

EXCLUSIVE:

The Bombshell Newsweek Cover Story, Blowing Up the HBO “Paterno” Movie, That Was Spiked At The Last Moment

Submitted by jzadmin
Thu, 03/29/2018 - 10:18

Editor's Note:

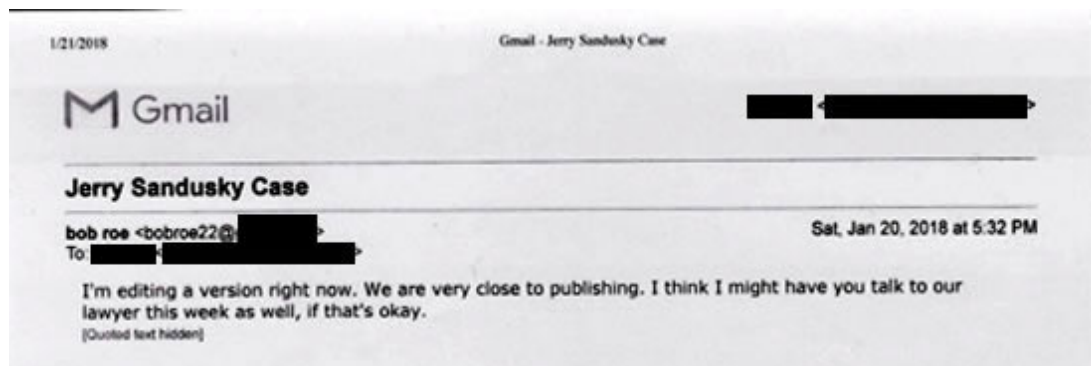
What follows is one of the last full versions of a massive Newsweek cover story which was scheduled for their April 6th, 2018 edition. It is over 20,000 words, and almost all of it was going to be posted on their website, with at least 15,000 words in the actual magazine. This version was meticulously vetted by multiple top Newsweek editors and something very close to it was approved for final vetting for their lawyer, which is normally a formality. In fact, the editor in charge of the story at that stage, Ross Schneiderman, specifically told me that he couldn't imagine that their lawyer would have any serious issues.

This piece began in the fall of 2017 when Newsweek's then top editor Bob Roe hired reporter Ralph Cipriano to do a story on the Penn State saga from the perspective that everything we think we know may be false. Ralph had been leaked a huge cache of documents related to the Penn State settlements and the Louis Freeh investigation. Bob had long ago worked the infamous "McMartin Pre-School Sex Abuse Case," which turned out to be a fraud, so he understood how this kind of scenario could have easily happened in the midst of a moral panic.

Ralph, realizing that I have knowledge and information about the case which no one else does, including that of a purposely fake Sandusky accuser who had run a "sting" operation on the most important lawyer and therapist in the case for over three years, agreed to bring me on as his co-writer. I traveled to Philadelphia to review the documents (which were extraordinary) and from there we, both together and separately, wrote several different versions of the story.

For many reasons, the process quickly became dysfunctional and delayed. I kept urging Ralph that we needed to get this out ASAP, partly because I feared Bob may get fired from Newsweek because of all the turmoil there. At one point Bob suggested that we try to put this out on February 2, but because the Philadelphia Eagles looked likely to be in the Super Bowl that weekend I objected because I figured we would be lost in the tidal wave of news coverage, even in Pennsylvania.

Here is an email from Bob to the "fake accuser," with whom he had spoken on multiple occasions, referencing in late January that we were very close to publishing.



I doubt we could have gotten it out by then anyway, but, as fate would have it, Bob was indeed fired the day after the Super Bowl for having instigated an investigation of Newsweek's parent company..

At that point, Ralph and I both figured the story was totally dead, since having someone else, at a publication which might go under at any moment, embrace such a controversial narrative seemed impossible. As it turned out, those who replaced Bob thought what we had was really good/important, and, given the chaos that was going on there, it appeared there was a window to get published, especially as they were now starved for original content.

However, the process was effectively restarted with Ross having to get up to speed and essentially reprogrammed about the entire Penn State saga. At one point, Ross told both Ralph and me, separately, that he regretted having jumped on the false narrative when he wrote about the “scandal” back when it became public. It was obvious to both of us that he had become convinced that we were right about the case.

After having already accepted that this project was dead, I slowly allowed myself to get sucked back in as Newsweek gave every indication that they were going to publish our story so that it could come out just before HBO's “Paterno” movie. However, when the decision was made to wait until the very end of March, right after Newsweek had a week off from their publishing schedule, I told Ralph we would end up doomed by the extra time that this would give Newsweek to figure a way to chicken out.

A week before publishing was scheduled, we were suddenly told that, despite being maybe the largest story in Newsweek history, we had lost the cover to Vladimir Putin, but that the story would still be headlined “What Really Happened at Penn State? Probably Not What You Think” at the top of the magazine's cover. This, combined with them irrationally taking out the quote from former NCIS agent John Snedden which ends this version (saying that he thinks Sandusky is innocent) made it very clear that they were starting to become afraid of the story and that someone in power was trying to at least diminish it, if not kill it all together.

On March 26th I had an extensive conversation with Thomas Smith, from Weekly Retail Service, who is in charge of printing and distributing the hard copies of Newsweek. I was asking him about printing extra copies so that I could buy them and whether more copies than normal could be made available to Pennsylvania. He was well aware of the coming story and very helpful. At that point, I finally thought that this story was really going to run.

But then the lawyer that Ross didn't think would have any major issues (largely because the story had already been so meticulously edited/vetted and was written in an extremely benign fashion) began to put Ralph through an insane ringer. He had been through this process before (which was one major reason why I did not ask to be part of it) but had never

experienced anything remotely like this. At one point, the lawyer, who clearly had no clue about the case nor its personalities, actually asked Ralph how he could prove that the medical records we had for Jerry Sandusky had not been forged by his wife Dottie (which is just utterly ludicrous on multiple levels).

