

# The Betrayal of Joe Paterno: How It All Probably Happened

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*"A lie gets half way around the world before the truth has a chance to get its pants on."*

*Winston Churchill*

*"In the aftermath of the Freeh Report, the powers that be at present at Penn State should have the good graces to suspend the football program for at least a year, perhaps more."*

*Bob Costas, July 17<sup>th</sup>, 2012*

*"That doesn't necessarily make sense."*

*Bob Costas, May 29<sup>th</sup>, 2013, on the underlying theory of the same Freeh Report*

A year ago this week the Freeh Report investigation of Penn State and Joe Paterno was released to great fanfare. Largely because of that report, most people seem to think they know the story of the Jerry Sandusky scandal. Almost all of them are at least somewhat mistaken, and most are very wrong about what actually happened. Amazingly, the average media person, because they have a stronger incentive to believe they didn't blindly perpetrate a false narrative, appears to be even more in the dark than the typical American is about the real truth of this tragedy.

After spending most of the past year and a half researching, pondering, and speaking to more people closer to the Jerry Sandusky case than likely anyone else in the world, even I am still not positive that I know *exactly* what really transpired in the so called "Penn State Scandal." While I *am* quite certain that the largely accepted media storyline of some concerted "cover up" by Penn State of Sandusky's crimes is false, I am somewhat convinced that we may never know for sure precisely what actually did occur.

I am also equally persuaded that, thanks to the unique nature of my placement within this story (having no connection to Penn State, having spoken expansively to almost all of the key players in the story but having no direct loyalty to the Paterno family, being the only person to extensively question [Sandusky on the record](#), and not being beholden to a mainstream media outlet or their "conventional wisdom"), I am in a better position to get the real truth of this matter than probably anyone else. Assuming you look at all of it with an open mind, you will likely find that the extensive analysis which follows what you are now reading gets closer to that goal than anything else that has been written to date on this subject.

You will also see that the story of what *really* happened here is likely both far more interesting and culturally important than the mythology most people currently believe, and that its intrigue and significance has almost nothing to do with whether you care much at all about Joe Paterno or Penn State University.

My objective here is to detail a complete scenario which makes sense in its totality and is not in direct contradiction either internally or with any of the known evidence. It should be noted that, incredibly, no one has even really attempted this daunting exercise, and certainly neither the highly priced "Freeh" or "Paterno" reports on this matter did so (Freeh because he couldn't create a narrative which made any sense, and "Paterno" because their objective was almost entirely political).

I am well aware that almost everyone will be upset by at least something they read in my version of events. This is a horrible story and a lot of people, some of them well respected, have acted in ways which should leave them ashamed. My primary goal in all of this was simply to find out what the real truth is, no matter where that led me. Most people in my position would be far too smart not to at least

shade what they really think happened here because they would realize that the unvarnished truth would do them absolutely no good personally. For better or worse, I am not one of those people.

That reality is essentially proven by the fact that you are even reading this document for free on the Internet. I had a chance to do this as a commercial book but, because of the controversial nature of its content, I was never confident that any publisher would allow me to have sufficient control over the substance of it (this is just one of dozens of examples where the media's myopic view of this story has created a self-fulfilling prophecy because no opposing view can make it into the mainstream in what the elites deem to be a "credible" way).

I could have easily made money from this endeavor as a self-published online book, but that would have been inconsistent with my principles and cut down on the number of people who would read it. It is very important to me that there be an easily accessible public record of the real history of this story. That is why this "book" is currently in such an unusual format (I am convinced that in a remotely rational world this work would easily be the foundation for a mainstream bestseller and I am "withholding," for now, some of the details of the media element of this story because I do think that portion may theoretically make for part of a traditional book some day).

For those with pathetically small attention spans who just want to know what is "new" in all of this (this means you members of the news media), here are just some of the specific elements within this work which have never been made public before:

- [The transcript of the entire three-hour interview with Jerry Sandusky from prison.](#)
- [The transcript from both 15 minute phone interviews with Sandusky.](#)
- Remarkable audio clips (below, in order) of Sandusky discussing the findings of the Freeh Report, why he thinks you should reconsider his guilt, and whether he cried about what happened to Joe Paterno and Penn State.

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- [The incredible, never-before-seen transcript of Joe Paterno's "secret" final police interview, which was taken just two weeks before his firing and, until now, very few people even know happened.](#)
- Dozens of new facts, stories, and conversations gleamed from direct communication with numerous people directly connected to the case including, for the first time, a member of the grand jury which heard most of the testimony in the case.

This journey has been the most difficult and demanding of my life. I have made many mistakes in this pursuit, but I believe in the end that the truth has at least been honored. Joe Paterno never got his day in court in all of this, but he at least deserved his dying wish that the truth be found. I don't know if I have achieved that, but I know that was my aspiration and I am confident that this effort lives up to that lofty standard.

With all of that as the backdrop and context for this effort, here is what I think probably *really* happened in the most amazing, depressing, fascinating, troubling, perplexing, frustrating, unpredictable, and, ultimately, significant story with which I have ever been intimately familiar. This effort is dedicated to all of the victims of the events of this horrible story, and to those who value the pursuit of truth, no matter what it may cost, or the discomfort its findings may cause.

Here are the links to each of the chapters of this book. Please share this "home page" for the book as much as possible as it is the only way the truth here will be widely disseminated.

[Chapter One: It Begins](#)

[Chapter Two: The McQueary Episode](#)

[Chapter Three: The Lull Before the Storm](#)

[Chapter Four: The Media Firestorm](#)

[Chapter Five: The Firing](#)

[Chapter Six: The Sandusky Trial](#)

[Chapter Seven: The Freeh Report](#)

[Chapter Eight: The NCAA](#)

[Chapter Nine: Playing From Far Behind](#)

[Chapter Ten: Conclusions](#)

# "The Betrayal of Joe Paterno" Chapter One: It Begins

## CHAPTER ONE: IT BEGINS

In the spring of 1998, while in a Penn State shower with a boy who would later be known as Victim 6, Jerry Sandusky, still then the highly respected defensive coordinator for the Nittany Lion football team, bear-hugged the almost twelve-year-old Second Mile kid from behind while naked. The boy was clearly upset about it and made it obvious to his mother that something weird had happened. The mother immediately complained to authorities and an investigation, which would eventually involve just about every possible governmental agency, was commenced.

During the course of this month-long inquiry there was a "sting" operation at the home of the boy and Sandusky was heard apologizing to the mother reportedly saying, "I wish I were dead" (Sandusky told me he isn't sure that is what he actually said and indicates he just felt badly that he had caused a problem). Two different "expert" reports were issued (neither one had any actual contact with Sandusky) with one concluding that he likely was a pedophile and one claiming that he probably was not. Eventually, no charges were filed and Sandusky received a notice in the mail saying that the allegations against him were declared "unfounded."

One of the most shocking elements of my interview with Sandusky was just how remarkably unaffected by the 1998 investigation he really was. Whether out of convenient memory, radical rationalization, or because that is how he really saw it, there is absolutely no doubt in my mind that Sandusky now views that whole event as truly no big deal (interestingly, long-time Penn State Board of Trustee Member Al Clemens told me that, while he had no contemporaneous knowledge of that investigation, he has a very similar impression of what transpired in 1998).

Sandusky remembers the entire affair as encompassing little more than a meeting with the mother, a phone call, and a surprise interview with two investigators in the weight room. Sandusky remembers lead investigator Jerry Lauro telling him that they hear about much worse allegations "every day" and that the entire affair shouldn't be a major problem. I got the very strong sense from Sandusky that he is almost angry at the investigators for not making a more serious issue out of the episode so that he would have taken it all as a stronger "warning" (or, perhaps, that they didn't capture the "evil" Jerry before he completely destroyed the "good" Jerry).

Like so much in this case, in retrospect, the 1998 investigation looks like a complete debacle, so much so that it is ripe for being misinterpreted as the beginning of a giant conspiracy. For many of the more "creative" thinkers in this realm, the "conspiracy" includes the mysterious, but I believe totally unrelated, 2005 disappearance/ death of District Attorney Ray Gricar who apparently ultimately decided to not press charges against Sandusky despite famously lacking any affinity for Penn State. However, based on the nature of the information they had at the time, I think that the ultimate result of the investigation was actually rather sound (Penn Stater Ray Blehar has done extensive work showing that the investigation in 1998 was shoddy and is far more optimistic than I that new PA AG Kathleen Kane will prosecute the corruption which caused that, but I am only referring here to the final decision not to pursue charges against Sandusky based on what was known at the time).

Not only was there no allegation of overt sexual activity (I am not diminishing the significance or inappropriateness of the allegation, but rather only putting it in the context of what was known at the time), but this was also the very first known accusation made against Sandusky, who was universally thought of as something like the Saint of State College.

Just as importantly, Sandusky was not only a local legend but also someone who famously had close contact with hundreds of at-risk kids because of his founding of the Second Mile charity. He also had been given state approval for numerous adopted and foster children who had been in the care of him and his wife Dottie for many years without incident.

All of this understandably gave him an enormous amount of benefit of the doubt or plausible deniability (after all, logically, if Sandusky really was a pedophile and he was dealing directly with all of these young boys for so long, how could this, relatively minor, offense really be the first public allegation?).

If that wasn't enough to create doubt in the minds of investigators, Sandusky was also someone who was known as a goof ball with physical boundary issues. Also, the football locker room tends to create a culture of nudity and horse play that most people would find foreign from what they are used to, especially in today's world.

All of this, combined with the fact that the stakes of falsely accusing a football legend who founded a massive and highly respected children's charity were incredibly high, created a very compelling rationale for not pursuing the case criminally. This was especially true thanks to a report from "expert" counselor John Seasock concluding that Sandusky didn't fit the pattern of a pedophile actually making it to investigator Lauro, while the far more damning statement from Dr. Alycia Chambers was somehow lost in the shuffle (likely because the Department of Child & Youth Services had to give over the case to the Department of Public Welfare due to an apparent conflict of interest with the Second Mile charity). Lauro essentially ended up concluding that Sandusky had "boundary" issues, which, at the very least, was obviously exceedingly true.

As I often ask the critics of what was done in this case (and never seem to get a legitimate answer), what exactly were they supposed to do differently in this situation?

The authorities officially had only one victim (there was apparently at least one other potential/eventual victim who was contacted at this time but their accusations were apparently never definitive) saying that Sandusky's penis may have touched him while being hugged from behind in the shower. When this case would eventually go to trial 14 years later, Victim 6 would describe the scene in the shower as "uncomfortable."

While technically an illegal act, it would have been considered a relatively minor accusation on which to effectively take down such a large public figure (to be clear I am not suggesting famous/powerful people should get more "slack" in such situations, only that authorities need to make rational decisions about the nature of potential criminal cases). It was also the only solid allegation they had and the consequences for a false charge would have been dire to many more innocent people (for instance, those who relied on the Second Mile charity) than just Sandusky.

But frankly, the best evidence that the authorities made the "right" call (again based on what they knew at the time) was what ended up happening with that particular boy and his mother.

One of the many things that get lost (thanks largely to the horrendous and lazy media coverage of this case) in the blizzard of numbered victims in the Sandusky case is that the perception of what occurred here rarely matches the reality of the evidence. I am quite confident that most people, even those who have followed the case closely, presume that Sandusky originally "raped" Victim 6 in 1998 and, either abused for years after that, or that the mother kept him away from her son all of that time until his arrest because she was sure that the authorities had let an obvious pedophile go free. Despite what the mother implied to an all too accepting local reporter Sara Ganim for a narrative-setting article two days before Joe Paterno was fired, this is just simply not the case.

The real story of Victim 6 and his mother is very different and, like most of this case, far more complex. The reality is that Victim 6, with the full knowledge and acceptance of his mother, maintained an extremely close relationship with Sandusky right up until his arrest. Incredibly, just over a year *after* the investigation concluded, his mother (who twelve years later would be extremely outspoken in

blaming Penn State and Joe Paterno for not stopping Sandusky back in 1998) frantically waved Sandusky down on his way to his final home football game and begged him to get her son into the stadium, which he did.

As late as 2010 (during the grand jury investigation which would finally result in indictments in the original 1998 case) Victim 6, now as an adult, was still sending extremely positive text messages to Sandusky such as: "Happy Thanksgiving bro! I'm glad God has placed U in my life. Ur an awesome friend! Love ya!" (November 27, 2009) and "Hey jerry just want 2 wish u a Happy Fathers Day! Greater things are yet 2 come!" (June 20, 2010). Importantly, there was never *any* allegation that Sandusky ever did anything criminal with Victim 6 after the 1998 incident.

So while the mother of Victim 6 voiced (thanks to Pulitzer Prize-winning writer Sara Ganim) by far the loudest public grievance against Penn State/Paterno, she actually had zero legitimate complaint.

There is no evidence Penn State had anything to do with the 1998 case being dropped, thanks to legal restrictions on the dissemination of such allegations the administrators there (including Paterno) apparently had very limited if any real knowledge of its details, she herself approved of her son maintaining a close relationship with Sandusky, and there were no more "episodes" after that first one in the shower (Sandusky told me that this was the only situation where he made a concerted effort to not get himself in a compromising situation with a particular kid, mostly because he did not trust the mother, whom he considered to be both insane and out for money).

Now, as far as what exactly Penn State and Joe Paterno did know about the 1998 investigation, this seems to me to be one of the great mysteries of the entire saga as the known evidence appears to create roadblocks for any sensible scenario.

Most people, especially those in the media, find it just impossible to believe that Joe Paterno, the all-knowing God/Mafia Don of Happy Valley, could have his defensive coordinator investigated for sexually abusing a child and not have any idea that this had ever even happened. At first, I completely sympathized with, and mostly shared, this view.

However, like so much in this incredibly complex case, the closer you examine the details the more a very different portrait begins to emerge from underneath the façade of initial perception.

First of all, as I already mentioned, Sandusky himself gives the very strong impression that the entire investigation was far less serious than all the paperwork it produced (now seen in the light of exponentially more evidence that a very serious problem indeed existed then) implies.

Secondly, it would have been, rightly, illegal for Joe Paterno, as Sandusky's boss at the time, to know any of the details of an investigation involving the alleged sexual abuse of a minor. Importantly, absolutely no one has ever publicly said that they discussed the 1998 investigation, at least at the time, with Paterno.

Thirdly, Athletic Director Tim Curley was known as a very detail-oriented and "by the book" administrator (former Penn State President Spanier described him to me as a "boy scout") who, despite his reputation as Paterno's "lackey," and would have likely adhered to such a well intentioned law. He would have logically done so as to protect a potentially innocent staff member from the incredibly devastating stigma which obviously forever haunts anyone even accused of such a horrible crime as child sexual abuse. The documentary evidence also strongly suggests that he himself was kept largely in the dark about the details.

So, because Paterno insisted many years later that he had no real knowledge of the 1998 incident (though his very vague grand jury testimony did leave open the possibility that he had heard a "rumor"), I would tend to believe that he was telling the truth. I come to this tentative conclusion not just because of Paterno's rather famous reputation for honesty, but also because the only reason for him to lie here would be if there really was a massive cover-up. That is a scenario, as I will later illustrate, which is contradicted by an enormous amount of evidence and logic.

However, there is the matter of the two infamous emails in the Freeh Report in which Curley appears to be referencing Paterno when he says that he “touched base with the coach” and “coach is anxious” for an update on what appears to be the 1998 Sandusky investigation.

Now, in a court of law, Freeh’s use of these two emails to “prove” that Paterno was lying as part of an effort to cover up for Sandusky’s crimes would be probably literally laughed at. Paterno’s name is not mentioned in the body of either e-mail and it is not even 100% certain that the Sandusky investigation is even the real subject of those emails. Plus, there have been very legitimate questions raised about whether “coach” could actually be referring to Sandusky himself and not, as Freeh presumed, Paterno.

With all of that said, I do think these emails do raise important questions and I’m not sure exactly what the answers to them are.

The first time I read the emails I thought that “coach” could easily have been referring to Sandusky. After all, wasn’t he far more likely to be “anxious” about such an investigation than Paterno? Plus, one of the emails even had “Jerry” as the subject line (one of the many layers of absurdity in trying to interpret emails without even speaking to the people involved is that the chain could have easily started on a subject completely unrelated to the content of the last email). However, my interview with Sandusky did not yield the results I was expecting in this area.

In fact, Sandusky went almost comically out of his way to close off this entire area of speculation. He says that he was never informed of the investigation at its very start (when the Curley emails appear to begin) and that he is very sure that he never asked Curley for any sort of an update on its status because, as previously mentioned, to him it was almost over before it began and he never got a chance to be “anxious” about it.

Sandusky even contradicts the belief, which has become almost an article of faith among Paterno supporters, that he himself always liked to be called “coach” while Joe preferred to be referred to by his first name by people like Curley (I found this, though frustrating, to actually enhance Sandusky’s credibility as it was abundantly obvious that he was not interested in telling me what I wanted to hear, but rather what his best recollection was telling him what actually happened).

Of course, there are other possible explanations for all of this that do not include Paterno consciously lying about having significant knowledge of the 1998 investigation (for the record, I do acknowledge that if Paterno really did tell Curley he was “anxious” about this matter, it is difficult to understand how he could have simply forgotten about the situation entirely). For instance, Curley could have been seeking information for himself (he asked several times without getting much of a result) and may have implied that he was asking on behalf of Paterno in order to help get an answer. It is also very plausible that Curley did “touch base” with Paterno, but that the “anxious” description was made up to create a greater urgency on the other end of the correspondence.

But the more I have thought about this issue the less I think it really matters very much in the end.

After all, if Paterno was indeed told in some way about 1998, what exactly would he have known? At most, he would have learned that law enforcement investigated Sandusky for something and decided not to even charge him (again, the context of Sandusky being around troubled kids all the time would have made it very easy to discard such a situation as an inevitable false allegation). In the extremely busy life of Joe Paterno this limited level of knowledge of the case would have hardly been an earth shattering event and could have easily eluded his quickly fading 84-year-old memory when he was asked about it 13 years later.

Now, it is indeed beyond question that both Curley and Gary Schultz did in fact have at least some, if only rudimentary, knowledge of the 1998 investigation, but, again, what did they know exactly? (Freeh produced another “exculpatory” set of emails on this matter where the Penn State police sent Curley a clearly redacted version of the decision that the investigation had been closed, which is exactly in keeping with the law protecting full disclosure of unfounded allegations involving children.)

At most, they only could have known that the allegation was rather benign and that it was determined to be “unfounded.” I actually believe that, counter intuitively, this knowledge ended up working against them when the very similar sounding McQueary allegation came to them three years later when Sandusky was no longer their employee. (It is interesting to note that both Jerry and Dottie Sandusky are absolutely positive that Curley’s young son Tanner attended Sandusky’s football camp after Tim knew of these allegations, though Tim himself, through an intermediary, says that is not accurate. Unfortunately, thanks to the incredibly toxic nature of this case, something like this which could have easily been verified was not because the people Dottie tried to contact to do so would not respond to her.)

It is at this point in the saga where the almost omnipresent “Perfect Storm” (or bad luck) element of this Greek tragedy begins to become chillingly clear.

We now know for sure (ironically from the Freeh Report, which was misused by numerous entities to destroy the Paterno legacy) that the process for Sandusky’s eventual retirement from coaching at the end of the 1999 season was actually begun by Paterno several months *before* the 1998 allegation. Unfortunately for Paterno, when the earthquake hit in November of 2011 and the news media was piecing together their crackerjack narrative based on little more than a basic Google search and an intense desire to create a great storyline, the “retirement” of Sandusky in 1999 seemed just too coincidental to not have been “forced” by the 1998 investigation.

Even before Freeh’s revelation (which is based on Paterno’s own notes and other documentary evidence) I have always found this “thinking” on the part of the media to be particularly slothful and moronic. Yes, to a fourth grader, it may appear that a criminal investigation in 1998 and a retirement in 1999 might be directly connected. However, this theory, like so much of the “cover up” narrative, flies in the face of even basic common sense.

How is it that the media decided that it is even remotely logical that, in spring of 1998, Joe Paterno “learns,” contrary to the results of a law enforcement investigation, that Sandusky is a pedophile and then decides to “retire” him but to *not* do so immediately? At that moment there would have still been plenty of time to find a replacement for the 1998 season (which the media apparently didn’t realize came in the *fall* that particular year) and yet Paterno figured it was a good idea to stick with him? And if that wasn’t enough, Paterno also decided to keep him around *another* entire season in 1999?! And then he maintains a close relationship between his program and the Second Mile charity for years after that?!

Seriously?!

Then there is another “red herring” issue of Sandusky’s retirement package being rather lucrative and including him having “emeritus” status. In the world of the media simpletons this was somehow seen as further proof of something sinister going on, when in reality it was evidence of exactly the opposite.

How in the rational world would a known pedophile have any leverage to force Penn State to give him just about everything that he wanted (and, by the way, what known pedophile would have the confidence/gall to be making any demands in such a situation?)?

The reality is that Penn State was offering special incentives for retirements at that time and what Sandusky got was perfectly normal for someone of his years of service and achievements. Ironically, the person who signed off on Sandusky’s retirement package was none other than Rodney Erickson, who, twelve years later as the brand new president of Penn State University, would also sign the NCAA’s consent decree agreeing to severe sanctions (which, partly due to Sandusky’s retirement, bizarrely begin in 1998). Good luck trying to come up with a remotely rational cover-up theory which includes that little factoid.

The “Perfect Storm” of misperception continued when the next major data point in the bogus media narrative occurred at the end of 2000 when Sandusky interviewed for his only major job after “retiring” from Penn State, but “mysteriously” got passed over at the last moment.



The job was the head coaching position at the University of Virginia and the real story of what actually happened there goes about as far as anything else I have learned in this case to destroying the notion that Sandusky was a “known” pedophile at this time.

First of all, there were numerous ties between the Penn State and Virginia coaching staffs (for instance, Jay Paterno was once a graduate assistant at Virginia and his wife is a graduate) and so if there was indeed some sort of “whisper campaign” effectively blackballing Sandusky, then the Cavaliers would have been the among the very first to be protected. Sandusky certainly never would have gotten a well-publicized second interview and he wouldn’t have been handed an actual agreement for him to sign if he decided he wanted take the job.

Secondly, after speaking with Sandusky extensively about this topic, I am completely convinced that the reason that Sandusky didn’t get the job in the end had absolutely nothing to do with concerns he was a pedophile (He never signed the agreement he was handed because, at first, he was uncertain about whether a Second Mile chapter could be created in Charlottesville. The contract he was given did not include the specifics regarding the ability to continue being involved with the charity which he had anticipated. The delay this confusion caused ended up allowing for new circumstances to arise which dramatically altered the equation.)

Instead, it appears far more likely that what really happened here was a classic example of the “domino effect” of life, especially in the highly interconnected world of college coaching.

Sandusky remembers quite vividly, and Dottie Sandusky verifies, that his second interview (on what he says was December 28<sup>th</sup>, 2000) began extremely well and that it seemed as if Virginia was convinced that he was the right man for the job. Then, in the middle of the meeting, he remembers the interviewer leaving the room to take a phone call. When that person returned, Sandusky says he could feel the figurative temperature in the room dramatically change. When he left Charlottesville for home he figured something was amiss. A day and a half later, Virginia announced that Al Groh would be their new head football coach.

Now, the conspiracy theorists will tell you that this is all consistent with Virginia somehow learning (very belatedly) about “red flags” concerning Sandusky and that they dodged the “pedophile bullet” at the last second. However, as is so often the case with the Sandusky story, that perspective would require one to be completely blind to what was transpiring on the other end of this equation.

On December 24<sup>th</sup>, 2000, Al Groh was finishing his first season as the head football coach of the New York Jets who were one win away from making the NFL playoffs. They ended up losing their third straight game that day and just barely missed the postseason. Groh even got into a heated exchange with a reporter after the loss, an incident which made headlines in New York.

Groh was also an alumnus of the University of Virginia and, according to Sandusky, was on the search committee to find a new coach (indicating that, at least at first, he didn’t have an interest in the job for himself). It seems quite probable that what really happened here was simply that Al Groh realized that his days were numbered with the Jets and that he wanted to hit the ejection button to the safety of his alma mater before he got fired and that opportunity passed, perhaps forever.

Sandusky strongly believes that the reason that his interviewer left the room that day was to accept a call from Al Groh telling Virginia that he was now interested in taking the job himself. The timeline backs him up perfectly in this assertion. Groh “interviewed” for the position the very next day and was officially hired right after that meeting.

Had Virginia really been dead set on hiring Sandusky and then suddenly gotten very late word of “red flags” about him (why has this mystery informant never been identified?), there would have been no need to hire someone else less than 48 hours after meeting with him. It was still early enough in the hiring season to start over and, according to a UVA beat writer I spoke to, Jim Caldwell, who Sandusky had proposed as his assistant head coach, would have been the frontrunner (ironically, former Penn Stater and *New York Jet*, Greg Buttle was going to be an assistant coach as well).

Instead, it is far more in keeping with the way the real world works, as well as the facts of the situation itself, that Sandusky's version of events here is very accurate and that Groh was simply hired because he had deep ties to the school and became suddenly available after the Jets unexpectedly lost the last three games of the 2000 season. He clearly would have wanted to get the deal done quickly before the Jets fired him and the whole situation took on a very different light. But there is absolutely no evidence that it had anything to do with rumors of Sandusky being a pedophile. In fact, this story proves that there were no such rumors at that time.

## CHAPTER TWO: THE McQUEARY EPISODE

Of course, unknown at the time of Paterno's firing (among a multitude of other vitally important facts) is that just five weeks after almost being hired as the head football coach at Virginia, Jerry Sandusky was witnessed by Mike McQueary acting, at very least, "inappropriately" with a boy in a Penn State shower.

In November of 2011 it was wrongly thought that the McQueary episode took place in March of 2002. One of the many problems that this error caused was that it prevented the Virginia job situation to be put into its proper context with regard to the shower incident.

After all, while hardly impossible, does it not at least cast some doubt on the plausibility of Sandusky deciding to recklessly "rape" a boy in a shower (to which dozens of other people had access) just five weeks after he was a whisker from accepting what was by far the biggest coaching job he had ever been offered? (It should also be noted that the Virginia job situation allegedly happened about a month *after* the highly suspect "janitor" episode which does not currently have an actual witness, victim, specific date, or contemporaneous report attached to it).

Obviously Sandusky still thought of himself as being in the "coaching game" at this time and with a lot left to lose. While I realize that pedophiles obviously don't always think logically, it just seems rather unlikely that Sandusky would take such an incredible chance like that. Perhaps more convincingly, if Sandusky really was willing to act so astonishingly out of control, it makes you seriously question if it would really be possible for him to get away with this kind of behavior for such an extraordinarily long time (it should be noted that McQueary was the first and is still the only witness to ever contemporaneously report seeing Sandusky acting inappropriately with a child, and the only person to ever go on the record with such an account, which is pretty stunning when you think about it).

Of course, the most controversial incident within the entire Sandusky scandal was the one Mike McQueary witnessed, apparently on February 9<sup>th</sup> 2001. Consistent with the limitations of memory, this is a date which no one involved with the story actually fingered as accurate and was a revision from the prosecution's original March 1<sup>st</sup> 2002 date. The new date was later pieced together through documentary evidence which came to light well after Paterno's firing (While the paper trail seems to make it clear this has to be the right date, Sandusky, who always knew that the original 2002 date was wrong, is still uncertain about the February 9<sup>th</sup> date and appears to possibly be conflating two different times that he was with Victim 2 on campus. Meanwhile, on McQueary's end the new date still doesn't make perfect sense because he claimed to be watching the movie *Rudy* on television and then got inspired to go over to the locker room, but the movie would have only just started at the time he would have left his residence that evening.)

The mystery surrounding the events of that fateful night has birthed numerous widely divergent theories about what really did and not occur. While, much like with the 1998 episode, the evidence is extremely contradictory at times, I believe that it is indeed possible to construct a scenario which both makes sense and which is consistent with everything we know to be true.

There is little doubt that McQueary saw Sandusky in a Penn State shower with a boy and that what he witnessed was upsetting to him. However, the nature of McQueary's account is far more ambiguous than the grand jury presentment infamously indicated. The 23- page document brazenly claimed that McQueary had "very credibly" witnessed an act of "anal intercourse." This was not just incredibly inflammatory; it was also false on two fronts.

First, McQueary has never testified, or even told anyone, that he definitely saw a "rape." In fact, he has even been quoted as having said he *never* claimed that he witnessed such an act in the incredibly short time frame in which he says he saw something.

Secondly, the specific grand jury (the "33<sup>rd</sup>" version) which indicted Sandusky was not even the same panel which heard McQueary testify (the "30<sup>th</sup>" version), so they could not possibly have found him to be "very credible," which would have been a highly unusual description to begin with. I spoke to a member of the 30<sup>th</sup> grand jury who was flabbergasted when he saw that portion of the grand jury

presentment, partly because he did not find McQueary to be particularly credible at all and even referred to him as a “liar” (it should also be pointed out that the grand jury which indicted Curley and Schultz did not even witness their testimony either).

Contrary to public and media perception, by McQueary’s own account, he only ever *saw* Sandusky and the boy for about *two or three seconds*, and that was through a mirror. It is obvious from his testimony that how McQueary interpreted what he now says he saw in those couple of seconds was profoundly impacted by the “slapping sounds” he *heard before* seeing Sandusky and the boy (he admitted that, based on those sounds, he expected to see a man and a woman having sex). If McQueary is accurate in describing where he was when he witnessed Sandusky engaging in some sort of “sexual act,” photographs taken from that spot prove that it would have been extremely difficult for McQueary to have seen much, if anything, at all.

Thanks to my interview with Sandusky and the detailed statement from the boy who was with him that night, I do not believe, as McQueary’s testimony eventually evolved to claim, that Mike made any real effort (other than slamming a locker door) to stop whatever he was witnessing. Nor do I think he ever made eye contact with Sandusky and boy. I am also completely convinced that Sandusky never knew McQueary was even there and didn’t know he was the witness until ten years later when it finally became public knowledge.

Still, we know from McQueary’s actions after this event that he was clearly distressed by whatever he did (or at least thought he did) see. He immediately spoke to his father and his father’s boss, Dr. Jonathan Dranov and told them some version of what had happened. Tellingly, neither one of them testified that McQueary told them he saw a sex act and Dr. Dranov (who thought he was legally required to report such an allegation to authorities and did not do so, though for some “strange” reason he is left out of the grand jury presentment) testified that Mike refused to claim having seen a sex act when he asked him if he saw that at least three separate times that night.

Importantly, neither McQueary’s father nor Dr. Dranov told him to report what he witnessed to the police. Instead, they instructed him to speak to Joe Paterno, who would be an odd first person to go to if you thought that an obvious crime had been committed, especially since Sandusky was no longer an employee of Penn State. The next morning McQueary called Paterno and then went over to his home for a brief meeting at the kitchen table of the Paterno family home.

I strongly believe that the media obsession about what transpired during that discussion is, at best, misplaced. One of the major “revelations” I came to after speaking with Sandusky in prison and seeing first-hand how remarkably convincing he can be, is that the McQueary/Paterno conversation was by far the most overrated in the entire chain of events. While it has gotten the most attention, in many ways (which I will fully explain later) it may have actually been the *least* relevant to occur in the aftermath of the episode.

To me, the most pertinent element of the McQueary/Paterno discussion was not what Mike did or didn’t tell Joe about what he heard/saw, but rather how to interpret two statements McQueary made years later about the general circumstances of that conversation. I have two, at least partly competing, theories of Mike McQueary (those close to this story seem to break down into very different camps regarding what to make of him, with almost no one in the “middle”) based on very different understandings of these comments.

The first theory is what might be called “McQueary is a Manipulator.”

One of the strangest moments of my few hours with Sue Paterno and her family (spent while sitting at the very same table where the McQueary/Paterno conversation took place) was when I rather casually referenced Mike having said that, when he called Joe and asked to come over, the head coach had told him “if this is about a job, don’t bother, I don’t have one for you.”

I had never thought much about the statement, other than that it seemed like a peculiar detail for McQueary to have remembered ten years later. But I was literally stunned when, from the other side of the kitchen, Sue Paterno responded to my matter-of-fact reference of that testimony by reflexively blurting out, “*THAT* never happened!!”

I had never met Sue Paterno before, but such a passionate outburst seemed very strange given the context of the conversation. I also know enough about women who have been married for as long as she was to Joe Paterno to pay close attention when they make such a declaration about their husbands. I got the very strong sense that there had to be a very good reason she reacted that way and that it probably meant that she was right about Joe never having said that.

At the time, I simply filed the scene away under “odd things to remember” because I couldn’t see the relevance in whether Paterno had really told McQueary not to come over if it was about a job. But then I soon learned that at least a couple members of the Paterno family (including Jay) had come to suspect that maybe Mike coming to Joe really *was*, indirectly at least, about a job.

It turns out that Penn State wide receivers coach Kenny Jackson had left for a position with the Pittsburgh Steelers just two days before McQueary witnessed the scene in the shower (again, this was not known at the time of Paterno’s firing because everyone wrongly thought that the date was thirteen months later). Tellingly, especially for those trying to somehow explain the nonsensical “cover up” theory of this case, McQueary would eventually get the wide receivers coaching position that Jackson left, but not until *three seasons later*, a fact which, in itself, goes a long way in destroying the cover-up theory.

It never made perfect sense to me, but Jay seemed very convinced that it was more than possible that McQueary’s father, given what Jay saw as his questionable persona, could have suggested that Mike go to Joe (rather than, say, the police if he had really witnessed a rape) with the possibility that Mike, who was still just a graduate assistant at the time, might be able to somehow leverage a job out of the situation.

I must admit that this theory, if not for Sue’s dramatic reaction in the kitchen, may seem rather far-fetched (I have no way of knowing if Sue ever believed in, or even knew about, the “job” theory of why McQueary came to Joe). But I can’t get over the powerful feeling that there had to be a good reason for Sue to be so sure that a seemingly innocuous ten-year-old comment didn’t really happen (it is important to note that she was there that day when McQueary called).

If you accept the premise that Sue is correct, then the next question is: so why did Mike McQueary maintain Paterno said that to him?

Well, to me it is possible that McQueary didn’t just saying something that is untrue, but he actually claimed something that is the *opposite* of true. Perhaps, even subconsciously, he was trying to hide the fact that, at least at some level, his decision to go to Joe Paterno (when his eventual trial testimony would have indicated that he should have gone directly to the police) may have been at least partially about trying to get a full-time job working for his alma mater and one of the teams for which he grew up rooting.

If this was the only such example of McQueary possibly testifying in this manner, I would likely discount it as nothing more than the paranoid fantasies of a heartbroken, grieving, and angry son desperate for a way to exonerate his dead father. However, I don’t think that is necessarily the case (even though publicly Jay and the rest of the Paternos have recently taken a very “politically correct” stance on all of this and would never openly support such a theory today).

As I have already stated here, I do believe McQueary has shifted his story to make it sound like he did more to “break up” the episode than he actually did and it also appears as if he “misled” the court about having not played in multiple Sandusky-sponsored Second Mile golf events after it occurred (I have spoken to a person who worked the tournament who says there is new documentary evidence that will prove this at the next criminal trial).

I have also spoken on camera to former Penn State two-time Academic All-America special teams player Andrew Pitz, who told me a very compelling story of how he had been temporarily kicked off the team because McQueary had lied to Paterno, telling him that Pitz had missed a meeting with Mike. In reality it was McQueary who had not been there at the prearranged gathering time (the reason Pitz was given for why McQueary was not there gives me a strong suspicion that McQueary was up to no good and that is why he told Paterno that it was Pitz who had not shown up for the meeting).

With regard to their conversation about Sandusky, McQueary also famously said on multiple occasions that he toned down his account of what he saw when he spoke to Paterno out of respect for the old coach. At first glance this would seem to make perfect sense. After all, Paterno was a 74-year-old legend who was a famously prudish Catholic. Meanwhile, McQueary was a lowly graduate assistant hoping to eventually (if not immediately) be made a permanent part of the staff at the school for which he once prominently played.

However, McQueary had played quarterback for Paterno and had been around the program for years. They knew each other very well and football locker rooms and coach's meetings, even under someone as old-fashioned as Paterno, are hardly like attending morning mass at a convent. I don't think it is illogical to think that, even if he really did see some sort of actual sexual assault, McQueary could have easily been very clear about that reality without disrespecting Paterno (though Dick Anderson, who coached with Paterno for decades and knew McQueary well, told me that he does think Mike would have indeed had a difficult time telling Joe the specifics if he had seen a sexual assault).

But using the same reverse logic of the "job" story McQueary told, I actually think it is possible that the "I toned it down for coach" premise is also not only not true, but actually the opposite of true. In other words, under the "McQueary is a Manipulator" theory, Mike actually ended up (if only through non-verbal communication) purposely giving Paterno the *most* dramatic initial version of what he witnessed.

Part of why I think this theory is plausible is that it is remarkable how much other evidence is consistent with it and how, if it were to be true, it would explain so many other aspects of the story.

For instance, if Paterno got the "worst" version of events (and that description was not a "rape" but something of a "sexual nature"), then it explains the "horseplay" testimony of Curley, Schultz and Spanier because McQueary may have toned it down later for different reasons which I will soon detail. It also clarifies why Paterno's testimony is more closely aligned with McQueary's than any of the other three Penn State administrators.

This interpretation would also make it easier to understand how McQueary could end up playing in two Sandusky sponsored golf tournaments and joking around with him at a charity football game in the years after the shower episode. And, yes, it would also be consistent with the theory that McQueary was trying use the episode to perhaps help get Kenny Jackson's open job because once he realized that wasn't going to work he then softened the story.

The biggest problem with this theory is that it seems to makes it more difficult to understand what happened ten years later when McQueary decided to testify in a way that allowed prosecutors (who were clearly desperate for a legitimate witness of Sandusky's crimes) to falsely claim that he witnessed a "rape." While the theory obviously accepts the notion that "McQueary is a Manipulator" is capable of telling such a lie, it is harder to understand what his motivation to do that might have been.

However, there is a plausible theory to cover that possibility as well. Both Jay Paterno and someone else very close to the case told me independently that they were very sure that at the time investigators finally approached McQueary in 2010 (to ask him about Internet rumors that he may have once seen Sandusky in a shower with a boy, supposedly thanks to an "anonymous" e-mail tip) that he was understandably concerned that there may have been another reason why they were contacting him.

Both Jay Paterno and my other source, as well as some others not as close to the case, told me that McQueary had recently used a Penn State phone to send naked photos of his penis to a Penn State co-ed (though Jay added the extra "color" that the photos of the red haired McQueary could have also theoretically been of "Ronald McDonald"). They both theorized that this may have made McQueary (who is now apparently in the process of a divorce from his wife) far more willing to give investigators everything they so badly wanted and needed to build a viable case against Sandusky. I have also been told by multiple sources that that there is remarkable documentary evidence, which was discovered by accident via a major figure in this story in a truly extraordinary fashion, that the attorney general's office knew that Mike McQueary had "gambling debts," and that there is some indication these may have been accumulated from betting on college football (there are so many "rumors" when it comes to McQueary that it is quite difficult to separate fact from pure fiction, but these particular stories appear to be *far* more than idle/hopeful gossip).

The theory here is that McQueary may have had many reasons to be particularly vulnerable to investigators who would have been rather eager to "help" him remember what happened ten years earlier in a particular way.

It should be noted that there are numerous credible allegations of investigators in this case being overly "aggressive" in trying to get witnesses to say what they wanted. Among them, there is a tape of police interviewing Victim 4 conspiring (they thought they had turned the recorder off) with his own attorney to lie to him in an effort to get him add sex acts to his allegation against Sandusky. Victim 2 (the McQueary "victim") said that he felt strongly that the police were trying to get him to lie about Sandusky. According to evidence stipulated to by both sides at Sandusky's trial, the mother of Victim 6 even claimed that, apparently at the behest of prosecutors, reporter Sara Ganim urged her to find more victims (and according to the mom, may have even implied in a text message that Ganim could get her a book agent if she came through). A former Second Mile kid named David Hilton testified at Sandusky's trial that he slept at Sandusky's house "over 50 times," and that when he was interviewed by police after charges were brought against Sandusky he told authorities that nothing inappropriate ever happened between them, but, he testified, "I felt like they wanted me to say something that wasn't true,"

Under this way of looking at the evidence, Mike McQueary, the only witness who causes any real problems for Joe Paterno and Penn State is simply lying (eventually with the help of overly "enthusiastic" investigators) at every stage of the story in order to fit what he thinks is his self-interest at that particular moment. It simply can't be overstated just how completely the entire case against Paterno and Penn State falls apart if this view of events is accurate (when I asked Jay Paterno why he or others didn't "rain hellfire" down on Mike McQueary at the time the story broke, he told me that Joe indicated that he thought Mike had already suffered enough and that they should lay off of him, but Joe of course had no idea of the catastrophic consequences which were still to come after his death because of McQueary's testimony).

But with all of that said, even though this hypothesis is compelling and creates the scenario which would most easily completely exonerate Paterno and Penn State, my gut tells me that the "McQueary is a Manipulator" theory is NOT the primary explanation for what actually happened here.

It just doesn't make sense that McQueary could be so evil and would allow all of this to happen, even when it started to get out of control, in a way that would so clearly end up working against his own self-interest and that of the school he apparently loved (to me the clincher is that, if he was capable of acting this way, he would have also falsely claimed to have been forced to be part of a cover-up in his lawsuit against Penn State, which, quite importantly, he has not done).

Instead, I think a theory that might be called "McQueary Changes His Mind," which includes several elements of the previous hypothesis, may be much closer to explaining the real truth here.

This theory starts with the premise that I do not believe that Jerry Sandusky sexually assaulted Victim 2 that night McQueary saw them in the shower.

There are so many persuasive reasons that the evidence points in this direction that, when measured against the only indication that there was indeed a sexual assault (McQueary's and Paterno's testimony ten years after the fact), it is almost unbelievable that most people, especially in the media, just blindly accept that this is what transpired.

