knew of the allegations, as required by state law.

“This is a case about a sexual predator who used his position within the university and community to repeatedly prey on young boys,” the Pennsylvania attorney general, Linda Kelly, said in a statement.

Mr. Sandusky was an assistant defensive coach to Joe Paterno, the coach with the most career victories in major college football, who helped propel Penn State to the top tiers of the sport. Until now, the Big Ten university had one of the most sterling images in college athletics, largely thanks to Mr. Paterno and his success in 46 seasons as head coach.

A [grand jury](#) said that when Mr. Paterno learned of one allegation of abuse in 2002, he immediately reported it to Mr. Curley. The grand jury did not implicate Mr. Paterno in any wrongdoing, though it was unclear if he ever followed up on his initial conversation with Mr. Curley or tried to alert the authorities himself.

Mr. Sandusky’s lawyer said his client had disputed the allegations that prompted a three-year investigation by the attorney general’s office.

“He has denied the allegations from the outset,” Joseph Amendola, Mr. Sandusky’s lawyer, said in a telephone interview Saturday. “We know the allegations were out there, but we didn’t know what the allegations were. Jerry has mentioned his innocence, and once we are able to go through this, we’ll have more specific responses.”

Mr. Curley and Mr. Schultz, the grand jury found, provided false testimony in discussing their response to the 2002 incident. It further found that Mr. Curley committed perjury in repeatedly denying that he had been told that Mr. Sandusky had engaged in sexual misconduct with a child.

The university president, Graham B. Spanier, who the grand jury said had been made aware of the 2002 incident, said in a statement that he stood behind the two officials.

“I have known and worked daily with Tim and Gary for more than 16 years,” Mr. Spanier said. “I have complete confidence in how they have handled the allegations about a former university employee.”

The grand jury’s report stated that the eight boys were singled out for sexual advances or sexual assaults by Mr. Sandusky between 1994 and 2009. All of the accusers first encountered him through activities related to the Second Mile, a foundation for needy children that he founded in 1977. He retired from daily involvement with the Second Mile last fall.

“Through the Second Mile, Sandusky had access to hundreds of boys, many of whom were vulnerable due to their social situations,” the report said.

According to the grand jury, the assaults occurred in a variety of locations — Penn State football facilities, Mr. Sandusky’s home, a high school, a golf resort near the university’s State College campus — and none of the boys were thought to be older than 13 when they first met Mr. Sandusky. The report also detailed the boys’ access to the Penn State football team; Mr. Sandusky retained access to many athletic facilities even after his retirement in 1999 and had an office in the Lasch Football Building.

Mr. Sandusky brought one boy to San Antonio for the 1999 Alamo Bowl, according to the report, but threatened to send him home when the boy resisted his sexual advances. He reportedly guaranteed that boy that he could walk on to Penn State’s football team, and the boy was shown in a photograph with him that appeared in *Sports Illustrated*.

Another boy attended as many as 15 football games as Mr. Sandusky’s guest; Mr. Sandusky brought him into a shower on campus and made the boy touch his genitals, the grand jury said. He placed his hands down the pants of another boy who spent the night at Sandusky’s house before home games, the grand jury said.

A graduate assistant for the team told the grand jury he alerted Mr. Paterno in 2002 that he had seen Mr. Sandusky sexually assaulting a boy in the shower at the Lasch Football Building on the Penn State campus. The graduate student

told the grand jury he went to Mr. Paterno's home the next day and described what he had seen. Mr. Paterno, in turn, told Mr. Curley.

About a week and a half later, Mr. Curley and Mr. Schultz met with the graduate assistant, then told Mr. Sandusky that he could not bring any children from the Second Mile onto campus, a ban the grand jury said Mr. Curley acknowledged was "unenforceable." The university officials did not alert law enforcement, Ms. Kelly said.

Mr. Schultz testified to the grand jury that there was a similar incident involving a young boy in the football shower with Mr. Sandusky in 1998. The mother of that boy confronted Mr. Sandusky at her home, with two police detectives listening to the conversation. He told the woman, according to testimony by one of the detectives: "I was wrong. I wish I could get forgiveness. I know I won't get it from you. I wish I were dead."

Mr. Schultz, whose position includes oversight of the university police, testified that he did not know that the university police produced a lengthy report about the 1998 incident. The grand jury found the assertions by him that the 2002 allegations were "not that serious" and that he and Mr. Curley "had no indication that a crime had occurred" contradictory to other testimony.

Mr. Curley and Mr. Schultz were each charged with one count of perjury, a third-degree felony punishable by up to seven years in prison and a \$15,000 fine, in addition to failure to report. Lawyers for the two men released statements proclaiming their clients' innocence.

Jimmy Kennedy, a defensive tackle for the Giants who played at Penn State from 1999 to 2002, said he was shocked and baffled by the allegations against Sandusky. Kennedy, who said Sandusky helped recruit him to Penn State, did an internship at Second Mile during his senior season.

"I never had any type of idea or suspicions about anything like that," Kennedy said. "All the kids loved him."