It quickly became clear that the winds had dramatically shifted and that suddenly, instead of the burden of proof being on the lawyer to prove that the story should not run, Ralph, alone against the lawyer and three editors he didn't know, somehow was being forced to prove that there was no way that Newsweek could ever possibly get sued (which, if that was the normal standard, the news business would immediately cease to exist).

As you will see when you read this version, the verbiage is already so safe and lacking in accusation that it is impossible to see how anything could possibly be fodder for even an illegitimate lawsuit. However, especially in a case like this one where everyone knows the rest of the media will not be sympathetic, it is extremely easy for a lawyer to create a fear where no rational one exists. Once people get scared, no one is going to put their ass on the line to save a story that not only isn't theirs, but which was commissioned by a guy who doesn't even work there anymore.

That had always been my greatest fear once Bob Roe was fired. Eventually someone in power would object, if only out of ignorance, and there would be no one with the ability to push it through, or at least keep the rest of the people in the room from turning on it (in other words, if this story was the idea of the current boss it is amazing how much more supportive the other editors would have been).

On March 28th, convinced we were indeed doomed, I urged Ralph to pull the story so that they could not claim there was something wrong with it which forced them to kill it. Naïve until the very end, Ralph once again did not take my advice. The next morning Ralph was told that huge chunks of the story were now out and he, not seeing a way to save the rest, especially on incredibly short notice, essentially told them the whole thing was dead. I am still not sure who exactly made the final call to pull the plug.

When Ross called me to officially inform me of what I already knew, it was clear that he was in total rationalization mode and obvious things which no one had never even mentioned before (like me having, gasp, previously expressed a strong opinion about the case) were suddenly big problems. He was even denying that he thought we had proved the case. When I told him he was lying about his beliefs, he hung up on me. The conversation lasted about two or three minutes. For the full story of what happened with Newsweek, *please listen to this extensive podcast*: <https://tinyurl.com/ycfmogaw> Or, read this column I wrote: <https://tinyurl.com/y78yybgn>

After much consideration, and against the wishes of Ralph who is clearly still trying to get paid by Newsweek (I hope he does, though I am pretty sure that I will not be paid my expenses, as promised), I have decided to publish this version by myself with only some light editing by me of the two sections dealing with the fake accuser's "sting operation." The name of the purposely fake accuser has been, for now, redacted at his request.

Though it is something which I truly dread, I feel as if I have no other choice but to release this on my own. The truth is just too important here.

To be clear, I mostly hate this version. While it has some incredibly important and "bombshell" information, it is presented in a way which I think is about the least effective way that it could have been (I think Ralph feels the same way). We both agreed to allow the story to be told in this pedestrian manner ONLY because it was the only way to get it out into the public domain in a way which might have been given the respect that it deserves. For all intents and purposes, I did not write the majority of this version. I mostly provided a majority of the facts and rewrote versions that Ralph came up after first Bob, and then Ross, had basically already told him what they wanted and what they thought was acceptable.

I am quite sure that there are minor errors in this version which were, or would have been, corrected afterwards. I also know some details, *like a brand-new interview with an ex-girlfriend of Aaron Fisher – here: <https://tinyurl.com/y9mgmwn7>* were added at the last second. In later versions there were also some structural changes which helped it a bit. I also strongly believe that there is FAR too much reliance on the issue of Repressed Memory Therapy in this version as it seems that Newsweek thought that was the safe/politically correct way of getting around calling the accusers liars.

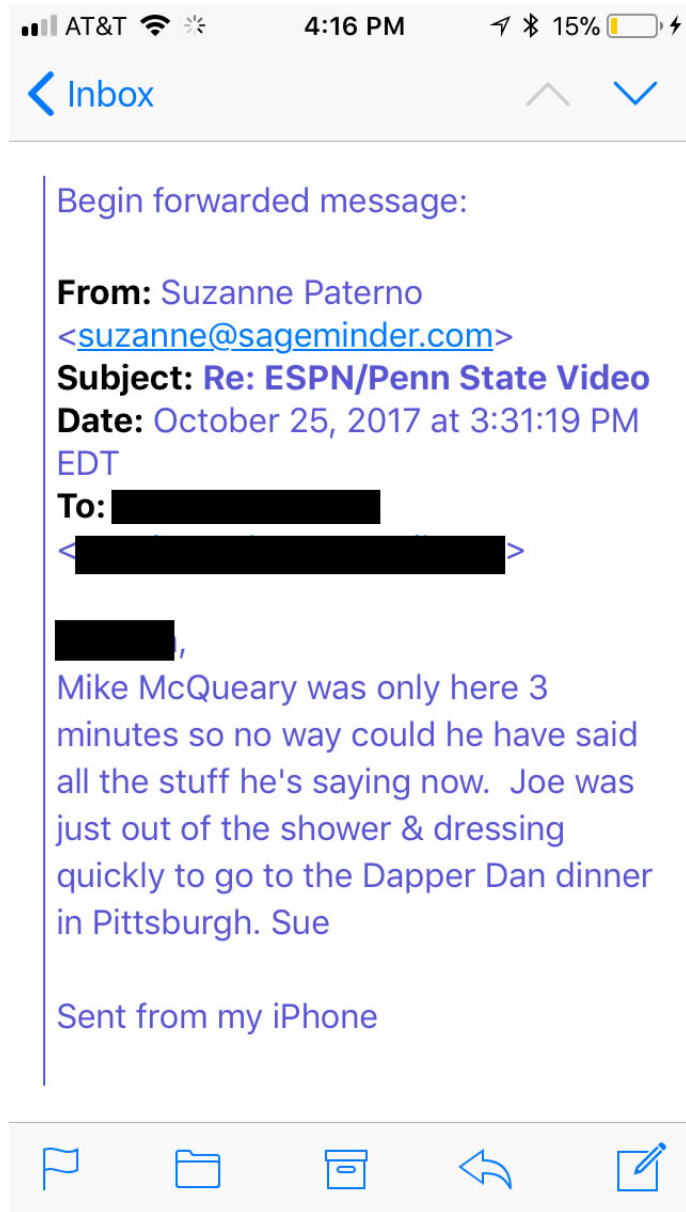
It is an amazing testament to the power of our facts that what remains is still incredibly compelling and, almost in spite of itself, extremely convincing regarding Sandusky's innocence. Ironically, I am actually quite certain that had our case NOT been so strong that there is a much better chance that it would have been published because the story would not have scared people nearly as much. In retrospect, it would have been a better idea if we had only sold Newsweek on a narrow story about what an obvious fraud the settlements were (which was a scenario Ralph and I had discussed at length) as opposed to having them try to swallow the entire alternative narrative all at once. Though we never got any pushback on the full narrative until the very end, and by then it was too late to reverse course.