Heck, even looking at McQueary's actions alone seems to indicate that the preponderance of proof sides with the idea of no assault having taken place. On the one hand there is his compelling testimony backed up marginally by an elderly Paterno ten years later, but on the other hand are the following facts:

- McQueary, by his own admission, did nothing to physically stop what he saw, or identify (or even speak to) the boy.
- McQueary, according to each of their testimonies as well as his own, never directly told his father, Dr. Dranov, Joe Paterno, Tim Curley, or Gary Schultz that he witnessed a sexual assault.
- McQueary apparently played in two Second Mile golf tournaments and joked around with Sandusky at a charity football game in the years immediately after the incident and, by all accounts, maintained a cordial relationship with him up until around the time of his grand jury testimony almost ten years later.
- McQueary eventually told Joe Paterno later in 2001 (who, contrary to popular media belief did in fact "follow up") that he was fine with how the situation had been ultimately handled.
- McQueary misremembered the date, month, and year of the episode.

In a rational world, how is any of that consistent with having seen a local legend sexually assaulting a "ten-year-old boy" (or, as the grand jury presentment would misstate it, forcing "anal intercourse")?

But the most dramatic evidence we currently have that no assault took place that night comes not from McQueary, but from the "ten-year-old boy" himself.

Thanks to my interview with Sandusky (as well as a lot of research and a little bit of good fortune), we now know far more about this person than we ever did before. I strongly maintain that if we had known all of the following facts on November 9<sup>th</sup>, 2011, Joe Paterno would never have been fired and all of this would have turned out very differently for Penn State.

Other than his name which I am currently withholding, here are the incredibly relevant facts I uncovered about the "ten-year-old boy in the shower," otherwise known as Victim 2.

Contrary to what McQueary thought, Victim 2 was *not* ten years old at the time, but almost 14 and just over two years away from earning a varsity letter in high school football (meaning that McQueary didn't get a very good look, the boy presumably knew something about what "sex" was, and he could have at least theoretically defended himself against an old man).

Victim 2 told Sandusky not long after the episode that he would speak on his behalf to Penn State about what happened if they asked him.

Victim 2 maintained an extremely close relationship with Sandusky for the next ten years. Jerry attended his wedding (the photo of the two of them together at that event was used prominently in the web version of Sandusky's retirement letter from the Second Mile) and stood in as his father at his senior football game four years after the incident. The man later drove over ten hours from his military base to make it to the funeral of Jerry's mother.

In May of 2011, after the allegations against Sandusky first surfaced in the local paper, Victim 2 wrote a letter to the editor and to the attorney general of the state saying that the accusers were not to be believed and that Jerry was the greatest thing that ever happened



to him. He wrote that letter as a 24-year-old, married, Sergeant in the Marine Corps, and it was published by multiple papers in his own name.

In September of 2011 he called Jerry and asked him if he should go ahead and do a police interview as requested of him. Jerry called him back and left a message telling him he should do so since, "there is nothing really to hide" (I will admit that Victim 2 saving this voice message for at least a couple of months for no apparent reason, does give me some pause that perhaps there is more going on here than meets the eye, but there is a mountain of evidence which goes in the other direction). Victim 2 did the interview, told the police nothing sexual ever happened with Jerry, and would later complain that the investigators tried to get him to lie about his experiences with Sandusky.

On November 9<sup>th</sup>, 2011, the day Joe Paterno was fired, Victim 2 told an FBI-trained investigator and former police officer, on the record, that he was the boy in the shower, that nothing happened that night, and that Mike McQueary is not telling the truth. He also backed up Sandusky's version of events almost 100 percent (information which was not public at that time and would have required Sandusky and the Victim 2 to concoct an extensive and highly dangerous cover story in less than a day after it was revealed that McQueary was the witness), including the fact that neither of them saw McQueary that fateful evening.

At some point soon after that, Victim 2 retained counsel and eventually went after Penn State as a victim, although, tellingly, the two statements his legal team have put out (one in "response" to my Today Show appearance) "oddly" never specifically claim that he was sexually assaulted in the shower that night. He also never testified at Sandusky's trial, presumably because neither side saw it in their best interests to call him to the stand. Sandusky's attorney Joe Amendola told me he thought long and hard about still calling Victim 2 to testify despite his "flip," and I sense he regrets not doing so (you have to remember that his goal was to defend Sandusky in totality and not Penn State or Joe Paterno in that one incident).

There are many sex abuse experts who will assert, correctly I am sure, that it is perfectly normal for a victim to keep quiet and/or deny being abused at first before eventually telling the real story of what happened (though I do find it *very* interesting that the accuser in the 1998 episode set off alarm bells to his mother immediately after just one situation that did *not* include "sex"). However, that sort of cookie-cutter approach to human psychology seems to ignore just how different from "normal" the behavior of Victim 2 is here and how truly unique the situation surrounding Sandusky really is.

First of all, Victim 2 did not just deny being abused when someone came to him by surprise. He was extremely proactive about it, even using his own name in published letters. He also came into the office of Sandusky's attorney unannounced, with his mother, in the middle of a giant firestorm after Jerry's very public arrest. And he was unambiguous about what he said, even expressing outrage at the police and Mike McQueary. Again, he did all of this ten years later as an adult, married, Marine.

Secondly, the extraordinary circumstances of the Sandusky case are particularly well suited for non-accusers to suddenly become accusers. As shown by the insane rush to judgment of those who had nothing directly to do with his crimes, there was a presumption of guilt in this case which possessed an intensity and unanimity the likes of which even O.J. Simpson wasn't forced to endure. The pressure for someone like Victim 2 to reevaluate his support for Sandusky after the events of November 9<sup>th</sup> 2011 must have been astounding (This is especially true since he was helped along by a State College attorney named Andrew Shubin who was overtly advertising for Sandusky victims and for whom Victim 2's mother used to work. Shubin represents several of the victims, all of whom followed the exact same pattern of saying nothing happened followed by claiming "lesser" allegations after agreeing to have him be their representative. I stopped by his office in State College, but shockingly he never returned my message.)

Finally, never before has there been a similar situation where an institution like Penn State, with deep pockets, made it so very clear, so soon, that anyone with any claim of abuse was not only to be treated with kid gloves, but would likely be handed a check with few, if any, questions asked. The experts say that men don't claim sexual abuse for money, and I would absolutely tend to agree, but there

has never been a case such as this one where the risk in doing so was so low and the reward/pressure to do so was this high (and where all of the victims were disadvantaged financially).

For the record, it is very important to note that I do *not* believe that Victim 2 is now lying when he claims, through his lawyers, that he was a Sandusky “victim.”

Having read his on-the-record statement on the matter (which I publicly revealed [exclusively on our website](#)) I actually think that he has simply altered his perception of events. It seems to me that, amidst the avalanche of evidence against his “friend” Jerry, he simply reevaluated, with some guidance from his lawyer, everything which occurred in their relationship. A close reading of the statement even provides enough evidence for an abuse claim once his experiences are seen through the much darker prism that the new knowledge of Sandusky’s intent must have created for him. (Importantly, this follows the exact same path as Victim 6, with whom, unbelievably, Victim 2 and Sandusky had dinner in 2011. Victim 6 testified that he was never upset with Sandusky until 2011 when, presumably, he realized that he was not alone in being targeted by Jerry.)

That being said, I do not believe that Sandusky ever explicitly sexually assaulted Victim 2 the night McQueary saw them together. He was old enough to know what sex was and is not gay. When he gave his statement he was strong enough as a Marine to come forward as a victim or at least break off the very close relationship with Sandusky, and was so empathic in his denial that any sex occurred (especially in the McQueary episode) that I just can’t see how that happened, especially with such incredibly weak evidence to suggest that it did.

Keep in mind, and this can’t be emphasized enough, even the “hanging jury” at Sandusky’s trial unanimously declared him to be “not guilty” of the rape allegation on Victim 2 (who again, was not asked to testify by the prosecution for reasons which I believe to be rather obvious and telling). Contrary to media/public perception, there was also shockingly little credible evidence at Sandusky’s trial to suggest that such an act was even within his *modus operandi* when it came to criminal behaviors. (Remarkably, almost every person close to this case I have spoken to, including some of the primary figures, has said privately that *still* don’t believe Sandusky overtly sexually “raped” any of the victims, but no one will say this publicly because it is considered to be such a toxic concept. Even I was successfully dissuaded from saying exactly this on the Today Show and CNN, though since then I have started to try to outline how that theory makes some sense and will delve into it in detail later in this work.)

The bottom line here is that I am quite confident that Mike McQueary did not see a “rape” (intercourse) or even an overt sexual assault of any kind. So, what did he see?

I am someone who tends to believe that the simplest explanation consistent with all the known evidence is what is most likely to have actually happened in any situation. Here, there appears to be little doubt that applying that principle means that McQueary got a very quick glimpse of Sandusky and the boy goofing around naked in the shower (as both of them have reported separately was indeed the case) at a particularly inopportune moment. This quirk of fate was exacerbated by the fact that the sounds McQueary heard before he saw anything (Victim 2 says that it could have been from towel slapping but Sandusky thinks it might have been “slap boxing,” which his former colleague Gary Gray tells me Jerry did often) so prejudiced his perception of what he saw that he interpreted it in the worst possible way. If you give Sandusky zero benefit of the doubt here, I also think it is *possible* that Sandusky was engaged in what might be called “fantasy” or “faux” sex acts with the teenager, meaning that there was no *actual* sex but that, unbeknownst to the boy, Sandusky was essentially pretending that there was.

There is another element here which may have dramatically influenced McQueary’s perception of what he witnessed. Two of his wide receivers (McQueary was the Penn State wide receiver’s coach when Sandusky was arrested) told me that about a year before the scandal broke McQueary told his squad, rather casually, that he had been “abused” as a child. Now neither knew whether this meant “sexually abused,” but several members of the squad instantly remembered the comment once it was revealed (after Sandusky’s

arrest) that McQueary was the witness. Several of the wide receivers even speculated among themselves, without any evidence, that perhaps it was Sandusky who had abused a young McQueary as he grew up in State College.

This tidbit is not intended to create some sort of wild conspiracy theory, but rather to add a potentially significant context to why McQueary may have initially reacted so emotionally to what he saw in the shower.

Regardless, I do think that, contrary to popular perception, Joe Paterno actually ended up hearing the worst contemporary version of the story McQueary told about what he saw. For many (especially those in the media), including Paterno's son Scott, this would be very bad news for the chances of Joe's exoneration. Their thinking goes, it is not what actually happened in the shower that matters, rather it is what McQueary *said* happened that is significant (Scott Paterno said those very words to me on the phone in a profanity-laced tirade after he found out that I had interviewed Jerry Sandusky from prison, the details of which I will get to later).

At first I shared this view, but the more I thought about it the more I realized that this conclusion is specious. First of all, while human beings are innately horrible reporters of events they witness, I refuse to accept that there is zero connection at all between what actually happened, what McQueary thought he saw, and what he then told his superiors. Secondly, and perhaps more importantly, what McQueary told Paterno was simply the very *beginning* of the investigation and there are very solid reasons for why things changed significantly after more information was obtained.

In my view, by that next day when McQueary went to visit Paterno he was still "charged up" about what he saw. For some reason, the media has accepted the prosecution's version of what McQueary says he saw as "gospel," but effectively, he is providing the equivalent to a highly unreliable news report in the immediate aftermath of a breaking story (which, we are learning with each new huge "live news" crisis, are almost always extremely flawed).

As for what McQueary actually said in that meeting, we simply don't know for sure. Paterno's grand jury testimony and the transcript of his last police interview, though not as clear-cut as the media has made his statements out to be, indicate that he thought he remembered (ten years later, when everyone got the month and year of the incident wrong) that Mike told him something of a "sexual nature."

Interestingly, while much has been made of Paterno's grand jury testimony of January 2011 which uses that phrase, that testimony is hardly definitive on its own. In fact, that version of Paterno's account is actually remarkably vague. It is obvious he is not sure exactly what McQueary told him ten years earlier and he uses numerous qualifiers in his testimony, which reads, in part, like this:

*Well, I don't know what you would call it. Obviously, he was doing something with the youngster. It was a sexual nature. I'm not sure exactly what it was. I didn't push Mike to describe exactly what it was because he was very upset. Obviously, I was in a little bit of a dilemma since Mr. Sandusky was not working for me anymore.*

It is important to point out that this is a transcript of an event without a recording. Real time transcripts are hardly perfect and sometimes flat-out flawed. For instance, imagine for a moment how differently the key part of Paterno's testimony would have been perceived if the transcriptionist had simply put a question mark after "sexual nature" (or, for that matter, juxtaposed the words "was" and "it" at the start of that key sentence), which, given the context, wouldn't have been at all out of place. I submit that if either of those things had happened that this entire story would likely have played out very differently.

It is also astonishing to me that no one ever points out what the media narrative about Paterno was just a couple of weeks before he provided this, at times, convoluted testimony. Paterno was being roundly mocked for being out of it mentally. He had tried to give an ill-fated radio interview which went viral on the Internet because it was so embarrassingly horrible. I spoke on-camera to one long-time Penn State reporter who was at his press conference for the Outback Bowl in December of 2010 and was so concerned that he actually thought that Paterno may have had a stroke and may be in need of immediate medical attention.

And yet, four words he said a couple of weeks later are used to destroy his entire life? Seriously?!

Regardless, very few people are even aware that Paterno, in addition to his grand jury testimony, did at least two police interviews on this subject as well. The first, which was conducted just before his grand jury appearance, has an official summary which does not mention anything about Paterno being told about sex (importantly, several people who asked Paterno about the conversation after it all became public say that Joe never indicated he was told it was “sexual”). I have often wondered why the Paterno forces did not try to use that interview in its “defense.” When I asked Scott Paterno, who was present that day acting as Joe’s attorney (to this day he very strangely refers to his deceased father as his “client”), he gave me an answer which was so cryptic that it immediately set off warning signals in my mind.

Based on my conversations with Scott, I had always presumed that the actual transcript (assuming it exists) of that interview must hold some sort of problem for Paterno, at least as far as Scott was concerned. It turns out that my instincts were apparently in the right church, but just the wrong pew.

Recently, I, apparently exclusively, obtained the transcript of Paterno’s *second* (or at least last) police interview, which took place just two weeks before the media firestorm devastated State College and the Paterno legacy. Frankly, I can understand why, until now, it has never been made public because, at least on the surface, it makes just about everyone involved look bad in some way.

Here, made public for the first time exclusively on this website, is that transcript:

INTERVIEW: JOSEPH V. PATERNO

The date is 10/24/11; time 12:17 p.m., interview of coach Joseph Vincent Paterno, 830 North McKee Street, State College, PA. Scott Paterno is here representing his father. Randy Feathers is also present.

SASSANO: Coach are you aware that this statement is being taped and do you give me permission to tape this statement?

J. PATERNO: Yes.

SASSANO: Did Mike McQueary, some years ago, come to you, report to you an incident that he observed in the shower between Jerry Sandusky and another individual most likely a young boy.

J. PATERNO: Yes he did.

SASSANO: Okay, and can you tell me what Mike McQueary told you please.

J. PATERNO: Mike McQueary came and said he was in the shower and that Jerry Sandusky was in the shower with another person, a younger, how young I don’t know and Mike never mentioned it, that there was some inappropriate sexual activity going on. We didn’t get in to what the inappropriate action was, but it was inappropriate. And that’s how I knew about it.

SASSANO: So he did not elaborate to you what this sexual activity was, only that he witnessed some sexual activity between Sandusky and a young boy?

J. PATERNO: Well he, well he, to be frank with you it was a long time ago, but I think as I recall he said something about touching.

SASSANO: Touching?

J. PATERNO: Touching.. whatever you want to call them, privates, whatever it is.

SASSANO: Okay, could he have said there was something more? An actual sex act?

J. PATERNO: He never said that.

SASSANO: Okay. Subsequent to that conversation with Mike, you took some appropriate action, correct?

J. PATERNO: Yea, I did because I felt, again, at that time Jerry Sandusky was not working for me.

SASSANO: Correct.

J. PATERNO: Jerry had retired from the coaching staff two or three years earlier. So I didn't feel it was my responsibility to make any kind of a decision as to what to do with him, so I called our athletic director, I told him that Mike McQueary had something that he probably ought to share with him.

SASSANO: Okay, did you tell him that over the phone or did you have a meeting in person here at your house?

J. PATERNO: No, I told him over the phone.

SASSANO: Did you have a subsequent meeting at your house?

J. PATERNO: Oh gez, I don't know, we.. he's been over here, he comes over here for a lot of different reasons and something may have come up during our, he may have come over about a football schedule, he may have come over about something else and in the process we may have gotten in to it, I can't say absolutely no and I can't tell you I remember doing it.

SASSANO: Okay, the key element is, do you remember if you told Mr. Curley whether in person or over the phone, that McQueary witnessed a sexual incident between Sandusky and a boy?

J. PATERNO: To my knowledge yes I think Tim was aware of the fact that Mike had been a.. had seen this inappropriate action.

SASSANO: Sexual action?

J. PATERNO: Well yea, I guess you'd call it sexual. I don't .. he had a, yea.

SASSANO: Okay, so now it's quite clear to Mike so, oh I'm sorry, to Mr. Curley. So if Mr. Curley would have told us some...

J. PATERNO: Now I can't, I can't tell you it was exactly clear to Mr. Curley you'd have to ask him. I can only tell that he was.. it was transmitted to him that there was inappropriate action. To what degree I didn't, I never asked Mike. All I know was that it was basic.. it was something we would probably take, uh, probably call sexual. What Tim got out of it I have no way of knowing. But Tim was aware of the fact that we felt we had a problem.

SASSANO: And do you know what happened after that with regards to Mr. McQueary and/or Mr. Curley?

J. PATERNO: Nope.

SASSANO: Did Mr. Curley get back to you at some point in time after that to advise you what actions were taken...

J. PATERNO: No, no, I didn't, I had other things to do, we had... As I said, Jerry was not working for me.

SASSANO: Right.

J. PATERNO: So I felt that I had done, I've asked Mike to, Mike had come to me not knowing what to do. He explained what his, what his dilemma was. I said okay. I said we got to go up the ladder. I made sure Curley knew that there was a problem and then that was it. Until all of the sudden ten years later or eight years later people are asking me what happened. But prior to that you know that was.... Jerry was not part of our activities. He wasn't, there was no need for me to go around in any way.

SASSANO: Subsequent to Mr. McQueary coming to you and you advising Mr. Curley of this inappropriate sexual action, whatever that maybe..

J. PATERNO: Mr. Curley did not come to me, I went to Mr. Curley, I got in touch..

S. PATERNO: You misheard what he said, he said Mr. McQueary came to you.

J. PATERNO: Who?

S. PATERNO: He said Mr. McQueary came to you.

SASSANO: Mike.

S. PATERNO: You misheard him

J. PATERNO: He did not come to me.

S. PATERNO: Mike McQueary.

J. PATERNO: Ohhh, McQueary, I thought you said Curley.

S. PATERNO: Not Curley. He's not used to hearing Mike called Mr. McQueary.

J. PATERNO: No no no. Mike McQueary. Mike McQueary saw it on a Friday, came over here and sat at the very table we're doing this interview, alright, and was very upset. I said what's your problem and he said I saw something yesterday, I was in the shower, I was in the locker room, Jerry Sandusky was taking a shower with a person. And he said they were doing things that, ya know, and I never got in to know hey what did he do, did he do this, did he do that, but obviously there was a sexual kind of activity. I said hey Tim we got to let the other people know because I have no responsi... I have no authority over Jerry.

SASSANO: Subsequent, to that you're saying Mr. Curley never got back to you, correct, to advise you?

J. PATERNO: There was no need to get back.

SASSANO: Did any police department ever get ahold of you about this?

J. PATERNO: Nope.

SASSANO: Did anybody from the University, well, anybody from the University Police Department contact you?

J. PATERNO: Well, not till ten years later.

SASSANO: Okay.

J. PATERNO: All of the sudden this thing was...I got a telephone call saying hey you're going to get subpoenaed. I said about what.

SASSANO: Okay, and just so, I don't think I asked you this, the alleged inappropriate sexual behavior that occurred, where did Mike tell you, and you're saying in the shower or locker room, what building?

J. PATERNO: The Lasch Building where we are.

SASSANO: The Lasch, basically the complex, the football complex, basically,

J. PATERNO: The football complex.

SASSANO: Where all the brain trust, the offices are, the work-out room and stuff like that.

J. PATERNO: The weight room is and our academic support center is and all that.

SASSANO: Coach, how long have you known Mike McQueary?

J. PATERNO: Since he was a high school kid.

SASSANO: And you've known him for a long number of years now, correct?

J. PATERNO: I would, he played for me, played for Penn State is what I should say, he.. when he graduated from high school he came here, what year he got out of high school I can't say..

SASSANO: Okay, but you've known him for quite a number of years.

J. PATERNO: Oh, yea,

SASSANO: He's been on your staff for a long period of time.

J. PATERNO: Twelve, fifteen years probably.

SASSANO: Do you know him to be a trustworthy individual?

J. PATERNO: Absolutely.

SASSANO: If he came and told you something

J. PATERNO: Absolutely..

SASSANO: Would you automatically believe it?

J. PATERNO: Absolutely. He was very upset when I...

SASSANO: Knowing him as you know him, and dealing with stress and pressure like he does in his system, do you know him to be one that over-reacts or does he appropriately handle that and report the same thing?

J. PATERNO: Well, he's a competitor, a fiery guy in that sense. But I can't, in his relationship with people I don't remember him over-reacting. Once in a while with one of his players he'll foul up and he'll, and I'll have to say, you know, are you sure he's the guy, and you know that kind of thing. But in something like that I don't think I've ever seen him over-react.

SASSANO: In your appraisal of him then if he was upset about something it would be for an appropriate reason, correct?

J. PATERNO: It was legitimate. It was legitimate.

SASSANO: It was what?

J. PATERNO: He would have been legitimately upset.

SASSANO: Okay. Do you have anything you wish to add to this statement?

J. PATERNO: (laughing) I hope it's the last one.

SASSANO: Okay, Scott Paterno, Attorney Scott Paterno, do you have anything you wish to add to this statement?

S. PATERNO: No, No.

Several important items should be highlighted from that transcription (which interestingly, while seemingly more detailed than that of his grand jury testimony, contains some noticeable errors, including the misspelling of Paterno's name on a couple of occasions).

Obviously, based on how light-hearted he was at the end of the interview, Joe Paterno had no idea that he was two weeks from having his entire career destroyed largely because of what he had just said (of course having his son Scott, rather than hiring an experienced lawyer to represent him for this entire process also indicates he never felt he was in any jeopardy). It should also be pointed out that the entire reason for the interview seems to be to make sure that Paterno is totally locked into his version of events so that two weeks later they could safely go ahead with indictments without fear of a living legend claiming his rather vague grand jury testimony was taken out of context.

Most importantly, Paterno *completely* contradicts a key Freeh Report email from 2001 in which Tim Curley says that "after speaking with Joe," he has decided to alter the plan with regard to how to handle Sandusky. Paterno clearly says here, multiple times, that Curley never had any significant conversation with him after their initial contact about McQueary. This means that either Paterno's memory recall of the entire episode was far worse in 2011 than ever realized, or that Curley really did have a habit of telling "white lies" when it came to name-dropping Paterno in emails to help get something done (it makes no sense that Paterno is lying here because at this point he has obviously has absolutely no idea what is about to happen two weeks later, or that he would ever be accused by Louis Freeh of running a cover-up because of an email he obviously had no idea existed).

Why this evidence was never brought up by the Paterno forces at the time of the Freeh Report (especially since that particular email was leaked about a week before the report came out) is a complete mystery to me and my repeated attempts to get an answer have failed. I have been told that it is possible that the Paternos may not have a transcript of the interview, though I have indirectly made sure that they do now.

It is also *extremely* important to note that, given the remarkably cozy relationship between the attorney general's office and the Freeh team, it is nearly impossible that Freeh was not made aware of this interview and yet he apparently, purposefully, withheld exculpatory evidence, seemingly because it would have shattered a huge portion of his theory.

It is also very apparent that Paterno believed pretty firmly at that time that what Mike McQueary told him ten years earlier was indeed "sexual" (it is also clear just how dead set investigators were on doing *everything* they could to make sure Paterno said something to



that effect, apparently so that they could buttress their case on several fronts). In the media's world of extreme bias and limited imagination, this is essentially "checkmate" for the defense of Joe Paterno.

This is likely a large part of why Scott Paterno hasn't tried to argue more strongly that Mike didn't tell Joe something specific or serious. It may also be why he told me that the family position is now to never publicly criticize McQueary.

However, there are two very good reasons why this limited view of the totality of the evidence and circumstances should not carry the day.

The first is that, at 84 years old and just months from his eventual death, it is obvious (as seen in the transcript when Joe can't tell the difference between "Curley" and "McQueary") that Paterno is not fully in control of all of his senses. He is being asked about a short conversation that occurred over ten years before. It is more than logical that he would have asked McQueary, whom he clearly trusted and saw almost every day, to refresh his recollection about the nature of the ten-year-old conversation (notice that Paterno didn't even remotely know in what year the discussion took place).

Assuming that happened (I have been told by numerous people close to the case that there is some evidence that such a meeting took place, but it appears to me as if that is going to be extremely difficult to prove that thanks to Paterno's death) McQueary would have had a powerful incentive at that point to make sure that Paterno said something along the lines of "sexual." If Paterno didn't do that, McQueary would essentially be alone on an island and his testimony would be brought into great question.

You could even make a strong argument that, under those circumstances, prosecutors may not have even decided to bring charges against Sandusky because it would have been politically very problematic to have McQueary, their only witness, essentially contradicted by the most respected person in the state (which is one of the many reasons why I have always been baffled by why so many, especially in the media, have claimed to be outraged by Paterno's testimony, when it was so instrumental to obtaining the indictment of Sandusky, as well as Curley and Schultz).

While nearly impossible to prove at this point, it certainly seems more than plausible that McQueary, without any inherently ill intent, simply told Joe a slightly different story in 2011 than he did in 2001. Interestingly, this would explain why, according to Sandusky, Paterno came over to him and then Juniata College coach Carmen Felus at a Penn State practice in 2009 and Paterno put in a good word for Sandusky who was thinking of coaching there. Obviously, such an act would be completely inconsistent with Paterno thinking of Sandusky as a pedophile and would certainly be in line with the concept that something happened between then and his testimony to alter his perspective. (Unfortunately, thanks to the toxic nature of this case, Felus got in trouble for later having Sandusky volunteer coach at Juniata after he had been under investigation at Central Mountain High School and therefore there is no way that he would be willing to publicly address this potentially vital story now. He never answered my attempts via email and phone to verify this account, though, significantly, he didn't contradict it either.)

Regardless, while it may require far more thought than the media is capable of, McQueary refreshing Paterno's recollection as an explanation for Paterno's testimony is in no way required for him to completely escape culpability for Sandusky's crimes.

As already stated, the vast preponderance of the evidence indicates that there *was no* overt crime committed in the McQueary episode and the boy in the shower actually spent the next ten years thinking that Sandusky was the greatest thing that ever happened to him. Unfortunately, most people seem to discount that reality because they are now sure, with the benefit of "hindsight," that Sandusky is a pedophile and that the McQueary allegation should have been the point at which he was stopped. Since the morally superior Joe Paterno didn't do anything extraordinary to make sure that happened, he is now, bizarrely, held responsible (while others in similar situations, like the brothers/neighbors of a man in Cleveland who held three women captive for numerous years, or even the New England Patriots who didn't realize Aaron Hernandez may have committed multiple murders, are not considered worthy of blame at all).

But, much like the “unfounded” 1998 incident, what exactly was Paterno or Penn State supposed to do differently at that point? They had a two-second eyewitness with a vague allegation against the denial of a local legend who was apparently backed up in his story of innocence by the very boy involved. They had no complaining victim, or even a parent, which is much *less* than what the “unfounded” 1998 episode had. It is pretty obvious that, even if McQueary was clear he thought what he witnessed was “sexual,” the case would have gone nowhere without the victim’s help.

It is very important that people put Paterno’s role in its proper context here. He is simply the intermediary for an initial report. This is not the victim he is speaking to. He didn’t see the incident himself. He is not Sandusky’s boss. And he is also limited in what he can do because, as the perceived “God” of State College, if he acts too strongly he would surely prejudice the case in an extremely debilitating and unjust manner. While his many critics have said constantly that Paterno “failed,” they never seem to want to say exactly what he should have done differently. To this day, even in hindsight, I am honestly not exactly sure what the answer to that question would even theoretically be. (For those who now, in 20/20 hindsight, say “go to the police,” I ask, what if McQueary was, as I believe him to have been, wrong? What then? The amount of unjust damage under that scenario would have also been catastrophic).

After all, it was only Tim Curley who spoke to Paterno, McQueary, Schultz, Sandusky, and the head of the Second Mile charity. He had far more information about what likely happened than either Paterno or, frankly, McQueary. However, I am not convinced that Curley got the same story from McQueary as Paterno did.

Notably, for whatever reason (given the immediate flurry of activity which took place after Paterno contacted Curley, it doesn’t make a lot of sense), McQueary apparently didn’t speak to Curley or Gary Schultz for almost two weeks. In the meantime, numerous people above Paterno in the chain of command for such an incident were brought instantly into the loop by the head coach (contrary to his own self deprecating memory of what occurred, he did *not* wait several days to inform anyone else for fear of “ruining their weekend”) including the Penn State counsel Wendell Courtney.

By the time McQueary spoke to Curley and Schultz, human nature being what it is, he was probably not nearly as agitated by what he thought he may have seen. After all, not only had significant time passed, but importantly there had been no report of a child or a parent coming forward with an allegation of something horrible having happened with Sandusky. Even if McQueary originally thought he might have seen something horrific in those two seconds, any rational person would have likely had serious doubts by this point and may have even changed his mind (only to change it back many years later when presented with evidence that made him confident that Sandusky was indeed a pedophile).

McQueary then found himself in front of the athletic director and the person (Schultz) who, among other things, oversaw the campus police force. This was now a very serious matter (and, for the record, it was probably clear to him at this point that he was not going to get Kenny Jackson’s open job). It would have been quite natural if at this juncture McQueary, if only subconsciously, didn’t convey the story quite as dramatically to Curley and Schultz as he may have to Paterno.

This scenario not only makes sense from McQueary’s perspective, but it is also extremely consistent with the testimony of Curley, Schultz and then President Graham Spanier, who each indicated that they were never informed of anything explicitly sexual by the then graduate assistant (the “grabbing of testicles” testimony of Schultz has been, I believe, grossly mischaracterized as somewhat “sexual” because he naively described on the stand a scenario he imagined in his head based on what he remembered McQueary told him ten years earlier and not what Mike actually said, which among other things, is exceedingly stupid if you are at the center of a cover-up).

Then came what I believe to be the key moment in this entire saga and what is undoubtedly its most underrated event.

After speaking to Paterno and then McQueary, Curley decided that he would speak to the person obviously at the center of the entire affair, Jerry Sandusky.

After speaking with Sandusky myself for three hours in prison, a half an hour on the phone, and having received over a dozen letters from him, it was extremely easy for me to see how convincing he would have been in that conversation with Curley. After all, I spoke to him after he had already been convicted of 45 counts of sexually abusing children and while he was handcuffed in an orange jumpsuit. And yet, despite my extreme cynicism, Sandusky was rather easily able to persuade me that nothing sexual occurred in the shower the night that McQueary witnessed him there. (One of the many hurdles to the truth here is that people don't seem to be able to make the vital distinction between claiming Sandusky is somehow innocent in general, and the notion that he could easily be a pedophile and yet still be "innocent" of some specific allegations. While obviously not the moral equivalent, this would be akin to a chronic speeder being pulled over during an instance when he wasn't actually driving over the speed limit.)

This is not just because of the compelling way that Sandusky tells his version of events. It is also due to the fact that he was, with good reason as shown by Victim 2's later behavior, very confident that the boy would back up his account of what happened (it should be noted that, as yet another part of the "Perfect Storm" here, because neither of them knew McQueary was the witness or that the episode was part of the grand jury proceedings, Sandusky and Victim 2 could not possibly have been properly prepared for a public response in the couple of crazy days between Sandusky's arrest and Paterno's firing).

Once I saw Victim 2's very strong on-the-record statement to an FBI-trained investigator, it was not difficult at all for me to understand how and why Tim Curley would have been convinced enough by an extremely confident Sandusky that nothing criminal actually happened. Once Curley made that determination, the actions he decided to take make perfect sense.

I am even of the belief that Curley probably thought that by taking away his keys, banning him from bringing kids in the facilities, and informing his employer, the Second Mile charity, of the episode, he was actually coming down rather hard on Sandusky. (While, partly because of my interview with Sandusky, I don't personally believe this to be true, it should be noted that Ray Blehar is convinced that CYS was indeed informed of the episode, just as Schultz thought was the case. However, the records of such a report would have been destroyed well before the grand jury investigation began because no charges were filed.)

This interpretation of events is very consistent with the email Curley wrote before taking this action, which Louis Freeh used to try and build a "cover up" narrative involving Joe Paterno. In that email Curley says that "after speaking with Joe," that *he* (signified by the use of the word "I" to begin the next five statements after that phrase) had decided that the better course of action here was not to report the incident directly to law enforcement.

Freeh claimed that this meant that Paterno (supposedly, and at least somewhat irrationally, afraid of "bad publicity" for the first time in his life and less than a year after having endured huge media blowback for sticking by an ultimately innocent quarterback named Rashard Casey who was falsely accused of beating a police officer) had changed Curley's mind, but this assertion flies directly in the face of an enormous amount of evidence and logic, including Paterno's final police interview which we revealed earlier.

First, it was Paterno who immediately reported the incident to Curley. Why would he then decide to "override" his technical superior on this matter to insure less punishment for an ex coach he didn't even like (and who made it very clear to me, even after all the damage he had created for Paterno, had open disdain for his former boss)? If he wanted to "cover it up," because of the fear of "bad publicity," why wouldn't he have just told Mike, a lowly graduate assistant desperate for a job, to keep it between them (or, for that matter, why wouldn't he have just hired McQueary for Kenny Jackson's open job to make sure he stayed quiet?).

Secondly, Curley not only had more natural jurisdiction over the matter, but he also had far more information than Paterno did about what actually happened. After all, Paterno only had the initial report from a witness who had only caught a two-second glimpse through a mirror. Curley had spoken to Paterno, Schultz, McQueary and Sandusky, knew something about the 1998 investigation, and had been offered by Sandusky the name of the boy involved (though, regrettably, he did not take Sandusky up on his offer to identify the boy, perhaps because he thought that would be better done by the Second Mile which was extremely well-acquainted with Victim 2).

Curley and Schultz had also already contemplated taking the exact actions they did *before* Curley supposedly spoke to Joe about the issue.

Finally, while Paterno is portrayed by Freeh as the all-knowing, all-powerful God of Penn State (an assertion which, in itself, is not fully accurate), he ignores the reality that having great power sometimes allows a person to not have to deal with a problem that they would rather not have to handle. It is not hard to imagine Paterno, an elderly, prudish, Catholic, who didn't really like Sandusky, and who didn't think of himself as having any real reason to be involved in a unfamiliar situation regarding an ex-employee, being relieved to have someone else make such a decision. Spanier told me that he thinks that Curley's conversation with the coach, like most people who spoke to Paterno about such matters, was probably extremely brief/forgettable and that Paterno probably just told him to go ahead and do what he thought was right.

So it seems pretty clear that the judgment on how to handle the McQueary episode was mostly, if not entirely, Tim Curley's. Again, while that seems like a poor decision in retrospect (I don't even think it would be remotely fair to call it a choice consistent with a "cover up" since going to the head of the Second Mile, a mandated reporter for child sex abuse, would be insane if that was your intention), I strongly object to that simplistic conclusion.

Even with the benefit of hindsight, about the only things I think Curley did wrong in this situation (based on what he knew at the time) was not speaking to, or at least identifying Victim 2 when Sandusky proposed that option, and apparently not following through on the suggestion that Jerry be forced to get some sort of therapy treatment for his obvious boundary issues.

But again, it is important to point out that the factual record strongly indicates that nothing overtly criminal took place that night (inherent in the "flipping" of Victim 2 is the legal conundrum that if Sandusky is a goofball, then "horsing around" in the shower, while inappropriate, is not necessarily illegal, but if he is a "pedophile" with ill intent, then it is illegal/actionable). Therefore, it is very hard to understand how anyone at Penn State, especially Joe Paterno, should get crucified for not having done more in response to it, especially when so many others who were specifically trained in this area arguably did far less to stop Sandusky .

At this point, thanks to Curley informing his boss, Sandusky was indeed spoken to about the incident by Jack Raykovitz, the head of the Second Mile. According to both Sandusky and his wife Dottie, neither of whom has a reason to lie in this situation, Jerry informed Raykovitz of both the 1998 incident (how Second Mile didn't already know about that is quite amazing and frankly, highly suspect) as well as the identity of Victim 2. To be fair, long-time Second Mile board member Bruce Heim said to me that Raykovitz did not tell him who the boy was (ironically Heim would unknowingly host Victim 2 and Sandusky for a golf outing just months before the indictments) when informed of the conversation with Sandusky, but that could have easily been due to confidentiality concerns.

Raykovitz, very much in keeping with his self-interest, has denied this, though it would seem rather natural that Sandusky would have told him who Victim 2 was because the boy was incredibly well known at the Second Mile (the then 14-year-old boy even spoke prominently at a major Second Mile event the next year).

Regardless, there is no evidence that the Second Mile took any action whatsoever in response to being informed about the McQueary episode. Meanwhile, Joe Paterno followed up with Mike and asked him whether he was okay with how things were handled and McQueary, by his own admission, told him that he was (though, admittedly, as a graduate assistant McQueary could have felt there was no other answer that he could give in that situation).

For at least the next nine years, McQueary and Sandusky continued to have a cordial relationship. They were never "friends" (Sandusky says that Mike may have been upset with him because when he recruited McQueary out of high school he was more interested in Notre Dame-bound quarterback Ron Powlus, and because McQueary was very close with current defensive coordinator

Tom Bradley, who was supposedly jealous of Jerry's coaching legacy) and, contrary to media perception, Sandusky was not around the program all that much.

But then, according to Sandusky (who, again, importantly did not know at this time that McQueary had ever witnessed him doing anything inappropriate with a boy) there was a significant cooling/avoiding of the relationship by Mike sometime in "2010 or 2011." This would have been around the exact time that McQueary had been approached by investigators and then testified against Sandusky in the grand jury.

The only reason I have to not believe Sandusky on this potentially extremely important piece of information is that, I have to admit, I want it to be true because it helps so much else in this perplexing story suddenly make nearly perfect sense.

After all, if McQueary really had no problem with Sandusky for all of those years, it means that he did not originally interpret what he saw as something criminal or horrific (or, if he did, he had very soon changed his mind). However, it does make sense that, when given the new information (which, by the way, further destroys the "cover up" theory because it would show that no one at Penn State had any idea that Sandusky was a pedophile until well into the grand jury proceedings) that authorities were investigating Sandusky and had numerous victims who had already testified against him, it is very easy to see why McQueary would suddenly reinterpret what he saw ten years earlier in the worst possible light, especially when he is being helped to do so by extremely eager investigators.

This theory is really very similar to what likely happened to the perceptions of Victim 2. Before he had strong reasons to believe that Sandusky was a "pedophile," inappropriate "horse play" can be seen as just inappropriate "horse play" (later to be seen as Sandusky riding the line of plausible deniability with "grooming" behavior and, thus, "abuse").

But when you are later told by authority figures that Sandusky is indeed a "pedophile" and that there are numerous victims out there who need your help in obtaining justice, it is perfectly rational that the figurative "one-alarm fire" that McQueary told people about in 2001 suddenly seems like it was at least a "three-alarm fire" (later to be written by prosecutors in the grand jury presentment as a "five-alarm fire").

I have often thought of Mike McQueary acting here as almost a "Jack Ruby" character who was thinking he was going to be a hero by taking out "Lee Harvey Oswald." He was likely very well-intentioned and confident that he was indeed doing the "right" thing, but somewhat like Ruby, he never thought it through to realize the profound implications which would transpire because of his actions and, in this case, what his altered testimony would mean for interpreting the past actions of Penn State.

This analysis, while seemingly grandiose, is actually consistent with what McQueary's wide receivers told me about how adamant he was that he had done the "right" thing. (As for McQueary's lack of ability to understand the "reverse" repercussions of his actions, Jay Paterno, who coached with Mike for years, tells me that he is not a very smart person who only gained admittance to Penn State via a program for "special case" students lacking the academic credentials to normally qualify).

In my view, Mike McQueary probably didn't knowingly "lie," at any point in this story. Instead he simply shaded the truth based what he thought the reality was at any given moment and just didn't realize the incredible ramifications that this course of action would cause until it was basically too late to shift his story one more time.

In short, I believe the only scenario consistent with all the known evidence is: McQueary thought he saw something sexual, changed his mind when no parent/child came forward, and then changed it back (with amplification) ten years later when enticed by investigators to do so.