The grand jury report concluded with an incident that it said occurred in 2000, during a week when the Nittany Lions were away from campus for a game. Late at night, a janitor cleaning the football building said he observed Mr. Sandusky performing oral sex on a boy in a shower. Another worker that night found the shaken janitor, who said, "I just witnessed something in there I'll never forget."

Sam Borden contributed reporting.

Washington Post ²

November 6, 2011

Penn State board meets amid news of criminal case against Sandusky, 2 other officials

By Associated Press,

STATE COLLEGE, Pa. — The Penn State board met in executive session Sunday following the weekend announcement that criminal charges were filed against former retired defensive coordinator Jerry Sandusky that accused him of sexually abusing young boys.

Two top university officials — Gary C. Schultz, the university's senior vice president for finance and business, and Penn State athletic director Tim Curley — also were charged in the case, announced Saturday.

About half the board members were present late Sunday night while others joined in by phone.

Sandusky is accused of sexually abusing eight boys over 15 years. Schultz and Curley were both charged with failing to report to state and county officials that a witness told them he saw Sandusky sexually abusing a naked boy in the showers of a team practice facility. They also face a perjury charge.

Lawyers for all three men said they are innocent.

Earlier Sunday, Pittsburgh lawyer Thomas J. Farrell, an attorney for Schultz, said the Pennsylvania law requiring some school officials and others to report suspected child abuse does not apply to a Penn State administrator.

Farrell said he will seek to have the charge dismissed.

Farrell told The Associated Press that the mandated reporting rules only apply to people who come into direct contact with children. He also said the statute of limitations for the summary offense with which Schultz is charged is two years, so it expired in 2004.

The explosive charges are surprising both for what they detail and their contrast to the image of Penn State's football program. Under the leadership of Joe Paterno, who's won more games than any coach in Division I history, the Nittany Lions have become a bedrock in the college game. For more than four decades, Paterno's teams have been revered both for winning, including two national championships, and largely steering clear of trouble.

Paterno is not implicated in the case.

"Joe Paterno was a witness who cooperated and testified before the grand jury," said Nils Frederiksen, a spokesman for the state attorney general's office. "He's not a suspect."

Frederiksen called questions about whether Paterno might testify premature and speculation.

"That's putting the cart way ahead of the horse," he said. "We're certainly not going to be discussing the lineup of potential witnesses."

In a statement on Sunday, Paterno said that, if true, the charges were "shocking."

"The fact that someone we thought we knew might have harmed young people to this extent is deeply troubling," he said. "If this is true we were all fooled, along with scores of professionals trained in such things, and we grieve for the victims and their families. They are in our prayers."

Paterno said that while he did what he was supposed to do with the one accusation brought to his attention, he was "deeply saddened" by the current allegations.

The grand jury report that lays out the accusations against the men cites the state's Child Protective Services Law, which requires immediate reporting by doctors, nurses, school administrators, teachers, day care workers, police and others.

Neither Schultz nor Curley appear to have had direct contact with the boys Sandusky is accused of abusing, including the one involved in the eyewitness account prosecutors say they were given. Prosecutors say Sandusky encountered victims through The Second Mile, a charity he founded for at-risk children.

An email Sunday to The Associated Press from The Second Mile said the organization was preparing a written statement but did not want to comment at this time because of the criminal investigation.

"The Second Mile will continue to do everything in our power to be cooperative with authorities and will maintain our focus on doing what is best for the children," the email said.

Schultz and Curley fielded the complaint from an unnamed graduate assistant, and from Paterno. Two people familiar with the investigation confirmed the identity of the graduate assistant as Mike McQueary, now the team's wide receivers coach and recruiting coordinator. The two spoke to The Associated Press on condition of anonymity because the names in the grand jury report have not been publicly released.

McQueary was out of town on a recruiting trip Sunday, according to his father, John McQueary, who declined to comment about the case or say whether they are the two named in the grand jury report.

The law “applies only to children under the care and supervision of the organization for which he works, and that’s Penn State, it’s not The Second Mile,” Farrell said of his client. “This child, from what we know, was a Second Mile child.”

Messages left later Sunday seeking comment from Frederiksen with the attorney general’s office, and from Curley’s lawyer, Caroline Roberto, were not immediately returned. Farrell said it was accurate to say the allegations against Curley are legally flawed in the same manner.

Farrell said he plans to seek dismissal at the earliest opportunity. Both Schultz and Curley are scheduled to turn themselves in at a district judge’s office in Harrisburg on Monday.

“Now, tomorrow is probably not the appropriate time,” Farrell said. “We’ll bring every legal challenge that is appropriate, and I think quite a few are appropriate.”

As a summary offense, failure to report suspected child abuse carries up to three months in jail and a \$200 fine.

“As far as my research shows, there has never been a reported criminal decision under this statute, and the civil decisions go our way,” he said.

Curley and Schultz met with the graduate assistant about a week and a half after the alleged attack, Pennsylvania Attorney General Linda Kelly said Saturday. There is no indication that anyone at school attempted to find the boy or follow up with the witness, she said.

“Despite a powerful eyewitness statement about the sexual assault of a child, this incident was not reported to any law enforcement or child protective agency, as required by Pennsylvania law,” Kelly said.