Here are just some of the new pieces of evidence which are in this version:

- A new email showing that Joe Paterno's widow, Sue Paterno, is now, against previous family policy, on record directly contradicting critical parts of the testimony of the only direct witness in the entire case, former Penn State assistant Mike McQueary, who allegedly saw Sandusky abusing a boy in a Penn State shower. Sue who was there that day, has emailed a person directly involved in the case that the ENTIRE fateful "meeting" between Mike and Joe only lasted "three minutes."

- The real story of the "boy in the shower," whom the prosecution cynically pretended never existed because his words and actions blow apart McQueary's credibility.

- Strong evidence that the entire timeline provided by McQueary and the prosecution, radically altered once because they got it very wrong, is likely still drastically off, thus dramatically changing the entire narrative of what really happened.



NO EVIDENCE AT ALL

At the time of the alleged sexual assaults by Jerry Sandusky, there was a culture and environment in the Penn State Athletic Department that led staff members to fail to identify or act on observed inappropriate conduct by Sandusky. When made aware of a violent crime, the Athletic Department leadership focused on damage control and more shocking, Sandusky's welfare vice the proper reporting of the crime and victim support. There existed an environment within the athletic department that led an employee to determine that the perceived threat of losing his job outweighed the necessity of reporting the violent crime of a child.

factors within the athletic department that may have led leadership and staff to frame a basic legal, moral, and ethical dilemma into an institutional "damage control" scenario or "humane" treatment of the suspect in a violent crime. It was sadly too easy for the main actors in this decision to not report the crime or follow up after they framed the issue as treating the suspect humanely, minimizing bad publicity, or safeguarding their employment. Sandusky's conduct toward children at the Penn State football facilities was observed by football program personnel over a long period of time but his conduct did not raise red flags or get reported to the appropriate authorities either through formal or informal reporting by anyone affiliated with Penn State Athletics.³⁷² The Special Investigative Counsel recommendations are based on eliminating an environment that led to this failure to report either suspicious behavior or a violent crime. Some of the factors that created this environment are... less than optimal human resources practices within the athletic department, the isolation of the football program, and the leadership climate within the football program.

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EVIDENCE

Intercollegiate Athletics. The Pennsylvania State University () Athletic Department sponsors 31 varsity athletic teams with an annual operating budget of \$101 million.³⁷³ Currently, THE UNIVERSITY has over eight hundred student-athletes, seventy-six coaches, and three hundred and ten full and part-time athletic staff members.³⁷⁴ The Penn State University has enjoyed tremendous success on the athletic field winning 40 NCAA championships and 28 national team championships.³⁷⁵ The 40 NCAA championships tie Penn State for seventh all time in the NCAA for total championships won. The National Association of College

REFERENCE

³⁷² Kirk Diehl Int at 3, (2-15-12); Brad Caldwell Int at 4, (2-15-12); Joseph Battista Int at 5 (2-7-12)
³⁷³ Penn State Annual Financial Report to the NCAA at 2.
³⁷⁴ Penn State Annual Financial Report to the NCAA at 19.
³⁷⁵ Traditions - Penn State University Official Athletic Site.
<http://www.gpsusports.com/trade/national-champions.html>. Retrieved 2012-05-31.

→ motive for why they buried ^{alleged} complaints - they deduce that their rich NCAA history/legacy was the impetus for allowing Sandusky's alleged misconduct

- Documents indicating that Louis Freeh's own team did not believe that the highly influential conclusions of the "Freeh Report" were supported by legitimate evidence. As seen here, even one of his own employees wrote "NO EVIDENCE AT ALL!" over the very first paragraph of the Freeh Group's internal work product about the supposed "Penn State Football Culture" causing the "cover up."

- A new email demonstrating that the reporter who broke the story, Sara Ganim, who eventually won a Pulitzer Prize, was receiving, largely inaccurate, leaks from the attorney general's office in order to directly impact the investigation.

- Leaked settlement documents, which for the first time reveal which Sandusky

accusers Penn State paid and how much, proving at least two of the key accusers at Sandusky's trial told dramatically different stories for millions of dollars than they did under oath at trial.

- The identities of the accusers from the 1970s, who reportedly claimed they informed Joe Paterno of their abuse, reveal their stories are not to be remotely believed and were not given real credibility even by Penn State officials willing to believe almost anything.

- A new, secret, and extraordinary interview with, Ira Lubert (which can be heard at around the 43-minute mark of this podcast: <https://tinyurl.com/y7f7emnb>), the Penn State trustee in charge of the settlements which raises legitimate questions as to whether even he thinks that anyone in this mess is actually guilty and makes it clear even he thinks at least some of the accusers he paid are lying.