### CHAPTER THREE: THE LULL BEFORE THE STORM

- After the McQueary episode, it is very interesting to note that, contrary to the perception created (seemingly on purpose) by the prosecution's nonsensical system for numbering the victims, there is a noticeable gap in criminal allegations against Sandusky. It appears as if there are no legitimate criminal sexual allegations made against Sandusky from the time of the McQueary accusation in 2001 until the claims of Victim 1 (now known as Aaron Fisher) finally ignited the formal grand jury investigation in 2009.
- Interestingly, when I informed Sandusky of this reality (uncovered by the tireless investigations of Penn State graduates Ray Blehar and Eileen Morgan), he seemed completely confused by what I was telling him. As I explained this a second time, he looked at me as if I had a third eye. When you think about it, this type of reaction actually seems rather consistent with him being potentially more "innocent" than we realize. After all, if you are guilty as hell, wouldn't you be well aware that there were no victims during that time period because you were trying to be on your best behavior after almost being caught for a second time?
- Significantly, the Aaron Fisher allegation was not made to Penn State (in fact, it wasn't until *after* the Sandusky trial, when his lawyers decided to sue Penn State, that there was ever any allegation by him of abuse occurring there and Fisher has never claimed this under oath despite numerous opportunities to do so). It was first communicated to Central Mountain High School, where Sandusky was a volunteer assistant football coach (a position for which, he reminded me in one letter, he was required to be cleared legally).
- Ironically, the high school originally did not believe Fisher's claims of abuse (which, at first, did not involved actual "sex" acts). This fact is potentially important for several reasons, including that it revealed *Sports Illustrated's* incredible agenda in this case when the magazine somehow praised Central Mountain head football coach, Steve Turchetta, as a lone "hero" in the story. In reality Turchetta was the one who was allowing Sandusky to get Fisher out of class and, along with the school's therapist and principal, didn't believe his first allegation (this absurdity was brought to comical light much later when ABC's *20/20* tried to chase Turchetta down as he ran away from reporter Chris Cuomo, refusing to answer his questions).
- The Fisher accusations against Sandusky were by far the most damaging and, in many ways, also seemingly the most credible of all of those made against Sandusky (among other reasons, he is the only criminal victim to attach his name to the allegations and write a book to go on the public record in great detail about them). However, for the purposes of Penn State, the accusations are essentially irrelevant. Sandusky hadn't coached at Penn State for many years when he met Fisher and Fisher himself has made it very clear that he does not personally blame Penn State (though he does fault his high school).
- It is very obvious that, without Fisher, a grand jury investigation against Sandusky probably never gets initiated. Even with Fisher, it is incredible how long that grand jury process took before finally signing off on Sandusky's indictment (which is one of the many reasons that former Attorney General, now Governor Tom Corbett, had to feel vulnerable on this issue and eager to find a scapegoat other than the Second Mile, whose benefactors had given him substantial campaign contributions).
- While impossible to know for sure, it would appear highly unlikely that there has ever been a case where the indictment took three years, involving multiple grand juries, and the conviction somehow occurred just seven months after the arrest. Again, I am not alleging some sort of complex conspiracy here, but rather pointing out that this raises important questions about the true nature of the evidence and how media pressure/public opinion likely played a role in rushing the trial process.
- The remarkable length of the grand jury investigation (the grand juror I spoke to from the body which heard most of the key testimony was shocked at how long it took in comparison to other similar cases they heard) makes it clear that prosecutors were not comfortable with the level of proof that they had and that they had actually accumulated very little of it on their

own. This is why they went to the extraordinary measure of leaking the details of the grand jury investigation to Sara Ganim, using her as a de facto Craigs List ad in the search for more victims. Based on what we now know, it was very reasonable for them to have been concerned.

- First, Fisher was not seen as a perfect witness. In fact, he was far from it.
- Fisher had a history of making up highly fantastic stories, one of which Sandusky caught on videotape, and his allegations were essentially a rollercoaster ride which at times got more and then suddenly less dramatic as he went through very controversial therapy to help him find “repressed” memories (with a therapist who was with him at every interview but one and who ended up co-writing his book). Amazingly, Fisher originally *testified* in front of two grand juries that there was *never* any sex with Sandusky before then only being able to nod “yes” when prosecutors asked him if there had been oral sex between them (interestingly, the grand juror I spoke to originally thought Fisher was “very credible,” but has recently changed his mind based on things he has learned about his story after having originally seen only the prosecution’s version of it). His timeline of events also kept shifting and his first and final versions of when these acts happened are completely incompatible with each other. He also hadn’t told anyone contemporaneously about the abuse he suffered and until he finally came forward even his mother did suspect that anything was wrong with Sandusky.
- Second, the Victim 6 allegation had already been investigated many years before and determined to be “unfounded.” In the dozen years since that event, there were no more criminal allegations against Sandusky by Victim 6 and they still maintained a very close relationship.
- Third, until they “found” Mike McQueary, they did not have even one direct eyewitness to Sandusky ever acting even “inappropriately” with a boy (the grand juror I spoke to said that there was an obvious lull in the case before McQueary suddenly showed up). This is obviously why they pushed McQueary so hard and then twisted his testimony into a horrific account in the grand jury presentment which didn’t match his actual story. This also explains why the prosecution chose to pretend that Victim 2 didn’t really exist and why it was so vital that Joe Paterno at least partially backed up McQueary’s story.
- The prosecution’s insecurity about the McQueary allegation is also why they felt forced into charging Curley and Schultz with perjury so that they could effectively “protect” their star witness. Had they not done so, McQueary’s story would have been contradicted by several highly credible local figures and only moderately supported by Paterno. (I wish to make clear here that I think it is possible that the prosecution issued what they thought were totally valid charges against Curley and Schultz. While their perspective was likely skewed by their boss Corbett’s hatred of Spanier/Penn State, they may have been honestly convinced that Sandusky was a “monster” who had to be stopped by any means necessary that they also came to believe that it would have been impossible for Penn State as a whole to be completely in the dark with regard to who he really was).
- The important take away here is that, contrary to media/public perception, at the time of his arrest the case against Sandusky was not nearly the slam dunk that it now appears to have been. Of the eight original “victims” (none of whom were found directly by police in the three year investigation), only six were actual known people. Of those six, only two made accusations of overt “sex” acts and only one, Victim 4, claimed anything close to “anal” sex (and that was only after strong initial denials and investigators conspiring on tape to lie to Victim 4 in an effort to get him to say that). Amazingly, not one of these victims claimed in their *initial* versions of their stories to have been subjected to overt “sex” by Sandusky.
- No one ever points any of this out because it sounds like you are defending Sandusky, which is now politically akin to supporting Adolf Hitler. However, these facts are critical to understanding the circumstances as they really were in early November of 2011 when Sandusky was arrested and the idyllic world of Happy Valley was shattered almost overnight.
- Ironically, had the case against Sandusky been stronger at this time, prosecutors likely would not have felt compelled to go with the “flood the zone” strategy where they clearly decided that they needed to flip the psychological burden of proof by making it appear that the evidence against him was just completely overwhelming. But by including eight victims (again, only six were actual people), some of whom claimed rather benign “non sexual” allegations; it created the impression in the

public's mind that the prosecution had at least eight people who claimed Sandusky had "raped" them. This was just not close to being true.

- Similarly, if the prosecution hadn't needed McQueary, their only witness, so badly, they might never have even brought charges against Penn State officials (though there are many, including Graham Spanier himself, who strongly and plausibly believe that Governor Tom Corbett's hatred of Spanier over state funding issues may have caused them to go in that direction anyway). Had rationality reigned and Sandusky had been given basic due process (he could be the most guilty man alive and I would still argue that he did not receive a fair trial), then Penn State may have never been the focus of such white hot rage well before the actual perpetrator had even gone to trial.



## CHAPTER FOUR: THE MEDIA FIRESTORM

- In retrospect, it is really quite amazing how close Penn State and specifically Joe Paterno came to escaping this situation largely unscathed. For the first two days of the story, that is essentially what happened.
- The story broke nationally on a college football Saturday, one which, just “coincidentally,” Penn State’s team had off (Graham Spanier has told me that he had gotten word that the indictment of Sandusky was likely coming at the end of the *following* weekend and he had begun preparations to notify the Board of Trustees at their scheduled meeting just before then). ESPN was so concerned with covering actual football games all weekend that they barely mentioned the arrest at all. In fact, I purchased the closed captioning for all the major television networks that weekend and a search for the words “Sandusky or Paterno” turned up shockingly few results.
- The most significant mainstream news article focusing on Paterno that weekend came, ironically, from Sara Gamin, who would later win a highly suspect Pulitzer prize for her Sandusky reporting.
- The very short item, which featured an obvious source inside the prosecution (which was where almost all of Ganim’s “reporting” in the case came from), “praised” Paterno for “acting appropriately” in reporting the suspicions about Sandusky. I don’t know who the source in that case was, but a good guess would be Jonelle Eshbach, who questioned Paterno and others in the grand jury, posted on Facebook that she didn’t think he should have been fired, and later left the Attorney General’s office. There is also significant circumstantial evidence that she approached ABC News with the story that the prosecution lied about when it knew about the 1998 investigation so as to justify why it took so long to indict Sandusky (ABC didn’t run the story because it seems Eshbach didn’t want to appear on camera). I exchanged a couple of terse emails with her, but she refused to speak to me. My gut tells me that she may be one of the few people who could really break this case open if she ever came forward with the full truth.
- As late as that Sunday night, ESPN had still not decided that an unidentified Penn State “graduate assistant” supposedly witnessing Sandusky subjecting a young boy to “anal intercourse” nine years ago was a huge story. To them and most of the rest of the sports media which follows ESPN like lemmings, this was a “Jerry Sandusky” story, which meant it had very limited ratings appeal.
- The major exception over the weekend to this take came from the popular renegade sports website *Deadspin*, which was most well known at that point for publishing pictures of Brett Favre’s penis.
- *Deadspin* is hardly a “news” organization, but they were the first major entity to drive the story towards Paterno and predict his firing. Their hypocrisy on this issue was laid bare months later when their then editor A.J. Daulerio practically bragged in print that Philadelphia sports columnist Bill Conlin had essentially confessed to him that he had sexually molested children in his own family. Daulerio wrote of counseling him on how to handle the story and then coddled him in their extremely light coverage of the revelations which would end his career. *Deadspin* never even thought to question whether Conlin’s employers and colleagues (at the Philadelphia *Daily News* and ESPN) should somehow be held responsible for his horrendous acts. I exchanged several email with Daulerio about the Sandusky case and set up a phone call (we happen to be from the same small hometown in Pennsylvania), but when I called him at our prearranged time to talk he did not answer and never returned the message.
- Unfortunately, despite their obvious lack of credibility, there is no doubt that the efforts of *Deadspin* had an influence on how the rest of the “respected” media would soon come to view the Sandusky case.
- The ultimate proof that something other than actual facts dramatically altered the media narrative from being about Sandusky to being focused on Paterno was the arch of the coverage of the story by *Sports Illustrated*.
- Early Monday afternoon is usually the deadline for stories to make it into any particular edition of *Sports Illustrated*, though if a national championship is played on a Monday night they can make an exception. Amazingly, the Boston Marathon Bombings, which occurred on a Monday afternoon, made it onto the *cover* of that week’s magazine (interestingly, the media

didn't have remotely the same vigor when it came to examining the warning signs the FBI missed about the older Boston bomber in comparison to the zeal with which the media decided Penn State had to know about an ex employee, or for that matter, how no one knew that three young women and a baby were being held captive for many years in a densely populated Cleveland neighborhood).

- This is relevant because the magazine went to print with that first edition over two full days after Sandusky's arrest and the release/leak of the grand jury presentment. And yet there was not even one "news" article about Sandusky in that week's edition. Absurdly, he didn't even make the "For the Record" section under "Arrests." The only mention of him came in a back page column which almost read as if the writer thought he was chronicling the end of a story rather than the beginning of one.
- And yet, the *next* week, with essentially the very same set of facts which existed the previous week (other than the ensuing firing of Joe Paterno which resulted from them), they filled their cover with Paterno's photo and multiple Penn State related headlines, including one calling this the biggest scandal in college football history.
- So, what changed in that week? Well, obviously Paterno was fired, but I would argue that his firing was not, in itself, evidence of scandal. Instead, what really happened was that the story shifted from being about ratings loser Jerry Sandusky, to being about ratings magnet Joe Paterno and that the rest of the media then converged on *that* story like hornets swarming an enticing new nest (in a development which has been devastating to journalism, overnight TV ratings and instantaneous Internet traffic reports have enabled news organizations to immediately "focus group" particular stories in order to pick the "winners" and the "losers").
- In this era of extreme media fragmentation, the influence of pack mentality of the media simply can not be underestimated. Every outlet is terrified of two things: being out first and being wrong, and being left behind while all the others find a fresh juicy carcass from which to feed. It is obvious that *Sports Illustrated* originally examined the basic facts of the case, didn't see any legitimate Paterno angle, looked around and saw no other major media outlets focusing on him, and decided Monday afternoon to essentially take a pass on the story because it revolved around a former assistant coach no one outside of Pennsylvania remembered because he hadn't coached in twelve years.
- This would end up being one of the very few journalistically sound decisions that the nation's premiere sports magazine made during the course of the entire saga.
- *Sports Illustrated's* initial treatment of the Sandusky scandal is crucial to understanding what really happened with regard to the media coverage of this story. It is the "smoking gun" that the initial narrative dramatically shifted almost the moment they put that first edition to bed.
- Many people close to this case point to the press conference that Monday afternoon of Attorney General Linda Kelly and state Police Commissioner Frank Noonan as the turning point in the media narrative. Kelly, who had said that Paterno was not a focus of the investigation and had done his legal duty, praised (bizarrely) Central Mountain High School's reaction to the situation. Noonan, importantly in *response* to a media question clearly intended to drag Paterno more intricately into the story, went way beyond the bounds of normal police discussion at a press conference and actually pontificated that while the legend had done what he was legally supposed to, it was possible that he had failed his "moral" responsibility.
- I have spoken to some close to this story, including Penn State BOT member Anthony Lubrano, who believe that the developments from this press conference were directed by Governor Tom Corbett. The thinking here is that Corbett was not happy with the level of media heat that Penn State was taking in the first two days of the story and he gave the directive to make sure that changed.
- While there is ample evidence that Corbett had disdain for Penn State, and a few days later even bragged to his friend Robert Capretto (a huge Paterno supporter) that he was the person who brought down the famous icon, I am not sure this theory makes complete sense.

- Thanks to his God-like status in the community and the fact that he remained somewhat of a media darling, going after Paterno at that point was still an extremely risky proposition and would not have been seemingly necessary. The risk/reward ratio for such a gambit just doesn't seem to be there from Corbett's perspective, especially since his attorney general's office needed Paterno to prop up McQueary's testimony and, ironically, help in the perjury case against Curley and Schultz. (However, there is apparently evidence of quite a bit of communication between Corbett and Board of Trustee member John Surma who would play a key role in Paterno's firing. Also, Corbett, whose campaign had strong financial ties to the Second Mile, had an incentive to make sure the blame was placed on Penn State, so I don't discount Lubrano's theory entirely.)
- I am of the belief that Noonan simply found himself in a situation where, when asked to give a moral rather than a legal opinion, in front of a room full of national media, he decided to give them what they wanted. Once he made the choice to offer an answer (which he obviously had no business providing), he obviously wasn't going to furnish a politically incorrect response. How could he have told the press that there was nothing morally wrong with doing only what you were legally required to do?
- In some ways, I actually think that what Attorney General Kelly said about Central Mountain High School was both more suspicious and, in a subtle way, impactful.
- I say this for several reasons. First, it was an obviously false statement and in direct contradiction to what Aaron Fisher's own mother (who, interestingly, Fisher never told about his abuse and who said she never suspected anything while it was going on) would tell a reporter from the Huffington Post just days later. Secondly, by lavishly approving of the way a high school handled the situation she was essentially further indicting that lack of courage and morality at Penn State. Finally, there was what happened later that night after the pivotal press conference.
- That evening Sara Ganim wrote an extensive piece about the mothers of Victims 1 & 6 (the two most important victims in the grand jury investigation) with the headline, *"Mothers of two of Jerry Sandusky's alleged victims lash out at Penn State officials' handling of scandal."*
- That headline was as inaccurate as it was incredibly influential.
- First, a local paper was directly connecting the words "Penn State" and "Scandal," as if this was indeed a "Penn State story" and not a "Jerry Sandusky story." Secondly, as previously stated, the mother of Aaron Fisher (Victim 1) has not directly blamed Penn State for what happened to her son and does not really do so within the body of the Ganim article itself. Thirdly, the mother of Victim 6, as previously chronicled, was, at best, a person of highly questionable credibility/motive who should have had no right to be criticizing Penn State for her son maintaining, with her approval, a close and clearly non-criminal relationship well after the 1998 investigation was closed; none of which was mentioned in Ganim's piece.
- Now, such an article in a small local paper would not normally have had all that much impact, but these circumstances were very different. The national media was very slow to jump on this story and they descended on State College having almost nothing to go on. Here Ganim was providing, like manna from media heaven, exactly the narrative they wanted with what appeared to credible sources (no one seemed to ever question how it was that Ganim was somehow miraculously able to immediately contact the mothers of the two most important witnesses from a supposedly highly secret grand jury investigation). None of the national media had a clue about either situation at that point and probably didn't even bother to read Ganim's article all the way through.
- So what happened next? Ganim was naturally interviewed by numerous national television outlets about her big "scoop." In none of the interviews I researched did Ganim make any effort whatsoever to clarify that Victim 1's story was completely focused on the high school and that Victim 6's mother had huge credibility problems on the issue. (This is even forgetting the fact that this mother had claimed, according to discovery for the Sandusky trial, that Ganim had urged her to help the prosecution find more much needed victims, several of which ended up, just coincidentally, knowing Victim 6 and, surreally, were all pictured together in Sandusky's book. When just a couple of weeks ago I confronted the mother on Twitter about some of the issues surrounding her "unique" role in this case, she didn't respond and instead took the extremely

dramatic/suspicious action of instantly closed off both her Twitter and e-mail accounts before urging her allies to attack me for somehow “bullying” her. Tellingly, there were several tweets in her history where she corresponded with Sara Ganim and others which criticized me.)

- ESPN in particular ran with this Ganim-created narrative like a young Bo Jackson in the open field heading for the end zone. On that Tuesday morning they must have highlighted the story at least once every 15 minutes. On a traditionally slow sports day during football season (made worse by the fact that baseball had just ended and the NBA was on strike), the Ganim story easily filled, and even dominated, the void. This drumbeat of having the “ultimate moral authority” (the mothers of male victims of sexual abuse) tearing apart Penn State, and by connection, Joe Paterno, took an enormous toll and gave the rest of the media all the marching orders they needed.
- Meanwhile, the other side of the story was being forced into silence.
- As yet another aspect of the “Perfect Storm” here, Curley and Schultz were immediately gagged because they were under indictment (though one of Curley’s lawyer did give a memorable, fire-breathing, “press conference” over the weekend which I personally saw as the first sign that the charges were likely bogus). Jerry Sandusky was in an even worse situation and couldn’t talk. Graham Spanier, after initially releasing a strong written statement in support of Curley and Schultz, was now seeing a weakening of support and was worried about provoking his own firing or even indictment. That left an 84-year-old Joe Paterno as the last line of defense to speak out on behalf of Penn State.
- That Monday night it was widely reported that Paterno’s normal Tuesday press conference would go on as scheduled, but that Penn State had declared that the Sandusky indictments would not be discussed. I have never been sure how that report got out there, but there is no question that it had a hugely negative impact on how events would transpire from that point forward.
- The media, being the child-like narcissists that they are, wants nothing more than what they are told they can’t have. Before word spread that the Sandusky topic would supposedly be off limits at the press conference, that event was going to be “must see TV.” After that development, it instantly became a “must be there in the front row ready to ask Sandusky-related questions” happening.
- Not only did it greatly heighten interest in the press conference, this also caused several hundred vultures to instantly descend on Beaver Stadium (who could possibly resist the sight of an 84-year-old legend with poor hearing trying to not respond to questions he isn’t being allowed to answer?) but it also created the impression that Paterno didn’t want to tell the full truth here.
- So when, after a huge buildup (ESPN basically did a countdown to the press conference all morning long) the Paterno media availability was suddenly cancelled, the ensuing narrative was very clear: Penn State is preventing Joe Paterno from speaking, he has something to hide, and it is extremely likely he is going to get fired very soon.
- Like much of what transpired in this Passion Play, the reality of what really happened was not close to the story the media chose to portray.
- First, Paterno was prepared to read an extensive and powerful statement about the Sandusky issue before his press conference and was indeed willing to answer some questions on the matter. Interestingly, the notion that he would not likely answer many questions came from the knowledge that he had done nothing wrong and therefore did not believe the story to be directly related to him. This would not be the only time in this story where innocent people were presumed by the media to be guilty because they did things based on the concept that they were blameless (in other words, wouldn’t only a totally innocent or completely delusional person think that they wouldn’t have to answer more than a couple of questions about this subject if they were in Paterno’s shoes?).
- Secondly, Penn State itself did *not* cancel the press conference. It was widely, and understandably, misreported that “Penn State” or “Graham Spanier” had cancelled the press conference. This was not accurate.

- Spanier told me, and it has been reported in the *New York Times*, that the then-university president had nothing to do with the decision to scrub the Paterno presser and, in fact, he opposed the decision. However, at that moment, a bit of a “coup d’etat” was occurring within the Board of Trustees. Vice Chairman John Surma (then the CEO of U.S. Steel) had essentially pushed aside Chairman Steve Garban after Garban had strongly approved of Spanier’s initial public support of Curley and Schultz. Spanier told me that Surma *informed* him that Paterno’s press conference was to be cancelled.
- These facts were critically important for several reasons which were not apparent at the time.
- First, cancelling the press conference was not an indication that Penn State was throwing Paterno under the bus or acknowledging guilt on his part. It was the decision of, essentially, one man.
- That one man, John Surma, had been annually inquiring to Spanier as to when he was finally going to get rid of Paterno. Spanier told me that, just after the press conference was cancelled, Surma came to him and asked him, one final time, of what he thought of firing Paterno. Spanier asked him, “Why would we do that?” This question was essentially his last significant act as the president of the university.
- Interestingly, Spanier was unaware at the time that Surma’s brother, Vic, had made some extremely derogatory comments about Paterno a few years earlier in a chain email among football lettermen and in an interview with Sara Ganim in 2011 (after publicly strongly praising Paterno in 2002). Vic Surma’s son had played football very briefly at Penn State and it was obvious that Surma blamed Paterno for both that bad experience as well as the many life troubles his son encountered after leaving the team. When I told Spanier about all of this, it was as if a puzzle which had perplexed him was now suddenly solvable. He responded that it now it made sense why John Surma had kept coming to him to try and get Paterno fired.
- But, since none of this was known at the time, the media decided to use the press conference cancelation to create their own destructive narrative. I believe it was the moment when this story officially left the gravitation pull of the rational earth, never to return to that orbit again.
- There were many reasons why this was such an incredibly pivotal development (to be clear, I am not Monday-morning quarterbacking here as I was one of many who knew and publicly predicted immediately that Paterno would be unjustly fired). Not only was Paterno not allowed to defend himself, but it was widely perceived that he was made to look guilty by the very school he had almost literally put on the map.
- I strongly believe that this decision forever radically altered the burden of proof in this case from the media being forced to show Paterno was “guilty” to Paterno and his supporters being required to somehow prove his innocence. I even believe that this critical alteration in the burden of proof was what later allowed Louis Freeh to make his wild accusations without fear of repercussion.
- This dramatic shift was actually far more debilitating than normal because of the unique nature of the case itself. So much of the interpretation of events here is dictated by what you assume the narrative here is from the start. In other words, if you think that Paterno/Penn State are “guilty,” then all of a sudden you see things such as Sandusky’s retirement and the Virginia job situation through a completely different prism than if you are presuming innocence. With so many of the events here shaded by the gray tinge of one’s own perceptions and the presumptions of 20/20 hindsight (partly because of Sandusky’s mastery of the concept of plausible deniability), this remarkable revision of the threshold of “guilt” was simply perpetually devastating to the chances of Paterno and Penn State getting even a basic level of due process.
- At this point, Paterno was essentially dead in the water. Almost as bad as looking “guilty,” he was now appearing to be extremely old, feckless and weak. There is no doubt that this was the exact result Surma had in mind when he forced the cancellation of the press conference. Not coincidentally, almost immediately after that decision a “source” “inside” the Board of Trustees told the *New York Times* that support for Paterno was “eroding.”
- That Saturday was Penn State’s last home game of the season (one which still had a very good chance of resulting in a Big Ten title) and it was expected to be a celebration of Paterno having just become the winningest coach in the history of major college football. But here, like would be so often the case in this saga, Paterno’s positive attributes would actually

work *against* his cause (In other words, if he had been a non-famous head coach at say Iowa State, there just wouldn't have been the public interest to maintain media momentum for the story).

- You see, now the media saw both blood in the water and a clear timeline/endgame for the saga. One of the many factors which dictate how the modern news media handle particular stories is the question of how it is all likely to play out. For instance, is there a likely specific end point or climax (this is why they love trials and big city car chases), or will it go on too long for the audience to stick around? After the cancellation of the press conference, the Paterno story was now perfectly suited for what the media wanted: the likely fall of a legend in a very tight timeframe.
- What was particularly frustrating to me watching all of this unfold in Southern California (with no connection to Penn State and only a normal level of admiration for Paterno who I thought should have retired years ago), was the fact that it was clear that there was still a way for Paterno to potentially get himself out of this situation. But it became obvious very quickly that those around him were not up to the task of salvaging some sort of victory from the jaws of seemingly certain defeat.
- Counter intuitively, the cancelation of the press conference actually provided an opportunity for Paterno to change the narrative in his favor. Instead of being forced to endure having hundreds of rabid press people yelling "gotcha" questions at an old man with horrible hearing, he now had the perfect excuse to dodge that mess and set up a far better response on his own terms.
- He could have easily invited ESPN's Tom Rinaldi, who was clearly angling, on and off the air, for the interview (he had enthusiastically served a similar duty when Tiger Woods finally decided to speak after his "car accident"), into the Paterno living room for a softball one-on-one conversation which surely would have gone well enough to at least buy some valuable time. Unfortunately, this rather obvious counter strategy was never enacted.
- Though I have no inside information on how and why the decision was made not to go in this direction, it is certainly possible to come up with some rational explanations.
- The first is that Scott Paterno (who, along with Penn State brand manager Guido D'Elia was running the initial PR "response" that fateful week), as is cited in Joe Posnanski's book *Paterno*, was primarily concerned with the thought that his father was going to be fired over the grand jury presentment. Therefore, he didn't want to do anything which could be considered "insubordination" and provoke a firing for "cause," which could theoretically cost his "client" (as Scott, again, still refers to his father) a lot of money.
- In my view, this position was evidence of extremely limited thinking. For one thing, if Scott thought (correctly) that his "client" was going to get fired anyway, I fail to understand the risk in speaking out without permission from Penn State. At that point you really have nothing to lose and there was absolutely no chance that a firing "for cause" because Joe Paterno spoke publicly to defend himself against charges of being a "pedophile protector" would have ever stood up in either a court of law or of public opinion. Unfortunately, knowing a decent amount about how Scott's mind tends to work, I don't think he was able to see that reality, especially in the midst of a massive firestorm.
- Of course, since Scott prepped his "client" for, and personally attended, each of his testimonies about the case, and according to Posnanski knew instantly after having read the grand jury presentment that this could easily be the end of Joe's career, you also have to question why Scott didn't seem to have any sort of game plan in place well before Sandusky's indictment. Especially after Joe's final police interview (the transcript of which I revealed here for the first time) it had to be obvious that they had a potentially very serious PR problem on the horizon.
- However, while I do blame Scott for this peculiar lack of preparation (I am convinced that the reason he praises Posnanski at every possible chance, even though the author cowardly threw Scott's "client" under the bus when his book came out in order to placate the media and protect his career, is that the book makes it seem as if Scott was the person closest to Joe who was sounding the alarm bells), I can also see where Joe Paterno himself would have been a big problem here.
- It is obvious that Joe, probably because he was so certain he had done nothing wrong, had no idea just how serious the situation he was in really was. Paterno was notoriously stubborn and reportedly Scott couldn't even get him to read the

grand jury presentment. I would also not be at all surprised that, especially since the team was doing so well and he already knew (though it had not been publicly reported) that he was going to retire at the end of the season, that he greatly miscalculated his standing with the school's Board of Trustees and exactly what he had to lose.

- I came to get a small taste of how difficult Joe Paterno must have been to deal with under these extreme conditions when, a year later, I was trying to advise the football coach at Steubenville High School (about whom I had written a book almost twenty years earlier) who was embroiled in a remarkably similar media maelstrom in Ohio. That coach, much like Paterno, was a highly successful, very confident, Italian Catholic, new media dinosaur, who was also exceedingly set in his ways and had known his board members most of their lives. Getting him to act on anything (or even to read a critical *New York Times* article about the case) was like trying to turnaround an aircraft carrier in choppy seas. After that experience, I even shared with Scott that I had a new appreciation for how difficult that it must have been for him to deal with their situation (whatever connection sharing that experience may have created between us was unfortunately very short-lived).
- However, while such circumstances may partially explain why the enticing option of doing their own interview when the press conference was cancelled wasn't taken advantage of, it does not mitigate the disastrous nature of what did happen instead. While most of my criticism for how Scott Paterno handled this situation is based only on informed speculation and logical attempts to piece uncertain data points together, there was at least one circumstance during the firestorm where there is just no ambiguity.
- The afternoon after the press conference was canceled, Joe and Scott tried to make their way from the porch of the humble Paterno home (located just a short walk from the stadium and not far from the public gym where Jerry Sandusky was simultaneously working out, totally unencumbered by news media) to the car which would take the coach to practice that day. Joe stopped very briefly to tell the swarm of media jackals that he would like to answer their questions but that he couldn't at that time (if Scott Paterno felt like he was allowed to say even that, why Joe couldn't have just said something along the lines of "you guys are getting this all wrong, please wait for the facts to come out before you start rushing to conclusions," is another mystery to me). After Joe finally managed to break through the hoard and get into the car which then drove away, the media scrum then naturally enveloped Scott.
- At this point Scott had two viable options. One, he could simply say he can't speak for Joe and walk back into the house. Two, more preferably, he could tell the reporters gathered there that Joe did nothing wrong and that they were all going to look stupid when the truth comes out. Instead, Scott, inexplicably, started babbling about how no one has said Joe is not the coach of Penn State and that to his knowledge Joe being fired hadn't even been discussed.
- Even worse than the feeble and self-incriminating message that sent, Scott tried unsuccessfully to end his "press conference" at least four times. On each occasion he would start waddling towards the front door, stop and try to restate the same convoluted point over again, only to fail and then restart the process. The whole thing could not have been a bigger disaster. Instead of fighting back and giving their many supporters something to hang onto (and their enemies something to fear), thanks to this episode the Paternos looked weak, disorganized, unprepared, doomed, and even a little bit guilty.
- Somewhat in Scott's defense, I do think that part of what was happening here was that the Paternos, almost like animals who had lived in the comfort of a first-class zoo all of their lives and were now suddenly alone in the wild for the first time, were understandably slow to realize just how completely their previously mostly peaceful world had been devastated overnight (which is, again, similar to what happened to the relationship between Tiger Woods and the media after his "accident").
- Meanwhile, the media pressure cooker was now on full power. The cancelation of the press conference not only made the story constant breaking news on ESPN and a top item on other major outlets, it opened the floodgates of speculation regarding Paterno's "guilt." Because Penn State had seemingly backed away from Paterno, every media person who was willing to pounce on this highly appetizing injured prey now had nothing to fear, safe in the knowledge that they possessed all the "protection" they needed from being accused of jumping the gun.

- This all important “backside protection” (the media, being full of cowards who care mostly about keeping their cushy jobs, never will do anything which knowingly places themselves at any individual risk) was also being enthusiastically provided by people perceived as “Penn Staters” who are in the media. After all, in this situation, just as in politics, if people on “your team” say that you are wrong, then you are definitely in trouble.
- The first two figures who seemed more than happy to fill this role were Matt Millen of ESPN and Cory Giger a local writer whose talk show airs on ESPN radio in State College (though an “honorable mention” here must go to then unknown ESPN writer and Penn State graduate Michael Weinreb who almost literally personified the concept of self flagellation in a column which bought him lots of face time on TV before most of the facts of the case were even known).
- Millen, who once played prominently at Penn State but who was now better known as the disgraced former general manager of the Detroit Lions, made “news” on that Tuesday by suddenly breaking down in tears when discussing what Mike McQueary had allegedly seen. Millen, seemingly more than willing to give his new employers exactly what they wanted, dramatically sobbed, “It’s pretty disturbing” while his head hung down in shame.
- This clip was used as one of those “moments” to which television gravitates so that it can pretend to capture the essence of what is really going on in a seemingly complex story. Most people can’t really grasp all the details of something as incredibly intricate as the Sandusky scandal, but they can easily understand the implications of a former Penn State player and a grown man, seemingly crying, on live television.
- The Millen clip was played over and over, not just on ESPN but on numerous other platforms, including all over the Internet. However, three important items were universally absent from the analysis of Millen’s compelling breakdown.
- First, Millen was admittedly no fan of Paterno and they did not get along very well when he played at Penn State. Secondly, despite their personal differences, Millen had said in that same ESPN interview, just seconds before weeping, that he did *not* think it was likely that Paterno was really told a boy had been raped and then did nothing about it. Thirdly, even ESPN barely mentioned that Millen was a current board member of the Second Mile charity, meaning that, technically, he had at least as much of a connection to Sandusky as Paterno did over the previous several years. As would happen so often in this story, important logical/factual points were completely washed away amidst the tidal wave of emotions which it understandably unleashed.
- As for Giger, he was a completely unknown small-market local radio host and newspaper columnist to whom ESPN went for the “home cooked” reaction to the story. National outlets often do this under the sometimes overrated presumption that media people who are closer to the story might actually know something that others do not.
- Giger used his 15 seconds of fame to go after Penn State and Joe Paterno as hard as anyone possibly could have given the known “facts” at the time. Much like with Millen, Giger’s condemnations were seen through assumption that if *even* “homers” like him were convinced something horrendous had happened here, that obviously something was very, very, wrong.
- However, similar to the situation with Millen, there were significant mitigating factors about Giger’s perspective of which the public was unaware.
- First, in the modern age, local media personalities now have a perverse set of incentives when it comes to scandals hitting their small towns. While the perception may be that they would naturally take the “homer” approach and defend those under attack, the real motivation is often to take the reverse outlook.
- Put yourself in Giger’s shoes. From a professional perspective did he want this Sandusky scandal to be seen as a minor crime story involving a former assistant coach which had nothing directly to do with Penn State football (in which case it goes away quickly and, with it, so do his opportunities for national exposure and advancement within the ESPN structure), or would his life and career be seemingly better if it exploded into the biggest scandal in the history of college football?
- The latter scenario provided numerous opportunities to appear on the national network of one of his ultimate employers (ESPN, which had already made it quite clear which direction they preferred the wind to blow in this case) and massive



amounts of content for years to come. This may seem like a rather advanced and cynical calculus for people to be basing their instant opinions on, but I have seen this exact same phenomenon happen in many other situations (such as, for instance, the Steubenville rape case). I will be the first to admit that even I may have been subconsciously influenced by such factors in my own career (my public reaction to Sarah Palin's resignation as governor of Alaska was undoubtedly subconsciously manipulated by the fact that it would be good for the movie I did about her if she remained politically viable).

- With regard to Giger specifically, hardly ever mentioned was the astonishing fact that he had co-written a "book" about Paterno just a year earlier called *They Know Joe*, which was literally a collection of "love stories" written by famous people (including a former U.S. president and several prominent ESPN commentators) about how awesome Joe Paterno is.
- Everyone is certainly entitled to change their minds especially when they get dramatic new information such as that allegedly contained in the grand jury presentment. But to my knowledge, no one on a national stage ever pointed out, or even asked Giger about, his remarkable turn against Paterno. I would have like to have asked him about all of this, but via email he refused to even have a telephone conversation with me.
- Personally, as I was watching all of this unfold, the only ESPN personality I was focused on was Todd Blackledge, who had quarterbacked Penn State to their first national championship in 1982. As far as I was concerned, he was to Paterno what Barry Goldwater was to Richard Nixon during Watergate. If Paterno lost Blackledge, it was over for sure.
- I really liked and respected Blackledge as a commentator (which is extremely rare for me) and knew him to be a smart guy. He was interviewed on-air by his employer ESPN several times during that first week of the story and it was obvious to me that he was an extremely conflicted man. It was almost painful to watch him go back and forth on what he thought had really occurred and what he felt should happen to his former coach and mentor. While he never fully drove the dagger into Paterno's back that week (or when the Freeh Report came out), his obvious lack of vociferous support was not helpful at all to the Paterno cause because it was presumed that he would be a strong supporter. He was probably the one Penn Stater in the media who had the power to make a difference that week and he chose not to use it (though he did speak at Paterno's memorial service two months later). Todd is a very measured and thoughtful guy and, unlike most in the media, he wanted to make sure he knew what he was talking about before he went out on any limb. Unfortunately, it would hardly be the only time in this saga when having good people actually waiting to get all the facts before firing back in any significant way proved to be a detriment in fighting this battle.
- Much later I would have rather extensive contact with Blackledge, both on the phone and in person. I found him to be exactly as I had expected and was very impressed by him in almost every way. He told me that my documentary on this subject had helped his evolution of thought on this subject and convinced him that Paterno had gotten a raw deal (when he texted me, "I thought that it was outstanding and I definitely want to be a part in fighting this incredible injustice" I considered it to be my personal highlight of the entire movie project).
- He also said that he was so frustrated with ESPN's coverage of the entire affair that he had strongly considered resigning his job. I told him then that he was smart to have not done so because his transformation could have so much more power if it came while he was still on the inside of the "evil empire" (of course, if you keep your powder dry but never actually use it, that also isn't much good for the effort).
- Todd eventually signed on to philosophically support the Paterno lawsuit against the NCAA, which I am sure was an act which took at least some level of courage because of his employment with ESPN. He certainly deserves credit for doing far more than many others in similar positions have done for this cause. However, it seems to me that Blackledge, like many others in this story with influence, is only willing to go so far here and is unlikely to do anything which puts himself individually at any real risk (which is what you need if you are going to pull off a miracle like reversing this false narrative). I personally find this apparent reality to be extremely depressing and perhaps the ultimate proof of just how deep and intimidating the media's industry-wide position on this story really is. (Todd did make it clear in a [phone interview](#) he did with me recently that ESPN itself has never *overtly* told him not to express an opinion on this matter. Though I would love to see

what would happen if Todd ever somehow decided to express a strong opinion on this matter, perhaps if they ever ran a graphic of the list of all-time winningest coaches during one of his game broadcasts).

- If even Todd Blackledge, an intelligent, religious, principled guy, who knows that an injustice was done here and who has the power to make a real difference in correcting it, is unwilling to make any substantial sacrifice for this cause, who (other than Franco Harris) possibly will? In a nutshell, the Todd Blackledge story is emblematic of why it will be so incredibly difficult, if not totally impossible, for the narrative of this story to ever be significantly changed. For, in the reverse of the Goldwater/Nixon analogy, if you can't get Todd Blackledge to take a real risk and strongly publicly support Joe Paterno, who *can* you get? (I wish to acknowledge that due to my respect for him I am holding Todd to a higher standard here and that therefore it may seem to some as if I am being too tough on him. However, I am simply being honest and, despite how much I like him, not allowing that reality to cloud my ability to call it as I see it. I honestly and sincerely hope that Todd will eventually prove me wrong about this.)

## CHAPTER FIVE: THE FIRING

- On Wednesday November 9<sup>th</sup>, 2011 Joe Paterno awoke as the head football coach at Penn State as he had for each of the previous 16,747 days. ESPN was now in a full-court press to force his ouster before that Saturday's game with Nebraska (to be carried, not coincidentally, by ESPN) and the *New York Times* was reporting (no doubt via their "source" John Surma) that the Penn State Board of Trustees was planning his departure.
- That morning, the Paterno camp, now slowly realizing that they weren't in "Kansas" anymore, finally hired a PR person out of Washington, DC named Dan McGinn. It is not known (at least not by me) who actually wrote the statement put out in Joe Paterno's name that day, but it was obvious that someone had chosen a far more aggressive strategy than the chaotic non-response of the previous two days.
- It was a statement which, in a rational world should have been nearly perfect (as ideal as a written statement could be, considering it obviously could never be nearly as powerful as answering questions live and in-person). In the friendly media environment which had existed for Joe Paterno over most of the previous 40 years, it would have been received with nearly universal praise.
- However, like an elderly Merlin, Paterno's magic touch had suddenly left him. The media, as if having woken from a decades long spell, was now determined to make up for what they now perceived as having gone too easy on him for far too long (it also didn't help Paterno that he never had a great relationship personally with the media and that he was a "goody two-shoes" conservative who liberals in the media would love to prove was a fraud all along).
- From the media's perspective, the key portion of the statement read: *"I have decided to announce my retirement effective at the end of this season. At this moment the Board of Trustees should not spend a single minute discussing my status. 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."*
- Instead of seeing his retirement as an act of concession, the media spun it as Paterno's last desperate attempt to dictate his own terms (Paterno's plan to retire at the end of the 2011 season had already been known within the administration, though John Surma is said to have questioned whether Paterno could be trusted to follow through on that promise).
- Rather than viewing his comments about the Board of Trustees as a proper declaration of the scandal being more important than football, they decided that this was Paterno thumbing his nose at his bosses (incredibly, even several board members friendly to Paterno have said that this "insult" was the straw that broke the camel's back).
- And somehow, instead of praising him being the first (and to this date, still only) major figure to take any responsibility for what happened, they scandalously left off the "hindsight" part and made it look as if he was actually admitting guilt.
- That day, Paterno told his team that he was retiring at the end of the season and then went to what would be his final practice after 61 years of coaching football at Penn State. Later that night, the Board of Trustees held a hastily scheduled press conference in which it was announced that Graham Spanier had "resigned" as president of the university, and that Joe Paterno was no longer the head football coach, effective immediately.
- As shocking as that result was, the story of how that decision was reached and communicated is probably even more appalling.
- It has been widely reported that Governor Corbett (who just happened to schedule an extremely rare visit to State College just before the Sandusky indictments came down so he could be in town for the scheduled board meetings before the Nebraska game) urged the Board of Trustees to "remember the ten-year-old boy" and fire Joe Paterno. There is a dispute over whether Corbett also referenced the "shower," but it was obvious to whom he was referring (though, importantly and bizarrely, Corbett later denied referencing the "ten-year-old boy" even though he had clearly admitted doing so on camera, which was a strong sign to me that he had learned in the interim that there was a significant problem with the real story of the "ten-year-old boy").