The allegations mirror the sexual abuse scandal that has rocked the Catholic church, albeit on a smaller and narrower scale. As in the church’s case, authorities say high-ranking figures were given details about instances of sex abuse and failed to share them with law enforcement or child-welfare agencies.

Curley and Schultz also are accused of perjury for their testimony to the grand jury that issued a 23-page report on the matter Friday, the day before state prosecutors charged them. Sandusky was arrested Saturday and charged with 40 criminal counts.

Curley denied that the assistant had reported anything of a sexual nature, calling it “merely ‘horsing around,’” the grand jury report said. But he also testified that he barred Sandusky from bringing children onto campus and that he advised Penn State President Graham Spanier of the matter.

The grand jury said Curley was lying, Kelly said, adding that it also deemed portions of Schultz’s testimony not to be credible.

Schultz told the jurors he also knew of a 1998 investigation involving sexually inappropriate behavior by Sandusky with a boy in the showers the football team used.

But despite his job overseeing campus police, he never reported the 2002 allegations to any authorities, “never sought or received a police report on the 1998 incident and never attempted to learn the identity of the child in the shower in 2002,” the jurors wrote. “No one from the university did so.”

Farrell said Schultz “should have been required only to report it to his supervisor, which he did.”

Schultz reports to Penn State president Graham Spanier, who testified before the grand jury that Schultz and Curley came to him with a report that a staff member was uncomfortable because he’d seen Sandusky “horsing around” with a boy. Spanier was not charged.

About the perjury charge, Farrell said: “We’re going to have a lot of issues with that, both factual and legal. I think there’s a very strong defense here.”

The university is paying legal costs for Curley and Schultz because the allegations against them concern how they fulfilled their responsibilities as employees, spokeswoman Lisa Powers said.

Scolforo reported from Harrisburg, Pa.

New York Times³

November 6, 2011

In Sexual Abuse Case, a Focus on How Paterno Reacted

By MARK VIERA

STATE COLLEGE, Pa. — On Saturday, March 2, 2002, according to Pennsylvania prosecutors, a Penn State University graduate student went to visit Joe Paterno, the university's football coach. The student had a horrific story to tell: the night before, the graduate student had witnessed one of Paterno's former coaches sexually assaulting a 10-year-old boy in the football facility's showers.

Paterno, according to the prosecutors, did not call the police. Instead, the next day, he had the university's athletic director visit him at his home, a modest ranch house just off campus in State College. According to prosecutors, Paterno told the athletic director of the report regarding the former coach, Jerry Sandusky.

The authorities then say nothing about what, if anything, Paterno did in the subsequent days or weeks. They do not say whether he followed up on the allegation or whether he ever confronted Sandusky, a man who had worked for him for 32 years and who, even after retiring, had wide access to the university's athletic facilities and students.

What prosecutors do contend in detail is that Sandusky went on to abuse at least one and perhaps any number of other young boys after Paterno and other senior officials at Penn State were told of an assault in 2002.

Sandusky, 67, was arrested Saturday and charged with 40 counts of sexually abusing children over 15 years, including his time as an assistant at Penn State. He was specifically accused of having assaulted the young boy in 2002. All the accusers were boys Sandusky had come to know through a charity he founded, the Second Mile, for disadvantaged children from troubled families.

The university's athletic director, Tim Curley, and another senior administration official have been charged with lying to a grand jury about what they had been told about Sandusky's conduct, and they are expected to surrender to the authorities Monday morning. While their lawyers have maintained they will be exonerated, and Sandusky, through his lawyer, has maintained his innocence, both men stepped down from their positions at the university late Sunday.

Earlier Sunday, Paterno issued a statement insisting that the graduate assistant had not told him of the extent of the sexual assault that he said he witnessed, only that he had seen something inappropriate involving Sandusky and the child.

"As Coach Sandusky was retired from our coaching staff at the time, I referred the matter to university administrators," Paterno said in the statement.

"I understand that people are upset and angry, but let's be fair and let the legal process unfold," Paterno said.

Paterno's son Scott said in an interview Sunday that Paterno never spoke to Sandusky about the allegation, and that he never seriously pursued the question of whether any action had been taken by the university or any other authorities against Sandusky.

"From my imperfect recollection, once he referred it off, I do not believe he had a second conversation about it," Scott Paterno said of his father and how he handled any follow-up on the allegation. He added: "The appropriate people were contacted by Joe. That was the chain of command. It was a retired employee and it falls under the university's auspices, not the football auspices."

It appears prosecutors believe that Paterno, whatever his personal sense of obligation to inquire or act further, met his legal requirement in reporting the graduate student's allegation to his direct superior, Curley.

Under state law, if a staff member at a school makes a report of possible sexual abuse of a child, it is the responsibility of "the person in charge of the school or institution" to make a report to the state's Department of Public Welfare. According to prosecutors, neither Curley nor the president of Penn State, Graham B. Spanier, who had been told by Curley of the complaint against Sandusky, made such a report to child welfare authorities.

Of course, there was nothing preventing Paterno from doing more, and some sexual abuse experts and those who have represented young sex victims over the years have begun questioning why he did not take more immediate, aggressive action.