- Interviews with numerous people very close to key accusers which create extreme doubt about the already suspect stories for which they were paid many millions of dollars.
- The existence of five key accusers from the tiny town of Lock Haven, who accounted for \$35 million in settlements, even though only one of them was a trial accuser.
- The existence of a three-year “sting” operation, complete with extensive documentation, on the key lawyer and therapist in the case, resulting in a purposely fake accuser, with a laughably absurd story, being totally embraced during over 100 meetings, all paid for by Penn State.
- Never-seen medical records showing that it likely would have been impossible for Sandusky to commit the acts which were claimed against him during the critical time period, as well as inconceivable that not even one of the thirty-six victims whom Penn State paid to have not mentioned a “distinguishing characteristic” of his genitalia.

As you read this, please keep in mind that there are four “sidebar” stories at the end of the “main” story which were intended to stand on their own in the web version of this story. Also, the idiotic title was not ever going to actually see the light of day and the quotes at the very top were to be used at the start of various sections.

I am well aware that publishing this on my website will accomplish nothing but allow the small number of people who still care about the real truth of this case to access it. This version is only but a small but important piece of that truth. I doubt there will ever be a proper venue for that larger real story, but at least there is now a historical record for some of the most important parts of it. This will also at least prove that the Newsweek story was very real, which is also significant and newsworthy.

In closing, for me this has been the worst experience of an already difficult professional career. It has resulted in probably my best work, but has also caused extreme pain and suffering and left much of my life in shambles. I wish I had never gotten involved in this total fiasco.

Sincerely,
John Ziegler

Signature: _____ (?) Date: _____ (?)

The Sad Story of Happy Valley

Jerry Sandusky is America's most notorious convicted child molester. He may also deserve a new trial.

By Ralph Cipriano and John Ziegler

ON July 17, 2012, a small prop plane flew around the perimeter of State College, Pennsylvania, towing a banner that said, "TAKE DOWN THE STATUE OR WE WILL."

Five days later, workers in hard hats toppled the 7-foot-high, 900-pound bronze statue of the late Joe Paterno from its pedestal outside Beaver Stadium. The shrouded, supine statue of the long-revered football coach, who had only been dead for six months, was carted away on a forklift, banished like the effigy of a deposed third-world dictator.

In his 46 years as head coach, Paterno had led the Penn State Nittany Lions to a record 37 bowl games, and two national championships. During that long reign, Paterno's student-athletes graduated at the highest rate of any Division 1 football program, while the coach donated \$9 million to build a library at the school, and gave generously to other charitable causes.

On Oct. 29, 2011, Paterno reached the pinnacle of his profession with his 409th career win, breaking the all-time record for most coaching victories. But just days later, Paterno's lifelong reputation for "success with honor" would be defiled by a grand jury report leaked to the media. His coaching career at Penn State, which began as an assistant in 1950 and lasted 61 years, ended abruptly on Nov. 9, 2011, when Paterno was informed in a late-night call, via somebody else's cell phone, that he had been fired, "effective immediately." Two months later, the 85-year-old coach died of lung cancer.

The dismantling of the Paterno legend was just the start of the destruction at Penn State. The day after the Paterno statue was toppled, the football team he left behind was hit with some of the harshest sanctions in NCAA history, including a \$60-million fine, a bowl game ban that lasted two years, the loss of 170 athletic scholarships, and the striking of Paterno's 111 wins from 1998 to 2011 [the wins would subsequently be restored.]

The scandal that toppled Paterno began with the lurid claim that a boy approximately 10 years old had been raped in the showers at the football practice facility by Jerry Sandusky, a retired assistant coach, and allegations that Paterno and other top university officials had conspired to cover it up.

Before he was branded a pedophile, Sandusky was renowned for molding All-American linebackers and being the architect of the dominating defenses behind two national championships. Off the field, Sandusky was a church-going Methodist teetotaler dubbed "Saint Sandusky" for his charitable work. He founded The Second Mile in 1977, a charity for at-risk kids cited in 1990 by President George H.W. Bush as one of his "thousand points of light." But on June 23, 2012, a jury convicted the 68-year-old Sandusky as a serial child rapist. Sandusky was branded "the most hated man in America," his charity was dissolved, and he was shipped off to prison for 30 to 60 years, effectively a death sentence.

Meanwhile, three top Penn State officials—the university's president, vice president and athletic director—were accused of participating in the alleged cover-up; after years of delay, each wound up being sentenced to jail for a single misdemeanor.

Last November, the Penn State debacle was still so toxic that the University of Tennessee had to hastily withdraw an offer to Greg Schiano, a long-ago former Penn State assistant, to become its head football coach, because of an unfounded claim that he had been part of the alleged cover-up. People screamed, Schiano was dumped, and the athletic director who tried to hire him was fired.

Those two men were just the latest casualties in the scandal that has ruined lives and cost the university more than \$300 million. That tally includes a minimum of \$118 million paid out to at least 36 men who claimed they were abused by Sandusky, \$80 million in legal fees, that \$60 million NCAA fine and at least \$50 million spent on implementing campus reforms aimed at preventing future abuse.

On April 7th, the official storyline of the Penn State scandal will be memorialized in Paterno, an HBO movie starring Al Pacino as the disgraced coach.

But what if that official storyline is wrong? More than six years later, new evidence demands that this sordid tale gets a fresh look. That evidence includes thousands of pages of confidential documents from the various investigations, civil claims and lawsuits emanating from the scandal that Penn State's board of trustees have stubbornly refused to release

[despite a lawsuit from some of its own trustees], a report from a previously unknown federal investigation on campus in 2012, bountiful proof of official misconduct and ineptitude in the case, and disturbing questions raised about the suspect brand of psychotherapy used to elicit the testimony that convicted Sandusky.

The short version of all that's new: just about everything you think you know about what happened in Happy Valley, Pennsylvania isn't true.