- It was universally accepted that the ensuing “vote” to fire Paterno was unanimous. However, based on what I can tell, it doesn’t appear that an actual “vote” was ever even taken.
- Long-time board member Al Clemens told me that he was on the conference call via a cell phone at an airport and doesn’t think that he ever even took part in a “vote.” After barely even any discussion of the matter, he says that the motion to fire Paterno was put on the table and, since no one verbalized an objection to it, the proposition was considered “passed.” Clemens wasn’t even under the impression at the time that they had fired Paterno and instead thought that they had just agreed to keep him off the sidelines for the remainder of the year. He told me that if he knew all the facts then that he knows now that he never would have stayed silent on that phone call. He is also still upset that some board members had much more advanced notice/information about what was going on than others like he did.
- Of all the countless acts of extreme stupidity and cowardice that have been a part of this incredibly sad story, the moment of the Paterno firing really stands out for special condemnation.
- Forget for an instant that there is a very good chance that Joe Paterno did nothing remotely wrong here. The notion that 32 people (all of whom knew him, many of them extremely well) could be on that conference call and not one of them even say a word in response to the proposal to fire him is probably the most stupefying act of human weakness that I can immediately recall.
- These were all highly educated and successful people. Most of them had already made their way in the world. Some were untouchable financially or professionally. A few had extensive legal backgrounds. And yet somehow not even one of them found the “courage” to even ask, “Does anyone think we ought to at least ask Joe what the heck happened before we do this based on presumptions made because of a 23-page, inherently one-sided, grand jury presentment which doesn’t even charge Joe with a crime?”
- Maybe even more amazing is that, regardless of what the impact would be on Paterno himself, not one of the board members seemingly grasped the full implications of what they were doing to their university as a whole.
- Familiarity often breeds contempt and so over 50 years as head coach Paterno himself had lost enormous personal capital with members of the board (for instance, in addition to having offended the Surmas, Paterno coached four members of the Suhey family, but it apparently only took one of them to feel snubbed by the coach for trustee Paul Suhey to turn on him). But regardless of how the trustees felt personally about Paterno and whether he had hung on way too long to the job, a remotely rational look at the situation would have made it obvious that firing him at that moment was the very worst thing for the school to do for its own self-interest.
- While it seems pretty obvious that the board foolishly thought that by firing Paterno they were somehow separating themselves from the story and “moving on,” the reality is that what they were *really* doing is branding the Sandusky scandal, for all time, a “Penn State Scandal.” After all, they fired the great Joe Paterno and, effectively, the school president over this. That meant that they, and by extension, the school itself *had* to be “guilty” (this “self verdict” would of course also be devastating to any chance of Paterno ever getting a fair hearing, especially when it was assumed by many that the board had “inside info” on what *really* happened, even though John Surma admitted at his infamous press conference that they did not).
- In the face of overt terroristic threats by the media, essentially what the Penn State Board of Trustees decided to do was something like this: condemn to death the face of their school without the hint of due process, inform him of their decision by cell phone, and then order his assassination via a circular firing squad made up of horrendous shooters. All of that was then followed by a tone-deaf press conference perfectly timed for maximum unrest to ensue in the aftermath of their breathtaking stupidity and cowardice.
- For those who may say, “What else could they possibly have done?” I suggest that under this kind of thinking we would all be speaking German or Japanese right now because this country certainly would never have won World War II if such spinelessness had dictated our response then to tyranny and injustice.

- Sure, it would it have been difficult to stand up and tell the media, “Sorry, this is not a lynch mob. We believe in due process and we deem that after 61 years this man deserves some benefit of that doubt. We realize that this may mean that there are some uncomfortable moments in the coming weeks, but we think that when all the facts are known that this view will be vindicated.” But it wouldn’t have been *that* tough. Heck, after that Saturday’s last home football game of the year the media would have inevitably gotten tired and moved on, especially since Thanksgiving was right around the corner.
- Instead, the next element of this “Perfect Storm” came in the form of the student reaction to Paterno’s firing. Had Paterno not been so popular with the student body, had the media coverage of the case not been so intense and unfair, or had the board not announced their decision at night, the ensuing “riot” which would dictate so much of the narrative into the future of this story would never have happened.
- Heck, if it had not been for Paterno’s own admonishing the students to “go study,” the damage done that night probably would have been much worse (as an aside, does anyone really believe that Joe Paterno, a guilt-prone Catholic with enormous personal pride, would really have gone outside of his house waving and smiling at that moment if he thought that he had been justly fired for having protected a pedophile?).
- I really believe that student “riot” may be the most misunderstood and underrated event in the entire “Perfect Storm.” It was portrayed by the media as somehow being about student anger over how their precious football team might be harmed by the decision and as an overt affront to the victims of sexual abuse everywhere. Among the worst examples of this politically correct, narrow-minded, knee-jerk reaction came, not surprisingly from ESPN. This transcript is from the anchoring that night of Steve Levy and Stuart Scott:
- Levy: *What strikes me as we look at all those pictures of the crowds that are gathering, all in support of Joe Paterno, I can’t help but think of the victims and their families who are watching and seeing that scene, and wondering what I’m sure they’re enduring. What are those people thinking in comparison to what’s happened to the victims and their family members? And that’s very disturbing and upsetting I would think to those watching.*
- Scott: *Because of all the protesters and the supporters of Joe Paterno who are saying give him one more game. And let him coach to the end of the season. To them, this is about the Penn State program. The reality is this is not about football. What was allegedly done to young children, which really has nothing to do with football.*
- Levy: *These are victims that will carry it throughout the rest of their lives. Joe Paterno will go on and be hailed as the greatest coach of all time. These victims will have to deal with what took place many years ago. And things were bordering to getting out of control tonight. No, they were out of control. There was total random madness out there*
- Like so much of how the media chose to interpret the events of this case, this takeaway was complete horse manure. But in this particular situation it was even more absurd than normal because the media itself was both the cause and the *true* focus of the “riot.”
- I have been told, on the record, by multiple people who were there (including Penn State radio reporter Karisa Maxwell) that the primary reason that the initially peaceful downtown gathering of students turned destructive was that there were members of the media who were literally egging the students on. The students were practically dared to create some mayhem. Photographers were even mocking students by saying, “You call this a riot?”
- It was hardly coincidental (except to most of the media) that the most dramatic act of actual demolition was when a local television news van was toppled over. The students, far from being blinded by their devotion to Paterno and Penn State football, were in reality extremely well-educated about the facts of the situation and were rightly outraged by the inaccurate and unfair media coverage. They directed much of their anger towards those they blamed for what had happened to Paterno, not out of irrational emotion, but rather out of a perfectly sane sense of indignation over what they perceived to be an unfair rush to judgment (based on how they have covered other far more destructive “demonstrations” around the world, had the media been in favor of their cause, there is little doubt that the student “riot” would have been presented in a dramatically different context).

- This reality could not possibly have been better illustrated than in an utterly classic exchange which occurred on ESPN just before the “riot” got really started. An unnamed male student very calmly, passionately, succinctly, and accurately laid out all of the highlights of what should have been the Paterno defense (Scott Paterno would have done well to hire this kid to handle PR instead of Dan McGinn who managed to get his client fired in his first day on the job and yet somehow was able to remain employed through the present day). For me, as a political conservative, watching this was as cathartic as seeing Fox’s Charles Krauthammer somehow invade MSNBC’s coverage of the Republican Convention and set them all straight.
- The [student righteously declared](#), “First of all, our thoughts go to *all* the victims of this... JoPa altered his supervisors... one of whom was the chief of all campus police...he did what he needed to do...Mike McQueary still has a job, he *witnessed* the actual event and *he* didn’t call the police. JoPa notified who he needed to notified and he got randomly fired over the phone after all he’s done for this campus. We study in a ten million dollar library he gave us. And he got fired over the phone after 62 years? Maybe he could have done more. He said he could have done more. What else do you want from him?”
- But as great as the Penn Stater’s content was, the reaction of the two ESPN anchors when they returned to the studio was beyond priceless.
- Steve Levy and Stuart Scott simply could not have been more stupefied than if God himself had made his presence known and expressed a side of this story which neither of them had clearly ever fully considered previously. The moment of palpable silence before they spoke was deafening. Levy, holding both palms up to the camera as if to protect his senses from the blast of truth he just endured, finally brought himself to say...
- “A *relatively* well informed fan...ah... he had *some* of the facts correct and was smart enough to allude to the victims first.”
- Levy never mentioned which facts the student *didn’t* have correct and then, after another pause, Scott simply responded by muttering, “It’s a... really interesting... dichotomy.”
- As illustrated by this memorable interaction, it was obvious that the motivation and general tone of the student gathering was grossly mischaracterized in a way which created enormous consequences which are still being felt today.
- Because the students were roundly castigated for having put football ahead of the victims of child abuse (forget the fact that football had nothing to do with their reaction and due process should have dictated that it was not yet known whether there were indeed victims of a crime), it created a dramatic chilling effect on all protests against what had been done to Paterno. Ironically, had no one on campus cared much for him and there had been no demonstration on his behalf, it would not have become instantaneously politically incorrect (to the absurd point of being equated with supporting child molestation) to even stand up and defend his basic right to due process.
- From that moment on, the student body and the vast majority of the Penn State population were stripped of their fighting spirit. It was as if almost the entire community had been simultaneously emasculated and permanently chastened. They were now more than ripe to be manipulated by the “move on” philosophy which would soon be instituted by the very university elites whose cowardice and stupidity caused the problem to begin with (this was illustrated perfectly when Penn Staters generally refused to scream bloody murder when, just weeks later, it was revealed that Syracuse’s basketball team had a *current* assistant coach who was fired for molesting ball boys from the program itself and that ESPN had spiked evidence of his crimes for years, or when Notre Dame played in the BCS title game the following year with an unnamed player whose alleged rape of a girl caused her to kill herself).
- The “Perfect Storm” continued after Penn State inevitably lost that game to Nebraska when, the following Monday, Joe Paterno was apparently diagnosed with a very serious cancer. This obviously changed his mental outlook and priorities, while also further diminishing his physical ability to fight back. By the time he finally did what would be his only post-firing interview (with Sally Jenkins, a huge mistake which had the fingerprints of Dan McGinn all over it), he was obviously nowhere near full strength and his performance was not nearly what it would have been just a couple of months earlier.
- Less than two weeks later, Joe Paterno would die at the age of 85.

- In some ways, his death lulled his supporters (including myself) into a false sense of security that somehow this injustice might not have all that much lasting impact. After all, he received the public farewell he deserved and, in a strange way, became a sympathetic figure even to his critics because it was so evident to most people that the Sandusky scandal had effectively killed him.
- Interestingly, Tim Curley, who would soon be accused by Louis Freeh of taking part in a cover-up led by Paterno, released a statement praising Joe for his “honor and integrity,” which would be a particularly odd thing to say about a guy who destroyed your life by forcing you to take part in a cover-up (It is important to note that, many, including myself, have wondered why Curley has never come out himself and exonerated Paterno. It is easy to forget that it was Paterno’s testimony which made the perjury charges against Curley even possible, and that there was an extended period after Paterno’s death when it appeared that there was no immediate need to take a legal risk in defending him because it seemed as if the worst was over.)
- Paterno’s memorial service even provided an extremely rare moment for the Penn State community to collectively and temporarily find its lost testicles when Nike founder and huge Paterno fan Phil Knight finally expressed the message that many had been far too afraid to voice. He said that Paterno was his hero who *never* let him down and he dramatically defended his actions in the Sandusky matter while criticizing the Penn State Board of Trustees.
- He received a thunderous standing ovation and it was obvious that he had awakened a silent majority which just realized that they were not the “crazy” ones, and that they were not alone (NFL Hall of Famer Franco Harris showing up at Penn State town hall meetings and expressing very similar sentiments also had a huge impact in this realm).
- Here, once again, Paterno’s popularity worked *against* his own interest and, ultimately, his legacy. If he had not been so loved and admired by so many, then the Penn State Board of Trustees would not have received so much backlash for what they did to him. And if the board had not been so insecure about their vulnerability on this issue, they never would have hired Louis Freeh with the mandate to provide for them some belated justification for the firing.

## CHAPTER SIX: THE SANDUSKY TRIAL

- Jerry Sandusky was tried in seemingly record time and convicted on 45 of 48 counts of sexually abusing underage boys. His trial was, from a purely due-process perspective, not fair. Somehow he was convicted of very serious crimes in an episode (the so called “janitor” event) which lacked a victim, a witness, a date, and a contemporaneous report. It was obvious that the local jury clearly felt that it was their civic duty to convict Sandusky (I spoke to one juror who was supportive of Joe Paterno but who was so close to the McQueary family that she didn’t even feel comfortable questioning his credibility; she was kept on the jury, against the advice of Joe Amendola, because Sandusky himself wanted her to stay).
- For the media and the public, the trial was over before it even began. They had essentially already decided Sandusky was guilty based on the reports of the grand jury presentment and an infamous response to Bob Costas in a short phone interview.
- I know that I am a contrarian by nature, but my immediate reaction to Sandusky pausing and repeating (before eventually responding, “No”) Costas’s seemingly simple question, “Are you sexually attracted to underage boys?” was the exact opposite of the overwhelming majority of people.
- While I obviously found it to be an extremely odd response, I thought it was so strange that it was actually more consistent with his potential (partial) “innocence” than with obvious overwhelming guilt. After all, how could a rampant pedophile possibly get away with going around “raping” young boys for decades when he couldn’t even properly answer such an easy question over the phone? (I learned quickly in my interview with Sandusky that, much to my frustration, this is simply the way he speaks. Unless he is absolutely sure of something, he thinks about it before giving it a definitive answer, and usually then with qualifiers.)
- Once the trial actually started, things didn’t get any better for Sandusky. In yet another element of the “Perfect Storm” here, Sandusky didn’t testify at least partly because one of his adopted sons “flipped” on him at the very last moment of the trial. The defense decided that Matt Sandusky suddenly claiming that he was a victim meant that it was too risky to put Jerry on the stand, thus ending the last real chance for the public to be open to the notion that maybe what they had been told about his crimes wasn’t exactly accurate.
- In retrospect, given the verdict, not putting Sandusky on the stand was an obvious mistake. Not only would Sandusky have made a compelling (though extremely risky) witness, it is my opinion that the Matt Sandusky story could have actually worked to his advantage.
- Without delving into all of the gritty details, Matt Sandusky would have easily been shown to be an extremely untrustworthy person. Almost everyone I have spoken to about him considers him to be nothing short of evil.
- Among many other things, during the trial testimony of one of the victims that was upsetting him, Matt actually leaned over and told a Sandusky family member, “I could get up there and lie just like that too.” Even more remarkably, his allegation of abuse was curiously mild (Sandusky kissed him on the stomach as a kid and may have grazed his penis with his hand) and only came to him via repressed memory therapy, which is a method that has been largely discredited in the realm of psychology (the Minnesota Supreme Court recently rejected the theory as not valid, and I spoke with Dr. Elizabeth Loftus, a world renowned expert in the field of memory, who seemed to think that Sandusky should not have been convicted of most, if not all, of the charges against him because of the bad science behind the method).
- Unfortunately for Sandusky (and, indirectly, Paterno), Joe Amendola, who I consider to be a very smart and honest guy, was simply overwhelmed by the monumental task and media circus he faced. It was just all far too much for any one man to be able to handle under the circumstances. After speaking to him extensively, I believe that his co-counsel, Karl Rominger, was far too interested in the 15 minutes of fame/media attention the trial brought to him to be of any real help, and that he may have even provided the media with the audio of Matt Sandusky describing his alleged abuse.



- While I am indeed convinced that Sandusky is indeed a “pedophile” or an “ephebophile” (though I do question whether he is the “type” the prosecution painted him as), there is no doubt that, regardless of the real truth, the media was only interested in one narrative during his trial.
- For instance, they almost completely ignored the stunning recording of investigators conspiring along with his attorney to lie to Victim 4 to get him to claim that he had anal sex with Sandusky. Here is a partial transcript of that tape beginning with Victim 4’s own attorney bizarrely stating:
- *“Can we at some point in time say to him, ‘listen, we have interviewed other kids and other kids have told us that there was intercourse and that they have admitted it. You know, is there anything else that you want to tell us?’ Corporal Joe Leiter answers “Yep, we do that with all the other kids. ‘Say, listen, this is what we found so far. You fit the pattern of all the other ones.’ This is the way he operates and the other kids we dealt have told us that this has happened after this happened. Did that happen to you?”*
- Then, on tape Corporal Leiter (who had very limited experience in sex crimes) told Victim 4:
- *“Before we start again, I just want to let you know you are not the first victim we have spoken to. We have interviewed probably I’m going to say nine. Again I call them kids. I apologize. Nine adults we have interviewed and you are doing very well. It is amazing if this was a book, you would have been repeating word for word pretty much what a lot of people have already told us. It is very similar. A lot of things you have told us is very similar to what we have heard from the others and we know from listening to these other young adults talk to us and tell us what has taken place, that there is a pretty well-defined progression in the way he operated and still operates I guess to some degree and that the often times this progression, especially when it goes on for an extended period of time, leads to more than just the touching and the feeling. That’s been actual oral sex that has taken place by both parties and there’s—we unfortunately have found that there’s been – classifies as a rape has occurred and I don’t want to you feel that again. As Trooper Rossman said, I don’t want you to feel ashamed because you are a victim in this whole thing. What happened happened. He took advantage of you but when I – when we first started we talked, we needed to get details of what took place so these types of things happened. We need you to tell us this is what happened. Again, we are not going to look at you any differently other than the fact that you are a victim of this crime and it is going to be taken care of accordingly. But we need you to tell us as graphically as you can what took place as we get through this whole procedure. I just want you to understand that you are not alone in this. By no means are you alone in this.”*
- At that point the officer, mistakenly thinking the recorder was off, says:
- *“Okay, we’re going to restart the recording. It’s now 12:37 on 4/21/2011 and again we’re going to continue to record it.”*
- First of all, notice that the date of the interview is one month *after* Sara Ganim’s article which was essentially a call for victims to come forward. It should also be noted that Victim 4 just happened to be friends with Victim 6 (whose mother Ganim asked to find more victims) and they were pictured together in Sandusky’s book, along with three other victims.
- Also, can you imagine how differently a bombshell revelation like that would have gone down at the Michael Jackson trial where the media had a very different set of incentives? Instead its obvious significance was greatly diminished by the judge (absurdly, he told the jury that it should only be used to question the officer’s credibility and not Victim 4’s) and was generally ignored by the media.
- One of Sandusky’s adopted children told me that they sat next to the media section of the court room every day and they could literally notice the silence in their keyboard note taking whenever something positive for the defense came out in testimony (as yet another part of the “Perfect Storm,” there were no cameras in the courtroom, which of course gave the news media a stranglehold over the narrative of the case).
- If the media had any interest whatsoever in poking holes in the prosecution’s case, there was more than enough evidence with which to do exactly that. But they were already completely invested in their narrative and nothing was going to change that now. (I wish to make clear that my point here is *not* to defend an obvious pedophile.

- Instead it is to show that the evidence of Sandusky's crimes was not nearly as evident or overt as the public perception and that this was why Penn State had no idea what was *really* going on. Again, because at this time the pro-Paterno forces had little concept of what loomed just ahead with the Freeh Report they saw no reason to risk appearing to defend Sandusky by putting his crimes in some sort of proper context. Unfortunately, I really believe allowing the media/public to be under the misimpression that the evidence against Sandusky was tremendously overwhelming ended up making Paterno's defense exponentially more difficult than it should have been. Because Scott Paterno has embraced the narrative that Sandusky was obviously a hideous "monster," for the average person this means that enormous damage was done and Joe Paterno just had to have known what was going on.)
- The media hardly ever mentioned it, but ironically one of the three counts on which Sandusky was found *not* guilty was the allegation of anal rape in the McQueary episode. The night of the verdict I literally had to search online to find out that this was indeed what happened. No one in the major media (at least that I am aware of) has ever pointed out that Sandusky was not convicted of *any* allegations of "anal rape" from the original victims.
- This effectively meant that, under the *least* exculpatory interpretation of events, Joe Paterno had been fired for not doing "more" to punish an ex-assistant for a rape that a hanging jury unanimously determined didn't happen, to a victim who, according to the prosecution, didn't even exist. (It is particularly galling to me when media outlets to this day still routinely do not correct the "rape" allegation. But even worse is their notion that it somehow doesn't matter if there wasn't really a rape, even though that was the explosive word that they used to fuel all of the outrage when it mattered. In a very real sense, this is the media pulling the ultimate "bait and switch" in what was roughly the journalistic equivalent to committing a war crime.)
- But despite both this bizarre reality and his death, the punishment of Paterno and Penn State for the crimes of Sandusky was about to get much worse than anyone could have possibly imagined.

## CHAPTER SEVEN: THE FREEH REPORT

One of the more amazing elements of this entire saga is that Louis Freeh is somehow still perceived as a highly respected and credible investigator. Quite literally, it would be difficult to find a more suspect investigative history from someone who had once been the director of the modern FBI. Had the media wanted to do so, creating the narrative that Freeh is a fraud would have been far easier than the one they concocted that Joe Paterno was obviously a pedophile protector.

Freeh played important roles in the Richard Jewell and Waco fiascos, has been accused (rather ironically) of a massive cover-up at the FBI by respected agency whistleblower Fred Whitehurst, and has had the results of at least two other paid for reports roundly condemned and reversed. And yet, despite all of these reasons to inherently question everything Freeh says, when it came to the Penn State investigation the media might as well have been shaking their pom-poms as they actively cheered his conclusions without a hint of skepticism.

Even without his highly questionable past, several elements of Freeh's role at Penn State should have instantly discredited him. First, he was being paid \$6.5 million (as well as being indemnified against any lawsuits) by the Penn State Board of Trustees which had a massive conflict of interest in this matter because they had an obvious incentive to justify their original actions against those who were being investigated. Freeh's contract even specifically states that he was to look into and correct the "failures" that occurred, and the board promised "full accountability" for "those responsible" in a statement released at the time Freeh's investigation was announced. This of course makes it rather clear that the board had no interest in a report which simply concluded, "Hey, it turns out that Sandusky just fooled everyone."

Freeh himself had conflicts of interest involving his own corporate connections to some of those on the board and to Penn State itself which were likely strong enough to have, in a normal world, required his recusal (though I am not in the conspiracy camp which believes that these conflicts, such as his past association with MBNA which was a major sponsor of the Second Mile, were directly why Freeh came to the conclusions that he did).

As for the investigation itself, it was highly suspect. Only one person closely involved in the case, Graham Spanier, was even interviewed. He was spoken to only a few days before the report was released and his contributions were barely mentioned. Meanwhile, apparently hundreds of other people were interviewed, but neither their identities nor their possible relevance to the Sandusky case are even publicly known.

It appears from at least some of those who said they were interviewed by the Freeh group that investigators initially spent an enormous amount of time and effort not focusing directly on a Sandusky cover-up, but rather on the silly notion that the corrupt "football culture" at Penn State had become too important and influential at the school. Many of the interviewees said that the questions they got had nothing at all to do with Sandusky and that the interviewers had a clear anti-Paterno agenda.

Reading between the lines, it certainly seems that Freeh wanted to make sure he gave those who hired him at least something on which to justify their firing of Paterno, before they finally got some "evidence" to back up a theory of an active cover-up in the Sandusky case and then quickly switched their focus. But very few people realize that they only got that "evidence" because of the very suspects who they accused of running the cover-up to begin with.

Freeh laughably claimed to have examined well over three million emails and documents, which is mathematically impossible in the short time frame they had, unless "examined" means that some sort of simple key word search was done by a computer. It also seems pretty clear that the three vague emails that he actually relied on for his cover-up theory came directly because Gary Schultz had apparently saved them when the university had changed its computer system in 2004. Not only did Schultz save these emails as well as many other documents related to Sandusky in a file prosecutors accusatorially referred to as "secret," but he also failed to have them

destroyed in the ten months between his grand jury testimony (when it should have been obvious that the “cover up” was blown) and his own indictment. Schultz is also the person who appears to have, at least indirectly, caused them to be handed over to Freeh.

How exactly all of this is consistent with running a cover-up has never been fully explained, in all likelihood, because it can't be.

As for the emails themselves, as I have already documented, Freeh's nefarious interpretation of them is highly suspect and almost comical. He did not even speak to Paterno, Curley, Schultz, McQueary or Sandusky and so there was no way for him to have any clue about their context, or even define their specific subject matters. He then took what should have been, at best, investigative “leads/clues” and somehow used them as the entire basis for incredible and extreme conclusions.

A remotely fair investigator would have seen those emails and said, “Ok, these are interesting, I think I need to find out more about them or see if I can make them fit logically into a larger narrative consistent with the known evidence.” Instead, Freeh decided that he had all the information he wanted/needed in order to come to the conclusions that he was obviously all too happy to embrace.

The fact that Freeh agreed to abide by a request from Attorney General Linda Kelly to not speak to Mike McQueary is particularly remarkable and important to understanding how amazingly flawed and compromised the Freeh Report really is.

First, it demonstrates, at best, an unhealthy connection to the prosecution in the case against the very Penn State administrators about whom Freeh was supposedly doing an “independent” report.

Ironically, using Freeh's own “logic,” congratulatory emails later revealed to have been exchanged between the Freeh team and the attorney general's office after Sandusky's conviction go further in “proving” a “conspiracy” between these two offices than the emails he used to “prove” a Penn State cover-up.

Where this sort of collusion goes from a theoretical problem to a practical one is when Freeh has an email from Curley saying “after speaking with Joe” he has decided to change the plan, while the AG's office has a police interview with Paterno (which I revealed earlier) clearly saying he had no further contact with Curley on the matter. Somehow Paterno's statement to the police directly contradicting that email mysteriously did not make it into Freeh's report. That is when a conflict of interest turns into flat out misconduct.

Secondly, it raises vital questions about why the AG's office was so unwilling to have McQueary be interviewed again. What were they possibly afraid of? The only rational explanation is that they were extremely anxious that McQueary, now with some time to think about events and after all the devastation which had occurred largely because of his testimony, might once again shift his story in a way which would cause problems for them.

I also think it is quite possible that Freeh didn't want to speak to McQueary (and therefore was all too willing to use the AG's request as an excuse not to) because doing so would have destroyed any remotely logical theory of a Penn State cover-up of the Sandusky case.

While there are hundreds of data points which are problematic to Freeh's cover-up theory (such as, a complete lack of a remotely rational motive to cover up for an ex-coach with whom no one was even friendly), none is more fundamentally devastating than the fact that Mike McQueary, despite a huge financial incentive to do so in his current lawsuit against Penn State, has never claimed in any way that he was forced to be part of a conspiracy of silence. In fact, McQueary has proactively said that no one ever even told him to keep quiet about what he saw.

If there was one question I wish I could get the anti-Paterno media to answer in all of this, it would probably be, “How do you have any sort of a real cover-up without the only witness to the crime being involved?” It is a question which, in my strong opinion, has no remotely plausible answer.

To be clear, we don't just know that McQueary wasn't part of a cover-up because he doesn't claim to have been. There is a plethora of other evidence to support this assertion.

After all, if McQueary had been part of a real "cover up" (even one of the "soft" "wink/wink nod/nod" variety) he not only would have been told to be quiet, he would have gotten Kenny Jackson's open job far sooner than the three seasons later when he finally did. And certainly almost ten years afterward when he was subpoenaed to testify in the Sandusky case, his boss, Joe Paterno, would have spoken to him to make sure he at least toned down his recollection of events. And surely once Curley and Schultz (who for some strange reason decided to not even bother to hire their own lawyers for the proceedings) got blindsided in their grand jury testimony with overwhelming evidence that McQueary had "flipped" on the cover-up, someone would have spoken to Mike to see if they could get him to revise his story. And certainly Joe Paterno, had he been part of the cover-up, would have contradicted McQueary's story, especially in his last police interview when he had to know with certainty that the cover-up was about to completely fall apart.

But none of that came close to happening and, in the case of Paterno specifically, he actually went in the exact opposite direction of what would have been in his own obvious self-interest.

This may be surprising, but I will be the first to admit that some of the actions of Curley and especially Schultz do look rather suspicious in retrospect. I even think it is possible that there may have been some willful/hopeful ignorance and after-the-fact self-protection going on with them (especially Schultz). However, unless and until you can explain how McQueary (and Paterno for that matter) were left out of the cover-up, you just can't credibly claim a cover up actually happened. In a sense, doing so is like looking at Curley and Schultz as two atoms of hydrogen and saying that they themselves make up a water molecule (H<sub>2</sub>O). Without the one essential atom of oxygen (McQueary) you can simply never have water (a cover-up).

And yet, conveniently Freeh never even bothers to confront this rather obvious problem and the media, of course, was too busy cheering him on to even notice or care about the issue.

There is no better evidence that Freeh had to know just how flawed his report was than the way he chose to roll it out and then react to its eventual criticism. If you were about to accuse several prominent people with previously sterling reputations of purposefully covering up and enabling a child molester and you were really confident in your findings, I doubt you would feel the need to do any of the following things:

- Leak one set of emails several days before your report is made public to let the media lay the groundwork for your conclusions.
- Leak the summary of your report early the morning of its release to a highly suspect entity (the tabloid website *Deadspin*) which was chosen not for its prestige but rather because you knew that they would be most likely to cheerlead rather than question.
- Release the 267-page report at 9 am (with a computer glitch which made it difficult to get to it even then), less than an hour before your press conference so that no one could possibly have a chance to read it all before asking questions.
- Despite numerous objections to your conclusions being highly questionable, and plenty of media outlets willing to give you the softball treatment, you never do even one interview about the specifics of your report, even eventually rejecting requests from highly respected original Freeh supporter Bob Costas.
- When the Paterno Report finally comes out in response to what you did, you release an extensive written statement, with several inaccuracies, less than an hour after its release, meaning that you didn't even pretend to read it.

And yet, amazingly, all of those things are exactly what Louis Freeh did. Even more astonishing is the fact that the media never called him on any of it.

Instead, the media was so eager to do Freeh's dirty work for him that they actually reported allegations against Paterno which were specifically *contradicted* in the report that they clearly didn't have the time or the inclination to read. The most glaring example of this

remarkable development came in regard to what might have been Freeh's most important revelation and one which actually *exonerates* Paterno on a key point.

As stated previously, Freeh was able to show that the 1998 investigation of Sandusky had nothing to do with Paterno starting the discussions about Sandusky's retirement because that came a couple of months *before* the episode which instigated that inquiry. This is a critical point because it effectively stops the domino theory of a conspiracy to cover up Sandusky's crimes from ever really getting started, at least with regard to Paterno.

However, ESPN reporter Jeremy Schaap didn't bother to wait to read the entire report before breathlessly jumping to conclusions (and then reporting them seven minutes *before* Freeh's press conference began) by skimming the summary on his phone while standing outside the hotel where the report was being released. Schaap, who had been a harsh critic of Paterno when the story originally broke, obviously was extremely prone to believing the worst about him. When he saw a negative reference to Sandusky's retirement in the summary he rushed on the air with what he probably felt was a safe presumption (a bystander emailed me to claim that they actually asked Schaap while he was in between live shots whether he had read the full report and Schaap allegedly told him that he had only absorbed the highlights of the summary).

Schaap dramatically declared that Freeh had proven that the claims of Paterno supporters that there was no connection between the 1998 investigation and Sandusky's retirement "were lies." As far as I could discern from my research, there was no correction made by anyone at ESPN when it was later determined that in fact Freeh essentially concluded the *opposite* of Schaap's report.

Perhaps even worse than that, Brent Musburger, a long-time friend of Paterno's, went on ESPN soon after Freeh's press conference and repeated almost exactly what Schaap had said (weeks later Musburger quietly did say that he thought that Paterno had probably been treated too harshly in all of this). After Schaap and Musburger made these devastating accusations so prominently, who knows how many other reporters and even loyal Penn State fans presumed that it must be true (one of the ways that the lazy media works is that if something gets reported by a "reputable" outlet and it makes sense in the larger narrative of what they want the story to be, then there is no real need to waste time and energy checking the validity of the report before going with it yourself).

In general the media reaction to Freeh's report and press conference was more unanimous and enthusiastic than MSNBC reporting on a speech by President Obama (I use the term "unanimous" literally here; that weekend's edition of *Face the Nation* on CBS somehow booked a panel of five "commentators" who were *all* rabidly anti-Paterno, one of whom, Buzz Bissinger, would submit himself to rehab, for issues which may explain his extreme hatred of football, less than a year later). Freeh not only had absolved the media of any guilt that they may have had for rushing to judgment against Paterno the previous November, but now he was also providing them with a whole new juicy storyline to fill the summer doldrums perfectly timed before the Olympic Games began.

The press conference itself should have provided the media all sorts of fodder for attacking Freeh's credibility. One particular response he gave should have, on its own, destroyed it.

When asked about the alleged "Penn State football culture problem," Freeh decided to use the story of the two Penn State janitors who were supposedly so fearful of being fired by Joe Paterno that they did not report seeing Sandusky having oral sex with a boy late in 2000. Freeh made it sound as if this incident was the smoking gun of both the cover-up as well as how deeply corrupt the entire program had become under the all-powerful Paterno.

However, Freeh's answer revealed an astounding lack of knowledge of that case (assuming he wasn't just lying) as well as breathtaking hypocrisy.

Freeh gave the clear impression that he thought that his people had interviewed *two* janitors who witnessed this event. That would have been rather impossible because there was only supposedly ever one direct witness (and no victim) to that episode and he had been in

a nursing home with dementia for quite some time. This was hardly the only occurrence when Freeh was exposed as lacking the basic facts of the case. The report itself blatantly mischaracterized the crimes committed against Victims 5, 6, and 7.

Perhaps even worse than his factual inaccuracies, Freeh praised the janitors for coming forward, even though they had absolutely done no such thing back when it could have actually mattered and had never made any sort of contemporaneous report of what allegedly happened.

Considering how he attacked Penn State for not going to the authorities with the McQueary allegation, Freeh's double standard on "not reporting" is rather staggering here (as well as remarkably convenient considering that he knew exactly where his employers wanted the finger of blame to be pointed, and it wasn't at the janitors).

Also left out of his analysis was that the janitors weren't even under the jurisdiction of Paterno (the one who allegedly witnessed the event was only a temporary employee to begin with and left soon after the "episode"), there was no evidence Paterno ever fired anyone for simply bringing him bad news, and in 2000 Sandusky was an ex assistant coach whom Paterno didn't even like, so how the janitors could have been afraid of anything here is, at best, a mystery and more likely nothing but another part of Freeh's fantasy.

Interestingly, and all too typically, I spoke to the reporter (Stu Bykofsky of the Philadelphia *Daily News*, who I knew a little bit from my time working in radio and TV there) who asked Freeh the question which provoked this telling response. I asked him if he knew of the profound problems with the answer he received from Freeh. He said he was not aware of them and rudely indicated that he had no interest in hearing the details. Later, when I tried to revisit the issue with him when Bob Costas did his special on the Freeh Report, he actually wrote to me "I don't care if Freeh lied." It appeared to me that, like so many reporters I would encounter over the next year, he already had the story he wanted and he was sticking to it no matter what.

This would hardly be the first or the last time that I would learn that, at least in this story, the facts and the truth really have no influence on how people perceive what happened here; especially on those in the news media.

## CHAPTER EIGHT: THE NCAA

When the Freeh Report hit, the Paterno forces and their supporters were much like a battered and demoralized army who had already endured what they thought was the worst battle they could ever possibly face, only to be then hit with a nuclear bomb they didn't even know existed. As unprepared as they were for the initial onslaught, they were even less ready for the second wave of devastating attacks.

The Paternos themselves were obviously in both shock and mourning. The only person who could authoritatively defend against the accusations of a cover-up to protect Sandusky was dead. Anything the family said now was going to be instantly discredited by the media or even seen as somehow disrespectful to the victims. The Paterno response was understandably weak and confused. Meanwhile, everyone else allegedly involved was either under indictment or too afraid of that possibility to speak freely.

As little "cover" as had existed previously for publicly backing Paterno before the Freeh Report, now there was literally none. Almost all of those who had been previously supportive now ran for the hills knowing that defending a disgraced dead man could in no way be worth the personal risk, and that the media would have a free shot at them from point blank range.

Phil Knight supposedly caved before he could have possibly even read the report (I am told by Scott Paterno, and his later re-reversal seems to substantiate it, that Knight himself was forced to wash his hands of Paterno because of Nike shareholders and not his own beliefs). Nike immediately took Paterno's name off of a child center.

Duke basketball coach Mike Kryzewski, who had been publicly critical of how Penn State had treated Paterno, also quickly retreated after the release of the Freeh Report. (As yet another part of the "Perfect Storm," the Summer Olympics being two weeks away most certainly heightened the need for Nike and the USA men's basketball coach to avoid any possible Paterno-related controversy. Remarkably, Bob Costas, one of the very few members of the media with the power to possibly have risked being a contrarian, would later admit that his preparation for the Olympics curtailed his ability to fully examine the report and may have led him to falsely buy into its highly suspect conclusions.)

To continue the war analogy, "Paternoville," its walls now crumbled and its army decimated, was now utterly defenseless and its remaining citizens were panicked and scurrying for any possible refuge. What was left of the formerly regal Paterno kingdom was now ripe for an easy invasion.

Symbolically, the removal of Paterno's statue could not have been a more powerful metaphor for this reality and the media immediately focused on that monument as the natural next step in the process of dismantling his legacy. Once again, they had a simple and dramatic storyline that seemed to have a natural climax, all perfectly timed to keep them amused during the summer lull before the Olympics began.

With the media wind almost literally blowing at its back, an airplane was hired (the media was for some reason not interested in finding out who in the world decides to spend the money to do such a thing) to carry a banner over campus for multiple days with what was essentially a terroristic threat against the statue. Normally, such tactics would be ignored or condemned by the media because they create a very dangerous precedent, but in this case all the normal rules were forgotten and whoever hired the plane got exactly the result they wanted (the double standard between how the media portrayed the student "riot" and this anonymous terror threat was particularly galling).

This act of airborne intimidation worked perfectly. It allowed the authorities at Penn State to claim that by taking the statue down they were actually acting on behalf of public safety and even somehow protecting the statue itself. With the vast majority of chastened students either off for summer vacation or completely dispirited, any resistance was symbolic at best (by now the Penn State student



media, having seen the handwriting on the wall and knowing which perspective they needed to take if they were going to use any of their work on the biggest story they would ever cover to find a job, were now nearly as anti-Paterno as the mainstream media).

I have spoken extensively with student Kevin Berkon who, as the “Last of the Mohicans,” guarded the statue hour by hour for its final days in an emotionally grueling ordeal. It was obvious that the entire nightmare took a lot out of him, but far more so psychologically than physically. It felt to me as his youth and innocence were stolen when the statue of Paterno, with a blue blanket draped over its head like it was being led to a hanging, was finally taken away to an undisclosed location, probably to never be seen in public again.

Paterno himself was dead and buried, so Penn State had done the next closest thing to offering the Gods of the NCAA and the media a human sacrifice. In a last ditch effort to quench their thirst for vengeance, they offered up his statue.

The NCAA, normally so weak that it couldn't take over a kid's lemonade stand, suddenly was taking advantage of an opportunity to simultaneously flex its puny muscles and finally do something that the media would cheer as being on the morally right side of an issue. And like Mayberry's Barney Fife being handed a big arrest because the criminal's family decided to turn him in with no questions asked, the NCAA could barely contain its excitement when presented the chance to pretend that it still had real power.

Of the many incredibly insane facts surrounding this entire “rush to injustice,” one of the most astonishing is that the NCAA not only determined that it could rely on the Freeh Report to do an investigation of Penn State (something one of Freeh's own assistants said was never intended to happen), but that they then decided to unleash their punishment less than two weeks after the ink had dried on their printed copy, assuming they bothered to print it out or even read the report. To put this in context, the NCAA investigation of USC because of gifts that Reggie Bush got from a prospective agent (a far less complex matter than the Sandusky situation) took at least four years before penalties were levied.

That statistic bears repeating. The NCAA spent four more years looking into a simple case of improper benefits for a star player than it did examining whether its all-time winningest football coach took part in the cover-up of an incredibly complex series of crimes by a former assistant coach who hadn't been at the school for over a decade.

Of course, as absurd as that fact is, the notion that the NCAA had any business dabbling in this matter to begin with was even more ridiculous.

First of all, the Sandusky affair was clearly a criminal issue. Under the worst interpretation of events, it had absolutely nothing to do with gaining a competitive advantage on the field. Even NCAA President Mark Emmert publicly indicated when the case first broke that he didn't think the NCAA was likely to get involved in such a situation (of course he said that before it was clear that the media would so strongly cheerlead for such an action and that Penn State's administration would fund the investigation and practically beg for strong punishment). The NCAA never even stated which specific rule Penn State had allegedly broken.

Secondly, the nature of the punishments was completely nonsensical and absurd. In its infinite wisdom, the NCAA decided to harm the current students, who were as young as seven when Sandusky last coached, the most by taking away football scholarships and likely crippling the program for years to come. They fined the school \$60 million of money which would effectively come from unwitting supporters of the university. They even stripped Paterno of his all-time wins record by bizarrely taking away every team accomplishment since 1998.

This last provision is critical to understanding how incredibly unjust and ill-considered the NCAA sanctions really were. Forgetting for a moment the utter silliness of trying to pretend that an eraser is capable of magically declaring that history never really happened, the removal of all Penn State wins starting in 1998 is the smoking gun that this entire decision was very wrong.