"He reported what he knew and he had reason to expect that others would do their jobs," said Nicholas P. Cafardi, who is dean emeritus and professor of law at Duquesne University School of Law and an expert on the Roman Catholic Church's sexual abuse scandal. "I don't know if he knew no action was taken after he reported it, but if he did, and if he believed the story he heard was credible, he had a moral obligation to do something more — to report it to civil officials.

“In many past cases with the Catholic Church, priests who reported incidents to bishops and then saw nothing happened took it upon themselves to contact the civil authorities,” Cafardi said. “It’s not enough to say you have done all that the law requires of you. If you know nothing is being done to stop the abuse, the moral obligation kicks in. One of the reasons child-protection laws exist is to prevent additional abuse.”

According to a person with knowledge of the 2002 episode, the graduate student who made the report — first to Paterno and later to Curley and others — is Mike McQueary, a former Penn State quarterback who now serves as a senior assistant to Paterno. Attempts to reach him were not successful.

The chronology of events laid out by the state attorney general’s office includes multiple episodes that seem to suggest a failure by a variety of Penn State officials or employees to act emphatically — whether out of fear, incompetence or, perhaps, self-interest.

Sandusky, for decades, had been a prominent face of Penn State football, credited as the architect of defenses that helped win national championships. And the Paterno football program was one of the university’s greatest engines of income and national prestige.

But as early as 1994, according to prosecutors, Sandusky began to prey on young boys he had come to meet through the charity he helped create years earlier, the Second Mile, which was designed to help disadvantaged boys from dysfunctional or broken homes.

The account of prosecutors makes clear Sandusky brought any number of boys, typically 10 to 15 years old, fully into the world of Penn State football — visiting the team’s field, going on trips to postseason games, eating meals in the team’s dining hall.

That did not seem to strike Paterno, or other members of the football staff, as odd, given that Sandusky was understood to be a good man doing nice things for needy boys. But it appears, according to the criminal complaint against Sandusky, that he abused the boys in various corners of that Penn State football world — in its showers, perhaps in hotel rooms on the road.

According to prosecutors, the first serious chance Penn State had to halt the abuse came in 1998, when Sandusky was still an assistant for Paterno. A mother of an 11-year-old boy Sandusky had befriended at his charity reported to the Penn State campus police that her son had been touched and held by Sandusky in a shower inside the campus’s football facility.

Prosecutors said a “lengthy” investigation — one that grew to include allegations about a second young child being similarly touched by Sandusky in a shower — was carried out by the campus police. But they offer few details about the nature of that investigation: who was interviewed, whether Paterno or other university officials were apprised of it.

They do, though, say that at least two campus detectives took the case seriously and heard Sandusky admit to the misconduct in a conversation with the mother of one of the boys. Additionally, prosecutors said Sandusky was interviewed by one of the detectives and an investigator with the state’s child welfare agency. In that interview, they said, Sandusky admitted to showering with the boys and conceded that it “was wrong.”

According to prosecutors, a decision not to prosecute Sandusky was made by the county district attorney, who has since died. The lead campus police detective was subsequently told to close the case by Thomas Harmon, then the director of the campus police force. It appears Sandusky was merely encouraged to never again shower with a child.

The prosecutors, though, do assert that at least one prominent Penn State official, a lawyer for the university, was told of the 1998 allegations and investigation. That official, Wendell Courtney, said in an interview Sunday that he had learned of allegations about Sandusky in 1998, but had left it to the police and prosecutors to investigate.

“Whatever they did, they did,” he said of the campus police and local district attorney.

Courtney said he never sought to find out why no action had been taken. He said he believed that Penn State’s athletic director, Curley, knew of the allegation and the investigation, but was unsure whether other people in senior positions at the university knew of the episode.

Scott Paterno said on Sunday that his father had not been aware of the 1998 investigation. If he had been, Scott Paterno suggested, his father would have acted differently when he learned of the episode in 2002.

“Speaking on behalf of the family, if Joe had knowledge in ’98, it’s impossible for us to conceive that he wouldn’t have remembered that in 2002,” Scott Paterno said. “Anytime he has been questioned whether he had prior knowledge to 2002, he’s answered the same way every time.”

After the 1998 investigation, Sandusky’s status with his charity appears to have remained unchanged. In 1999, he retired as a Penn State assistant. It was generally understood at the time that Sandusky was not going to replace Paterno as head coach, and Paterno told Sandusky as much in a meeting. Perhaps as a result, Sandusky had opted to leave. He said he wanted to work full time for the Second Mile.

On Sunday, Scott Paterno rebutted the widely held belief that Sandusky had been forced to retire as a consequence of the 1998 investigation.

Sandusky, as part of his retirement terms, retained extensive privileges on campus: an office in the athletic facility, keys to the locker rooms and more.

And, prosecutors say, he used that access to abuse a young boy the next year. That incident would be another occasion in which university employees say they came upon an awful scene of abuse, but ultimately did not act.

In the fall of 2000, according to prosecutors, a janitor found Sandusky in the showers of the football building performing oral sex on a young boy pinned against a wall. The janitor, distraught, told a fellow employee that he had seen people killed in the Korean War, but that he had just seen something he would never forget. The employee thought the janitor was at risk of a heart attack.