Here's what is true: many of the principal actors in the Penn State scandal either engaged in blatant misconduct, or just plain bungled the case. They include prosecutors who wrote a sensationalized grand jury report around a crime that in all probability didn't happen, and police caught on tape lying to an alleged victim in order to coax testimony that incriminated Sandusky.

Psychologists used discredited "recovered memory" therapy to create testimony a renowned expert witness described as having "no credible scientific support. Meanwhile, an incompetent defense lawyer overlooked Sandusky's medical history, which casts doubts on whether his client was physically capable of the sexual assaults he was convicted of, and reveals a distinctive characteristic of his anatomy never mentioned by any of his accusers.

The media went into overdrive, and in the resulting hysteria that followed, a panicked university board of trustees abandoned its fiduciary responsibilities by passing out at least \$118 million, without having any of those alleged victims deposed by lawyers, examined by forensic psychiatrists, or even subjected to routine background checks.

Why investigate those claims of abuse? Not one of the 36 alleged victims who got paid ever told anyone about any of the attacks when they supposedly happened. Of the eight alleged victims who testified at Sandusky's criminal trial, all of whom got paid in civil settlements, six initially told police, investigators or their own lawyers that they hadn't been abused; the other two wouldn't talk. Then, when those alleged victims told their stories of abuse, the details kept changing, often dramatically.

Totaling up the allegations made in 36 civil claims known to have been paid, the alleged victims stated that they had been raped or sexually abused by Sandusky at a minimum of least 520 to 620 times, with the vast majority of that alleged abuse supposedly taking place during a 14-year-period, from 1995 to 2009.

Yet there is not one piece of DNA evidence against Sandusky, no medical evidence, no physical evidence, no incriminating audio or video, and not one shred of pornography was ever found in Sandusky's possession. At trial, no one alleged that Sandusky had plied seemingly heterosexual teenagers with alcohol or drugs. And unlike many of the sex abuse cases currently in the news, there were no payoffs, no non-disclosure agreements, no confession, and no attempted plea bargain.

During the initial investigation, a seven-member joint task force from the state attorney general's office and the state police knocked on the doors of at least 300 young men who were alums of Sandusky's Second Mile charity for disadvantaged youths, hunting for alleged victims. It wasn't an easy job, even though the supposedly secret grand jury investigation of Sandusky had already been publicized in a leak to the media. As one frustrated investigator emailed on June 3, 2011, "We have recently been interviewing kids who don't believe the allegations as published and believe Sandusky is a great role model for them and others to emulate."

But the task force persisted until they found five former Second Milers who eventually claimed they were abused, along with a sixth who claimed Sandusky had been "grooming" him for future abuse.

The vast majority of the rest of the alleged victims who made civil claims for damages came forward after Sandusky was arrested and Paterno was out. The morning after the coach was fired, Business Insider predicted Penn State was on the hook to accusers for \$100 million, and alleged victims and their lawyers suddenly began lining up for payouts. In most cases, the allegations of abuse kept escalating in "John Doe" claims where the men didn't have to testify in open court or publicly disclose their real names.

Another reason to vet those claims: at least a dozen of the men who got paid off have criminal records, including arrests for tampering with and fabricating physical evidence, identity theft, criminal conspiracy, theft, receiving stolen property, theft by deception, robbery and terroristic threats.

But rather than investigate the claims, Penn State's strategy was to pay people off, and move on, even though those actions further damaged what was left of Paterno's reputation, as well as greatly handicapped the ability of Penn State's former administrators to get a fair trial. In a May 17, 2017 recorded interview, Ira Lubert, a Penn State trustee who oversaw the board's legal subcommittee divulged how the trustees dealt with the alleged victims who had lined up for what he described as the "gravy train."

"There's some very bad situations," Lubert said. "Did some people exaggerate their situations? Yes, they did. Did some lawyers step in front and say this is far worse than it was and I want more money? Absolutely, that happened. And wherever I could, I settled it."

According to those contracts, settlements were made "without the university admitting any wrongdoing, the validity or invalidity of the allegations, guilt or liability."

The vetting process at Penn State had so few safeguards that in 2014, XXXXX, a 31-year-old former Second Miler who was loyal to Sandusky and didn't believe any of the alleged victims were telling the truth, purposely made up a ridiculous story--he'd allegedly been raped by Sandusky behind Joe Paterno's house--and decided to see how far he could get with it.

Here's what happened next: XXXXX was taken in as a client by Andrew Shubin, the leading plaintiff's lawyer in the Penn State sex abuse scandal who represented nine other alleged victims. Shubin radically altered XXXXX's original story to make it more compatible with a possible Penn State settlement. Then, Shubin referred XXXXXX to a therapist who sent him to a psychotherapist, who certified XXXXXX as having Post Traumatic Stress Disorder.

Finally, after more than three years of legal counsel and about 100 paid therapy sessions, XXXXX, in preparation of telling his story to Newsweek, tried to bring his "sting" to a close. At their final meeting, Shubin informed XXXX that he couldn't pursue his claim because it was past the statute of limitations, which the state legislature repeatedly decided not to change. So the lawyer put XXXXX in touch, in writing, with the state attorney general's office, where XXXXX could file a possible criminal complaint against Sandusky. Which, if successful, might have cleared the way for XXXXX to get paid in a civil claim. XXXXX was indeed contacted by a member of the Attorney General's office wanting to hear his story.

But rather than go any further with the charade, XXXXX decided to out himself in Newsweek. He never intended to get paid, he said, he just wanted to prove a point. As XXXXX put it, "Hopefully, people will start to realize that this whole case stinks."

How did so many officials get so many things wrong at Penn State? Start with the boy in the showers.