The 'logic' here seemed to be that because there was an allegation against Sandusky in 1998, which a couple of people at Penn State knew at least something about, that this was when the NCAA's magic eraser should start to do its thing. Here are just some of the reasons that concept is simply ludicrous:

- Numerous law enforcement agencies looked into that event and declared it "unfounded."
- No charges were ever filed at that time. There is no hard evidence that Joe Paterno knew any of the details of the 1998 investigation.
- Louis Freeh himself concluded that Paterno starting the process of Sandusky's retirement had nothing to do with the 1998 event.
- The sanction presumes that Joe Paterno would have had to take some sort of action against Sandusky to avoid being punished. Since he couldn't charge him with anything, what exactly was he supposed to have done? Fire a man because he wasn't even charged with a crime in an episode where there is no evidence Paterno even knew what was alleged? Seriously?!
- The victim in 1998 maintained, with his mother's approval, a very close and completely non abusive relationship for the next 13 years after that. As part of that friendship, Sandusky took him to numerous Penn State games. The NCAA had effectively declared, allegedly in the name of justice for this victim, that every win Victim 6 witnessed never really happened. Nice job NCAA.
- Rodney Erickson, who as the new president of Penn State signed the NCAA consent decree, was the person who technically approved Sandusky's retirement package which, presumably according to the NCAA, was part of the cover-up for which Penn State was being sanctioned. Either Erickson was part of the cover-up, or he knew damn right well that there wasn't one. Based on the NCAA's "logic," why wasn't Erickson forced to resign?

This last detail about Erickson (which definitely belongs on the rather long list of "you can't make this stuff up" facts in this saga), is far more than just a nifty rhetorical device to illustrate the insanity of the NCAA sanctions. If there is a true "conspiracy" anywhere in this story, it may very well be between Rodney Erickson and the NCAA.

Here are the data points which seem to indicate that, at the very least, Erickson was not at all unhappy with the results of the brutal NCAA sanctions:

Erickson made public comments (which he said were misinterpreted) beforehand indicating a desire to deemphasize football, which dovetails almost exactly with what the NCAA did for him.

No one from Penn State (including the board which had an incentive to justify its original actions) made even the slightest effort to defend the school publicly in any way.

Erickson signed the consent decree as quickly as possible after the release of the Freeh Report, without getting the full board's approval, and in a way which prevented any possibility of appeal.

As president, Erickson quickly instituted the "move on" initiative, which included the removal of the Paterno statue as well as any significant indication that he, or the incredible accomplishments of many of his players, ever even existed.

Erickson claimed that he accepted the draconian sanctions because the alternative was the "Death Penalty," which would likely terminate the program for at least four years. However, others at the NCAA say that possibility was never on the table and, frankly, the

"Death Penalty" would have been the best thing Penn State could have hoped for because they could have immediately appealed and bought time for the Freeh Report to be dismantled.

Importantly, it also would have been completely logistically impossible for the Big 10 conference and Penn State's opponents to redo the entire football schedule without Penn State in less than two months. The prospect of twelve other schools losing millions of dollars in irreparable harm would have insured that any judge would have had the political cover to instantly issue an injunction keeping the sanctions from taking effect before a court could determine their validity.

As previously mentioned, Erickson had literally signed off on (though I am told he was almost certainly not intimately involved in the decision-making) Sandusky's 1999 retirement package, so he may have been personally compromised by fear of being wrongly implicated in the cover-up if he dared to fight the NCAA. Regardless, since he was at the epicenter of events when it all went down, he should have known that the allegations of a cover-up were absurd and therefore that should have prevented him from giving in to *any* blackmail threat, no matter how transparent and feckless the bluff (There is no doubt in my mind that the NCAA was in fact bluffing and not even very convincingly. The Baylor basketball and Jerry Tarkanian cases would have destroyed them in court had they tried to institute such a dubious penalty under these set of circumstances, and I think they were well aware of that.)

When I tried to confront Erickson at a Penn State event in Los Angeles (he came up to me having no idea about my connection to the case) and I asked why he signed the consent decree, he gave both me and the two other people listening to the conversation the strong impression that he felt as if he had no free will in the decision saying, "You presume that I had a choice in the matter." While he may have simply been referring to the false threat of the "Death Penalty," looking in his eyes (before he quickly walked away saying, "I don't want to discuss this any more"), I honestly felt as if he meant that he *really* did not have a choice in the matter. If this is true, there is either something else nefarious going on here, or Erickson is clearly the worst poker player in the history of Pennsylvania.

The utter absurdity of the NCAA sanctions was best illustrated by the fact that even most of the news media thought that they were at least somewhat wrong. It was almost as if the NCAA, the "geeks" of the metaphorical adult high school had gone *too* far in trying to ingratiate themselves to the "cool kids" in the media and actually turned many of them off.

But for me the moment when I realized that the sanctions were not only immoral, but also not based on any sort of reality or logic was when I went with Franco Harris to see NCAA president Mark Emmert speak in Los Angeles several months before Erickson came here.

At my suggestion, Franco came across the country on a last-second whim just for the chance to ask Emmert one question about the sanctions. I was there, along with some supporters, to try and record the event. The NCAA security team went to extraordinary lengths to prevent us from videotaping what transpired, but because we had hooked Harris up beforehand with his own microphone, we were able to get audio of the remarkable exchange.

Like a lot of people, there had always been a little part of me which wondered/feared that maybe those making the punishment decisions in all of this knew more than what was in the public domain and that this was why their actions seemingly made such little sense. That apprehension was washed away after I heard Emmert's shockingly weak response to Franco's question (which was, basically, "Why did you punish Joe Paterno for two episodes where Jerry Sandusky was effectively found 'not guilty' by others?").

I have a very dim view of major public figures/celebrities in general. In my experience they are unimpressive people who usually don't have nearly the clue about the facts of their own situation that most people would expect (Emmert and Erickson both clearly fit this description). Even with these rather low expectations, I was still stunned by just how oblivious to the facts the president of the NCAA was with regard to the most dramatic sanctions the organization had ever handed down.

It was obvious that Emmert had not thoroughly read the Freeh Report on which his ruling was allegedly based (it is frightening to imagine just how little of it the college presidents on the NCAA committee which approved the sanctions likely read) and didn't even seem to understand the basic facts of his own consent decree.

Emmert actually tried to claim to Harris that it was "not true" that Joe Paterno had been punished by the NCAA, or had his all-time win record taken away. He even went so far as to claim that Paterno isn't mentioned in the decree. When I first heard that I thought that perhaps he was simply making a bogus assertion that might somehow be technically accurate.

However, the consent decree itself is very clear. Not only is Paterno specifically named in the section discussing the insane vacating of all Penn State football wins since 1998, it also explicitly states that his personal win total will be adjusted to reflect that reality. As for the year of 1998 (Emmert got so confused that at one point he bizarrely asked Franco if he was on one of the teams whose wins got taken away, even though Harris had graduated 25 years earlier), I am convinced that Emmert, like many members of the media, is under the impression that the nature of the "unfounded" allegation against Sandusky in 1998 was much more dramatic than it actually was (thus, the price being paid for no one publicly "defending" Sandusky and allowing his crimes to be misperceived to the detriment of justice for others).

It certainly appears rather obvious that Emmert and the NCAA just simply blindly accepted whatever Freeh said without even looking at the details or giving the issue any actual thought. After all, why did they need to bother? The media was universally telling them it was all true and Penn State itself was making it very clear that they weren't going to put up any fight at all (it was very revealing to see how Penn State vociferously defended itself against rather minor allegations involving player safety made recently by *Sports Illustrated* in comparison to how they laid down on the far more damaging accusations that the school actively protected a pedophile).

The ridiculously quick timing of it all alone tells me that the entire sanction issue was nothing more than a rubber stamp situation for Emmert, maybe even tacitly "proposed" by Erickson himself (why else would Emmert possibly be so disconnected from the facts that he could tell Franco Harris that Joe Paterno wasn't even mentioned in the decree, and yet still be so delusionally confident that he was in the right?).

Meanwhile, the Penn State Board of Trustees got the vindication it wanted as well. They had created this fiasco to begin with by panicking and firing Paterno and Spanier, therefore causing the "Sandusky Scandal" to be forever branded a "Penn State Scandal." Now, the impression was being created that they had actually acted properly and they weren't even forced to take a vote accepting the NCAA sanctions.

Of all the dastardly deeds of those on the board during all of this, one special act of spinelessness deserves extra mention. Paul Silvis, founder and chief executive of Restek Corp and a member of the board which fired Paterno, sent out a form email after the sanctions were handed down to those who had written to him asking him to fight back. Silvis, in a stunningly gesture of utter gutlessness, actually told concerned Penn Staters that he was sure that there had not been any active cover-up of Sandusky's crimes by their university... but that it was time to "move on" and make the best of bad situation.

Even the French military leadership during World War II would have looked at that email and (after they said, "What is an email?") would have been embarrassed by the overt cowardice.

Before the sanctions were handed down, this story was situation where a false media narrative had destroyed Paterno's reputation probably unfairly and certainly prematurely, but in a way in which the stain could have eventually been lifted. After the statue removal and accompanying sanctions, it was forever elevated into the realm of permanent history, etched in stone, which would almost take an act of God to make right.

Of the hundreds of utterly insane facts in this story which could qualify as the most bizarre, there seems little doubt to me that one stands above all others. The reality that for many months, until it was recently dismissed for a lack of legal standing, the only legitimate chance there was to overturn the clearly unjust NCAA sanctions was from a lawsuit brought by Governor Corbett. Yes, the very same Corbett whose AG's office is currently alleging the identical cover-up theory on which the sanctions are based, who originally publicly supported them, and who may be the primary reason it all went down the way that it did against Paterno and Penn State.

That truth is simply stupefying, and yet, is also somehow consistent with the general madness of this continually shocking saga.

## CHAPTER NINE: PLAYING FROM FAR BEHIND

After the statue was taken away and NCAA sanctions were implemented, I personally went from being simply outraged at what I saw happening, to feeling an immensely strong need to be part of at least trying to correct the injustice. It may sound insane (it did even to my wife) but I was absolutely positive that I was the person in the country most qualified to find out the truth and tell the story of what really happened here.

I felt this way because of several important factors.

Thanks to my extensive knowledge and extreme cynicism of the news media, I was in a truly unique position to be immune to the nuclear holocaust of negative news coverage which had surely scared away all of the far more sensible candidates. I not only had an intense distrust of the media, but I also had an encyclopedic knowledge of what they had reported in this case. I had already done two other documentary films of very similar stories where the news media had gotten a narrative wrong, so I was trained to see all of the signals of a similar situation having occurred here. I was not a Penn Stater, but I had grown up in the state as huge college football fan, but was only a mild supporter of Paterno and the Nittany Lions. I was a person known for being very unemotional (too much so) in my thinking, while most people were never able to get beyond the horrible feelings which this horrific story understandably provokes. I had extremely thick skin and was not afraid of being unfairly attacked as a “pedophile protector” or being mislabeled as a conspiracy nut. And probably most importantly of all, I had a lot of time on my hands and a very understanding wife.

As it turned out, not only was I the person in the best situation to tell the other side of this story, I was pretty much the only one stupid enough to apply for the “position.”

The primary reason for this was obvious. No one wanted to take on a fight that was, at best, hopeless, and, at worst, already lost. If you think about this as a political campaign, the pro-Paterno side had already lost huge portions of the public, probably forever. For instance, these groups of people were basically completely gone:

Anyone who tends to blindly believe what the media tells them.

Anyone who was sexually abused or close to someone who has been.

Anyone (especially men) who is understandably disgusted by even remotely thinking about sex acts between a man and a boy to the point where they won't listen to the facts of the case.

Anyone who hates football for having too much power.

Anyone who was jealous of Paterno/Penn State.

Anyone afraid of being called named or perceived as defending a pedophile.

Penn Staters who originally threw Paterno under the bus and who would now vigorously fight the notion that they were duped into rushing to a false judgment.

Anyone who has no interest in the facts/truth, or lacks the ability to comprehend complex concepts.

In short, we would start with little more than older women (I have been amazed at how women are the backbone of the counter movement in this case) who had been strong fans of Joe Paterno, and a majority of his former players. I figured all this meant that at least 60% of the population was dead against us and at least 35% didn't care (on the bright side, I did notice that there was a significant

percentage of people who didn't know that much about the case but who once they were given a few key facts were more than willing to consider the prospect that the media had blown it here).

One of the many problems for our side of this debate (as if the other side was ever willing to even have a fair "debate"), was that we have very limited ability to communicate our message. Not only was all of the mainstream media against us, but Penn State, acting not unlike a third-world coup, had purposefully made it almost impossible for the football lettermen's group to correspond with its members and they had intimidated almost all of the alumni groups from even emailing anything that somehow detracted from their "move on" message. Given the average age of someone likely to be a supporter of our cause, Twitter (which, acting like the media's version of a high school cafeteria, had a huge impact on this story because it further facilitated the media buying into there only being one acceptable take on the story) was not a viable option and even Facebook was out of reach technologically for many of those who would have naturally been with us.

So I started a website [www.FramingPaterno.com](http://www.FramingPaterno.com) and invited some of the handful of bloggers from around the country who had expressed skepticism about the conventional wisdom of the case to join me. To say the least we were an eclectic group, but, thanks largely to some incredible backing from "grassroots" supporters (many of whom did not go to Penn State), we got a remarkable amount done.

Not only did we immediately create one place for people to get highly credible information contrary to the media narrative about the Freeh Report, but we immediately commissioned a major poll by a nationally known political polling institute to determine how the media coverage of the case had impacted the public knowledge of the facts.

I had done a very similar project for my documentary film on the 2008 presidential election which had gotten a lot of national news coverage. I thought that experience prepared me for what we would find in this case, but in every possible way the results were even more stunning than even I had expected.

In short, the public didn't have the slightest clue about some of the most important facts of the story. Not coincidentally (thanks to the media), the more exculpatory a fact was for Paterno, the more likely the public was to get a simple true/false question about it incorrect. The most dramatic result was that a [stunning 45% of Americans](#) did not identify the statement "Joe Paterno was accused of being a *child molester*" as being "false."

In retrospect, the entire polling experience should have shown me just how utterly hopeless this crusade for the truth really was.

First, even getting the poll done took a near miracle because the people at the polling company (who I paid to do the poll independently and with whom I had worked before) had simply been so brainwashed by the media coverage that they wrongly thought some of the questions/subjects I wanted tested were inaccurate. I had to fight them every step of the way and even then they still botched a couple of things in order to protect themselves from possible media criticism. These exact types of issues would end up becoming commonplace in all of our efforts to get any remotely positive media coverage for what we were doing (I routinely had editorials rejected on this subject by outlets which normally happily ran my work and I am convinced it was because the editors didn't know enough about the story to even realize that there was a legitimate other side to it).

Secondly, the results were so overwhelming that I was actually *too* correct about how much the public had been misled by the media. They essentially proved that the uphill climb to correct these many misperceptions was going to be nearly insurmountable. In essence, this was a political campaign where the opponents had created hundreds of millions of dollars worth of negative media coverage for our side before we had even begun to really fight back. Even assuming we were right, the truth just isn't powerful enough to overcome that type of disadvantage (at least it isn't in this modern age).

Thirdly, when we released the poll results, perfectly timed for the week after the Olympics but before the NFL season began, the media reaction was similar to a finicky cat turning up their nose at a new brand of food which didn't pass their smell test. They almost completely ignored the results.

This was the first of many examples where our efforts to expose the "media malpractice" on this story would actually reveal even more malfeasance from the fourth estate. They simply had no legitimate excuse to pretend this poll was not a real news story. The polling outlet was more than reputable, the questions were highly credible, the results were dramatic, and the subject was extremely relevant and timely. Usually the media loves such easy stories, but this one, like a joke during a wedding toast that is a little too truthful, just hit far to close to home and was immediately rejected.

I actually maintain that the media ignoring the poll was among the best evidence that I was correct in my original hypothesis about their coverage of this story. After all, if I was really so wrong and the media's case was truly so strong, they would have loved to have destroyed me and the poll, especially during a slow news week. Instead, their near universal disregard for it proved that deep down they knew they had screwed this up. It also confirmed that they were building a wall around their narrative that was simply impenetrable, at least not by a non-celebrity like me.

It really is remarkable (not to mention depressing) how much our cultural obsession with celebrity has changed the way the media works and how news gets reported. Not that long ago, people were interviewed by news outlets on particular subjects based mostly on their knowledge of that particular issue, their overall credibility, and their role in the story itself. Today, the importance of one's familiarity with the facts of a topic is literally dwarfed by the significance of how much wattage is behind their celebrity (which is one of the many reasons book authors can no longer get high profile interviews unless they are celebrities, and thus, why you now pretty much have to be a celebrity to get a book published). In the modern age, celebrity provides far more perceived "credibility" than actual real credibility.

This phenomenon has been a constant source of frustration for me on this story. I have far more information than anyone else in the media on what happened here and, thanks to the production of the "Framing of Joe Paterno" documentary and my interview with Jerry Sandusky, I have plenty of "standing" on the topic. I am also a very experienced and compelling television guest. And yet, mostly because I am not a celebrity, I have had limited opportunities to be interviewed by major media outlets. Even when I have been able to somehow break through the door, my lack of celebrity has created other problems because of my utter lack of leverage in dealing with those outlets (quite literally, if I had stripped naked on the Piers Morgan show on CNN and lit myself on fire, I would have gotten far more coverage for the book you are currently reading than will likely be the case).

Because celebrities inherently have something to lose/protect and usually only care about themselves, the chances of any of them risking their image for a cause this toxic was about the same as Tom Corbett asking Jerry Sandusky to help him in his 2014 reelection campaign. Heck, actor Ashton Kutcher had even been forced to apologize and take a break from Twitter after he simply questioned Joe Paterno's firing in a rather innocuous tweet.

Unfortunately, our side had only one celebrity who was unafraid to stand up against the inevitable onslaught on their reputation and livelihood.

Without NFL Hall-of-Famer and four-time Super Bowl champion Franco Harris, our side never would have gotten anywhere in our seemingly futile counterattack. Ironically, Harris, who played for Penn State in the early 1970s, didn't even have that great a relationship with Joe Paterno when he played for him, but when it really mattered, it was Franco who stood up taller and stronger than anyone else in his old coach's defense.

The notion that Franco Harris and I would ever team together makes the idea of collaboration between President Obama and Donald Trump (who, ironically, has indicated on Twitter that he is supportive of Paterno) seem rather plausible by comparison.



Franco is thoughtful, soft spoken, reserved, deliberative, and has been a delegate to the Democrat National Convention. I am a loud, in your face, shoot first and ask questions later, kind of person who has been a delegate to the Republican National Convention. He is a black Italian, while I am a white person of German and Irish descent. Harris was obviously an all-time great for the Pittsburgh Steelers, while I grew up a Philadelphia Eagles fan who hated the Steelers and who wronging thought that Franco was a wimp for running out of bounds so much.

And yet, whether out of mutual necessity or some sort of special chemistry, some how we meshed into a heck of a duo. Before we double-teamed Mark Emmert, I helped Franco try to drop in on members of the NCAA infractions committee who were in the Los Angeles area. He was also the star of my "The Framing of Joe Paterno" documentary, and over the next year he hosted, usually at his own expense, numerous events on the east coast where we played the film and participated in panel discussions.

It seems to me that all Franco really wanted was for Joe Paterno to at least get "due process." If he was "guilty," fine, but he at least deserved to have that case actually proven and the truth to be found. Franco was positive that it had not been. But as Harris fought for basic justice, in return, he lost some endorsement money and was roundly ridiculed in the press.

Franco was hardly alone in his crusade, but since the media doesn't really consider you a full person unless you are a "celebrity" of some kind, he might as well have been. I got my first full taste of the true nature of the rest of what I would come to call the "The Résistance" when I made my initial trip to State College for Penn State's first game of the 2012 season.

I have had a lot of strange experiences in my memorable life and career, but I doubt I have ever had quite as many crammed into one weekend as on this whirlwind journey to the suddenly poorly named "Happy Valley."

From Sue Paterno insisting I have some "Peachy Paterno" ice cream at her kitchen table, to Scott Paterno preventing my cameraman from taking a simple picture of Sue speaking with Franco in his luxury suite during the game (a shot ESPN would show during their game coverage), to Jay Paterno drawing me a diagram of the shower where Mike McQueary allegedly witnessed the type of abuse that Jay still didn't think Sandusky ever engaged in, to an ESPN reporter hugging a member of the family whose patriarch's reputation he had helped destroy, there were many truly bizarre moments.

While all of that alone was quite a bit to take in, it was what I saw *outside* of the immediate Paterno circle which made me fully realize just how hopeless this battle, of which I had suddenly found myself on the front lines, really was.

I can only describe State College at this time as a combination of the Mason/Dixon line during the Civil War, Iran after the fall of the Shah, and Russia after the end of the Czars (that is not to in any way imply that the "reign" of Joe Paterno was anything like the Shah or a Czar!). At least half the people thought that their former leader had been unjustly assassinated, but almost no one had the courage to say that publicly because they feared the wrath of the new regime.

Without a doubt, the most peculiar and disturbing elements of this reality were seen within the walls of the Penn State establishment. Just eight months after they buried him with full honors, Penn State treated the man who put them on the map as if he had never even been there. In fact, any actual mention of his existence was literally verboten.

Not only was the statue gone, the entire area where it had stood had been radically relandscaped and when patrons tried to put cardboard cutouts of Paterno near where the bronzed version used to stand, they were immediately removed. Incredibly, there was not even one mention of Joe Paterno in the game program (and yet references to "Linebacker U," which was associated more with Sandusky, were still perfectly fine). Even though it was the first Penn State game since his death, there was no mention of him during the pre-game ceremonies. The Paterno family luxury suite didn't even have their name on the door. The few remaining Paterno loyalists working at the stadium had to almost come up with a secret handshake just to communicate that it was safe to even whisper his name

in their presence (one in particular was terrified they might get fired for their support of Paterno just before their lifetime healthcare benefits kicked in).

The most dramatic example I personally experienced in this realm was the difficulty that I had getting press credentials so that my cameraman could shoot down on the field during the game. Newly minted Board of Trustees member Anthony Lubrano, who had run his election based primarily on his support for Joe Paterno, had told me that he had taken care of getting me the press pass. The night before the game, it became clear that there was some sort of problem, but initially I assumed the issue was simply logistical because I had not gone through the traditional channels.

The morning of the game I called Jeff Nelson who is Penn State's director of football communications (he was the person who dramatically announced to the media that Joe Paterno's press conference's had been cancelled and would later somehow hilariously receive the prestigious "Backbone" award from his fellow sports information directors). I asked him what the problem was and he asked me which documentary I was working on. I told him that I was doing the one trying to prove that his school didn't really protect a pedophile. His response was one of the most stunning things I have ever heard.

"That doesn't help me. We're moving on," Nelson told me as I attempted to make sure that I hadn't suddenly found myself in Alice's upside down Wonderland. He then explained that he had thought that I was doing one of the other documentaries (presumably one that might "help" him) and that it was not in his interest to give me credentials. I eventually convinced him to let us have limited field access, but the larger point was clear. I was fighting to vindicate a school that simply had no interest in being exonerated (incredibly, I would later learn that the Penn State administration actually did an investigation of some sort into how we were able to shoot video for the "Framing of Joe Paterno" mini-movie at the stadium).

But it was at dinner the night before the game when I knew for sure just how truly doomed our cause for justice here really was.

Then Penn State professor Spencer Niles (one of the very few professors to show any balls at all as even the guy who taught the "Paterno and the Media" class gutlessly disappeared and the one who held the "Paterno Chair" shamelessly resigned for media glory while writing an explanation which, in part, read like a vigorous defense of Paterno) invited about 25 people within "The Résistance" to dinner at the famed Nittany Lion Inn. At the risk of making too much of it, on an obviously significantly smaller level, the whole thing felt very much like it must have at the initial meeting of our Founding Fathers as they planned the American Revolution. Unfortunately, we had no George Washington, Thomas Jefferson, or John Adams (though we may have had a Benedict Arnold or two).

While incredibly well-intentioned, the whole event quickly disintegrated into a complete mess as each person around the long table in the private room introduced themselves and inevitably transitioned into making political speeches. Deep divisions quickly emerged and formed into various factions (basically into the "fighters," the "thinkers," and the "wussies").

Here is where being a complete outsider both allowed me to see things that people far too close to the situation could not, but also meant that what I had to say was not likely to be taken nearly as seriously as I would have liked. It was almost as if, because I had no real emotional connection, I was several steps ahead of the Penn Staters in dealing with the various stages of grief and was frustrated that most of the good people in that room couldn't yet see what seemed so obvious to me. I could hardly blame them. After all, it wasn't my proud history and reputation that had just been excruciatingly erased in front of the entire world without legitimate justification.

Almost everyone at that dinner had a different opinion on how best to handle the situation and it was obvious that there was never going to be anything resembling a consensus. I knew strong, quick and decisive action needed to be taken immediately because I was well aware that, as hard as it may have seemed to the more naïve among us, the media would be eager to move on from this story as soon as they could (my polling experience was proof that we were already quickly running out of time).

Unfortunately, many Penn Staters were understandably lulled into thinking (quite logically but in contradiction of reality) that the “upcoming” trials of Curley and Schultz would provide the opportunity for the truth to come out and somehow magically reverse at least some of the devastation. The fact that those trials still don’t even have a start date has proven that the well-intentioned group who wanted to be patient was simply naïve and mistaken.

But as frustrating as the stalemate over strategy was, the general lack of courage and leadership was far more depressing.

It was very obvious that we had a huge void when it came to having the right person take the lead. There were five people on our side who had the standing/stature to potentially command our fledgling forces (Jay and Scott Paterno, Franco Harris, Anthony Lubrano and Ryan McCombie, who had also just been elected to the Board of Trustees) and the three non-Paternos among them were there at dinner that night.

Scott was compromised because of his integral role in how things went down for his “client” as well as the fact that he was a Republican lobbyist who could not say anything negative about Governor Corbett. Jay (Scott’s opposite in almost every way, including politically) obviously wanted to be liked by the media/enemy, most probably because that is where he saw his only future career prospects. Franco, to whom everyone naturally turned because of their innate respect for his legendary football achievements and courage to stand up for the cause, didn’t have the personality type to quickly and forcefully take charge of such a complex situation. Anthony, without whom the movement may never have even gotten started, much like Jay, wanted to be liked by the media and was obviously a very political operator who had a tendency, probably for reasons he saw as very valid, to play both sides so as to maintain his perceived credibility and options for the future (interestingly, Anthony “joked” during one of our recent public panel discussions that he may be the only guy whose public reputation/standing has been enhanced by this whole story).

I hadn’t met Ryan McCombie until that night and all I really knew about him was that he was a former Navy SEAL. Since I had just spent two days with several SEALs, interviewing them for some political ads for the presidential campaign, I had high expectations for him. I was profoundly disappointed.

If I had to choose just one moment early on where I knew that this cause was lost, it was probably when Ryan dramatically told those at the dinner that what he was enduring for our cause was requiring more courage than anything he had ever done in his military career. Especially considering the fact that he had been taking what I thought was an incredibly soft public stance at that point, I was flabbergasted at this statement (when I told this story to a Navy SEAL friend of mine his first reaction was, “That guy’s not a SEAL,” though, to be clear, I have absolutely no reason to doubt the nature of Ryan’s service).

It was instantly very obvious to me that if a former Navy SEAL really thought that not *completely* caving in the face of this intimidation required his greatest act of “courage,” that there was no way we could pull off this miracle. To have any chance here we needed to be “300 Spartans,” not the French during World War II (to be fair, Lubrano has said that, at least behind the scenes, McCumbie has been helpful, but in my opinion that is just not good enough when we are facing such a daunting challenge).

Not long after hearing him say that, I confronted Ryan during the communal conversation (in retrospect I am quite sure most of the people there must have been taken aback and wondering who this jackass from Georgetown was) and we got into a pretty heated “discussion” about the level of urgency in fighting back hard and fast. All I remember saying to him was, “Nothing you do will matter while most people still think you guys knowingly protected a pedophile!”

We left on good terms that night, but I knew the cause was toast. We had no natural leader and even our Navy SEAL was no hero. (When I later interviewed Sandusky I learned a possible reason for Ryan’s tepidness. Incredibly, it turns out that just a couple of months before Sandusky’s arrest Jerry played golf together with the “boy in the shower” from the McQueary episode, local businessman Bruce Heim, and Ryan McCombie.)

It wasn't just our Navy SEAL who wasn't going to win any medals for bravery. Later that weekend I met with Adam Taliaferro, who was the other "pro-Paterno" candidate who had just been elected to the Board of Trustees. Adam was presumed to be rock solid in support of Paterno because the coach had been so incredibly helpful to him when he almost died on the playing field for Penn State, was paralyzed, and then made a miraculous recovery to be able to walk again.

Much like with McCombie, I had high expectations for Taliaferro. After all, I presumed his incredible life story and ethnicity gave him plenty of "cover" so that he didn't need to fear the media backlash, which I figured couldn't be nearly as daunting as what he had already overcome. I spoke with him in person for over an hour and informed him of a remarkable number of facts which he had never heard before. He seemed very eager to try and help correct the injustice, but after that in-person meeting I only got a couple of texts from him promising phone calls which never came.

In general, with only a few exceptions, Adam has turned out to be a universal disappointment for our side. He is seemingly a very nice and intelligent guy, but he was simply in over his head in this incredibly difficult set of circumstances. He was just too young, too inexperienced, too easily intimidated, and too compromised by a conflict of interest involving his job to be any sort of advocate for this cause. Both publicly and privately he has only ever done the bare minimum to support justice for Paterno. This is not just my opinion, but that of virtually everyone I have spoken to within "The Résistance." Sometimes errors of omission are just as unacceptable as those of commission, and Adam, much like Todd Blackledge, has been in the category of people who had the power to do a great service here, have helped in some important ways, but felt enormous pressure to mostly to do only the minimum required.

Believe it or not, in between meeting dozens of people, almost all of whom would end up as disappointments in one way or another, I actually found time to attend the game that weekend. Perhaps the most amazing thing I witnessed that remarkable weekend in State College came during the game itself, but it had nothing to do with what was happening on the field, but rather behind the luxury suites.

During the second half I noticed ESPN's Tom Rinaldi roaming the hallway. Since I had watched nearly every hour of ESPN's Paterno coverage and knew his tendencies, I correctly figured that Rinaldi was looking for Jay Paterno. I had just seen Jay in one of the suites I was visiting so I introduced myself (I was surprised to learn that he was already well aware of my "Framing Paterno" efforts) and directed him to Jay.

Once they connected, I was kind of on the periphery of the conversation unsure whether to butt out so I politely drifted far enough away as to not be rude. At the end of their discussion Rinaldi gave Jay Paterno a rather large embrace, which, even forgetting the fact that he worked for what I at least considered to be the enemy, seemed more than a bit odd. As Rinaldi started to walk away Jay asked him where he was off to next. Rinaldi told him he would be heading to the U.S. Open tennis tournament. Jay indicated that he was thinking about going there himself. Rinaldi told him that if he decided to go that he should let him know because he might be able to "hook him up" (presumably with tickets).

Now, to me this entire scene was more than surreal. Rinaldi not only worked for the organization that destroyed Joe Paterno's entire life's work and effectively Jay Paterno's coaching career, but he himself had made several key errors during those critical first couple of days. And here he was warmly hugging Jay Paterno and promising to help him attend the US Open?

I was astounded, but, unable to resist, I turned to Jay after Rinaldi had walked away and casually said, "Correct me if I'm wrong Jay, but did ESPN just offer to get a 'pedophile protector' tickets to the US Open?" Not missing a beat, and with a smile on his face, Jay coyly responded, "Yes you did. Which makes you wonder if they really think I'm a pedophile protector, doesn't it?!"

If there was one episode which best encapsulates the utter insanity of this entire saga, that one would probably be it.

One of my many takeaways from that interaction was just how utterly contrived and bogus ESPN's position on the entire story really is. After all, Rinaldi was their primary correspondent on the ground when the story first broke and is one of their most well known reporters.

Obviously, unless he is a sociopath, he does not believe for a moment that the Paternos were knowingly protecting a monstrous pedophile. And if he doesn't believe that, either he is being censored by ESPN from reporting the other side of the story, or he is simply going along with the obvious company line because he doesn't perceive it to be worth the personal risk to fight it.

While neither of those scenarios make either Rinaldi or ESPN appear at all good, I actually think that there is a third way of looking at this which might be more accurate.

My sense from watching that exchange and from what I have seen in my own media career is that the whole thing is nothing more than an act on nearly everyone's part. Essentially, ESPN created a highly rated reality show surrounding the Sandusky scandal and everyone instinctively knew the best direction to take the narrative. Once that narrative was set, there was simply no contradicting it because it would essentially be like Toto removing the curtain to reveal the old man pretending to be the Wizard of Oz.

Effectively, Rinaldi and ESPN don't look at Jay, or even Joe, Paterno as a "pedophile protector" because they know that they probably weren't. But to them it doesn't really matter. In their world it's simply "all's fair in love and war... and media feeding frenzies." It was almost like Rinaldi was saying, nonverbally, "Hey, sorry about all that stuff we did that destroyed you, your dad and your school. You know how it works. I was just doing my job." Of course the "job" here has him pretending to be a journalist trying to find/tell the truth, but in reality, it means "tell the story that will draw the best ratings we can get away with on any given day, even if it means that the account we are providing isn't really true and innocent people get destroyed."

In other words, it's all just showbiz. The Paternos got really unlucky and ESPN just took advantage of a good break during a slow news week. As William Shakespeare famously wrote, "All the world's a stage, and all the men and women are merely actors." Tom Rinaldi, like most "news reporters" these days, was simply an actor playing a role. Joe Paterno was just the best villain that fit the favored storyline. Essentially, Paterno was just the wrong guy, at the wrong place, at the wrong time.

Obviously had I been in Jay Paterno's shoes, the discussion, for better or worse, with Rinaldi would have been much different. For whatever reason, when people do something wrong, especially to me, and never get held accountable for that, I feel an overwhelming compulsion to at least call them out on it (often to the detriment of my own career). Obviously, out of deference to Jay and those of whom I was a guest in the suites, I was never going to say anything negative to Rinaldi. However, I felt no such restriction with regard to another ESPN reporter who was covering the sidelines during the game itself.

I was dumbstruck to realize halfway through the game that ESPN had decided to use Mark Schwarz as the sideline reporter for the first Penn State game since Paterno's death. At first, I honestly thought that I had to be mistaken. After all, this was roughly the bizarre equivalent of a network using the guy from the FBI who, on the recommendation of Russian Intelligence, interviewed the mastermind of the Boston Marathon Bombing (and let him go without restriction) to criticize the way the Boston law enforcement handled the case.

Schwarz had long been in possession of an audiotape of the wife of then long-time Syracuse assistant basketball coach Bernie Fine telling a former ball boy that she knew that her husband had sexually abused him. Schwarz didn't call the police and didn't even report on the story. As far as we know, he didn't say anything to Syracuse about what he had been given (though Syracuse did do an "investigation" of Fine at some point after that which led to no apparent action being taken). In fact, this never even came to light until *after* two allegations from former ball boys finally emerged just weeks *after* the Sandusky story broke and Fine was then fired.

Contrary to popular perception, I actually somewhat understood why Schwarz did nothing. He had what he thought was a tough call and he apparently made a mistake, but one that, giving him the benefit of the doubt, may have been theoretically without ill intent. I was totally outraged however at the overt hypocrisy that Schwarz, who was heavily involved in ESPN's coverage of the Sandusky story, did not give Paterno or Penn State anywhere near the same presumption of innocence. This was especially true since could make a very

strong argument that they had less evidence to move against Sandusky than Schwarz did against Fine (though, bizarrely, Fine is now suing ESPN, which should be fascinating).

Since, incredibly, no one in the media had really done so (he had been questioned about it, but very gently) I decided to confront Schwarz about this on the field after the game. Knowing that I would be held to a very high standard of behavior, I politely waited until he was done with his job interviewing the winning team and inquired if I could ask him some questions on camera. At first he indicated I could ask "one" question. Then, as soon as I told him the subject matter was the media coverage of Penn State he changed his mind (gee, I wonder why) and said, "No."

Not willing to take that for an answer I immediately went in for the kill and asked him to explain why, based on the information he had in the Fine case, he should not be considered a "pedophile protector." Like a startled prize fighter who had lost his bearings after taking a surprise direct hit, he instantly walked briskly away from me, making a big circle while desperate for someone to help bail him out of this situation. Without ever actually addressing my question he looked to his security team and pointed at me saying, "Who is this guy?!" He then, surrounded by at least four uniformed goons, retreated off the field into the safety of the tunnel as I continued to pepper him with different versions of the same unanswered question.

I always find it hilarious when people who are supposed to be journalists suddenly have the tables turned on them. They inevitably respond far worse than the average "civilian" would and certainly in a manner that would have them outraged if one their own interview subjects had responded that way. Can you imagine how Mark Schwarz would have reacted if a Penn State official had run away from his questions, mocked him, and used security guards to shield himself for further inquiries? ESPN would make sure that person was destroyed, all while replaying the episode endlessly into ratings gold.

Of course, this situation also further illustrated just how truly difficult our circumstances really were. Normally, the amazing video of my altercation with Schwarz would have been irresistible at least to all of the non-ESPN media and could have been a huge boon to our cause by at least getting it some coverage and oxygen. But in this case, because the media was universally against us, and because ESPN rules the sports world with a virtual monopoly (partly because everyone in sports wants to eventually work there) it was obvious we had none of the normal options.

I knew that if the video was released it would be, at best, totally ignored, and, at worst, result in me being the one attacked for being "rude" (one of the many infuriating aspects of the modern media is that, since there are no longer any rules or accountability, every "journalistic" decision is completely subjective and therefore consistency is nonexistent). I decided to wait until part one of the documentary was finished to release that clip and, sure enough, there was absolutely zero media coverage of an event that easily could have created quite a stir and exposed the absurdity of ESPN's coverage of the case.

This type of issue was one of the many problems our cause had because, thanks mostly to Penn State wrongly creating the strong impression that the case was closed and that "guilt" was a forgone conclusion, we were "playing from far behind." One of the many devastating impacts of this was that the vast majority of the media stopped even bothering to keep up with the evolving body of evidence in the case, creating the mind-blowing phenomenon that many of them didn't even know enough to know what they didn't know (this ignorance was particularly debilitating in this particular case because, thanks to its complexity, you have to dig far deeper than the lazy media was ever going to do before finally striking a gusher of truth).

This also allowed the media, which already had no interest in providing us with any credibility, to easily portray us as nut jobs, cult members, and conspiracy theorists, even without any actual evidence to that effect (there were countless times when media people presumed I must be insane because they knew so little about the case that they had no context to even understand what I was telling them).

This led to the utterly maddening phenomenon that since almost all of the people motivated enough to delve deeply into the factual record of the case were “Penn Staters,” we could therefore all be dismissed as brainwashed “JoeBots” in denial (after all, why would someone who *didn’t* care deeply about Joe Paterno ever bother to take the incredible amount of time and effort needed to learn all about a complicated case of child molestation?!). Effectively, in this case, those who had *the most* knowledge were bizarrely considered to be the ignorant and crazy people!

I personally ran into this exact problem at least dozens of times with my many interactions/battles with reporters who made basic factual errors in their stories which I tried to correct (the incredible and infuriating full details of which deserve their own book and I will share them at another time). Universally, they never even tried to confront me on the facts. Instead they simply called me names and dismissed me (or in the case of the obviously deranged Buzz Bissinger, blatantly lied about the facts and then hung up on me twice on his old radio show after specifically promising to not do so), safe in the knowledge that everyone else in the ignorant journalism pack agreed with them at least enough not to make an issue out of their mistakes.

It never remotely mattered to them that I wasn’t from Penn State, wasn’t even trying to make any money from my efforts (and was actually harming my career greatly), was an ardent *anti* conspiracy theorist, and that they couldn’t find anything that I was saying that was factually incorrect. All that mattered was that I wasn’t a celebrity (how could all of them be wrong and only some nobody like me be right?!) and that there were more than enough events in my strange career to irrationally take out of context in order to deem me to be “not credible.”

It was obvious that facts just had no meaning at all to them (I even had a *Sports Illustrated* writer [admit to me that he was wrong](#) to claim that Sandusky “raped” a boy in 1998 and then refuse to correct his Internet article which still to this day reports that critical falsehood as a fact). They had the story they wanted, and no one was going to make them change their minds, especially not someone as threatening to their insecurities as me. Quite simply, the media was and is as invested in this Penn State fairytale that they created as a five-year-old child is in Santa Claus.

Despite this, because we had the truth and logic (forces not nearly as powerful as they once seemed to be) on our side, our cause at least had a theoretical shot at success. But when you are far behind in any contest, it is mandatory that you take full advantage of any and all opportunities to get back in the game. The cause of due process for Joe Paterno and truth in the Sandusky scandal had precious few chances for that to happen, but when they did come about they largely slipped through the buttery fingers of an aging and obviously blindfolded Lady Justice.

Perhaps the best and by far the most underrated chance to make a significant change in the media’s narrative (or at least remove it from “set in stone” status) came with Joe Posnanski’s book *Paterno*. Posnanski is a writer who is highly respected by the sports media establishment and, as fate would have it, had been shadowing Paterno for a biography for the past year (I have always found it to be quite amazing that literally no one in the media ever thought to even question why Paterno would allow an author to follow him around if he was really part of a cover-up which, by the time he gave Posnanski permission to do the book, he had to at least strongly suspect was about to fall completely apart).

Had Posnanski’s book, which came out soon after the Freeh Report, been a full-throated defense of Paterno, it would have surely raised doubts in the minds of many in the news media and would have at least made it “acceptable” to publicly take that position. As it turns out, despite him having been there through the entire scandal until Paterno’s death, incredibly Posnanski did not find a single shred of new evidence supporting the theory that the coach was somehow guilty of knowingly being a pedophile protector. In fact, he discovered a few pieces of information which seemed to go in Paterno’s favor.

However, this is where the ferocity and unanimity of the media's perspective on this case once again created a self-fulfilling prophecy fueled by overt intimidation. The elite media is, above everything else, a club. Getting in the club is extremely difficult and the cost of getting kicked out is very high (especially for the insecure narcissists who tend to gravitate towards a media career to begin with).