In the end, no report was made, not by the janitor or the fellow employee he had told, both of whom, according to prosecutors, worried about their job security. And not by the janitor's supervisor, who also had been informed.

"The failure of top university officials to act on reports of Sandusky's alleged sexual misconduct, even after it was reported to them in graphic detail by an eyewitness, allowed a predator to walk free for years — continuing to target new victims," Linda Kelly, the state attorney general, said in a statement over the weekend. "Equally disturbing is the lack of action and apparent lack of concern among those same officials, and others who received information about this case, who either avoided asking difficult questions or chose to look the other way."

Nate Schweber contributed reporting.

New York Times⁴

November 9, 2011

Paterno Is Finished at Penn State, and President Is Out

By MARK VIERA

STATE COLLEGE, Pa. — Joe Paterno, who has the most victories of any coach in major college football history, was fired by Penn State on Wednesday night in the wake of a sexual abuse scandal involving a prominent former assistant coach and the university's failure to act to halt further harm.

Graham B. Spanier, one of the longest-serving and highest-paid university presidents in the nation, who has helped raise the academic profile of Penn State during his tenure, was also removed by the Board of Trustees. When the announcement was made at a news conference that the 84-year-old Mr. Paterno would not coach another game, a gasp went up from the crowd of several hundred reporters, students and camera people who were present.

"We thought that because of the difficulties that engulfed our university, and they are grave, that it is necessary to make a change in the leadership to set a course for a new direction," said John Surma Jr., the vice chairman of the board.

The university's most senior officials were clearly seeking to halt the humiliating damage caused by the arrest last Saturday of the former assistant coach, Jerry Sandusky. Mr. Sandusky had been a key part of the football program, but prosecutors have said he was a serial pedophile who was allowed to add victims over the years in part because the university he had served was either unable or unwilling to stop him.

Mr. Sandusky has been charged with sexually abusing eight boys over a 15-year span, and two top university officials — Tim Curley, the athletic director, and Gary Schultz, the senior vice president for finance and business — have been charged with perjury and failing to report to authorities what they knew of the allegations. Neither Mr. Paterno nor Mr. Spanier was charged in the case, though questions have been raised about if they did as much as they could to stop Mr. Sandusky.

Mr. Paterno had announced earlier Wednesday that he planned to retire at the end of the football season, but the statement was apparently released without the approval of the board.

"At this moment the Board of Trustees should not spend a single minute discussing my status," Mr. Paterno said in his statement. "They have far more important matters to address. I want to make this as easy for them as I possibly can. This is a tragedy. It is one of the great sorrows of my life. With the benefit of hindsight, I wish I had done more."

Yet the board unanimously declined to let him finish out the season, his 46th as the head football coach and his 62nd over all at the college. The defensive coordinator Tom Bradley will take over as interim head coach. Mr. Paterno was told of his firing by telephone, according to Mr. Surma, who is the chief executive of U.S. Steel.

Late Wednesday night, Mr. Paterno issued another statement.

"I am disappointed with the Board of Trustees' decision, but I have to accept it.

"A tragedy occurred, and we all have to have patience to let the legal process proceed. I appreciate the outpouring of support but want to emphasize that everyone should remain calm and please respect the university, its property and all that we value," he said in the statement.

"This university is a large and complex institution, and although I have always acted honorably and in the best interest of the university, the buck stops here," Mr. Spanier said in a statement. "In this situation, I believe it is in the best interest of the university to give my successor a clear path to resolve the issues before us."

Rodney A. Erickson, the executive vice president and provost, will serve as acting president.

After the announcements about Mr. Spanier and Mr. Paterno, the news conference immediately took on a frenzied and somewhat vitriolic tenor. Angry questions were shouted at Mr. Surma, who responded to them while the other board members sat behind him and to his sides. One cameraman repeatedly said, "Your campus is going to burn tonight."

The scandal, and the fallout from it, has left Penn State's normally placid campus in a state of shock. Scores of students poured into the streets downtown in the immediate aftermath of the news conference. Many held up cellphones to take pictures and others blew vuvuzelas and air horns. A few climbed lampposts, tried to topple street signs and knocked over trash cans. Others set off firecrackers from the roofs of buildings, and a television news truck was flipped on its side. A lamppost was torn down and police pepper-sprayed some in the crowd.

"I just don't think it's right that JoePa's losing his job," Corey Davis, a 23-year-old senior studying international politics, said. "All the facts aren't out, we don't even know he's done anything wrong. Joe's the fall guy."

Kathryn Simpson, 20, a junior studying graphic design, was weeping as she walked away from the university's administration building, Old Main, with a friend.

"This is devastating for us," she said. "I never in a million years thought I'd see this."

A number of students went to the coach's house, where Mr. Paterno and his wife, Sue, spoke with them.

Dressed in a baggy gray pullover sweater, Mr. Paterno waved his hand and started to walk back inside. A student yelled, "We are Penn State," the frequent rallying cry. Mr. Paterno stopped and turned around to say: "That's right. We are Penn State, don't ever forget it."

Many students have shown their support for Mr. Paterno with large rallies outside his home and at Old Main. After he was fired, thousands of people gathered in front of the administration building, throwing objects and chanting "We want Joe!"