'Known Only to God'

On March 1, 2002, according to a grand jury presentment, an assistant football coach at Penn State University walked into the locker room in the Lasch Building at State College and heard "rhythmic, slapping sounds." Glancing into a mirror, he "looked into the shower . . . [and] saw a naked boy, Victim No. 2, whose age he estimated to be 10 years old, with his hands up against the wall, being subjected to anal intercourse by a naked Jerry Sandusky."

"The graduate assistant went to his office and called his father, reporting to him what he had seen. The graduate assistant and his father decided that the graduate assistant had to promptly report what he had seen to Coach Joe Paterno . . . The next morning, a Saturday, the graduate assistant telephoned Paterno and went to Paterno's home, where he reported what he had seen."

That's the official story from the Nov. 4, 2011 grand jury presentment that indicted Sandusky for that rape, and 39 other sex crimes against children [the number of charges would eventually grow to 48]. "Remember that little boy in the shower," then-Gov. Tom Corbett admonished the university's panicked board of trustees five days later, [an on-camera statement he would later deny making] shortly before they fired Paterno and Penn State President Graham Spanier without even taking a vote.

But there are holes in the story the grand jury told about “that little boy in the shower.” For starters, the prosecutors couldn’t make up their minds about when that alleged rape took place. The grand jury report said it was March 1, 2002, but prosecutors subsequently moved it back 13 months, to February 9, 2001, after they examined the emails of a top Penn State official. [According to that official, the new date may be wrong as well.] The February 9, 2001 date meant there had been a 10-year gap between the alleged crime, and Sandusky’s indictment for it, which prosecutors explained by charging that Penn State officials had engaged in a cover up.

The problems here, however, go way beyond shifting dates. Today, more than 17 years after the official date of the incident, according to a retired federal investigator, there’s no credible evidence that anything criminal ever happened in the Penn State showers. John Snedden, a former Special Agent for NCIS and the U.S. Federal Investigative Services [FIS] spent four months on the Penn State campus in 2012, his alma mater, conducting an investigation into the alleged cover-up of the shower rape as part of a national security review of a high-level clearance for former Penn State President Graham Spanier.

Snedden’s 110-page report, written in October 2012, was for official use only at the FIS. In 2013, Spanier, the subject of the report, got a copy after he filed an FOIA request, but the report wasn’t publicly disclosed until last year.

Today, 17 years later, that notorious rape in the showers is still a crime without an official victim. The prosecutors who put Sandusky in jail claim the boy in the showers has never come forward, despite saturation media coverage and the certainty of a multimillion-dollar payout from Penn State.

Snedden concluded that the graduate assistant who said he’d witnessed a rape in those showers, subsequently identified as Mike McQueary, wasn’t credible because he told so many versions over a three-year-period ranging from horseplay all the way up to anal sex. “Which story do you believe?” Snedden asked.

Changing stories are a flashing warning sign during any rape investigation, the retired federal investigator said. “I’ve never had a rape victim, or a witness to a rape, tell multiple stories about how it happened,” Snedden said. “If it’s real, it’s always been the same thing.”

Without a victim or a reliable witness, Snedden concluded there was no evidence of a crime, so there was nothing for Penn State officials to cover up. “I’ve never had a rape case successfully prosecuted only on sounds,” he said, “and without credible victims and witnesses.”

As Snedden said, “None of it makes any sense.”

“I think your moral compass would cause you to act and not just flee.”

‘A Wet, Defenseless Naked 57-year-old Guy’

Back in 2001, Snedden said, Mike McQueary was a 26-year-old, 6-foot-5, 220-pound former Penn State quarterback used to being chased by 350-pound defensive linemen. If McQueary had seen Sandusky in the showers raping a young boy, Snedden said, he probably would have been motivated to do something, like race in and pry “a wet, defenseless naked 57-year-old guy” off the child.

Instead, McQueary went home. He did not even call the cops. “I think your moral compass would cause you to act,” Snedden said, “and not just flee.”

Another person who says that Mike McQueary didn’t see a rape in that shower is Mike McQueary. On Nov. 10, 2011, six days after the Pennsylvania Attorney General’s official grand jury report was released, a distraught McQueary emailed Deputy Attorney General Jonelle Eshbach, one of the lead prosecutors in the case, and an investigator, to complain that they had “slightly twisted” his words, which he said were not “totally portrayed correctly in the presentment... I cannot say 1000 percent sure that it was sodomy. I did not see insertion,” McQueary wrote. “It was a sexual act and or way over the line in my opinion whatever it was.”

Four days after the grand jury presentment became public, McQueary made headlines when he told yet another version of his story in an email to a friend. This time, instead of running away, he said, “I did stop it, not physically . . . but made sure it was stopped when I left that locker room.” He also claimed, “I did have discussions with the police and with the official at the university in charge of police. . .”

Eight days later, the police at both State College and Penn State issued statements saying that McQueary had never contacted them about that incident. McQueary’s lawyer did not respond to a Newsweek request for comment.

According to the grand jury presentment, McQueary informed at least three top officials at Penn State, including Paterno, as well as a fourth person, McQueary’s father, about “what he had seen”--the rape he supposedly had witnessed. But all four men have repeatedly stated and testified over the years that McQueary never told them he saw a boy being raped in the showers. So has a fifth person McQueary claimed he told, a doctor not mentioned in the grand jury report who testified that he repeatedly questioned McQueary the night of the alleged event.

That parade of denials began on Oct. 24, 2011, when the state police and an investigator for the state attorney general’s office interviewed Paterno about what his former quarterback had told him on that Saturday morning 10 years earlier. Paterno said McQueary described what

Sandusky did in the shower to that boy as “touching . . . whatever you want to call them, privates, whatever it is.”

The investigator asked, “OK, could [McQueary] have said there was something more? An actual sex act?”

Paterno replied, “He never said that.”

On November 6, 2011, Paterno issued a statement declaring that McQueary had, “at no time related to me the very specific actions contained in the grand jury report”—that a boy had been raped in the showers.