Joe Posnanski clearly knew that he had to make a choice (heck *Deadspin* did multiple stories on him well before his book was even finished, basically warning him not to do a "defense of Paterno" book). He had to throw Paterno at least somewhat under the bus or else his "media club card" would be revoked and his ability to write future books as a "credible/respected" author would be repealed.

Posnanski obviously decided to try and thread the needle by having the book be mostly positive regarding Paterno while his public comments (which was all the lazy media really cared about since hardly any of them actually read entire books) were laced with enough negative barbs so as to placate his journalism friends and keep his seat at the semi-cool kids table in the high school cafeteria that is the modern media world.

In that fictitious remotely rational world, Posnanski's palpable sellout would have been at least somewhat counteracted by a negative statement from the Paterno family condemning him. However, as I have already mentioned, Scott Paterno was seemingly far too enamored with his own relatively positive portrayal in the book, as well as filled with delusions about how a major movie based on the book might turn out, to ever allow such a condemnation. That act of omission of course further legitimized Posnanski's public view that Paterno had failed to do enough to stop Sandusky and that he no longer thought of him in the same way he once did. To this day, Scott routinely kisses Posnanski's backside on Twitter, despite the obvious damage he did to Scott's "client's" reputation via errors of both omission and commission.

The next blown opportunity dealt with the release of what was planned to be the first part of my documentary film "The Framing of Joe Paterno" (the "framing" was intended figuratively, not literally). Made on a shoestring budget, its very existence was a testament to the incredible grassroots support that came from remarkable people throughout the country who simply wanted to see the truth be told and an injustice corrected. Incredibly, we had over 400 small donors (we limited contributions to \$1,000 a person) and I produced/directed the film completely for free. Considering the incredible financial, time and content constraints, the [32 minute video](#) is probably the greatest accomplishment of my life.

It tells the basics of the other side of this story in a very credible and compelling fashion and in a way that no one has come close to doing in any medium. In an environment where the truth actually still mattered and the media was remotely fair, the film would have made very significant news. This was especially the case since we released it for free on You Tube on the anniversary of Paterno's firing and couldn't be accused of trying to somehow profit from a tragedy (we didn't even accept advertisements for our website or any of our videos).

Instead, the coverage was sparse and, even though it was acclaimed by those who saw it (well over 100,000 have seen either of the two versions by now) and no one could even attempt to contradict the plausibility of our alternative narrative, the movie was largely disregarded by the media. The big donors connected to Penn State, still in a "wait and see" mode under the false illusion that the Curley and Schultz trials would soon make it safe for them to come out of hiding, never fully backed the project (while they *were* putting money into far less controversial productions which had no chance to alter the factual record or the accepted narrative). Consequently, we had no ability to spread the message in nearly the manner that it deserved or was required in order to make a real impact.

One of the many corrosive impacts of the ever-shrinking attention span of the average American media outlet and their consumers is that there is just simply not enough time for the truth to come out while it still has significant power. This is especially the case in complex matters like this one. The fact that those at the center of this particular controversy happened to be in mourning over the loss of their husband and father simply added yet another element to the "Perfect Storm."



In a semi-sane world, Sue Paterno's appearance on the Katie Couric television talk show combined with the release of the credible "Paterno Report" would have been a real game-changer for this story. Sue's first interview since the scandal broke simply could not have possibly gone any better. Her performance was perfect in nearly every possible way and Katie Couric seemed legitimately taken with her and the Paterno family. As someone who was once "arrested" essentially protesting Couric receiving a journalism award for her interview with Sarah Palin, I think I have the credibility to say that she was actually remarkably fair and almost sympathetic to the Paterno cause.

How anyone could ever watch Sue's appearance and conclude that Joe Paterno knew anything about Jerry Sandusky being a pedophile is simply beyond me. I don't believe any rational person did so. The problem was that it aired well over a year after the story broke. It was just simply too late. The Paternos had waited to fire their biggest gun until the target, unbeknownst to them, had drifted out of the weapon's range (the media of course didn't remotely care about such antiquated ideas such as a year-long mourning periods for widows, and the greatest testament to how well Sue did was that her interview created very little news coverage from the army of Paterno critics in the media).

I had spoken with Scott Paterno several times about what the plan was with regard to having Sue do an interview. Of course I wanted to do it myself, but I was well aware that, even before our eventual falling out, Scott would never let that happen. Worried that the media window may be closing, I asked why no interview had been done as of yet and he told me that they had tried to have Sue practice answering questions on camera several times but that she, understandably, just wasn't emotionally ready to do one publicly yet.

Unfortunately, we now live in a modern media environment where if you don't get your story out immediately and you aren't a huge celebrity or the media doesn't have some sort of strong incentive to keep your story alive, it simply doesn't matter what you say. Once people make up their minds, it is almost impossible to change them and once a story loses its ratings "juice," you have an extremely limited ability to even make your case. Had Sue Paterno been able to give that interview *before* the Freeh Report I honestly think it would have been it far more difficult, if not completely impossible, for Freeh and the media to pull off what they did. Unfortunately, thanks mostly to Joe's death, that sequencing just wasn't feasible.

As for the simultaneous release of the "Paterno Report," that effort was well-intentioned and, in a simpler, less cynical, time, could have worked wonders for their cause (though, in hindsight, breaking the story on ESPN on a Sunday morning may have been a mistake). It was written by highly credible people such as Dick Thornburgh who was former United States attorney general and governor of Pennsylvania and it poked plenty of holes in the work of Louis Freeh. Fifteen or 20 years ago (because our attention spans were longer and the media was at least somewhat objective and substantive), that probably would have been enough to make a major impact. Unfortunately, the report was released in 2013 and the era of Twitter where anything more than a couple of pithy sentences is just too much for the general public to absorb.

One of the Paterno Reports goals seemed to be to raise doubt about Freeh's conclusions and it succeeded there, but much in the way that a broken dam is "successfully" fixed *after* a town has been destroyed by flooding. It was simply too late for just creating uncertainty in the accepted narrative. They needed something dramatic and it appears to me that they purposefully didn't even try to find it.

The report produced virtually no new facts, no new narrative, and, perhaps most amazingly of all, outlined a "Rush to Injustice" which somehow happened to the most famous person in Pennsylvania without there being any sort of villain, or even anyone to really blame. It never pointed a finger at anyone, leaving the reader to wonder, "How the heck did all of this happen to such a great guy?"

Instead, the strategy seemed to be to hitch the wagon almost completely to the analysis of retired FBI sex crimes expert Jim Clemente. Clemente's report detailed how he views Sandusky as one of the "best" child sexual abusers he had ever seen and was a classic "nice guy" offender who was extremely difficult to catch because he didn't fit what non-experts think is the profile of a molester. The bottom

line of his study seemed to be that Paterno and Penn State could be forgiven for being fooled by Sandusky because everyone, including law enforcement and numerous child welfare agencies, were all bamboozled.

While I agree with the gist of that conclusion, I have significant problems with other aspects of Clemente's analysis and I discussed my issues with him very extensively both before and after my Sandusky interview and both on the phone and in person.

My first problem with the conclusions in the "Paterno Report" is that it largely accepts a narrative of what happened here that is neither likely accurate, nor particularly helpful to the "defense" of Joe Paterno. While it raises some minor doubts about what Paterno was actually told by McQueary, it does almost nothing to seriously question whether any sort of sexual assault ever actually took place that night and whether the "boy in the shower," who Paterno was essentially fired for not doing enough to protect, even needed any significant protection from his relationship with Sandusky. It also fails to make the full case that Paterno and Penn State actually did almost exactly the right thing based on what they knew at the time.

The way I see it, even if you believe everything in the "Paterno Report," because it fully embraces the "Sandusky as Hideous Monster" caricature, you can still make a powerful argument that more should have been done based on what Paterno/Penn State knew and that great harm was caused because they did not do more. In my view of the case (which I strongly believe is based on more factual evidence than the Paterno's public stance), neither is true because no sexual assault happened in the only incident they knew about and the boy in question had a great relationship with Sandusky for the next ten years.

In a sense, the narrative in the "Paterno Report" not only didn't provide any bombshells for the media to latch onto as a reason to "reopen" the case, it also left Joe Paterno (unnecessarily in my view) essentially "checkmated" from ever getting to complete exoneration. Even worse, it appears to me that this direction was taken purely out of a desire to be politically correct and to placate the very media which unfairly destroyed Paterno to begin with.

Jim Clemente is clearly an expert in this field and a very intelligent guy. However, he is also an abuse survivor himself and a guy who obviously wants to be famous (he works as a consultant on the TV show "Criminal Minds" and wears weird hats in many of his news interviews as to be seen as more hip/memorable) and I think that these factors cloud his judgment somewhat.

His extremely rigid philosophy of the nature of both offenders and victims made it nearly impossible for him to fully accept what I strongly believe the facts indicate is likely the real truth of this matter. Due largely to his almost religious belief in the concept of "compliant victimization" (where victims become so obedient to their abusers that they deny the abuse and maintain close relationships with them), much of the evidence I found so compelling was virtually irrelevant to him.

First of all, it was astonishing to me that Jim appeared to not even be aware when he wrote his portion of the report that the "victim" in the McQueary episode had strongly denied the abuse that night. I am positive that he had no clue about the remarkably extensive record which exists with regard to that victim's denials (amazingly, Clemente appeared to possess only rudimentary knowledge of most of the case in general). By the time I had informed him of all of this new information (which, to be fair, was mostly gleaned from my interview with Sandusky and learned after the "Paterno Report" was written) it was too late for him to suddenly change his view of the case, especially when doing so would have forced him to seemingly contradict a huge element of his entire theory of child sexual abuse.

During our many hours of at times animated conversation I came to think of Jim as a bit like an extreme environmentalist who believes so strongly in the theory of global warming that, no matter what the weather is (hot, cold, calm, stormy), it is always further evidence that global warming is real. Similarly, it appears that Jim's theory of "compliant victimization" makes it virtually impossible to disprove any sort of allegation of sexual abuse, sometimes when even the victim has never even technically claimed abuse (it is also very

interesting to point out that the Sandusky case began with Victim 6 in 1998 with a case which was clearly *not* one of “compliant victimization,” since the boy let his mother know something was wrong immediately and there were no allegations of abuse after that).

After all, under Jim’s theory, if a potential victim says that *no* abuse happened, then that is actually evidence that it *did* occur and if they say they were abused, then it must be true because male victims never lie in the affirmative about being forced to have some sort of sex with a man (I never was able to get Jim to explain how it is that some victims like Victim 1 in this case deny sex, then claim sex, then dial it back, and then amp it up again later). Jim also believes that victims never tell stories for money either, which basically means that, in a case like Sandusky’s where all the victims had great relationships with him after the allegations began and all of them were underprivileged kids who eventually sought money, that Sandusky’s best defenses were instantly rendered not credible.

To be clear, I actually agree with Clemente’s theory in general, but do not believe, if only for reasons of basic logic, it can be used universally as a hard rule to which there are no exceptions. But as I have already documented, if there were ever a set of circumstances which could be deemed “unique” and far outside of the realm of “normal,” then the situation surrounding McQueary, Sandusky, and Victim 2 would certainly qualify.

During our many conversations, it seemed to me that Jim “got” what I was saying about the denials of Victim 2 being so powerful and proactive as to be fundamentally different from a typical victim being afraid to tell the truth. I also think Clemente saw, as I did, Victim 2 later “flipping” as consistent with Jim’s own theory of “grooming” and that Victim 2 may have simply realized later what all of Sandusky’s weird acts (none of them being directly and overtly “sexual” in the traditional sense of the word) were really all about. He also admitted that, just as a recent Harvard study had concluded, it was not uncommon for a pedophile to be “chaste” or to never engage in direct sex acts with a victim (more on that and how it may relate to Sandusky is still to come). I even asked specific questions of Sandusky based on Jim’s suggestion on how to get him to confess (this effort was largely unsuccessful, but Jim complimented me in writing on the interview). But unfortunately, Clemente was so tied to his own theories, and so afraid of being perceived as calling a “victim” a “liar,” that I could never get him to fully endorse my view of the case.

This last aspect of the problem was particularly maddening. Clemente was very fearful of being seen as calling Victim 2 a liar (and thus losing his “street cred” in the victimization community and possibly his prominent place in the rolodex of TV news producers), but I wasn’t coming close to saying Victim 2 was lying. As I would say multiple times on national television, I am actually claiming the he was telling the *truth*! (I wish to make clear that, while I am currently very confident that no sexual assault took place on the night in question, that if Victim 2 later comes forward and contradicts his current story in a credible fashion I will gladly retract my entire theory of this case. At least at that point the accepted media version of what happened here would finally have some actual evidence to back it up, the current absence of which is a large part of why I took up this cause to begin with.)

Based on the current evidence, Victim 2 has made recorded statements regarding Sandusky on three separate occasions in very different situations. In none of them did he come close to indicating that Sandusky ever sexually abused him, and in one of them he specifically and empathically denied any sort of sexual assault in the McQueary episode. And yet, because he hired a law firm (which, it is important to note, in neither of their two public statements has ever specifically claimed sexual abuse in the McQueary incident) who says that he is seeking money from Penn State, somehow his denials instantly become irrelevant, at least to the so called “experts.” This type of thinking seems simply insane to me.

Unfortunately, Scott Paterno clearly decided that buying completely into Clemente’s view of the case was the best scenario for him, his family, and his “client.” I wish to make it apparent that since it is his last name he obviously gets to make that call and that I can actually see the potential logic in this strategy. However, it must be noted that Scott’s viewpoint here is indeed a political *tactic* and *not* a pursuit of the real truth that Joe Paterno said he wanted (I will provide evidence that this is exactly how Scott sees this issue momentarily).

It is obvious, at least to me, that Scott decided that they could only get the media to accept so much of their argument without there being a massive backlash. Delving into the politically incorrect realm of seemingly (though not really) “defending” Sandusky and questioning some of the jury verdicts would have surely provoked a hue and cry from the media that the Paternos still didn’t “get” it and that they were now doing even further harm to the victims (it is also essential to remember that no one had the full evidentiary record at the time these decisions were made because I had not yet done the Sandusky interview and the full story of “Victim 2” was not yet known/verified).

In my view, Scott essentially took the “if you can’t beat them, join them” philosophy and wrapped his father’s legacy forever in the blanket of educating society not to make the same mistakes about child sex offenders that he did (while not realizing that, like it or not, fair or not, people were far less likely to be able to “pardon” Paterno if Sandusky was seen as “Hitler”). In effect, Scott decided to throw his father’s long-term fate on the mercy of the media court and, instead of arguing for exoneration, made a plea for the media to eventually reduce Joe Paterno’s penalty from “death” to maybe something like “probation into perpetuity.”

Much like with the Sue Paterno interview, this approach may have had real value in a world where the media was remotely fair. However, it was obvious to me that the same reporters who benefitted so much from destroying Paterno were highly unlikely to suddenly have mercy on him simply because his family took the very high (politically correct) road when they finally formally responded to the charges against him.

While there were some positive developments because of the “Paterno Report” (a few fence-sitters such as Phil Knight finally felt like they had enough “cover” to publicly express support for Paterno again and Bob Costas began to indicate he had changed his mind on some important elements) but, not surprisingly, the media almost universally dismissed it as “nothing new” and paid for by the Paterno family. In its totality, I viewed the report as, at best, a “push” for the ultimate cause because if you are going to sell out the truth in order to trigger a political gambit, you better get something significant in return. There is scant evidence at this point that is likely to be the ultimate result of that effort.

From my personal perspective, the “Paterno Report” simultaneously opened up an important need that I was the only person likely to be willing/able to fill, while also paradoxically closing off any real chance of that effort being nearly as effective as it should have been.

One of the very many elements of this case that has always baffled me is that so much permanent punishment could be levied without anyone even speaking to most of the key people involved in the situation. Paterno was fired before ever providing his version of events and had his record, statue and legacy taken away after he could no longer respond to the charges against him. Freeh never spoke to Sandusky, Paterno, McQueary, Curley, or Schultz. McQueary has never done a real media interview. And Jerry Sandusky never testified at his own trial and only did a short telephone interview with Costas before he was sent away to prison for life.

I am truly mystified as to how anyone could possibly fully understand this story without at least hearing from the person at the very center of the saga. That is why I had been trying to set up an interview with Sandusky from prison for months before it finally happened. The logistics and politics of the planning for this series of interviews was the most complex of my career (even more intricate than those involving my news-making post-2008 election interview with Sarah Palin while she was essentially “imprisoned” in Alaska).

Even after navigating that frustrating maze (coordinating with Sandusky in prison was more difficult than it must have been communicating during the time of the Pony Express), I still had to figure out if I could get a record of the three hours in prison where recording was strictly prohibited and whether it would be worth the risk to do so. Finally, in an act that was part James Bond drama and part Police Squad comedy, I was able to record the entire interview, though I did so in a manner that created far more aggravation and expense than it should have (though it did provide me with an utterly hilarious story I will eventually tell publicly).

The interview itself was remarkable on numerous fronts, but the headline for the purposes of finding “new facts” to potentially exonerate Joe Paterno and Penn State was definitely the revelation of the real identity of the “boy in the shower” in the McQueary episode.

Sandusky actually refused to tell me the name of the person (though he later inadvertently used his first name a couple of times), but I was able to figure it out after I returned home and did some more research and got some help from former Penn State player/coach Gary Gray. Gray had helped prep Sandusky during the grand jury investigation (when he still thought that Jerry was falsely accused) and had kept some letters that a few Second Mile kids had written in support of him. One of the letters happened to be written by a Sergeant in the Marines who had the same first name that Sandusky had used by mistake with me. The profile he depicted in the letter fit exactly the details that Jerry had used to describe him. I then went back and confirmed his identity with Sandusky, his wife Dottie, and their lawyer Joe Amendola.

I also obtained the high school football roster of the guy’s senior year when Sandusky had stood in for his father at his last football game, both copies of the letter to the editor he had published in his own name in local newspapers supporting Sandusky, an original version of a very similar letter he sent to the attorney general, and a copy of the statement he gave to an FBI-trained former police officer (ironically on the day Paterno was fired) saying nothing happened on the night in question. I also obtained an official report of a DUI he got, which connected him to the lawyer who was publicly representing “Victim 2.”

This document confirmed his age as nearly 14 when the shower episode happened, rather than “ten” as McQueary and the prosecution had claimed (This distinction is, at least in my mind, extremely important but almost impossible to articulate in the media without it being badly misunderstood. A 14-year-old is far less likely to be so naïve about sex as to allow these acts to go on without alerting anyone. They also have a far greater ability to physically defend themselves. This appears to be why the prosecution, as well as Governor Corbett, went to great lengths, much like Trayvon Martin supporters who always used photos of him years before his shooting, to portray the image that Sandusky’s victims were in the ten year old range when they were really mostly between 13 and 15 years old when the abuse apparently occurred.)

In short, I had proven who the “boy in the shower” was (or that a series of impossible and nonsensical coincidences had all converged at the same time and that the “real” victim of the most infamous episode of child sex abuse in history was willing to stay quiet and let someone else claim to be him for money). I also had an extremely strong case that no sexual assault had occurred the night McQueary saw him with Sandusky in the showers.

Now, in that fictitious remotely rational world, this revelation would have been genuine bombshell material. It would have instantly required the media to ask a series of new questions while also seriously considering whether they had bought into a largely, if not entirely, false narrative. For sure it would have meant that the Paterno family would be thrilled to know that there was an excellent chance that Joe was *not* told about a rape and that no specific child had been left endangered because he didn’t do “more” to stop Sandusky.

Unfortunately, in the world in which we *actually* reside, what really happened was so very different from those scenarios as to render any simile hopelessly inadequate.

Scott Paterno called me almost immediately after the last of the Sandusky interviews was completed. I had been trying to inform him for days what was going on as a courtesy and we had been unable to connect except through email, but I was confident that Anthony Lubrano would tell Scott everything I told him, so I figured that Scott already knew the basics.

Scott was beyond irate and, without any real clue about the details of the situation (yes, ironically, he “rushed to judgment”), he launched into a 15-20 minute profanity laced tirade in which attacked me unfairly, threatened me, and accused me of numerous things that were simply ridiculous. For some context on our relationship (which had been rocky almost from the start when he made that silly

call to prevent my cameraman from taking a simple shot of Sue together with Franco Harris in Franco's suite during Penn State's opener when ESPN had already put the same shot on national television), in January I had done an interview with a Penn State student publication in which, in one benign phrase, in just one sentence, I said that the Paterno PR team was among those who had made "mistakes" at the beginning of the story. Scott, personifying "thou doth protest too much," sent me this email, which I am confident would have resulted in 99.9% of people in my position instantly going public with what they knew and quitting the movement.

-----Original Message-----

From: GEORGE SCOTT PATERNO <quincyXXXX@me.com >

To: John Ziegler <Talktozig@aol.com >

Sent: Thu, Jan 3, 2013 12:19 pm

Subject: You are walking a fine line

I understand you do not like our PR team. If you keep attacking us and them, we will at some point respond. I suggest you attempt to make your point and raise your profile on my father's death absent those criticisms. Your way is your way.

How we chose to do things -- and with who -- is our business. I am not in this for a quick hit or a splash -- I am trying to ensure that a complete record is created credibly.

My way is how we are going to do things. I have remained silent and not in any way hampered you to this point because I believe that on some level you are trying to right a wrong even if your methods and guerrilla style is off putting.

Anyway, react publicly to this if you chose, or you can simply move off the puck -- you will neither change my mind or our course by repeatedly publicly attacking people whose opinion I respect a hell of a lot more than yours.

And if push comes to shove, the Paterno faithful like Franco will side with Sue when she speaks in the near future.

After getting that from Scott I immediately concluded that my suspicions about him must have been dead on because he never would have reacted that strongly if I was wrong. I also knew that things between us were now sure to end very badly, and as I got the post-Sandusky-interview phone call it was obvious that we were about to reach that point very quickly.

I made an extensive and detailed record of the memorable conversation from notes that I was taking during the call, those that my wife made while listening, and my extremely good memory for what people tell me and what I say during discussions. I actually made a tremendous effort to be as fair to Scott in the creation of a partial "transcript" as possible and I even sent the final product to his brother Jay (who apparently had no problem believing any of it and seemed to think Scott was both inappropriate and unintentionally rather funny).

It had been my original intention to publish the entire record of the call here, but after I sent it to Franco Harris and discussed with him the direction I was heading with this "book," he urged (he did not "force" me) to eliminate elements which simply made Scott look bad and didn't directly relate to the case against Joe. It is my belief that the *entire* call was vital to understand who Scott Paterno really is, why he reacted so incredibly emotionally to me having simply interview Jerry Sandusky in jail, and why he has made some of the strategic decisions that he has made in this story (and that all of that is critical to understanding how this all went down). However, out of loyalty to Franco, I have edited out huge chunks of the most entertaining (and perhaps illuminating) elements of the conversation and maintained, at least for now, just the parts which most directly relate to the case.

Here are those sections in the order in which they occurred:

*Scott: You're using my last name and it's a courtesy to me that you let me know that your going to use that last name to have Jerry have a chance to say his peace? Do you think Todd Blackledge is going to stay with you when I have my mother call him? Do you think Franco Harris will?*

*John: Scott, you have no idea what you are talking about.*

*Scott: Are you going to air video of an interview with Jerry on a website called FramingPaterno?*

*John: You have no idea what you are talking about. You didn't even ask my any questions. You started this conversation with an accusation and a threat.*

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*Scott: You do what you want, but if you air a minute of an interview with Jerry either defending himself or trying to discredit Mike McQueary on a website that has my last name on it I would have to distance myself from it.*

*John: That's fine Scott. You do what you need to do.*

*Scott: I will have my mom call Franco and Todd and everybody else..*

*John: That's fine. How do you think that is going to hurt me?*

*Scott: Its hurting me!! Do you think anybody believes a word Jerry has to fucking say?*

*John: You don't even know what the purpose of the interview was or what I asked him,*

*Scott: Did you get the impression that Jerry did not like my father?*

*John: That's true.*

*Scott: Who gives a shit? I can't have my name giving Jerry a voice.*

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*Scott: We'll see who the Penn State army lines up behind tomorrow after Sue Paterno publicly disavows you. We'll see how many people listen to you.*

*John: If that makes you happy, Scott go for it! That makes you feel like you have some sort of power...*

*Scott: Shut the fuck up!! I have let you peacefully exist with us.*

*John: Thank God. Thanks so much Scott. I appreciate that. You've been very helpful.*

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*Scott: Do you know who you remind me of? Jesse Jackson.*

*John: Oh God. That's exactly right Scott.*

*Scott: He wasn't there when Martin Luther King died but he made sure that he got his blood all over his shirt.*

*John: Scott, you have no idea what you are talking about.*

*Scott: You are one of the people I have thought from the beginning is out for himself.*

*John: (laughing) You have no idea what you are talking about!*

*Scott: You have done nothing to help me. You are not a Penn Stater, you didn't play here, you are not a member of this family. You have no right to claim ownership of this. I will be forced to distance myself from any attempt to impugn Mike McQueary's reputation with the word of a convicted pedophile.*

*John: Mike didn't see an assault Scott and you have put yourself in a situation where your dad can never be exonerated...*

*Scott: We've never said he saw an assault!*

*John: Mike did!*

*Scott: You fucking idiot, no one is listening to Jerry!*

*John: Mike said he saw an assault and that is why your dad's name is Mudd.*

*Scott: Even though you may be right about the kid. Even though that might be Victim 2, having Jerry say it is not going to change a single fucking mind. That's my problem with it John.*

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*Scott: Go do that Steubenville case. Leave my family alone. Walk away from Paterno.*

*John: I understand why you don't want the full truth to come out.*

*Scott: Why wouldn't I want the full truth to come out?*

*John: For somebody who refers to their father as their client, and their client got the death penalty, what kind of a lawyer does that make you if your father isn't at least a little bit guilty?*

*Scott: Excuse me? You think my father is guilty?!!*

*John: No!! I didn't say that!*



*Scott: It's fucking idiots like you that make it tougher for people to listen to us because they can discredit us as one of these lunatics who are supporting my father blindly.*

*John: Jerry didn't assault that boy that night.*

*Scott: Do you realize that no one gives a shit if he didn't assault him that time?*

*John: That's the only time that matters!!*

*Scott: Are you a fucking idiot?! That's what matters when convicting Jerry but when you're convicting these guys for not doing enough it matters what Mike said he saw, it doesn't matter what actually happened.*

*John: So there is no connection between what he said he saw and what he actually saw? You don't think there is a connection between those two things? Seriously Scott?*

*Scott: You can't prove what happened!*

*John: I can prove what didn't happen.*

*Scott: No you can't prove that.*

*John: You have accepted a narrative that dooms your father for all time. You had your big report and it got dismissed because there were no new facts...*

*Scott: Oh your are right, that was my last move (sarcastic). We have haven't thought this through. We need you to fucking bail us out! I got more in one day with Dick Thornburgh than you have gotten in a year and a half! Go away! You want to make this a public fight I will carry it through. Give me seven weeks and if I haven't changed your mind (about how I can win this) then do whatever you fucking want and we'll go to war.*

*John: Why would I do anything you tell me to? You have made it clear that I am the enemy.*

*Scott: You make yourself the enemy with airing Jerry with my name on it. Paterno is my name.*

*John: You haven't even asked me how this will be disseminated...*

*Scott: I don't care. I don't want it out there.*

*John: If you had given me any reason to believe or trust you or your direction I would consider doing what you want.*

*Scott: Its my father. Its my kids who will have this last name. When this is over you walk away without anything but a fucking pain in the ass.*

*Scott then tells a story of being in bar and giving bartender a credit card and the bartending telling him that Paterno must be a bad last name to live with.*

*Scott: You are so arrogant. You sound like fucking Obama telling me what's important to me!! Fuck you John and fuck the horse you came in on!!*

*Scott then hangs up the phone.*

While I am obviously not completely objective here (though I honestly believe that I am far more so than most would be under these circumstances), I truly think that, in some ways, that phone conversation says more about what really went down in this whole story than just about anything else I have uncovered.

Scott's responses simultaneously reveal a significant part of why Joe Paterno got into this mess, why he couldn't get himself out of it, and why the family's responses have been as ineffective as they have been. Quite simply it is because Scott Paterno, due to being overly driven by ego and emotion, is a person who was in no way equipped to handle the legal, political, or public relations aspects of this story, and he was the one who was somehow making, or at least approving, most of the decisions by the Paterno camp (ironically, I and others close to the case are convinced Joe let Scott handle this situation because Joe was so certain he had done nothing wrong that he didn't consider himself to be in serious jeopardy).

Thanks to his extremely emotional reaction when he mistakenly thought that I was saying Joe Paterno was "guilty," it also shows that Scott strongly believes his father/client to be "innocent." This may seem like an insignificant discovery, but for me it was not (I made that obviously loaded statement to him at least in part to see what kind of reaction I would get).

If Joe Paterno truly was "guilty" then Scott would be the one person on the planet sure to know it. I had often told people close to the case that Scott's actions were about the only thing that really worried me that I could be wrong in my conclusions because they sometimes seemed consistent with some level of "guilt" (memorably, when I told one of the primary players in this case that, based on Scott's behavior, I could only conclude that either Joe was at least somewhat "guilty" or that Scott was an idiot, they assured me that he was confident that it was latter).

After Scott hung up on me and we tried to make a decent record of the call, I got a hold of Franco Harris. I wanted to let him know that things were now sure to eventually blow up between me and Scott, that my efforts were now doomed to failure, and that he should feel free to throw me under the bus when needed so that he could maintain his close relationship to Sue Paterno. Remarkably, Franco assured me that the last part of that equation was the last thing I needed to worry about and expressed his full support for what I was doing.

Meanwhile, Scott was already moving to let the rest of the Paterno family know that I was being excommunicated from the movement. This error-filled email was sent presumably to everyone in the Paterno brain trust and then forwarded to me by Scott, I presume with the purpose of trying to frighten me.

**From:** GEORGE SCOTT PATERNO <[quincyXXXX@me.com](mailto:quincyXXXX@me.com)>

**Subject:** John Zeigler

**Date:** March 2, 2013 3:24:27 PM EST

All,

I wanted to let you know that we will be publicly distancing ourselves from the work of "framingpaterno" and John Zeigler. While we have never challenged John's assumption of some role in our battle for the truth, he recently made decisions that we simply cannot have associated with our name. I reached out to let him know this and he responded with the meal you will see below.

We then had a every angry call, during which John said "you are the person in this mess I loathe the most," which he then quickly moved to except Jerry, so I guess I have that going for me.

This is a long tough process. But quick fixes and sensationalism that is easily ignored does not serve us. As our report shows, we are taking the thoughtful and CREDIBLE path.

I hope you can all respect our position.

Thank you for your continued support.

All the best,

Scott

Bizarrely, after Scott and I exchanged a couple of more emails (and I reminded him how to spell my name correctly and mentioned that his own expert, Jim Clemente, had helped me both prepare for and interpret the Sandusky interview that had so incensed him), he sent me this last message, which seemed to be a promise to remain quiet, at least for the short run.

-----Original Message-----

From: Scott Paterno <quincyXXXX@me.com >

To: talktozig <talktozig@aol.com >

Sent: Sat, Mar 2, 2013 4:01 pm

Subject: Re: John Ziegler

One last thing - I emailed Clemente and asked his take on whether airing helps the victims. If he signs off on what you want to air and will say so publicly I am always willing to do what is in the best interests of awareness.

I may have misinterpreted that email, but I thought what Scott was saying there was that if my message was crafted in such a way that Clemente thought that it was a positive development for understanding pedophilia, that Scott would then deem it to be politically correct enough to not have him try to undermine it. I did find it amazing that nowhere in any of his correspondence with me did he seem at all concerned with what the actual truth was.

Unfortunately, numerous further conversations with Clemente were rather fruitless, at least in part because, according to Jim, Scott had not communicated clearly to *him* what exactly his role was supposed to be here. Jim apparently hadn't been explicitly told by Scott that he was the official "arbiter" of this situation, and I really didn't care that much about what Scott decided to do (this was partly because I knew my efforts were already doomed, because I knew Scott wasn't rational enough to ever change his mind, and because I had miscalculated how things were going to transpire with the Today Show, which I already knew was where bits of the interview would be first released). This meant that our already slim chances of pulling off a negotiating miracle were effectively non-existent and I had more important things to be worried about than Scott's sense of self worth.

Sure enough, despite the best efforts of Franco Harris and his wife Dana (who was has been the backbone of our counter movement) to try and get Scott to at least stay quiet through my release, the "Paterno Family" put out a statement the night before my Today Show appearance (a statement Jay Paterno told me he lobbied against) essentially giving the media everything they needed to discredit or

ignore my findings. My interview with Sandusky was intended to be a Trojan Horse with which to get me inside the mainstream media to make the case that Joe Paterno had been railroaded, but Scott Paterno acted effectively as a snitch who alerted the enemy (the media) to the plan.

Taking myself out of the equation (the statement didn't actually use my name, it claimed that using a Sandusky interview to try to find out what happened was wrong), the Paterno proclamation made no logical sense at all.

First, they released their "rush to judgment" before they had any idea whatsoever what I was going to say or what clips from Sandusky would be used (how it ever became appropriate to ask people on live TV about statements which were released before those who wrote them have any idea what you are actually going to say is truly mystifying to me).

Second, their own "Paterno Report" properly ripped Louis Freeh for not speaking to any of the primary people in the case, and yet here they were criticizing me for speaking to the person at the center of the entire story (from the perspective that their guy got railroaded!).

Thirdly, the only objective the statement truly achieved was to placate Scott's ego by allowing him to feel as if he had finally accomplished something, but in exchange for having eliminated me as a "threat" to upstage or disrupt his grand plan, he effectively destroyed the last chance for his "client" to finally at least get a fair hearing on the evidence.

There was simply no need for what Scott did. No one would have blamed the Paternos because I (a person they had never publicly supported or privately helped in any significant way) did an interview with Sandusky, which the Today Show deemed newsworthy enough to place in their most-watched time slot. Scott simply created a need in his mind to separate himself from the interview so that he could justify sticking it to me and "winning" this bizarre "competition" in which he seems to see us engaged.

It was almost entirely personal for Scott and motivated by deeply rooted factors which I couldn't possibly begin to fully understand. The proof of that is that if a celebrity like Matt Lauer had done the Sandusky interview, which he had wanted badly to do, I have zero doubt that Scott would have never said a word about it and may have even commended the findings (tellingly, Scott recently allowed a family statement to go out properly lavishing praise on Franco Harris, but some of Franco's beliefs about this case are even more "controversial" than mine).

I honestly hope that Scott felt good about his moment of power over my efforts for the truth, because he sacrificed an enormous amount on behalf of a lot of people who care deeply about this issue and who want the truth to win out. And he did it mostly just for that fleeting feeling of having shown me who was really in charge here and to justify his previously taken position (as outlined in the Paterno Report) that they needed to accept the vast majority of the media's narrative.

When Lauer [inevitably asked me](#) about Scott's statement on the Today Show, my voice cracked and those in the studio apparently thought I might shed a tear. This emotion was honestly not for me (though I am sure it was fueled in part by the knowledge that a year's worth of great work, as well what I strongly believe to be the truth, was in the process of being needlessly destroyed). I was thinking about Joe Paterno and all of the many people who still believe in him, and how the final nail in his historical coffin was likely being hammered by his own son (who probably didn't even realize it and certainly wasn't honest enough with himself to admit it).

Of course, a large part of why I got emotional was that I knew that Scott's effort to sabotage me would be successful (the irony and "coincidence" that perhaps Scott's only "successful" strategic move in this saga targeted the efforts of the person who was most likely to expose his own role in his father's demise should not be lost here). I was fully aware that the media didn't even need an excuse to try and render me and my revelations "not credible." Even though it meant giving Scott Paterno credibility for the first time ever, since consistency and logic are hardly required in modern media decision making, this would not be a problem for them.

It is important to point out that while Scott's torpedoing of my Sandusky interview was indeed "successful," it was *not* because of the thinking he outlined in his last phone call to me. Obviously, he seemed to believe and hope that he (or, more specifically, his mother) would kill my support from Penn State people. One of the many reasons Scott and I didn't get along is that he was under a massive misperception that I somehow was in this for money and that Penn Staters were my "core customers." Bizarrely, Scott even direct-messaged at least one (I am sure there were others but I only have the proof of one) total stranger on Twitter to tell him a completely concocted story of how I have set up a shell company so that I could falsely claim I wasn't making any money from my efforts.

But from almost every indication I got, the "core" supporters, while understandably confused, were almost completely unmoved by Scott's actions. Instead, in yet another irony, it was the very news media which suddenly decided to treat his words as having real significance who were the only people really impacted by his sabotage efforts. That, combined with things having gone unexpectedly haywire behind the scenes at the Today Show (which is rich fodder for a completely different writing project), eliminated any leverage that we might have had during the Sandusky interview's release, as well as control over my intended message.

Instead of the remarkable revelations regarding the real "Victim 2" being the story, it was instead, thanks largely to Scott feeding the narrative, mostly about what a "debacle" the whole affair was. If there was one fact which personified just how impervious the media is to even hearing the other side of this story, it was probably that after I waved the dramatic, never-before-seen statement of "Victim 2" live on both the Today Show and primetime on CNN I did not receive even *ONE* media inquiry about the document. Not one!

Hilariously, during the commercial breaks while in studio with the extremely rude, arrogant, and ignorant Piers Morgan on CNN he literally didn't even look at the document. Morgan was so disinterested in the text that I might as well have been holding a set of guidelines for good journalism (in which he would have obviously been equally apathetic).

So instead of the media seeking out "Victim 2" (whose name I never purposely published even though he had "outed" himself when he wrote those published letters to the editor in his own name supporting Sandusky) and Mike McQueary and at least asking them some important questions about whether the entire narrative here had been based on a falsehood, I became the target of vicious and absurd attacks. Since I had predicted on the Today Show that this would happen, and was completely prepared for that inevitability, I really couldn't have cared less about me. I was just profoundly disappointed that the truth was getting lost in all of the insanity. In fact, I truly wish Scott had issued a statement saying that John Ziegler is the biggest jackass who has ever lived but you may want to take a listen to the Sandusky interview.

As for the silly charge that I was relying completely on the word of a convicted child molester who refused to take the stand in his own defense (and, unbeknownst to the world until now, took a lie detector test which was "inconclusive"), this defied simple logic. I never gave full credence to anything he said unless it could be corroborated by other evidence, or if at least it was against his own self-interest to say (which, by the way, the identity of "Victim 2" fits into both of these categories). Also, it should not be forgotten that people are routinely put to death in this country based on the testimony of convicted felons.

Since when does being a convicted criminal mean that you are definitely lying about everything? I guess, only when the media *really* doesn't want to believe you because it will mean that they were flat wrong about one of their favorite stories of all time.

If that bit of convenient situational ethics on the part of the media was not "insane making" enough, the notion that I was the "not credible" one in this equation was flat out hilarious. After all, I had spoken to more of the people closest to this case than probably anyone else and had researched it nearly non-stop for a year. I was the only person to ever extensively question Sandusky on the record. And yet, sports media people who still were routinely still under the delusion that Mike McQueary witnessed a "rape" and told Joe Paterno about it, were the same scribes claiming I was the one who didn't have a clue (and many of these same lemmings were among the media horde who also told us with great certainty that the Mark McGwire/Sammy Sosa duel was great for baseball, Lance

Armstrong never cheated, the Duke Lacrosse team committed a gang rape, Tiger Woods was a good family man, Tim Tebow is an NFL star, Manti Te'o endured an unspeakable double tragedy, and Oscar Pistorious was an international hero).

In the end, I believe that the truth, as well as the last evidentiary path to Joe Paterno's exoneration was completely lost amidst the mayhem caused by the toxic mix of politics, insecurity, ignorance, and self-preservation. What should have been a game changer was really, barring some sort of dramatic development, a game *ender*, at least in the realm of the publicly accepted narrative of this story.

In my view this was proven just a couple of months later when yet another potentially destructive storm hit the media's narrative and it barely even registered on the national radar.

It was obvious after the way the media reacted to me (thanks to a big assist from Scott Paterno) that a non-celebrity such as myself had no chance of storming the heavily fortified walls that they had constructed around their narrative. Even before I went public with the Sandusky interview I had spoken with Bob Costas twice (thanks, in large part to St. Louis radio host Kevin Slaten who is friends with Bob and who had successfully pushed him to read the full Freeh Report and opened up his mind to the possibility that the conventional wisdom could be very wrong here) and told him point-blank that if there was any chance of correcting this injustice that it had to start with someone such as him who had the celebrity and "gravitas" to be respected by the rest of the media. He seemed to instinctually understand that reality and I was pretty confident that he would make at least some legitimate attempt to reopen the case.

Costas kept his word and used the filing of the long-awaited and probably well overdue lawsuit on behalf of the Paterno family and others against the NCAA to do an hour-long program on the NBC Sports Network about the Freeh Report. The show itself was very solid, but unfortunately ran extremely late at night thanks to the NHL playoff game going into overtime just before the broadcast (yet another example of the "Perfect Storm" against the truth here) on a network which is almost totally unknown to the average American.

There were two amazing elements of the special which, in that nonexistent remotely rational world, should have easily sent instant shockwaves through the sports media.

The first was that both Louis Freeh and Mark Emmert were invited by Bob Costas to participate in the show and they both refused without even a hint of a legitimate explanation. The second was that Costas himself, the most respected sportscaster in the country, articulated, powerfully and convincingly, serious doubts about the accepted Paterno narrative, especially with regard to the alleged cover-up.

It would be hard to imagine two more easily understood developments occurring with more potential to at least get people to say, "hmmm... what is really going on here?" than these. After all, how could Freeh possibly claim his investigation has any legitimacy when he won't even answer questions from a broadcasting icon who had originally completely supported his findings? However, as has happened so often in this story, the truth's best punch once again had landed with almost no impact. Remarkably, though, sadly and predictably, the rest of the media essentially conveniently ignored these incredible developments.