A grand jury said that Mr. Spanier, the university's president since 1995, was made aware of a report of an incident involving Mr. Sandusky. Upon learning about a suspected 2002 assault by Mr. Sandusky on a young boy in the football building's showers, Mr. Paterno redirected the graduate assistant who witnessed the incident to the athletic director, rather than notifying the police. Mr. Paterno said the graduate assistant who reported the assault, Mike McQueary, said only that something disturbing had happened that was perhaps sexual in nature. Mr. McQueary testified that he saw Mr. Sandusky having anal sex with the boy.

The Department of Education announced Wednesday that it would investigate the university's handling of the abuse allegations.

Mr. Paterno has had a contentious relationship with some members of the Board of Trustees. In 2004, Mr. Spanier, Mr. Curley and select board members twice went to his house in efforts to get him to retire. Mr. Paterno declined, and the moment was looked at in the narrative of Paterno's career as an instance of his overcoming adversity. He revived the program, including victories in the Orange Bowl over Florida State in the 2005 season and the Outback Bowl over Tennessee in the 2006 season.

Mr. Spanier, 63, has helped to raise the academic prestige of Penn State during his tenure. A trained therapist with a Ph.D. in sociology, he was known among the students for playing the washboard with local bands and performing magic tricks at certain functions.

Yet it was Mr. Paterno who remained the public face of the university. He met with his team Wednesday in a gathering that players described as emotional. Stephon Morris, a junior cornerback, said Paterno was near tears when he told the team he was leaving. "I've never seen Coach Paterno like that in my life," Mr. Morris said. Still, Mr. Paterno's talk was not all about the turmoil. Mr. Morris said Mr. Paterno's main message was "Beat Nebraska," referring to Penn State's next opponent. When he left, his players gave him a standing ovation.

Bill Pennington and Nate Schweber contributed reporting.

New York Times⁵

November 16, 2011

Inquiry Grew Into Concerns of a Cover-Up

By JO BECKER

STATE COLLEGE, Pa. — A critical break in the investigation of Jerry Sandusky came via a posting on the Internet: a random mention that a Penn State football coach, years before, might have seen something ugly, but kept silent.

Investigators with the Pennsylvania attorney general's office had by 2010 already come to the conclusion that Sandusky, the longtime defensive coordinator for Joe Paterno's Nittany Lions, was a serial molester, according to two people with knowledge of the case. But what had started with a complaint of sexual assault from a high school freshman had grown to include another matter altogether: whether Penn State had acted to cover up Sandusky's behavior, even crimes.

Working off the brief mention on an Internet forum where people chatted about Penn State athletics, according to the two people with knowledge of the case, investigators narrowed their list of coaches likely to have seen something to Mike McQueary, then an assistant coach and the football program's recruiting coordinator.

State College is a close-knit community. Word would get around that a Penn State coach had met with investigators. So investigators set up a meeting in an out-of-the-way parking lot, according to those with knowledge of the case.

There, one day a little over a year ago, McQueary unburdened himself, the two people said. He needed little prompting.

He told of a horrific scene he had stumbled upon as a graduate assistant one Friday night in March 2002: a naked boy, about 10, hands pressed against the locker room wall of the Lasch Football Building, being raped by Sandusky. McQueary was explicit and unequivocal, the people said. He had told Paterno, the team's longtime and widely beloved head coach, about the incident the next day, but he was filled with regret that nothing had happened.

"This had been weighing on him for a very long time, and our guys felt he was relieved to get it off his chest," one law enforcement official said. "When he had the opportunity to make it right, he told the truth."

Sandusky, in his first public statement this week, acknowledged that he "horsed around" with boys in the shower but insisted there was no sexual intent.

But for investigators, the identification of McQueary, and the account he would ultimately tell under oath, was pivotal. In the coming months, investigators uncovered other alarming facts.

Officials at the Second Mile, the charity for at-risk children that Sandusky founded and that prosecutors say he used to target victims, reported that several years of the organization's records were missing and had perhaps been stolen. The missing files, investigators worry, may limit their ability to determine if Sandusky used charity resources — expense accounts, travel, gifts — to recruit new victims, or even buy their silence, according to two people with knowledge of the case.

And in 2002, after McQueary had reported what he had seen to the university's senior officials, those officials not only never told the police, but they also never even informed the university's top lawyer. That lawyer, Wendell Courtney, said in an interview this week that he would have been duty bound to report to law enforcement officials any allegations of inappropriate conduct toward children by Sandusky.

Most disturbingly, investigators continued to identify possible victims — young men who had been boys when Sandusky befriended them through his foundation for troubled youngsters.

Those young men were not eager to tell their stories, the two people with knowledge of the case said. The young men were not convinced that the attorney general's office had the will to go after a case that could rewrite the storied history of the university's football program. And they asked: If the case went forward, who would believe them over a revered figure like Jerry Sandusky?

It was a question investigators had asked themselves. But with McQueary, they had what they regarded as an impartial witness, and one from within the ranks of Penn State itself.