Even McQueary agreed with Paterno on that point. On December 16, 2011, he was asked under oath whether he had ever used the words “anal sodomy” in talking to his old coach. “I’ve never used that term,” McQueary testified.

Several other witnesses have testified that McQueary did not say he saw a rape in the showers; they include McQueary’s father, a doctor, and his father’s boss, Dr. Jonathan Dranov, both of whom are mandated by law to report any evidence of sex abuse. Dr. Dranov, a nephrologist, testified at the Sandusky trial that he questioned Mike McQueary three times about the incident the night it happened. “I kept saying, ‘But what did you see?’ And each time [McQueary] would come back to the sounds. And it just seemed to make him more upset. So I backed off that.”

The grand jury report also claimed that McQueary told former Penn State Athletic Director Tim Curley and former Penn State Vice President Gary Schutz about the alleged rape. But both have repeatedly testified that McQueary never used sexual terms to describe the incident. And former Penn State president Graham Spanier said that when Curley and Schultz first told him about McQueary’s claim, they described the incident as horseplay.

Finally, at the Jan. 25, 2012 funeral of Joe Paterno, former NFL Hall-of-Famer and Penn State football legend Franco Harris confronted McQueary. “I asked him if he saw intercourse and he said no,” Harris said in a 2012 documentary, *The Framing of Joe Paterno*. “I asked him if he saw sodomy, he said no. So he did not see any sexual assault.”

But the evolving story of “what he had seen,” McQueary told the grand jury in 2010, was based on two “glances” in the shower that each lasted “maybe one or two seconds.” After the attorney general’s office initially contacted him and told him they were investigating Sandusky for sex crimes against children, McQueary suddenly remembered a new detail he had not reported previously—he’d supposedly seen Sandusky’s hips moving slowly against the boy’s backside.

But not even the jury that convicted Sandusky on 45 of 48 charges believed he had raped that boy in the showers: they returned a not guilty verdict on that charge.

There is yet another troubling question about McQueary: why was evidence presented at Sandusky's trial indicating that McQueary had participated in multiple charity golf tournament to benefit The Second Mile in the years immediately following the episode, and why did McQueary play in and was seen kidding around with Sandusky at an Easter Seals charity event on June 21, 2002, coached by Sandusky?

If he believed Sandusky had raped a boy, and participated in those events, wasn't Mike McQueary, the official whistleblower in the case, part of the cover-up?

At a Dec. 16, 2011 preliminary hearing on the Sandusky case, McQueary was asked under oath whether he had ever raised any concerns about Sandusky hanging around the football program before investigators came to him in 2010, or if he'd only raised those concerns after he was contacted by the investigators, and told Sandusky was under investigation for sexual abuse.

"Almost certainly after," McQueary testified.

"Nothing occurred that night in the shower."

Although prosecutors claim that the identity of the boy in the Penn State showers is unknown, there is plenty of evidence to indicate that he is known, and that his name is Allan Myers. The Myers story, which amounts to an astounding flip-flop, is at the heart of the case.

In 2011, Myers, a 24-year-old married former Marine voluntarily came forward, and in separate interviews with police and a private investigator, insisted that he was the boy in the showers, and repeatedly stated that nothing sexual had happened.

When the state police interviewed Myers on September 20, 2011, two months before the Sandusky indictment was released, he emphatically denied he had been abused in any way, and subsequently told a private investigator that the state police "were clearly upset when I would not say what they wanted to hear." Myers told the investigator he'd ended the interview with the state police by saying, "I feel like you're trying to get me to lie," and, "I will never have anything bad to say about Jerry."

When news about the grand jury investigation leaked, Myers wrote letters in support of Sandusky that were published in two newspapers; he also sent a letter of support to the state attorney general's office. "I am one of those many Second Mile kids who became a part of Jerry's 'family,'" Myers wrote. "[Sandusky] has been a best friend, tutor, workout mentor, and more . . . Jerry's been there for me for 13 years. . . I don't know what I would have done without him."

On November 9, 2011, Myers told an investigator for Sandusky's trial lawyer that McQueary was "not telling the truth," and that Sandusky had "never, ever" abused him. Myers, who was

13 at the time of the shower incident, had an innocent explanation for the headline crime in the grand jury presentment that indicted Sandusky.

“This particular night is very clear in my mind,” Myers told the investigator. “We were in the shower and Jerry and I were slapping towels at each other, trying to sting each other. I would slap the walls and would slide on the shower floor, which I am sure you could have heard from the wooden locker area.”

That’s where McQueary said he was standing when he allegedly witnessed the attack. But Myers told the investigator he never saw McQueary, who at 6-foot-5, with flaming red hair, would have been hard to miss. “The grand jury report says Coach McQueary said he observed Jerry and I engaged in sexual activity,” Myers told the investigator. “That is not the truth and McQueary is not telling the truth. Nothing occurred that night in the shower.” Myers also told the investigator a detail about the shower incident that wasn’t known until a month later, when McQueary testified at a preliminary hearing, that McQueary said he slammed a locker door before he left, a slamming door that Myers recalled hearing.

When Myers was in high school, he told the investigator, he asked Sandusky to stand in for his father at the Senior Night football game, as well as give the commencement address at Myers’s graduation. “I think of Jerry as the father I never had,” Myers explained. While taking summer courses at Penn State, Myers lived with the Sanduskys. After becoming a Marine, Myers told the investigator, he drove 12 hours to attend the funeral of Sandusky’s mother. When Myers got married, he invited Sandusky and his wife to the wedding. A photo of Sandusky and Myers, wearing his Marine uniform, and arm in arm at the wedding, was sent out by Sandusky in a 2010 letter where he announced his resignation from The Second Mile.