It is my belief that what happened to me and the revelations from the Sandusky interview (specifically the real story of Victim 2) had a significant impact on the Costas show lacking the power that it should have. I had told Costas about these important new facts and given him the entire transcript of the Sandusky interview. It seemed to me that he fully understood their implications and I know he watched my appearance on the Today Show. But after what Scott Paterno did that day there was no way that Costas, who already knew that he was out on a precarious limb by even taking this story on at all, was ever going to touch a subject which had now been deemed "toxic" by even the Paterno family.

I also think that what happened with the Sandusky interview semi-officially put the story into the realm of "old news," and thus gave the media yet another excuse to ignore what Costas had done on a network where very few were watching. As proof of this, it is astounding how much less interest I got from both news reporters and producers of various movie projects about the content of the Sandusky

interview after what Scott did as opposed to before, even though, until now, the vast majority of the incredibly compelling content has never been released (as an example, I got enormous interest from the Today Show for the Sandusky interview, but if, just a couple of months later, someone got an interview with Victim 2 or even Mike McQueary, my guess is that they would probably pass on, or at least greatly downplay, the whole subject).

While there were probably multiple reasons for that, it was very clear to me that the story was no longer on the list of ratings “winners” which are to be discussed whenever there is any chance to do so, and is now placed into the category of “been there, done that” stories of which people are just tired (the Costas special didn’t even register in the cable ratings that night and far fewer people saw it than viewed even my CNN battle with Piers Morgan). From a media perspective, except in parts of Pennsylvania (even in Harrisburg one prominent TV reporter has told me and others that they have been told to back off the issue), the story is simply dead. That is a large portion of the reason that the Costas special was disregarded and why it is that a court of law is likely the only place where the truth of this matter may have any chance at finding renewed life.

## CHAPTER TEN: CONCLUSIONS

One year after the release of the Freeh Report, this is what seems to be reality of the aftermath of the Sandusky scandal and its impact on the State College community:

Joe Paterno's reputation and legacy have been completely destroyed, the Penn State football program has been crippled, and the university's reputation has been badly besmirched. Many lives have been greatly damaged, money has been lost, friendships have been severed, and wonderful memories have been painfully erased. The public battle to tell the real truth of what happened here has been badly lost and, thanks to the media shutting down the investigation, there is no chance of that dramatically changing anytime in the near future. The only current hope for justice hangs on two very different court cases, neither of which may ever even reach the point of an actual verdict.

What caused this seemingly dire set of circumstances? Well, in my view it all comes down to lots of cowardice, stupidity and back luck (most of it flowing directly from the "Original Sin" of this story, the decision of the Penn State Board of Trustees to effectively fire Joe Paterno and Graham Spanier, thus creating in the media/public's mind an irreversible "guilty" plea).

The media and most of the public somehow bought into a scenario which makes absolutely no sense and for which there is shockingly little evidence. Think about it. Joe Paterno, a man without a major ethical blemish in a half century long career of swimming (and winning) in the shark-infested waters of college football, decided to actively protect a child molester who *used* to work for him, whom he never liked, and who had open disdain for him? Why? To avoid bad publicity, something about which he never previously cared and which would have been highly unlikely to come his direction anyway?

Wow. That is quite a story.

It has always baffled me that that there is absolutely no proportionality in this case when it comes to what we have been asked to believe and the nature of the evidence to justify that scenario. As someone who has a dim view of humanity in general I acknowledge that of course it is *possible* that Joe Paterno was a complete fraud for 50 years or that he nonsensically decided to throw away his reputation at the end of his life for no apparent reason. But if you are going to convince me of something that outrageous you better at least bring some damn evidence to the table.

Take for instance the O.J. Simpson case. Was it absurd to think that someone like Simpson would kill two people for no seemingly logical reason? Of course it was. But the evidence that he indeed did do that was not only sufficient; it was overwhelming (though sadly, to the criminal jury, a videotape of the crime literally would not have been enough evidence to overcome the absurd burden of proof in that case). In comparison to the proof against Simpson, the evidence against Paterno is like the plains of Texas measured against Mt. Everest (and frankly the evidence of Simpson's guilt was also stronger than what currently exists against even Sandusky).

And yet, incredibly, the media is still completely convinced that Paterno is guilty of at least grave moral weakness and potentially criminally running a cover-up to purposefully protect a person he knew to be a pedophile (and yet those who believe in the former scenario seems to have no issue with Paterno being punished based on the very different latter circumstances). The strangest part of their certitude on this issue is their universal unwillingness to debate me or anyone else on the actual facts here. You would think that if you were really so confident in yourself that you would enjoy humiliating someone like me by showing the world how utterly wrong I am. And yet the opposite has been the case. No matter how much money I offer to charity (since they all seem to say that it is the "victims" who matter most) I have never gotten anyone in the media to debate me other than for a few minor bouts on Twitter before they inevitably quickly run away realizing that they are overmatched.



If I ever did get the chance to fairly debate any of these frauds, here are just some of the questions which need to be answered in order to believe that Joe Paterno is indeed "guilty" as charged. Despite enormous efforts to do so, I have never had even one media member even try to sufficiently answer any of them.

How do you have a cover-up without Mike McQueary, the only witness, being intimately involved?

Why is McQueary not even alleging being part of a cover-up in his lawsuit against Penn State?

Why was McQueary not given the open wide receivers job until three years after the incident?

Why was McQueary not prevented from testifying by Paterno or at least told to tone his story down?

Why did Joe Paterno testify in a way which actually partly backed up McQueary, even in his final police interview when he had to know that his "cover up" was falling apart?

Why, when all the principles knew that McQueary had testified almost a year before the story broke was none of the "evidence" destroyed and why were they seemingly completely unprepared for what hit them?

Why did Curley, Schultz and Spanier not even bother to hire their own attorneys and why did Paterno only "hire" his son Scott?

Why did Curley and Schultz not even try to get their stories remotely straight?

Why have Curley, Schultz and Spanier not flipped on each other for a plea bargain?

How is it that Spanier could even be theoretically involved when that would have either required it being his idea (in which case Curley and Schultz would have thrown him under the bus immediately), or that Curley and Schultz nonsensically told their boss that they were going to engage in a cover-up of a pedophile?

Why, if Paterno led a cover-up which destroyed his career/life did Curley release a statement praising his "honor and integrity" when he died?

Why would they cover up the crimes of someone who was an ex coach who no one liked and who had disdain for Paterno?

Why did Paterno follow up with McQueary to ask him if he was okay with how things were being handled and why did he say that he was?

Why has not one person come forward to say that they knew all along that Sandusky was a pedophile?

If they knew Sandusky was a pedophile, why did Penn State football elect to maintain a close relationship with the Second Mile charity long after he left, and even after the 2001 episode?

How was Joe Paterno supposed to know that Sandusky was a pedophile when Jerry's own wife and several of his kids are *still* convinced, even after his trial, that he is totally innocent?

What exactly was Joe Paterno supposed to do differently and exactly when was he supposed to do it in order to have not done "wrong" here?

Why did Paterno allow writer Joe Posnanski to follow him around and allow him to maintain access during a year which he had to know (if there really was a cover-up) that it was all going to come collapsing down after McQueary testified in late 2010?

Why did Posnanski not find even one significant piece of evidence implicating Paterno?

Why was Paterno, a guilt prone ardent Catholic, smiling and waving publicly after he was just fired for protecting a pedophile and had to know that his cover-up was going to become public?

Why was there not one shred of consciousness of guilt shown by anyone who was supposedly part of the cover-up?

Unfortunately, I have very little confidence that any of these vital questions will ever be answered satisfactorily, mostly because they can't be without a giant hole being blown out of the media's conventional wisdom about what really happened here.

After over a year of researching this case far more than I ever imagined that would, here are my current, pretty much unvarnished, thoughts/conclusions on most of the main figures in this story.

### **Jerry Sandusky:**

Like most people, I presumed that Jerry Sandusky was pedophile from the moment the full allegations became public (I even vaguely remember hearing a news story about the grand jury in March of 2011 and instantly thinking "I believe that"). However, my first "blink" reaction after reading the nature of the evidence against him after his arrest was that the prosecution's case wasn't nearly as strong as the perception that was being created. Initially it seemed possible to me that the worst of the allegations were being exaggerated, but once the trial/convictions occurred and many other victims came forward I concluded that he was pretty much the "monster" that he was being made out to be (my wife and I even jokingly nicknamed our dominant cat "Sandusky" because of how he would treat our submissive one), though the story of the McQueary episode still never rang true to me.

When I started to correspond with Sandusky via letters/e-mail and finally went to see him in prison I had no desire whatsoever to become his defender in any way. In fact, I made it clear to everyone in his camp that I believed him to be fully guilty and that the only "positive" thing that I was likely to say about him was that his trial was not fair from a due process perspective.

I took very seriously the fact that the interview I did with him would likely be his last chance to tell his story. I felt a great burden from a historical as well as a justice perspective and this only heightened my desire to have no ambiguity in my mind with regard to his overall level of guilt. My life and task going forward would be far less difficult if I did not have to worry that perhaps an injustice of some sort had been done to the most hated man in America. Since I was confident that he was guilty as hell, it was my expectation that this would not be a major problem.

However, despite this profound self interest, after our three hour visit, two phone calls, and well over a dozen letter exchanges, much to my chagrin, I was left with considerable doubt about the true nature of his crimes.

To be clear, I know that Jerry Sandusky is a pedophile who engaged in acts which were criminal, wrong and not to be minimized. As I have told his wife Dottie, I know this because of the following facts:

- He showered naked alone with Victim 2 just a couple of years after almost being arrested for doing the same thing with Victim 6. For that to make sense, at the very least there needs to be some sort of powerful compulsion driving such incredibly reckless/stupid activity.
- He took a lie detector test and the results were "inconclusive." Based on what I know, it appears that he "passed" on the most horrendous allegations and "failed" on some of the crimes which were not overtly sexual.

- He didn't take the witness stand in his own defense. In my mind, in a case like this, if you don't take the stand you forfeit any right to claim total innocence.
- He told me that, while he was innocent, he "[may have tested boundaries](#)" when it came to the nature of his physical contact with young boys. This is simply an inexplicable statement (it also is essentially an admission of some level of criminal guilt) unless some strong desire is driving you to engage in such obviously troubling behavior. When he said this to me I was shocked, but I interpreted it almost as if he was a married man talking about a trip to a strip club where there are the "rules," and then there is what you can get away with.
- There are just simply far too many victims who claim a similar pattern of "grooming" or "boundary pushing" conduct for them all to be completely lying.

But while I am sure that Sandusky is indeed a pedophile, I have increasing doubts that he really is the hideous "monster" that he has been made out to be and whether he was really guilty of the most horrific acts of which he was accused. There are several reasons that I have begrudgingly come to this tentative conclusion despite a profound self interest not to do so. (Ironically, even if he wasn't a pedophile or in prison, I don't think I would like Sandusky very much. I see him as narcissistic, naïve, weird, not very bright, and a bit of an egomaniac.)

First, everything he has said and written to me is 100% consistent with the notion that he is a pedophile but one who, like the majority in that Harvard study I referred to earlier, never actually engaged in overt sex acts. It appears to me that Sandusky may not even be a sexual person at all (a close reading of [the transcript of my prison interview](#) with him seems to provide multiple clues in this direction).

Second, the nature of the evidence against him on the sex acts is still far less decisive than anyone is willing to admit. Even a member of the grand jury which heard all the most critical testimony under the most advantageous of circumstances to the prosecution has told me that they have gone from totally believing the victims (specifically Aaron Fisher) to now having serious doubts, especially on the overt sex acts.

Not only did none of the original victims claim "sex" in the first version of their story, but all of their accounts shifted dramatically (often times in contradictory fashion) and all of them had a profound financial incentive to provide what the prosecution/investigators/therapists made it very clear they wanted.

There was also a remarkable dearth of the type of evidence that you might expect if someone was really raping boys for decades. Not only was there absolutely no DNA or physical evidence (the only victim who claimed being frequently anally raped was not given the type of examination which likely could have verified that), but there wasn't even any testimony about Sandusky's penis or inopportune erections. There was also not one bit of evidence that Sandusky ever used alcohol, suggestive sexual language, or pornography (none was ever found on his computer), and no one has ever alleged that any direct pay offs to silence victims was even proposed (though there have been rumors, which seem dubious to me, of the Second Mile doing this via free cars), all of which is almost standard when it comes to the MO of a prolific pedophile like, for instance, Michael Jackson. By all accounts Jerry had a very good relationship with his father and was not abused himself, which is the opposite circumstance of many pedophiles. Incredibly, only one person, Mike McQueary, ever claimed he saw Sandusky acting inappropriately with a young boy and he based his account on no more than a three second glimpse which is currently strongly disputed by the victim himself as well as a significant body of circumstantial evidence.

Even the number of victims, when separated out by those who claim actual sex, is far smaller than both the public perception and what one might expect under these extraordinary circumstances. Only two of the original victims say they were forced to engage in sex acts. One of those was the victim who investigators were caught on tape planning to lie to him, at the urging of his own attorney, to get him to claim sex. Two others came forward after the arrest and went under oath at Sandusky's trial but both their testimonies have very

significant problems (Victim 9 said many things which would have been logistically impossible and Victim 10 was an ex con/drug addict who, among other things, claimed Sandusky assaulted him in a silver convertible which the Sanduskys never owned).

While having four adult males testify under oath that Sandusky forced them into sex acts is indeed very powerful and disturbing evidence, that number still seems far too small if Sandusky really was the “monster” that most people now believe him to be. After all, this was after a three year grand jury investigation and the most highly publicized arrest of its kind in history. The media made it very clear that no victim would be treated unfairly or be identified and Penn State all but handed out blank checks to any victim who made any sort of allegation against Sandusky. Then you have to add into the equation that, thanks to his role at the Second Mile and as a foster parent, Sandusky had been in close contact over the years with an *extremely* high number of kids, almost all of them troubled and financially disadvantaged. The pool of people who could have plausibly claimed to be a victim of Sandusky was exceedingly, and perhaps unprecedentedly, large (especially when you consider that some of the current “civil” accusers allege nothing more than being tossed around by Sandusky while swimming).

Under all of these circumstances, once the floodgates opened in November of 2011, logic would dictate that you might have hundreds of men suddenly coming forward (as has happened in other cases like that of the BBC children’s broadcaster). And yet only four people have ever testified that Sandusky engaged in sex with them (it is possible that others have come forward to claim “sex” for “civil” purposes, but why didn’t they testify at trial?). That number just doesn’t make sense to me. If Sandusky is who we have been told he is and he engaged in this behavior for 30-40 years, why aren’t there far more people alleging the worst variety of the allegations? And why did the prosecution feel as if it had to rely on four victims who didn’t even claim sex and two more “victims” who they pretended were literally nonexistent?

While hardly scientific, Sandusky’s various reactions to me have also been consistent with something being wrong with the conventional wisdom about him. Not only was he convincing on the worst of the allegations, he was constantly saying things like “I am not the monster they made me out to be,” “there were exaggerations,” “this whole thing wasn’t fair,” “I never did these despicable acts,” “I never harmed those boys.” But yet he never really fought hard to deny that he acted in ways that could be considered highly inappropriate or even criminal (except to say that he grew up in an environment where nudity was highly prevalent and accepted as normal).

His letters to me after I went on national television to discuss our interviews were also compelling in strange way. I was not at all comfortable with what I was going to say on those programs when I was inevitably asked about Sandusky’s guilt. At the time I didn’t feel quite as strongly about my suspicions that something wasn’t right about his worst convictions as I do now. Also, Franco Harris urged me to not express doubts about that subject because he correctly understood that this would be all the media would focus on instead of on Joe’s innocence. I have to admit that I did feel a little bit of regret about taking this path, even though it was clearly the smartest way to go (and, out of loyalty to Franco, I was highly unlikely to do anything with which he strongly disagreed).

When I returned home to California I quickly got a series of letters from Sandusky which I honestly did not want to open. That told me a lot about where my conscience was on this issue. At some level I must have felt like I had let Sandusky (or, more accurately, the truth) down, which is particularly ironic since I had still just been wrongly accused of “defending Sandusky” by numerous media outlets. When I did open the letters I was quite surprised by what they said and my reaction to them.

At first Sandusky was very angry with me (even referring to me as “Judas” on Good Friday), then he was understanding, then forgiving, and finally he wanted to still try and help me figure out what had really happened here. I found this evolution of his thinking (over about two weeks of letters) towards me to be both extremely interesting and also possibly consistent with at least some level of innocence. After all, if he was a hideous “monster” who had simply failed to fool me, why would he go through that sort of emotional rollercoaster? Wouldn’t he just never have contact with me again other than maybe to say “screw you”? These letters cemented for me

that, at least in the mind of Jerry Sandusky, he is not nearly as guilty of the worst of these crimes as the public perception of him (this of course leaves wide open the possibility that Sandusky truly has a very real Jekyll/Hyde split personality complex).

I fully realize that for many people this “conclusion” (I am hardly certain of this belief, but I currently have over 50% confidence that Sandusky never had “sex” with a boy) is simply not believable. I accept that unfortunate reality, but my quest here is to figure out what really happened and this is what I currently think is the truth (and, for the record, so do *many* others very close to this case, its just that I am the only one stupid enough to say it publicly).

Of course the primary importance of this revelation is NOT to “defend” a pedophile. Sandusky committed crimes and belongs in jail (though what created his crimes may be much more of an illness than an intent to do criminal harm). Instead, it is to show just how reasonable it was for Penn State to not act more dramatically in trying to curtail Sandusky. The evidence just wasn’t found, mostly because it didn’t really exist.

As I have been stating throughout this work, the nature of Sandusky’s crimes and the culpability of Penn State/Joe Paterno are far more interconnected, at least in perception, than certainly people like Scott Paterno would like to admit. Not only is the public far more likely to “pardon” Paterno if they ever realize that Sandusky was not going around State College indiscriminately “raping” young boys at the 50-yard line at Beaver Stadium, but this entire story makes a heck of lot more sense if my current view of Sandusky’s crimes is remotely accurate.

Think about it this way, in order to believe the current conventional wisdom about Sandusky you have to buy into a lot of *really* bizarre and horrific things happening to a lot of people over a lot of years without any of them saying anything about it to *anyone*. Then you either have to come up with a really hard to fathom scenario where either he somehow got away with all of these horrendous crimes for an incredibly prolonged period without anyone knowing what was really going on, and/or you have to buy into the theory that there was a concerted (but nonsensical and poorly executed) cover-up of his activities by some of the most respected people in the state of Pennsylvania.

However, to accept my theory of events all you have to believe is that four (in my opinion, perhaps really only the first two from the grand jury presentment) young men, all from poor and troubled backgrounds, greatly exaggerated allegations when they had their arms twisted by law enforcement, and saw a financial incentive, to do so. Based on the concept of Occam’s razor, I would suggest that my scenario wins in a landslide.

Perhaps the number one reason that I currently doubt that Sandusky ever had sex with any boys (or, that if he did, it was an extremely rare occurrence) is that the *rest* of the story makes far more sense if this is indeed the case. Suddenly the actions of Curley, Schultz, Spanier and Paterno seem exceedingly reasonable. Law enforcement no longer seems completely incompetent. The grand jury investigation taking three years to get an indictment is now perfectly logical. How it is that Sandusky got away with such behavior for so long is then explained. So is the fact that many of those closest to him still ardently believe in his innocence. In short, this view of Sandusky takes a puzzle where very few of the pieces match and molds it in a form where, all of a sudden, everything fits nearly perfectly.

Regardless of his level of true guilt, there are at least a couple of things about Jerry Sandusky of which I am quite sure. His living situation is so horrendous that he is currently being punished to very fullest extent of the law and probably even beyond that. If he is totally guilty, he is the most delusional, manipulative, and evil person I have ever met. If he is more innocent than the public realizes, he is both the unluckiest and mentally strongest person of which I have ever heard.

There is also no legitimate chance that Joe Paterno knew that he was a pedophile who was a danger to young boys.

**Dottie Sandusky:**

Before I had got intimately involved in this case, like a lot of people, I presumed that Dottie Sandusky either had to know that what Jerry was up to, or she had to be flat out delusional/crazy. I no longer feel that way. In fact, of all the people in this story, my view of her has changed the most.

I have probably had slightly more communication with Dottie than I have with Jerry and I am absolutely 100% positive that Dottie Sandusky did not know that Jerry was a pedophile and that she still strongly believes in his innocence. This is vitally important not just for theoretical reasons, but also because she needs have blatantly perjured herself on this issue for at least two of the victims who claimed “sex” to not be lying themselves.

One of the reasons I am confident that Dottie didn’t/doesn’t know that Jerry is a pedophile is that, thanks to my rather blunt nature, I am quite sure that she has never had more open/honest conversations about all of this than she has had with me. I held almost nothing back in our conversations and she never once blinked or showed a hint of weakness. Even when I explained to her why I am still convinced that Jerry is indeed a pedophile (though probably one of a “chaste” variety) she listened carefully and sincerely before rejecting my analysis in a way that was not at all based in trepidation or delusion. I expected her to not want to talk about the evidence at all for fear of what it might make her have to come to grips with, but I found the opposite to be true. While she doesn’t know everything about the case, her knowledge of it is way ahead of the average media member who covered it.

I found Dottie to be perhaps the kindest and most understanding person I have dealt with in this entire ordeal (especially when you consider that I have called her husband a pedophile in front of millions of people on national television). There is no doubt in my mind that, other than Sue Paterno, she has suffered more in all of this than any innocent person who will never be paid for what they have endured. She has lost many of her friends, Jerry’s pension and social security, and may have to sell her home. Almost every week she drives, usually alone, over four to hours to visit Jerry in a SuperMax prison where she can’t even come close to touching him.

Despite having many reasons to have anger towards the Paterno family she has never shown any of that to me and she has always tried her best to find out information which might be helpful in clearing Joe Paterno’s name. I know that she badly wants to speak to Sue Paterno and that it hurts her deeply that she has not had a chance to do that.

Think what you will of Jerry Sandusky, but in my view, unless she is an even better manipulator than her husband, Dottie is not to be even remotely blamed for his crimes.

### **Sara Ganim:**

The Pulitzer Prize winning reporter (who has since left her small town newspaper and taken a gig at CNN) is essentially a human Rorschach test on the Sandusky case. Those who think that everyone at Penn State is “guilty” are very likely to see her as a champion for victims and the truth who had the guts to take on the forces of evil in State College and won. Those who see this case as a massive rush to judgment are almost certain to view her as a pawn of the prosecution who ran with a false narrative either because she didn’t know any better, it was good for her career, or both.

Of course the media loves the narrative of a small town, 25-year-old, female reporter who graduated from Penn State having the instincts and work ethic to go after the big story and being able to bring down the old boys network while helping put a pedophile behind bars. The reality, in my view, is that you can actually go a long way in understanding what actually happened in this story by realizing just how wrong that analysis of Sara Ganim really is.

First, it may surprise people to know that I gave Ganim the benefit of the doubt for a very long time on this story. Contrary to popular belief, it took me quite a while to criticize her actual reporting very much at all. I always said that she was a lousy writer and was a pawn of the prosecution, but for a while I thought that she was sincere and that her facts were mostly accurate. Now that I have learned more about the case and her, I no longer feel that way.

I think that the naïve and ambitious young reporter at a small paper in rural Pennsylvania got lucky, got used, and then created/fostered a false narrative because she knew it would be good for her career (or, perhaps, she just fell in love with the version of story that she so badly wanted to be true). I also think that her Pulitzer Prize should be revoked. It should be rescinded if only because of her blatantly violating journalistic ethics by, as was stipulated to by the commonwealth in the Sandusky trial, inserting herself into the case and urging on behalf of the prosecution, apparently successfully, the mother of Victim 6 to find more victims so that the case (and her big story) wouldn't die in the grand jury. I have tried to get her to confirm or deny that this story is fully accurate via Twitter but, strangely, she has never answered such a seemingly simple inquiry and she has "blocked" my account (nothing consistent with something to hide in those actions from a "journalist," right?!).

But even more important than the journalistic fraud that Ganim clearly perpetrated is the fact that she, and therefore her source inside the attorney general's office (Jonelle Eshbach?), felt that the case was in grave jeopardy if they couldn't find more evidence.

Remember, all they really had at this point was the "unfounded" Victim 6 case from 1998 and the unreliable Aaron Fisher's dramatic but ever changing story from the late 2000s. This shows just how weak the case against Sandusky was for most of that three year grand jury investigation and how desperate investigators really were to squeeze everything they could (by any means necessary) out of all their potential witnesses, especially Mike McQueary.

As for Ganim herself, to me her biggest "crime" in the case was writing that narrative- creating article two days before Paterno was fired where she completely manipulated the stories of the moms of Victims 1 and 6 to concoct the idea that they were credibly blaming Penn State and Joe Paterno for not stopping Sandusky. It is now obvious that Ganim's relationship with both mothers was *far* too cozy and that she was not remotely objective (and may have even been openly serving their financial interests) in her reporting of them.

Ganim's treatment of the mom of Victim 6 (whose name I know but refrain from using, even though her last name is different from her son's and she has no logical right to anonymity, because the craziest elements of the victim's rights movement would object) is the most egregious in my view. It can not be stated strongly enough just how clearly illegitimate that mother's claim against Penn State and Paterno really is. And yet Ganim took advantage of the ignorance of everyone in those first few days to create a totally false impression which had a huge impact on how the story went down nationwide.

As for my personal interaction with Ganim, I have found her to be both remarkably dumb and dishonest.

When the Sandusky interview came out, I suggested to CNN that Ganim and I debate in studio together after Piers Morgan and I had a one-on-one segment to discuss my findings. At first we were told by them that this sounded like a great idea and that they thought it could work. Then the morning of the show we were informed by a CNN producer that they thought that Ganim had chickened out. I tweeted Ganim and asked her why she backed out of the show. Remarkably, she responded that afternoon by saying that she hadn't pulled out because she had never even considered doing the program (presumably because going on with me would be beneath a Pulitzer Prize winner or something).

That tweet is apparently is still in her account from March 25<sup>th</sup> and it was a blatant lie (actually a double lie). Not only did she originally wimp out, but once CNN agreed (without telling me until I got to the studio) to have her on *after* me so she wouldn't have to debate me, she showed up on the program via satellite. So much for her having "never considered" coming on the program with me (I have zero doubt that she was terrified that I would confront her about information regarding the mom of Victim 6 which she had to know Sandusky would have been eager to speak to me about). Realizing that I had been "set up" and in a no win situation, I pretty much did a kamikaze attack on the segment.

Ganim's Twitter account also reveals at least two other issues related to me which further expose her lack of integrity. Before even knowing anything about the interview I did with him, she wrote that it was interesting that I was "teaming up" with Sandusky and that

doing so destroyed my credibility. Not only is that an utterly absurd thing for a “journalist” to say, but I am quite certain that had she been given the opportunity to interview Sandusky that she would have jumped faster than whenever she got a text from the mom of Victim 6 during the grand jury investigation.

Ganim also laughably tried to claim that my Victim 2 revelations were old news because she had supposedly already written about them. This is particularly ridiculous on numerous levels. First of all, her article on the subject was so convoluted that it took me several reads before I even understood it (and I knew more about the subject than almost anyone). Secondly, her article simply raised questions which I now had the answers to because I had the identity of (and therefore the extensive background of) the “boy in the shower.” Thirdly, the whole point was that I had the never before seen statement that Victim 2 had given strongly saying in detail that nothing sexual happened in the shower that night.

Frankly, it was pretty obvious that Ganim was more than a little jealous and probably even more worried that the house of cards upon which her new found fame and CNN job were built might eventually come crumbling to the ground.

The bottom line on Sara Ganim is that she did very little, if any, great reporting in this case. She put herself in a position to be used by a prosecution who needed her to put out what was essentially an ad in the local paper asking for victims to come forward (thus the article in March 2011 which first leaked details regarding the existence of a grand jury investigation of Sandusky). She then made it all work for her and her career, but not for the truth or justice.

I am a notoriously pessimistic person, but I am actually rather optimistic that Sara Ganim will eventually be revealed for what she is. She is completely in over her head at CNN and unless lightning strikes twice and the prosecution in some high profile case decides they need a stooge to leak to and for some reason chooses her, her career there will not last long. I even think that there is a good chance that, since she knows she is a fraud, that she will get desperate and do something particularly stupid which will end up exposing her career as being based on a deception.

### **Tom Corbett:**

It is clear that for many Paterno supporters that Governor Tom Corbett is one of, if not the largest, villains in this saga. It is quite possible that this is indeed the case. However, personally I have never been able to get a good handle on him and haven't felt as much anger in his direction as most others on my side of this story do.

I fully realize that, having been the attorney general when the case started and then governor when it exploded, Corbett has had the means, motive and opportunity to manipulate nearly every aspect of this story. Based on the evidence of his highly unusual/late booking of rooms at the Nittany Lion Inn (which kicked Anthony Lubrano out of his reservations and prevented Lydell Mitchell from getting them) for the days before the Nebraska game, there is also no doubt that he played a huge role in the critical timing of when the grand jury presentment was leaked and how Joe Paterno was fired. Corbett clearly has lots of blood on his hands, but my gut tells me that it was at least partly by accident.

The primary reason I feel that way is that there are two things I am sure of about him: he is not particularly smart, and he will do anything he thinks is in his political interest to do. I just don't see him as this evil, manipulative puppet master who is capable of orchestrating what was essentially a massive conspiracy. Just because he may have been happy, at first, with how things went down, doesn't mean that he directly caused them to happen that way, or even foresaw that they would.

It appears to me that the “Corbett wanted to get Paterno” theory doesn't make a lot of sense because on the first day of the story the attorney general's office *praised* Paterno and because there was no way for Corbett to know that the media was going to turn so hard on him at that point. Going after Paterno was still extremely risky and held very little reward, especially since he was actually a very important witness for the prosecution.



It may sound naïve to some, but I really think that Corbett looked around on that Tuesday/Wednesday and realized that Paterno was now an easy fall guy, saw him standing dazed on the side of a cliff, and decided to push him off. After he realized it would look good politically (at least in the short run) for him, he took the credit. I could be wrong, but his role just didn't feel like it was as the leader of this grand evil plan (though I do acknowledge that he had a vendetta against Graham Spanier who told me he thinks that he was the real target here and that Anthony Lubrano may be right about John Surma having communicated extensively with Corbett about all of this before it happened).

For me there are two "smoking guns" that Corbett didn't create a grand plan here. First, there is his [bizarre citing of the "ten-year-old boy"](#) at his November 10<sup>th</sup> 2011 press conference as the reason for Paterno's firing and then his delusional claim on camera two months later that he never said that (he obviously got "new" information about Victim 2 which he should have had prior to that). Secondly, there is his All-World flip-flop on the NCAA sanctions which led to his desperate "Hail Mary" lawsuit which failed to even get standing.

There is no doubt that Corbett deserves a lot of blame here, but I see him as too much of a moron and a selfish politician to be running a plot as complex and unpredictable as this one would have been. The main reason I am confident that there was no grand conspiracy here is that there is just no way that government workers could possibly be smart/proficient enough to make sure it worked out as perfectly as this one did (other than the fact that it will likely result in Corbett being a one-term governor). Something this amazingly effective could only happen mostly by chance.

#### **Louis Freeh:**

I see Freeh as little more than a hired gun who is more than willing to use his credentials as a former director of the FBI to make lots of money by telling his clients exactly what they want to hear. I think that he is a whore, but probably one that is so good at self delusion that he convinces himself that he is on the side of "right" (which just happens to be the side paying him lots of money) and then rationalizes the known evidence to conform to whatever conclusion he has already come to.

All you really need to know about the credibility of Freeh's Sandusky investigation (which, ironically, placed very little of the guilt on Sandusky himself) is that he held a press conference less than an hour after releasing a 267-page report and then, despite promise to do so, never did another interview about it. Not even when asked to do so by Bob Costas, the most respected sportscaster in the country and someone who originally strongly supported his findings. When the Paterno Report came out he released an error-filled full page statement less than an hour after it was available to be read.

By any measure, that's game, set, and match for Freeh's credibility.

#### **Mark Emmert:**

Like a lot of people with whom I have come in contact during this saga, I was amazed at how lacking in basic information and intelligence Emmert is. To me, Emmert simply went with the wind and didn't even bother to question what the actual facts of the situation were (though, it should be pointed out that the Paterno family attorney has recently indicated that there is evidence of significant communication between the NCAA and the Freeh group).

He is a busy guy who obviously thinks he is very important. Everyone was telling him that Penn State covered up serious crimes against children and was urging him to do something about it, so he did. I am convinced that his threat to give Penn State the "death penalty" was an obvious bluff. Had it been remotely real (because of the legalities and impossible logistics of the situation it could not have been) it would have been conveyed very differently in the press than it was.

In the end, I think Emmert felt very comfortable/confident about the sanctions not because he understood the facts of the case (or even the sanctions themselves) but because Penn State's president so eagerly signed off on them. In his mind he just could not understand why Penn State would be so willingly to accept such harsh penalties if they weren't clearly guilty as charged. Obviously, he had no understanding of the political realities at Penn State and how it is that the university had a perverse *disincentive* to fight the allegations, no matter how false the presumptions on which they were justified may have been.

His ridiculous answers to Franco Harris before literally running away from him out the back the door told me everything I needed to know about Mark Emmert. Emmert, like so many prominent people in this story, is incompetent, dishonest and cowardly.

### **Rodney Erickson:**

I am sure that Erickson is a good person. He obviously was put in an extremely difficult set of circumstances not of his own making. I have a good friend who is close to Erickson who swears he is a very intelligent man. With that said, the most generous interpretation of how he handled this situation is that he panicked and let down his entire university.

While based on my "meeting" with him he does not yet realize this, there was simply no reason for Erickson to sign the consent decree. Even if the NCAA was delusional enough to somehow not be bluffing about the "death penalty," there was still no reason for him to sign off on the sanctions, especially without even getting the approval of the full Board of Trustees.

Getting the "death penalty" would have been the greatest thing that could have happened to Penn State at that time. It would have given 12 other schools (Penn State's opponents that year) a profound financial self interest to object to the penalty and would have provided political cover for any judge to issue an instant injunction preventing the decree from taking effect. This would have bought time for the truth to come out and the NCAA would have been forced to justify their case in court where they would have been humiliated both on the law and the facts (I am convinced even the NCAA would not be dumb enough to put the fate of their highly theoretical "nuclear weapon" on a case which was as uniquely weak as this one, and that is one of the reasons why the threat was an obvious bluff).

Even if Erickson really was somehow totally convinced that the "death penalty" was coming if he did not sign the consent decree (his comment to me that "you presume that I had any choice in the matter," left me and others who heard it convinced that something else was going on here), he was effectively pleading guilty on behalf of other people in a case where he fully acknowledged to me that guilt has not yet been proven. Unless you have a literal gun to your head (one that you know to be actually loaded), there should never be any legitimate justification for such a cowardly act.

At least when it came to handling this difficult case, Rodney Erickson proved himself to be: not very smart, lacking in courage, and in way over his head.

### **The News Media:**

Obviously, I have made my disdain for the news media very clear over the past year and a half since this story broke nationally. I am also "saving" many of my many amazing interactions with media members on this story for a possible future project on a different subject.

But to be clear, while I have seen up close some of the worst cases of media malpractice (even doing a prominent documentary with that phrase as the title) in modern history, there is absolutely no doubt that this one has been the most awful by far in nearly every way. To me, one of the many remarkable lessons of this case is that the modern news media no longer even *remotely* cares about facts, logic, or even the appearance of fairness/due process. This revelation was truly shocking even to an ultimate media cynic like me (it

also gave me great confidence that I was right about the conventional wisdom being wrong, because I have yet to run across a media member who is strongly on the other side of this story and who I consider to be even remotely credible and knowledgeable).

The modern news media has simply left the gravitational pull of anything resembling journalistic ethics. Job protection/advancement is *all* that matters to them and thanks to overnight TV ratings and instantaneous Internet traffic reports it has never been easier for them to know exactly what to do (and not to do) in order to promote those goals. Truth or justice honestly doesn't even factor into the equation anymore.

I think that the sports media (which in my personal experience is made up of some of the laziest, dumbest, narcissistic, and most cowardly people on the planet) is pretty much split between those who actually are so cocky that they think there is no way all of them could have been wrong here, and those who deep down know that they may have screwed this up and therefore are very eager to make sure that the story is considered to be "old/settled news," and never to be reconsidered.

I want to make special mention of how profoundly disappointed I am in two specific elements of the media of which I was once a fairly significant player.

First, the Philadelphia (where I grew up and worked in both radio and television) media has probably been worse than even the national media in their coverage of this story. I am honestly not sure why this is the case, but perhaps it is because Philadelphia is close enough to State College where they think they are "local," but far enough away where very few of the personalities there have ever even been to a Penn State game or know the full details of this case. However, the more I think about it the more I conclude it is simply because the Philadelphia "talk" market is just filled with a lot of truly awful people who simply don't care at all about the truth.

Angelo Cataldi, Howard Eskin, Michael Smerconish, Dom Giordano, and "Buzz" Bissinger are all people whom I personally know. They are also all key personalities in the Philadelphia market. They are all very bad people. They all care far more about their own careers than about the truth. And all of them, along with the dirtbags at *Philadelphia Magazine* were exceedingly unfair to Joe Paterno and Penn State (in fact, I have such a low level of respect for any of them that had they somehow been Paterno supporters it would have made me worry that I must be wrong). The "exception who proves the rule" is another major talk host in the market whom I know, Mike Missanelli, who is a Penn State graduate and lawyer. Mike is a smart and thoughtful guy, but he is also a capitalist. I am convinced he pretended to be far harder on Paterno/Penn State than his true opinions would dictate, all because he is afraid of being accused of being a delusional "homer" and losing audience share/branding.

I am completely baffled as to why there has not been an organized boycott by Penn Staters of the Philadelphia media, especially WIP sports radio (were, rather ironically, I was briefly once a talk host who was unfairly criticizing Joe Paterno for his handling of the Rashard Casey situation). This is where I blame the lack of fight/organization among Penn State alumni. The percentage of Penn State grads in Philadelphia is more than high enough to make a significant impact on any media outlet, but no one had the guts to battle back against the outrageous insults against their university. That is why they have and will continue.

My former friends in the conservative media also deserve a lot of blame. They should have never bought into this sham to begin with and should have been willing to take up the cause of fighting this obvious injustice. They know not to trust the media when they run with a story which fits their agenda just too perfectly, and Joe Paterno was a conservative icon both politically as well as in how he lived his extraordinary life.

Unfortunately, the conservative media is just as concerned with career preservation (if not more so) than any other element of the media. No one had the courage to stand up (not even the mighty Rush Limbaugh with whom I have emailed many times and who I am convinced knows this was a railroad job) because no one thought that they had a personal incentive to do so. Amazingly, the conservative media did rise to the defense of George Zimmerman (who admittedly shot Trayvon Martin, apparently in self defense) who

was the victim of a strikingly similar media rush to judgment, only, unlike Paterno, he actually killed someone and never did anything particularly positive for society before that act which made him infamous.

The most demoralizing example of the conservative media wimping out on this story (for fear of being seen as protecting a pedophile protector) involves a friend of mine whose job it is to document media bias/inaccuracy. He happens to be a *huge* Joe Paterno fan and is convinced he got a raw deal. He did one story on my efforts and got so much blowback from his management and readership that he never touched the story again despite promising to do so. How I didn't give up completely after that, I do not know.

The Sandusky scandal has illustrated for us a lot of problems in our society. None is greater than the fact that our news media is very badly broken and is highly unlikely to ever be fixed.

### **The Movies:**

Now that I have pretty much given up on doing a larger, full-length documentary on this story, there are only three major movie projects about this saga of which I am aware. I have had significant contact with all of them.

There is a *Happy Valley* documentary which is planned to eventually be broadcast on the A&E television network, the *Happy Valley* feature movie which is set to star Al Pacino as Joe Paterno, and the *365 Days* documentary about how State College has handled the last year.

I actually "interviewed" to be the director for the *Happy Valley* documentary and had two extensive/extraordinary meetings with the executive producer of the project. This was one of the most frustrating developments of my career because this person and I shared close professional contacts as well as a mutual respect, and he was a lifelong fan of Joe Paterno. Unfortunately he was also once a Second Mile kid and that clearly clouded both his view of what happened here as well as greatly curtailed any ability for him to have the political cover to take on the incredibly daunting task of fighting the conventional wisdom in this case.

It was no surprise to me when they went in another direction for their director (I have good reason to believe that, if not for my strong pro-Paterno/anti-media perspective on the case, I would have been hired) of the documentary. It was obvious that they were far too focused on the "self flagellation" aspect of the case to ever strongly question the media's narrative.

I remained in constant contact with them with the hope of at least having an influence on the content of the film. I was told that I would be interviewed for the movie itself, but very suspiciously that never happened. I even went out of my way to let them know that I had interviewed Sandusky and they practically begged for the content. Oddly, after my TV interviews I gave them the full transcript and I basically never heard from them again. I have zero confidence that the substance of their final product will be consistent with the truth of this matter and it seems possible that they are so confused as to what their version of the story may be that it will never actually air.

The feature movie *Happy Valley* will likely get made and it will probably be horrendous. I say this first of all because Hollywood in general couldn't care less about the historical truth of *any* story they tell and because no highly commercial endeavor is ever going to take anything but the popularly held perspective on a situation this controversial. Secondly, I have personally reached out multiple times to several of the key decision makers on this movie (via good contact info) and I have never even gotten a response. This is particularly amazing considering that Sandusky's attorney told me that the producers had specifically requested interviewing Sandusky as background for the film.

This movie will, at best, make it clear that Paterno was complicit in Sandusky's crimes. It was reportedly based on Joe Posnanski's *Paterno* book, but it seems to me that was simply for legal purposes and may be a further indication of the extraordinary degree to which Posnanski has sold out his subject and the truth here. If Scott Paterno somehow really thinks that this movie will help the cause of his client, I believe he is mistaken.