Accusation, but No Charge

Penn State was shaken by the Nov. 5 arrest of Sandusky, the indictment of two university officials on charges that they had perjured themselves and failed to report Sandusky's alleged crimes, and the ouster of both Paterno and the

university's president, Graham B. Spanier.

But back in 2009, when the case first landed in the office of the attorney general, no one knew where it would lead. The mother of a Clinton County, Pa., freshman called the local high school to report that her son had been sexually assaulted by Sandusky. Sandusky was barred from the school, where he had served as a volunteer coach, and the matter was reported to the authorities.

The district attorney in Centre County, where Sandusky was alleged to have molested the boy, passed the case on to the attorney general. The district attorney, Michael Madeira, said Wednesday that his wife's biological brother had been adopted by Sandusky years before.

The Clinton County teenager — Victim 1, as he would become known in the grand jury report made public this month — alleged that he first met Sandusky through the Second Mile when he was 11 or 12. Sandusky had indecently fondled him and performed oral sex on him, the boy said.

But prosecutors, lacking physical evidence of an assault, worried about the fortunes of a case that might end up with little more than competing claims — by the boy and by Sandusky.

"You can charge it, but getting a conviction is going to be difficult," said one person with direct knowledge of the deliberations among prosecutors. "And getting a conviction in State College against someone of Jerry Sandusky's stature is going to be 10 times more difficult."

To make a charge stick, they concluded, they needed to explore whether one boy's claims were merely one among others, perhaps many.

Looking in Old Files

The answer to their question, it turned out, lay in a voluminous police report sitting for a dozen years in the old case files of the Penn State University Police. Investigators for the attorney general's office had heard rumors that Sandusky had come to the attention of law enforcement officials sometime in the past, but they were not sure when or where.

The investigators, according to those with knowledge of the case, began calling around to nearby police departments; they received a hit when they reached the campus police.

In 1998, an 11-year-old boy, now known as Victim 6, had come home with wet hair and told his mother he had showered with Sandusky at Penn State's athletic complex. She immediately reported it to the university police, the grand jury report said.

As investigators leafed through the old report — it ran close to 100 pages — they came to believe that the campus police officers had truly wanted to make a case against Sandusky, according to people with knowledge of the current investigation. The officers had gone so far as to set up a sting operation in which the boy's mother called the coach, and, with the police listening in, confronted Sandusky.

According to the grand jury report, he admitted to showering with her son and another boy, said he did not think that his private parts had touched her son, but acknowledged that what he did was wrong. "I wish I were dead," he said, according to the grand jury's findings.

Ultimately, the district attorney decided against taking the case to trial, a decision that, years later, the attorney general's investigators could well understand. According to people with knowledge of the current Sandusky case, the district attorney's decision in 1998 was a close call, even with the evidence the campus police had.

But what most struck the investigators, according to people with knowledge of the current case, was that the university itself seemed to have done nothing in the wake of the police investigation. Whether that was because other senior officials at Penn State did not know of the investigation or because they knew of it, but chose to do nothing, is a central question for investigators today.

Prosecutors have said that Gary Schultz, the university official charged with overseeing the campus police, said under oath that he recalled being aware of some kind of incident involving Sandusky and a boy showering together, and the subsequent investigation.

Others, including the university president, said they were not told about it.

Courtney, who served as Penn State's general counsel at the time and whose job it was to advise and protect the university in such situations, said in an interview this week that while he might have been given a customary heads-up that Sandusky, a university employee, was under investigation, he was never given any details or even general information about its nature.

Paterno, through his son Scott, also said he did not know of the 1998 sex crime investigation of Sandusky, who was then his most prominent and accomplished assistant.

Investigators over the last week have made clear that they have serious doubts about whether so few people in senior positions of responsibility came to know of the 1998 investigation.

“You have to understand those statements in context — there is nothing that happens at State College that Joe Paterno doesn’t know, or that Graham Spanier doesn’t know,” one person involved in the investigation said. “Whether or not a criminal case went forward, there were ample grounds for an administrative inquiry into this matter. I have no evidence that was ever done. And if indeed that report was never passed up, it makes you wonder why not.”

A Profile Emerges

With the discovery of the 1998 report, the investigation took on a greater sense of urgency, those involved in the case said. Investigators now had evidence that Sandusky might have molested at least two boys.

According to people involved in the case, Sandusky was never placed under extensive surveillance. Instead, they began poring over the records of Sandusky’s charity, the Second Mile, and interviewing people who had been through the program.

As additional suspected victims were located, a profile began to emerge, according to people with knowledge of the investigation. Sandusky engaged in what experts on child predators call “grooming” behavior, law enforcement officials asserted this month, making his first approach when children were 8 to 12 years old. He tended to choose white boys from homes where there was no father or some difficulty in the family, investigators said, and he drew them in with trips to games and expensive gifts like computers.

Touching progressed incrementally, investigators said. “Lots of them reported that he’d first put his hand of their thigh while driving,” one person involved in the inquiry recalled. The shower was where he most often initiated more overtly sexual behavior. The testimony of one victim who said he was forced to put his hand on Sandusky’s erection when he was 8 to 10 years old particularly outraged investigators. “The poor kid was too young to even understand what an erection was,” one said.

When first approached about testifying before the grand jury, many did not want to get involved, the people involved in the case said. If Sandusky was indicted and the case went to trial, their names and what had happened would become public.

But prosecutors were able to compel their testimony with grand jury subpoenas, and one boy led to another.

Meanwhile, investigators served numerous subpoenas on the Second Mile, according to people with knowledge of the inquiry. Not only did they want the names of children who had been through the program, they also demanded all of Sandusky’s travel and expense records.

Much of the older paperwork was stored at an off-site records facility. The travel and expense records, for instance, had been sent over several years earlier. But select members of the charity’s board of directors were alarmed to learn recently that when the records facility went to retrieve them, some of those records — from about 2000 to 2003 — were missing.

The attorney general’s office was notified of the missing files, people with knowledge of the case said. Subsequently, the foundation located apparently misfiled records from one of the years, but the rest seem to have disappeared.

Lynne M. Abraham, a lawyer for Second Mile, did not return a call requesting comment. A spokesman for the attorney general declined to comment, citing the continuing grand jury investigation.

“It could be that they are just lost, but under the circumstances it is suspicious,” one law enforcement official involved in the case said of the missing files.

Some investigators said they were convinced that the idea that Sandusky had an inappropriate interest in, and relationships with, young boys was a fairly widely held suspicion around and even outside Penn State’s football program over the years.

“This was not the secret that they are trying to make out now,” one person involved in the inquiry said. “I know there were a number of college coaches that had heard the rumors. If all these people knew about it, how could Sandusky’s superiors not know?”

In fact, according to McQueary, at least a few did.

McQueary's Revelations

When McQueary met with investigators last year, he immediately told them that he had witnessed Sandusky raping the boy in the showers on a Friday night in 2002 and then had gone home and talked to his father about what he should do. Together, they decided he needed to tell Paterno. Before becoming a graduate assistant, McQueary had played for Paterno. The coach was a mentor, and a friend.

Still, for years, McQueary questioned why nothing more was done. Under the law, McQueary was obligated only to tell a superior at the university. It is the duty of university administrators to inform the police. Besides, as one investigator put it, “on that campus, telling Joe Paterno is like telling God.”

Paterno, by his own account to the grand jury, met with Tim Curley, the university's athletic director the next day and told him of McQueary's account, saying the assistant had seen Sandusky “fondling or doing something of a sexual nature to a young boy.”

McQueary, who by then had been elevated from graduate assistant to an assistant coach and recruiting coordinator, laid out for investigators what happened next. It took a week and half, a time lapse that investigators find deeply troubling, for Curley and Schultz to call him to a meeting. McQueary told investigators, and later the grand jury, that he had explained to the two men in graphic detail what he had witnessed.

Curley and Schultz gave different accounts to the grand jury of what transpired in that meeting. Curley said McQueary saw “inappropriate conduct” that he termed “horsing around” between Sandusky and the child, and Schultz said he had “the impression that Sandusky might have inappropriately grabbed the young boy's genitals while wrestling.”

In either event, no one notified the police. And once again, before deciding what to do, no one consulted the university's lawyer, according to Courtney, Penn State's general counsel. Courtney was called in to advise Second Mile's board of directors in 2009 after Sandusky informed it of the Clinton County freshman's accusations, but Courtney said that was the first he had heard of Sandusky's alleged inappropriate behavior.

But other than that, “at no time, whether in 1998 or in 2002 or any other point in time, was I made aware or did I have knowledge of Jerry Sandusky engaging in sexual misconduct with young children,” Courtney said. “Had I had any idea that there was even remotely improper conduct with children on any day since the beginning of time, nothing in the world would have kept me from being absolutely certain that it was reported to the police immediately. That is my duty.”

Instead, Curley and Schultz reported back to McQueary that they had decided to take away Sandusky's keys to the locker room, bar him from bringing children to the football building and report the incident to Second Mile, according to the grand jury's findings. Spanier, the university president, testified that he approved the plan, but that he had never been told Sandusky's misconduct was sexual in nature.

A spokeswoman for the lawyers for Curley and Schultz said it would be “inappropriate for the defense to comment on the substance of the grand jury report.”

Spanier did not return calls requesting comment.

Courtney, for his part, said he was “as horrified and appalled and sickened and disgusted as everyone else was” when he read the grand jury report and realized the extent of the crimes of which Sandusky was accused.

Pete Thamel and Mark Viera contributed reporting.

Notes

¹<http://www.nytimes.com/2011/11/06/sports/ncaafotball/former-coach-at-penn-state-is-charged-with-abuse.html>

²http://www.washingtonpost.com/national/on-faith/penn-state-board-meets-amid-news-of-criminal-case-against-sandusky-2-other-officials/2011/11/06/gIQA3lnxtM_story.html

³<http://www.nytimes.com/2011/11/07/sports/ncaafotball/in-penn-states-sex-abuse-case-a-focus-on-how-paterno-reacted.html>

⁴<http://www.nytimes.com/2011/11/10/sports/ncaafotball/-joe-paterno-and-graham-spanier-out-at-penn-state.html>

⁵<http://www.nytimes.com/2011/11/17/sports/ncaafotball/internet-posting-helped-sandusky-investigators.html>