Finally, the documentary *365 Days* is well-intentioned and done by some thoughtful and competent people who are well aware that Joe Paterno is not guilty as “charged” in this matter. Unfortunately, their focus seems much more to be on navel gazing than on trying to change the narrative of the story. I am as supportive of highbrow navel gazing as anyone, but not when there is a massive injustice to be rectified first. I have been interviewed for the film (as has at least one of my most corrupt critics, Ryan Beckler) because I wanted to try and inject some testosterone into what seems to be a rather a flaccid effort.

In short, it appears to me that the movies on this subject will get no closer to the truth of this matter than the mainstream news media has. I also think they are in for a rude awakening when it comes to the size of their audience as the only people who still care enough about this story to watch/pay to see a movie about it are those who will mostly disagree with their content.

### **Bruce Heim:**

I feel compelled to write something about this significant character in the story whose full role I didn’t get to touch on in the heart of this “book.” Bruce Heim is apparently one of the wealthiest people in State College and was a long time board member of the Second Mile charity. He was also a big supporter of Jerry Sandusky, even after the initial report of the grand jury investigation surfaced in early 2011 (but quickly dropped him like everyone else did after his arrest).

One of the most startling facts I uncovered in my Sandusky interview was that just a couple of months before his arrest, Heim hosted Sandusky, future Penn State board member Ryan McCombie, and the man who would soon be known (but who in the prosecution’s eyes didn’t even exist) as Victim 2, for a round of golf at the Toftrees resort in State College.

Think about that for a moment. It is so bizarre as to be emblematic of this entire case which continually produces a script which no Hollywood screenwriter could ever produce while sober. If you were the “boy in the shower” in the McQueary episode and you had been sexually assaulted by Jerry Sandusky, would you be playing golf with him ten years later, as a married former Marine, after it was publicly known that Sandusky was the subject of a grand jury because of alleged sexual abuse? Seriously?!

Heim told me that he did not know at the time that the man he added to the foursome because his military background gave him something in common with McCumbie was the kid from the 2001 incident. However, he did know that there was such an “episode” because he was told by the head of the Second Mile Jack Raykovitz that Penn State had informed him about it. Raykovitz told Heim at the time that he had spoken to Sandusky regarding what he had learned from Tim Curley, but did not mention the identity of the boy. Heim insisted to me that this meant that Sandusky never told Raykovitz who it was, but that makes no sense given that Sandusky was very confident the boy would back him up and was well aware that the Raykovitz was extremely familiar with the boy because he was very prominent within the Second Mile. It would have been exceedingly odd and against his own self interest for Sandusky not to have done exactly what he told me he was positive that he indeed had.

I believe Heim when he says that Raykovitz didn’t give him the name (this issue is important, for among other reasons, because Raykovitz has testified that he didn’t know who it was, as well as other key facts which Sandusky told me he informed him of), but I think he is giving Raykovitz way too much credit when he concludes that this means Sandusky didn’t tell him. Both Jerry and Dottie are very insistent that Jerry told Raykovitz who the boy was and Raykovitz clearly has an incentive to lie about that now (while the timing doesn’t work out quite right, it seems possible that Raykovitz may have been doing the prosecution a “favor” by saying he didn’t know who Sandusky cited as the boy). As for why Raykovitz didn’t tell Heim at the time, it could have either been a simple oversight, or because of a confidentiality concern (when I proposed that second possibility to Heim he could not rule it out).

I had never heard of Heim (other than Sandusky’s brief mention of him) until he contacted me out of the blue after he had heard through the State College grapevine that I had interviewed Sandusky. It was immediately obvious to me that he was very concerned about what Jerry may have said, specifically about Raykovitz, about whom he was very protective. Heim came on so strong that it immediately

raised my suspicions that he had reason to be very concerned about something (for context, I had heard rumors, which I do not currently believe, that Heim had given cars to the families of Sandusky victims as a way to keep them quiet).

It was also very obvious to me that Heim was personally very odd and remarkably inappropriate. He told me that he was still convinced that there was no “sex” in the McQueary episode because Mike had admitted that he saw no erection on Sandusky and that he knew from personal experience in his own sex life that, even at an advanced age, that it was impossible to get rid of an erection that quickly. If that wasn’t a strange enough piece of information for him to tell someone he had never met in their second phone conversation, Bruce then apparently put me, briefly, on his personal e-mail chain where the first item he sent out was a series of bare-chested women from Marti Gras.

But that was nothing compared to my final phone conversation with Heim. It must have become clear to him that I was not buying what he was trying way too hard to sell me and that I wasn’t remotely intimidated by him or his money. He called me and told me that he had really struggled with how he had treated Jerry and Dottie. He wondered whether he had abandoned his friends too easily and whether at least some of the charges against him were somehow false.

This conflict resonated with me because I was struggling with a similar dilemma regarding how I was going to handle my still to come national television interviews and the inevitable questions about Sandusky’s guilt. However, what he told me next would end up ranking right at the top of a very long list of things I have heard in the last year which I will never forget.

Heim said that he no longer worried about having potentially been disloyal to Sandusky because he had spoken to a “very reliable source” a couple of days before who had told him that they had seen a videotape of Jerry Sandusky having sex with a boy.

I am pretty sure that Heim was being serious, but I don’t know what he expected my reaction to be (he was clearly hoping that I would now buy totally into the Sandusky as complete “monster” narrative so that I wouldn’t believe a word he said). I am pretty sure he was rather surprised by what I did do.

I laughed at him. Loudly.

I found it utterly hilarious that a man of Heim’s stature could either delude himself (which is what I think happened) that it would be possible for such a tape to exist without it ever surfacing all because he wanted to get rid of some lingering guilt, or that he would actually think that I would be so gullible as to believe such a story without any real evidence. I then asked him a few basic questions about his “source,” which he refused to answer. Then I told him that, while I would love to believe the story (because it would make my task far less complex), I was sure that it was false. He seemed rather stunned at my frankness and the conversation pretty much ended after that. I never heard from him again.

I was fascinated by Heim’s story from several perspectives. Ironically, the contrarian in me actually saw the existence of a wild rumor that there was a “Sandusky sex tape” as further “evidence” that Sandusky might be *less* guilty than we think. After all, if someone like Heim is willing to believe something *that* absurd (it’s ridiculous not just because there would be no way in this era to keep something like that completely quiet, but because it is entirely inconsistent with the total lack of pornography in the case) all because he wants to absolve a guilty conscience, then deep down he must *really* have very serious doubts about Sandusky’s guilt.

While I will never forget the “sex tape” story, my primary take away from Heim was that those who suspect that Jack Raykovitz has something to hide and probably perjured himself are definitely on to something.

**Curley, Schultz & Spanier:**

It is probable that I have spoken more to Graham Spanier than any other person close to this case. I have found him to be a very kind and thoughtful person who has been extremely open with me. I don't think there was ever even one question he refused to answer, or one time when he ducked corresponding with me (remarkably, even on the night he was indicted). After I was brutalized by the press over the Sandusky interview, Spanier showed far more concern for my personal wellbeing than just about any other person. He is either an even greater con-artist than Sandusky, or he had no idea that he was a pedophile and certainly did not take part in an overt cover-up.

My extreme confidence that Spanier had nothing to do with a cover-up has very little to do with my personal interaction with him. It is because, quite simply, there is no remotely plausible scenario where he could possibly have been involved. It really only requires high school level logic to figure why that is the case, but unfortunately such advanced thinking was apparently beyond the grasp of both the attorney general's office and the news media.

Here is why it is impossible for Spanier to part of an explicit cover-up: Since Curley and Schultz knew about the McQueary report before Spanier (Spanier, like Sandusky, insists that he never even knew McQueary was the witness) for a cover-up involving him to have happened it almost certainly would have had to have originated with them going to their boss and floating the idea of a cover-up, which is obviously completely insane. No one would ever risk their career by saying to their high profile, highly respected boss, "Hey, why don't we cover up these crimes against children by this ex employee who no one likes?"

Therefore, the only even theoretically possible way for Spanier to be part of a cover-up is if Curley and Schultz came to him with the "problem" and Spanier for some reason (despite being an abuse victim himself) decided to tell them, "Guys, I think we need to cover this, up, but let's make sure that the Second Mile knows about it and let's not give Mike McQueary the job that just opened up." While such a scenario is only slightly less nuts than the first cover-up possibility, it would have been exposed the moment that Curley and Schultz were indicted and Spanier was fired because obviously Curley and Schultz would have ratted on Spanier faster than an infant changes moods.

Therefore, the only even remotely conceivable cover-up scenario must start and end with Curley and Schultz deciding to do this alone and together, with each having some sort of mysterious leverage over the other; otherwise they would have flipped on each other long ago. (As an aside, *Deadspin's* "Sandusky Reporter" Dom Cosentino once breathlessly called me late at night wrongly convinced by a legal filing that Schultz had flipped on Curley. Since Dom, with whom I have exchanged literally hundreds of emails, was wrongly certain of their guilt, he had been incorrectly anticipating such a development. Oddly, he has never written about the significance that, tellingly, no one has yet flipped in this "cover up.")

As for the possibility that Curley and Schultz decided on their own to keep this thing quiet, at least that theory is in keeping with the basic laws of the universe. However, there are still significant problems with this concept. First, why has neither ratted out the other for a plea bargain? Second, what would their possible motive have been to take on such a morally corrupt and risky endeavor (they didn't need to worry about the 1998 investigation being used against them if they turned Sandusky in because multiple state agencies had looked into that and declared it "unfounded")? Third, how could they have had any confidence in such a dangerous cover-up without somehow involving Mike McQueary? Finally, if they were in cahoots, why don't the testimonies of Curley and Schultz remotely match up on some very key points?

Unless and until at least those four questions can be reasonably answered, then you just can not credibly claim that Curley and Schultz ran a cover-up to protect Jerry Sandusky, an unpopular ex-employee (while I am confident that none of those questions can be answered, I am somewhat less certain that Gary Schultz didn't run a one-man, passive, "let's close our eyes and hope for the best," "cover up," which may not have been definitively criminal, but was clearly not the right thing to do).

As for their trial, I am still convinced that the issue of Penn State counsel Cynthia Baldwin being inappropriately in the grand jury room will eventually gut most of the prosecution's case. While I might be giving them too much credit, I actually think that the attorney general's office may welcome that development so as to give them a face-saving way out of taking the case to trial, which, since the media will happily spin this in their direction, would effectively be a "win" for them.

Regardless, long ago I offered \$10,000 to the charity of choice of the first major media member who would accept the challenge if Curley, Schultz and Spanier are convicted on the perjury charges. That offer still stands tellingly untaken and ready to be finally accepted.

That is never going to happen.

### **Mike McQueary:**

Like a lot of people, I have gone back and forth about what to make of Mike McQueary. I still see him as a bit of an enigma and think that there are several rational (though highly divergent) theories of what motivated his actions and inactions during all of this. At this point, I am currently in the camp of McQueary being mostly well intentioned, but too dumb and weak to ever fully do the "right thing."

It almost seems as if McQueary is continually digging himself out from the hole he created when he didn't more completely (or perhaps not at all) investigate what he actually saw/heard that night in the shower. Had he reacted another way in that critical moment, this entire story would likely turned out in a vastly different fashion. Almost everything he has done since then has actually made the original hole even deeper.

My theory, which I strongly believe is the simplest and most sensible that the factual record suggests is plausible, is that McQueary basically changed his mind about what he saw on two different occasions, nine years apart.

I think it is clear McQueary initially thought he *might* have seen a sex act and it understandably disturbed him. But when, after a couple of weeks, no parent or child came forward with an allegation and Tim Curley looked into it and thought that nothing criminal had occurred, he decided that he must have been mistaken. This was why he was able to, among other things, attend multiple Second Mile golf tournaments, publicly joke around with Sandusky at a charity football game, and, quite tellingly, forget the month and year in which the episode happened. It is also why the two of them maintained a perfectly cordial relationship for nine years after the event before, according to the Sandusky (who, again, did not know that McQueary was the witness in the 2001 episode), that suddenly changed.

Then, when investigators came to him and told him that they had victims and really needed a witness to come forward to help obtain justice, McQueary naturally thought back to that episode and changed his mind again, now realizing that his initial instincts were correct (even though a full reading of the current evidence strongly suggest they were not). This scenario seems quite rational to me and does not require McQueary to have done anything evil or against his own self interest. It is even consistent with his rationalized insistence to those around him that he was sure he did the "right thing."

However, even this scenario, which gives him nearly every benefit of the doubt, doesn't relieve McQueary of significant blame for how this all turned out. He may not have had ill intent at any particular moment, but that doesn't mean that he didn't make these significant mistakes with incredibly devastating consequences:

Not "breaking up" whatever he saw and identifying the boy, and not being much clearer with his father, Dr. Dranov, Paterno, Curley and Schultz about what he thought happened.

Never confronting Sandusky about the episode and allowing prosecutors to manipulate what he originally claimed to have seen from a "one alarm fire" into a "five alarm fire."



Not realizing the incredibly destructive impact that changing his mind nine years later would have on how the past actions of others would now be interpreted.

Selfishly not coming out publicly and immediately fixing the misperceptions which would end up taking hold and eventually cause so much injustice.

All of these are actions/inactions for which Mike McQueary must be held accountable.

Hopefully, when McQueary inevitably writes his book, which it seems to me Scott Paterno is banking on being a very belated semi-vindication of his client, more of this will be made clear and he will finally be asked at least some of the most important questions about his integral role in this tragedy.

### **Victim 2:**

If there was one person alive with whom I wish I could speak about this case, it would be Victim 2, the “boy in the shower” from the McQueary episode. After I learned his identity through clues from my interview with Sandusky, I tried to call him several times but he never returned my messages and the number I had is now disconnected.

I have already gone into great detail about why the facts of his situation cause me to believe that Victim 2 was not overtly sexual assaulted (that is to say, there was no “sex” and he did not think of himself at that time of having been “assaulted”) in that incident. However, I just want to add a few words about what I think has caused him to do the things that he has (for the record, I strongly disagree that Victim 2, having already publicly made himself a significant part of this case in his own name, has any legitimate claim to anonymity, but after the nuttiest elements of the victim’s right movement freaked out and hit our website with a DOS attack after his name was accidentally somewhat revealed for a few hours, I have decided to wave the white flag on this issue).

To me, the fact that three times in 2011 (as a married, adult, Marine) he proactively and strongly declared that he was *never* abused by Jerry Sandusky is extremely powerful evidence. Since the beginning of this case, it has always been my suspicion that this was the truth, mostly because I found it to be incredibly odd that his identity was allegedly “unknown” and that he had never testified.

When I heard Governor Corbett try to retract his citing of Victim 2, and that McQueary had got the year of the episode wrong, my BS detector started sending a very strong signal. When I heard the Sandusky voicemail messages to him telling him to “come forward” even though he had never testified, I was very sure that there was far more to the story than we had been told. And when I read the statement Victim 2 had given on the day Paterno was fired, I knew that my controversial viewpoint had been completely vindicated.

Interestingly, as I tried to explain on the [Today Show](#), finally reading that statement (which can be found in [this article](#)) also helped me understand why Victim 2 is now claiming to be a Sandusky victim. It seems pretty clear to me that, much like McQueary, he had his mind changed long after the key events when he got more information about who Sandusky really was (and was enticed by a shady lawyer for whom his mother just happened to work).

I do not believe that Victim 2 was lying in any of the previous statements that he has given. His extremely close relationship with Jerry, the proactive nature and strength of the statements themselves, and the fact that he was a Marine, all make it extremely nonsensical that he was completely lying simply because he didn’t want to admit he was a victim (which is Jim Clemente’s stock theory to explain why victims change their story after denying abuse). When his lawyers released a statement before my Today Show appearance, which for a *second* time failed to even claim abuse in the shower incident, I knew for sure that I could not be fully wrong about what didn’t happen on February 9<sup>th</sup>, 2001.

However, that doesn't mean that there aren't still some things which confuse me about Victim 2. For instance, why did he save the voicemail messages from Sandusky that he got in September of 2011 telling him to "come forward" until at least November when he flipped and became a "victim"? Since, according to Dottie, Victim 2 was at least somewhat of a Penn State football fan, why would he allow all that happened to Penn State to occur without speaking out about the real truth (the exact timing of when his attorney Andrew Shubin got him to "flip" would be key here because unless it was November 10<sup>th</sup>, there would have been plenty of opportunity for him to come forward and correct the record, though it would have taken every bit of courage a Marine is supposed to have to have actually done so in that hostile media environment).

For those who say that the person claiming to be Victim 2 isn't really the kid from the McQueary episode (as the prosecution has conveniently implied), a close reading of the details here make that scenario virtually impossible. First, because neither he nor Sandusky knew McQueary was the witness until November 7, 2011, that would have left barely 24 hours for a frazzled Sandusky to somehow get together with Victim 2 and concoct a complex cover story before Victim 2 came, unannounced, into Joe Amendola's office for the first time the very next day.

Not only didn't they have any time to do this, the story they created isn't even the one they would have been most likely to fake. Even if they had somehow done that, by now Victim 2's lawyers would have surely gone public with the potentially lucrative claim of Sandusky forcing their client into a cover story to protect Penn State. Finally, there is also the matter of them somehow knowing that the real Victim 2 was going to sit completely on the sidelines and let someone else claim to be him, not testify at trial, and then try to make money from the fraud.

Seriously?!

While there are some minor problems with his account of the episode ten years later, the kid Jerry Sandusky named as Victim 2 is indeed the right person. I can assure you that had he claimed to have been assaulted in the McQueary episode at any point before the trial was over (which was when he conveniently became publicly known as a "victim"), the prosecution would have no longer been at all bothered by his apparent inability to draw a perfect diagram of the scene in the shower eleven years later.

I am fairly confident that we will eventually find out what Victim 2's current version of events really is, though I am worried that Penn State is about to pay him off in a way which could cause the truth to be lost forever. His story is just too compelling and important for him never give an interview or do a book of some kind (I actually think, for better or worse, that my efforts have increased his options should he indeed decide to tell his tale). As I have said previously, if he can compellingly claim that he was indeed assaulted that night and explain the evidence that indicates he was not, then I will be the first person to admit that I am wrong and that the foundation of my theory for this entire case will have fallen apart.

I am quite convinced that I will never have to do that.

#### **Scott Paterno:**

Since the beginning of this story I have honestly tried extremely hard to cut Scott Paterno as much slack as I possibly could. At the very start of it all, he found himself in an exceedingly difficult set of circumstances that he did not create. He and his family have suffered a horrendous loss of nearly every conceivable variety and I am convinced that they have done nothing morally wrong to deserve it. As Scott told me in our memorable last phone call, it is *his* last name which has been besmirched here and I have given great respect to his right to pursue justice in whatever way his family thinks is best. I also want to make it clear that, thanks largely to the unprecedentedly unfair media coverage of this case; crisis management has been exceedingly difficult because all of the normal rules have essentially been suspended

However, none of this gives him the right to not have the truth told about him and his efforts, especially when Joe Paterno made it essentially his dying wish that the full truth of this matter be found. There is just no getting around the obvious fact that Scott Paterno has played a critical and continual role in how and why this situation turned out the way that it has. That reality is not even disputable.

It is my view that, much like McQueary, Scott is forever trying to dig himself out from the hole which was created when he seemingly didn't fully comprehend, prepare for, or properly handle the blowback which was inevitably coming over the Sandusky matter. Scott had almost a full year to get ready for this and yet when Sandusky was arrested it appeared as if the Paternos had only just heard of the allegations and had no cogent response set to go (the proof of that was that their lackluster PR person Dan McGinn was hired on the day Joe Paterno was fired).

Obviously Joe Paterno must take some responsibility for all of that, but it was Scott who was in the by far the best position to see the light in the tunnel as an oncoming train (which is one of the reasons he likes Joe Posnanski's public take on this story far more than anyone named Paterno really should). I have already outlined the many mistakes that Scott has made under difficult conditions, so I will focus here mostly on *why* I think Scott has acted in the way he has.

I am sure that it must have been simultaneously both extremely difficult and far too easy to be the son of Joe Paterno. It is my personal belief that this dichotomy allowed Scott to grow into a person who is both deeply insecure as well as overly cocky. This is why there seems to be, based on my interactions with him as well as his public persona, a massive chasm between how smart Scott thinks he is and how intelligent he actually is (this is hardly just my opinion, I honestly have not run into even one person who knows him who wouldn't describe him very similarly, and usually far more harshly).

To be clear, Scott is *not* a dumb guy. However, he thinks of himself as a political/legal/media genius (which is interesting for a person who once rode the then pristine Paterno name to a crushing defeat in a Republican congressional primary). I believe that this over confidence has led him into making several of his errors and then compounding them because he is unwilling to accept that he has been wrong about anything.

I think that all of this has caused Scott to have an almost primal need to be the primary person who salvages this situation (partly because he knows he allowed/caused it to happen). It is almost as if Scott would rather not have something positive happen for this cause if he is not in some way behind the effort (I am totally convinced that this desire, exacerbated by his hatred/jealousy/misinterpretation of me and my work, is the primary reason why he went so far out of his way to sabotage my Sandusky interview). Another important factor here is that the scandal also had the highly perverse impact of suddenly making Scott far *more* "important" than he has ever been before, which is rather ironic given his obvious role in how things went down.

Jay Paterno has told me a couple of times that he was raised primarily by his father while Scott was reared mostly by his mother and that this is why they are about as different in every way as any two brothers could be (all of which makes the fact that Scott's politics are far more in line with Joe's rather peculiar). It would seem to me that this reality has had a profound impact on how Scott views his "client" which may have manifest itself during this story in ways that I am not remotely qualified to fully understand.

As far as the case itself is concerned, Scott's fundamental mistake is not realizing that, like it or not, fair or not, his father's fate was, and always will be, directly tied to the perception of Sandusky. Unfortunately, Scott has now decided that he is going to make sure that the family fully embraces the "Sandusky as Monster" narrative and try to rely on the perfectly rational notion that Joe Paterno was simply totally ignorant of all the horror that was happening with regard to Sandusky and young boys.

The first problem with that strategy is that it is far too late for that to have any real impact on public perception. If that was going to be the tactic, then the Paternos needed to be laying the groundwork for that defense long before November of 2011. The notion that every single member of the press was not made fully aware, the moment Sara Ganim's first article hit, of the utter disdain that Paterno and

Sandusky had for each other as well as how little interaction Sandusky had with the entire football program over the previous ten years, is proof that they were not initially ready to go in this direction.

In the public's mind, if Sandusky is a "monster," then Paterno *had* to know what was going on and therefore Paterno is significantly responsible for all of the horrendous damage that he wrought (even most members of the media still can't get past the now completely debunked "McQueary saw a rape, told Paterno about it, and Paterno did nothing" narrative). The case is just too complicated and people's attention spans are just too short to get them to see the more nuanced view of this highly disturbing story, especially now that it is "old news."

The second major issue with Scott's strategy is that is indeed a tactic and not a pursuit of the truth. One of the most startling aspects (of many) of my final phone call with him was that the "truth" was never even remotely factored into his thinking. He even implied that I was right about Victim 2, but insisted that it didn't matter (think about that, Scott Paterno thinks it doesn't matter if the critical incident his father was told about really happened or not). He may or may not be correct in evaluating the best political course to take to get to wherever he wants to eventually to go with this, but he is most certainly not even pretending to pursue what his father said he wanted, which was the real truth.

One of the most frustrating aspects (of many) of this case is that there is a very significant and growing body of evidence that the real truth of this story is not just some sort of noble theoretical concept. It turns out that the truth may very well also do the best job of actually exonerating Joe Paterno.

I am quite confident that there was no overt assault in the only Sandusky episode we know Joe Paterno was informed of, and I am inclined to believe that Sandusky may not have been the hideous "monster" that almost everyone thinks of him as being (I want to make is very clear, as if this should even be in question, that I am not justifying Sandusky engaging in "grooming" and "fantasy/faux sex" acts with boys, only that there is huge difference between the moral depravity of the worst acts he was convicted of, and a man who might have actually been fighting an illness the best that he could).

The bottom line on Scott Paterno is that had he been up to the immense challenge before him, Joe Paterno would not have been fired, his legacy would not have been destroyed, and Penn State's reputation and football program would not be in tatters. I think deep down he knows this is true and this knowledge has adversely affected many of the decisions he has either made or approved of from that point forward.

Personally, I used to have extreme contempt for Scott Paterno, not just because what he did to sabotage my efforts, but because I view him as perhaps the one person, other than Sandusky and McQueary, who is most responsible for not stopping the injustice which happened to his father (I even used to "joke" with people that had Joe Paterno's statue been taken down because of having produced Scott Paterno, I wouldn't have had a problem with it).

However, I no longer despise Scott Paterno. I mostly just feel sorry for him. He was not prepared to handle what happened here and should never have been put in this position to begin with. Tellingly, had Joe Paterno been truly "guilty" of anything horrible and truly thought he was in real trouble, Scott would never have been given so much power over the decision making when it came to dealing with the crisis.

### **Jay Paterno:**

When I started getting deeply involved with this story, the person I was most confused by was Scott Paterno. Since then, unfortunately, I think I have pretty much figured him out. Now the person about whom I am most baffled is Jay Paterno.

I really like Jay. He is extremely intelligent (especially for a liberal!) and, by all accounts, very honest. He has handled a ridiculously challenging and painful situation with far more class and dignity than I could possibly ever imagine summoning under the same circumstances. However, I am extremely confused by how some of his public statements fit with things that he has told me directly.

Based on a couple of very long/in depth conversations, both in person and on the phone (as well as before and after my rift with his brother Scott), I am convinced that Jay's view of what really happened here is very close to mine. In fact, at one point, I actually viewed Jay's position on this as being even more "radical" than the one I held. I honestly do not recall him ever expressing any disagreement with anything that I have said about the facts/reality of this case.

And yet, when the "Paterno" report came out, Jay voiced a view (spectacularly well I might add) that was significantly different than what I thought was his perspective of events. Obviously, we all (as I have already admitted doing to some extent) "clean up" the rough edges of our real views when doing high profile interviews because of the fear of political correctness and being misunderstood or taken out of context. However, the view which Jay expressed at that time was much more than just "airbrushed." In some ways it had undergone radical surgery.

Most of this alteration manifested itself in tone rather than a direct changing of the facts (though there is no doubt he expressed a view of the nature of Sandusky's crimes which was vastly different than he has to me both before and after the Paterno Report came out). However, one specific example illustrates what I am talking about.

When I met with him for several hours in his den at the start of the 2012 football season, Jay seemed very convinced that at least some, if not most, of what dictated how Mike McQueary handled what he saw/heard in the shower was an effort (orchestrated by Mike's father) to obtain Kenny Jackson's open coaching job, the same one he would end up getting three years later.

However, when the Paterno Report came out I was fascinated to hear Jay deftly turn that theory 180 degrees on its head and render it politically correct while also still using it to make a valid point. I heard Jay on ESPN radio express confusion as to why Joe Paterno *hadn't* hired Mike McQueary to fill Kenny Jackson's open job if, in fact, he was somehow leading some sort of cover-up, which presumably would have required Mike being given some sort of incentive/reward to keep quiet.

That is obviously a valid and important point, but the problem is that it completely accepts the notion that McQueary really did see an actual sexual assault of some sort and told Joe Paterno that he did. For the vast majority of the public and the media, there is nothing else they need to hear because Paterno is then at least partially "guilty" for what transpired. The most unfortunate part of this crafty shift in messaging is that it allows something that is fundamentally both fatal and false to go unchallenged. I also strongly believe that Jay agrees with me that there was no overt sexual assault in the shower that night, but he would probably never even consider saying that publicly now.

I do not think that Jay Paterno lied in any of this. I think he was convinced to very selectively and radically edit his true beliefs to conform to what was a well intentioned but ultimately misguided political strategy which was mostly designed by Scott Paterno and Dan McGinn. This tactic was based almost entirely on Jim Clemente's self-serving and incomplete analysis of what happened here. I think that Jay has gone along with this strategy reluctantly, but he deserves very high marks for somehow executing his role with remarkable discipline.

Why has Jay gone along with this approach? On that I can only speculate because I have not directly asked him. I do know that he told me that he objected to the decision to put out a statement condemning my interview with Sandusky and that he has refused on at least one occasion to give a speech that he thought went too far on what I would call the "self flagellation" spectrum.

My guess is that Jay may think that perhaps this path of political correctness is the best way to go to achieve whatever the family's goals are. Or, perhaps he has simply ceded control over to Scott who has a much more forceful personality and undoubtedly is being

driven by far more guilt about his own role in what happened (the liberal/conservative dichotomy between them may also play a role here as Scott is far more the “warrior” than Jay is). Or maybe Jay realizes that his best career course going forward would be as a TV broadcaster and he understands that he can’t say anything that the media would consider to be “crazy” or too politically incorrect if he ever wants to get hired, especially by ESPN (Scott has told people that Jay would like to work there). I even think that it is possible that Jay may have come to the conclusion that only a very few people are ever going to fully understand that his father did nothing wrong here and that, since he and his family already have the peace of mind which comes from being in that group, he doesn’t see fighting this battle as all that critically important (this is a view with which even I have come to sympathize).

It may sound like I am condemning Jay for all of this, but I am not. I can’t even begin to understand what he has endured and, especially since he has a family, he certainly has every right to do what he thinks is in their long-term interests. I am also sure the larger Paterno family dynamic is incredibly complex and that Jay may realize that certain fights with Scott are just simply are not worth it (it is a shame that Jay has seemingly allowed most of the decision making to be made by Scott because Jay is in a far better position, on numerous levels, to be the person calling the shots).

Regardless, here is the most important point about Jay Paterno: Jay was as close to this story as anyone, knows what really happened here, and he is quite confident that neither he nor his father has anything about which to be ashamed when it comes to the crimes of Jerry Sandusky.

### **Joe Paterno:**

Just like the other seven billion human beings who have roamed the planet earth, Joe Paterno was not a perfect person. In my view, had he retired when he should have, none of this would have happened the way that it did (it is striking to realize the rather obvious reality that, even if the rest of the factual record was exactly the same, if Paterno was not still the head football coach at Penn State when Sandusky was arrested, then it is difficult to argue that this story, at least on a national level, doesn’t go away in about two days with almost no consequences for Penn State and none for Paterno). However, he was still a great man whose reputation was unfairly destroyed in perhaps the worst celebrity injustice that I have ever witnessed (only O.J. Simpson’s acquittal may surpass it, depending on how this all turns out in the end).

One of the many great tragedies of this entire is saga is that, unfortunately, we are literally never going to see another Joe Paterno. It is as if he was the very last of a special species and we needlessly decided to not just kill him off, but to also erase almost every record of his existence. College football and the world in general are in desperate need of more Joe Paternos and we allowed the last one we had to be virtually crucified without even a hint of a proper trial.

One of the many things which have kept me from giving up this arduous quest for some semblance of justice is that what Joe Paterno accomplished at Penn State, both on and off the field, while hardly perfect, was rather exceptional and truly unique. The remarkable success of the football program (without breaking the rules and while graduating his players) was rightly a source of incredible pride for an awful lot of good people who marveled that their favorite state school in the middle of nowhere was able to pull off this “Grand Experiment” and excel not just on the field, but in life as well. Joe Paterno was a “throwback” not just because of his advanced age, but because of the ideals he believed in and because of the values he instilled in others, principles which sadly are quickly fading from our rapidly changing/eroding cultural fabric.

It was vitally important that all of this be cherished, honored, and passed down to future generations. Instead it was excruciatingly erased in a cowardly, selfish and stupid manner by people who should have known better. It is important to me that those who still care deeply about this issue fully understand that what they thought they knew to be true about Joe Paterno was indeed real. It was not a myth. It may never be easy to brag about him publicly anymore, but that doesn’t change the reality. You need to know that, as much as

any famous human can be, Joe Paterno was who you thought he was. Nothing we currently know about the Sandusky scandal alters that. In fact, a proper reading of the facts might even enhance his real legacy.

Franco Harris, a far more optimistic man than me (if you had been the key part of the “Immaculate Reception” in your rookie year in the NFL and won four Super Bowls you probably would be as well), has told Bob Costas that he thinks that in the end Joe Paterno’s legacy will be greater than ever because of all of this. When I asked him what he meant by that exactly, he said that all of this is another “test” of who Joe Paterno was, and if he can pass even this most difficult examination, then his legacy will grow. I can certainly see his point.

In a bizarre way, the Sandusky scandal and the unfair treatment that Paterno received because of it, has forced those most devoted to him and what he represented to fight hard to salvage how he will be remembered. Had none of this happened and he simply retired at the end of 2011 as planned, he would obviously be far more widely revered today than he currently is, but there is no doubt that his supporters would not have spent nearly the time and the energy thinking about him as they have because of all that transpired.

If how much something is loved is best determined by the intensity of the struggle others will put up to protect it, then among his core, grassroots supporters, the past year has proven that Joe Paterno evoked a greater depth of devotion than any other coach of which I am aware (and no, they are not, as one particularly clueless local columnist called them, “Joebots”).

However, the realist in me also requires that I give these same supporters a fair warning. If your goal is to make sure that future generations know who the real Joe Paterno was, then you need to educate your children and grandchildren yourself and instill in them a desire to see this crusade to the end. Otherwise, I fear the cause will die out before the environment has changed sufficiently (in other words, enough Penn State board members have been removed and media commentators have retired) so that the truth can find enough oxygen to survive.

As for the case itself, I honestly have a more difficult time finding real fault in how Joe Paterno handled himself than just about any other key figure in this story. Based on what we currently know for sure happened, here is a quick review of his actions:

Paterno told his superior immediately about Mike McQueary’s story, made no effort to conceal it or get McQueary to do so, caused numerous others to be brought into the loop, and followed up with Mike on multiple occasions to make sure he was fine with how it was handled.

Paterno properly stayed out of an investigation where his involvement would have been totally inappropriate both legally and politically, especially considering the fact that Sandusky was no longer his employee (the media notion that Paterno should have personally gone to police after speaking to McQueary is simply one of the dumbest theories in this entire case).

Paterno testified truthfully (when I highly doubt that any other big time college football coach would have) and against his own self interest in both his grand jury testimony and his final police interview. If anything, his testimony was actually critical to making sure Sandusky was indicted, which was one of the reasons investigators interviewed Paterno again right before the arrest was made.

Paterno was the first (and still only person) to take any real responsibility/accountability for what happened and offered to resign his position so that the school to focus on what he considered to be more important issues.

After he was fired in the most humiliating and unjust fashion possible, Paterno went outside, smiled, waved, showed no anger, said nothing remotely regretful, and probably prevented a real riot by telling the students demonstrating on his behalf to go home and study. It is possible that, given the extraordinary circumstances and his poor health, that this final public appearance may have been, in some ways, Joe Paterno’s finest moment.

Paterno instructed his sons to not attack Mike McQueary (even though it may have saved his reputation/legacy if they had done so effectively) because he thought that Mike had already suffered enough.

Are these really the actions of someone who deserved to have their entire life's work destroyed because of how they handled this situation? Seriously?!

It is my very strong opinion that the two people (other than Sandusky) who have gotten the worst media coverage in all of this, Joe Paterno and Franco Harris, are actually the two figures who deserve the most *praise* for how they handled these extraordinary circumstances. Given the sad state of our news media, I do not believe that this upside down reality to be remotely coincidental.

As for those who nebulously claim that Joe Paterno should have done "more" (as they inevitably inaccurately assert that he himself "admitted"), I say they are living in an unrealistic/cowardly world of 20/20 hindsight. At worst, Joe Paterno knew that a witness *THOUGHT* (it is not, as the media likes to pretend, as if McQueary brought Paterno a videotape of what he saw) he saw/heard Sandusky doing something sexual with a boy. If Paterno was, as he himself later said, "Omniscient," then clearly he could have done more. Obviously the Sandusky case proved that Paterno did not have God-like powers. Based on the current evidence, revealing himself to be a mere mortal seems to have been his greatest sin.

I do think that it is important to make clear that the *real* reason this all happened to Joe Paterno is because seeing him exposed as "human" made many of us (especially those in the media who tend to be horrible people and who could profit from the downfall which came because of this "revelation") feel better about ourselves. For if even the morally superior Joe Paterno was really a just a fraud who did something far worse than the average person could ever imagine doing, then we all got elevated in some perverse way.

The reality is that Joe Paterno did not "know" that Jerry Sandusky was a pedophile and he did absolutely nothing to "protect" him from being stopped. Even when the scandal unfairly hit him at a time when he was clearly not physically well, circumstances which would have brought out the very worst in almost anyone actually revealed even more class and character in him. Joe Paterno was hardly perfect, but he was better than anyone else who ever engaged in his profession at the highest levels and he lived a life that should be revered and emulated.

To me, that is how Joe Paterno should be remembered. I still hope, against all odds, someday that will happen.

As for me personally, this entire experience has been the most painful professional endeavor of my career (and I have had many of those). Perhaps the worst part is that it should have been the most rewarding venture of my life because I truly believe that, while I have made many mistakes, in general I have done my best and most important work ever on this case. In that fictitious rational world I have often referred to in this book, I would have made an enormous positive impact on behalf of truth and justice.

Instead, I feel as if, other than for the historical record and a few thousand hardy souls who really value the truth of this matter, my enormous efforts, and the incredible anguish I have endured, have been largely been wasted.

There have been many misconceptions about me during this story. Some of them have just been hilarious (everything from I am "trying to make money from this tragedy" and I am "a Joe Paterno apologist," to I am a "conspiracy theorist" who is "in favor of child rape"). I have also had my "tactics" roundly criticized as proof that I was simply seeking attention (what my critics failed to realize is that was given almost no weapons in this war and that I was actually willing to sacrifice myself to create the pressure needed to try and cause a break in the status quo).



But the most depressing element of this effort to find the “real” reason why I would devote my life to fixing an injustice with which I was not directly involved, is that it now seems that we are so cynical that it is virtually impossible for someone to take any dramatic action mostly because they think it is the “right” thing to do.

While I am as cynical as anyone, it is important that we at least leave open the *possibility* that there are people who want to act for the greater good or else the good people will be perceived the same (or perhaps even worse) than the bad ones. I was taught as a kid that there was value in standing up for what you thought was right, even if you were the only one who was doing so. But it now seems as if you are taking a position that is highly unpopular that everyone (especially in the media where they are completely unfamiliar with the concept of doing something because it is “right”) is immediately convinced that there must be a hidden “angle.”

I will fully admit that I thoroughly enjoy proving the corrupt media to be wrong and exposing them as the frauds that they are. However, the primary reason I did all of this was because it was clear to me that it needed to be done and that no one else was in a position to make it happen. As I have said on numerous occasions, if someone else I trusted to do it right (preferably a real celebrity) had stepped forward and taken on this cause, I would have been sincerely thrilled to step aside.

I certainly haven’t done this for money. Despite what Scott Paterno has told strangers on Twitter, I have not made any sort of profit on this effort (depending on how you define it I may have even lost money). Even worse, thanks to the DOS attack our website suffered after the Sandusky interview was made public, the cost of even just maintaining [www.FramingPaterno.com](http://www.FramingPaterno.com) and this book you are reading for the historical record may be prohibitive in the long run.

There is also absolutely no doubt that this entire situation has destroyed and probably ended my career as a documentary filmmaker and media commentator. There is just no way for me to get hired to do anything when the first names which come up when you “Google” me are Jerry Sandusky and Joe Paterno (especially when my career has already been so controversial). For the same reasons I also seriously doubt that I will even be able to ever coach high school sports again, which I have done many times previously in my life.

So I am now left with the maddening situation that work which should have been the crowning achievement of my career has instead effectively ended it and made the circumstances of my life far more difficult than they were before I started. Somehow, while incredibly frustrating, I see that sad reality as being in perfect harmony with the rest of the insanity in this case.

To be clear, I am not giving up. For better or worse, that is probably not in my DNA. I am just being realistic. At this point about the only benefit I see in this story for me going forward is that I will eventually be vindicated (even if only a handful of people will even remember me when that inevitably happens).

So, do me a favor. Please don’t let all of this work be completely in vain. Please do everything you can to [share this free book](#) with all those who you know who might be interested in the subject, even if they may not naturally agree with my conclusions. This is likely the only way that the real truth of this matter will ever be heard.

I know that none of this will get the public hearing it deserves, but you can at least make sure that the truth is heard by those who matter most.

Finally, for some kicks and context, here are my current odds of some of the most important assertions in this case being true:

Chances Joe Paterno knew Jerry Sandusky was a pedophile and proactively led a cover-up to protect him: 0%

Chances Joe Paterno thought Jerry Sandusky might have been a pedophile and purposely did nothing to stop him because he feared bad publicity: 5%

Chances Joe Paterno thought that the Jerry Sandusky issue had been investigated and taken care of by others better suited to do so and got extremely unlucky: 80%

Chances that Mike McQueary actually saw the “anal rape” of a child in the shower: 5%

Chances that Mike McQueary thought, in the years after the incident, that he had seen the “anal rape” of a child: 10%

Chances that Mike McQueary changed his mind about what he saw/heard nine years later when approached by investigators: 70%

Chances that an overt sexual assault occurred the night of the McQueary incident: 15%

Chances that Jerry Sandusky ever “anally raped” a child: 20%

Chances that Jerry Sandusky ever forced boys into overt sex acts: 40%

Chances that Jerry Sandusky is a pedophile who acted in a criminal manner with boys: 99%

Chances that Jerry Sandusky went around “raping” boys as frequently as the perception created by the media: 10%

Chances that Tim Curley, Gary Schultz, or Graham Spanier will ever be convicted of perjury: 2%

Chances that the case against Tim Curley, Gary Schultz, and Graham Spanier ever actually goes to trial: 40%

Chances that Gary Schultz did a one-man “hide and hope” soft “cover up”: 35%

Chances that the NCAA sanctions are, in some way, reversed/amended before they are over: 50%

Chances that the Paterno statue is returned in the next 20 years: 20%

Chances that Joe Paterno’s record of 409 wins is restored in the next 20 years: 60%

Chances that the news media ever fully admits the injustice they have created here: 0%