The same day Myers gave his statement to the investigator, Penn State fired Paterno, however, and suddenly, the scandal went viral, and became the top news story in the country. The next morning Business Insider predicted Penn State would pay accusers \$100 million.

Shubin, a State College lawyer for whom Myers’s mother once worked, began advertising on the web for Sandusky accusers. Shubin, who also represented Myers in a DUI case, soon picked up Myers as a client as an alleged victim of Sandusky’s. In Myers’s civil claim, Shubin contended that the repeated sexual abuse Myers had endured from Sandusky began when Myers was 9 or 10.

In their civil claim against Penn State, Myers’s lawyers charged that Sandusky had anally raped him that day in the showers. They also claimed Myers now remembered that while being raped, he looked up and saw the redheaded McQueary “standing in the doorway to the showers.”

The state police, however, didn’t believe Myers. Since they had repeatedly questioned Myers, and he had repeatedly denied he’d been abused, the state police concluded in a report that

they believed the allegations of abuse came from attorney Shubin, rather than his client. The prosecutors also decided that Myers wasn't a credible victim, and didn't call him as a witness at Sandusky's trial. Instead, Deputy Attorney General Joseph McGettigan told the jury the identity of "Victim No. 2," the boy in the showers, was "known only to God."

Although the prosecutors didn't believe Myers was the boy in the showers, Sandusky always did, and he told a top Penn State official when initially questioned about the shower incident that he should interview Myers, but he didn't do it. Even after Myers turned on him, Sandusky continued to believe that Myers would tell the truth if summoned to testify in Sandusky's defense.

So, on November 4, 2016, Myers was called as a witness by Sandusky's lawyers at a hearing on behalf of his bid for a new trial. Before Myers took the stand, Judge John Cleland asked Sandusky if he understood that Myers's testimony could be harmful to his case. "It is my decision to have Allan Myers testify," Sandusky said.

On the stand, Myers behaved like a hostile witness with a bad memory, saying he couldn't recall or didn't remember more than 30 times.

Under oath, Myers said he couldn't remember when the photo of him posing with Sandusky had been taken, even though it was at Myers's wedding. Myers couldn't remember telling the state troopers who interviewed him in 2011 that Sandusky had never abused him. Myers couldn't remember telling a private investigator that McQueary was a liar, and that nothing sexual had ever happened in the Penn State showers. Myers also couldn't remember where he was during the trial of his former mentor, saying, "I believe I was somewhere in Central Pennsylvania. Now exactly where I was, I can't recall."

On the witness stand, Myers declared again that he was Victim No. 2, the boy in the showers. But when confronted with the statement that he gave the investigator, in which he had steadfastly claimed he hadn't been abused that day, Myers said, "That would reflect what I said then, not what I would say now." But when asked, he also couldn't recall what he told the authorities after he flipped on Sandusky.

After Myers left the witness stand, Sandusky's lawyer called Sandusky to testify as a rebuttal witness: "Mr. Sandusky, did you ever sexually abuse Allan Myers in any way?"

"Absolutely not," a tearful and visibly angry Sandusky said.

Myers was never deposed by Penn State, nor did he have to submit to an examination by a psychologist. In a confidential settlement, the university in 2013 paid Myers, 30, of Karthaus, Pennsylvania, \$6.9 million.

'Saving My Case'

Six days after the release of the grand jury presentment that indicted Sandusky, a distraught McQueary emailed Deputy Attorney General Jonelle Eshbach, as well as an investigator, to complain that they had “slightly twisted” his words, and that contrary to what the grand jury report had charged, McQueary had never seen Sandusky commit an anal rape.

Hours later, McQueary emailed Eshbach again, this time to complain that because of the way that erroneous grand jury report was being reported by the media, he was “being misrepresented” as a coward who fled the scene of a child rape. “National media and public opinion has totally, in every single way, ruined me,” McQueary wrote. “For what?”

“I know that a lot of this stuff is incorrect and it is hard not to respond. But you can't,” Eshbach wrote to her star witness in a series of email exchanges the attorney general’s office didn’t turn over to defense lawyers at the criminal trials of both Sandusky and Spanier. That prompted Sandusky’s lawyers to go to court to complain that the attorney general’s office had engaged in prosecutorial misconduct by hiding exculpatory evidence.

By telling her star witness to remain quiet, and not issuing any corrections or clarifications, Sandusky’s lawyers contended, the prosecutor ensured that the erroneous grand jury report containing the incendiary but false anal rape charge of a 10-year-old boy would continue to dominate national headlines, taint jury pools and increase the likelihood that more alleged victims would come forward with claims of abuse.

In the defamation suit McQueary won against Penn State, after which he negotiated a confidential settlement of \$9.7 million, Eshbach was sworn in as a witness and asked to explain why she told McQueary not to talk to reporters. “My advice to Mr. McQueary not to make a statement was based on the strengthening of my—and saving of my case,” she testified. “I did not want [McQueary] making statements to the press at that time that could at some time be used against him in cross-examination.”

When Sandusky’s defense lawyers seeking a new trial went to court to accuse Eshbach of prosecutorial misconduct, they not only cited the prosecutor’s admonition to McQueary to keep quiet, but also McQueary’s recent testimony where he implicated the prosecutor. On the witness stand at the trial of former Penn State President Spanier on March 21, 2017, McQueary testified that Eshbach called him days before the release of the grand jury report in 2011, to warn him, “We're going to arrest folks and we are going to leak it out.”

The testimony of Mike McQueary brought down Sandusky, Paterno and three top Penn State officials, Spanier, Curley and Schultz. McQueary was also responsible for the rumors that cost Greg Schiano that head coaching job at the University of Tennessee. In a civil deposition taken in 2015, McQueary claimed that a fellow assistant coach at Penn State, Tom Bradley, told him Schiano, who had left Penn State long before ever meeting McQueary, once came

into Bradley's office "white as a ghost" and said "he just saw Jerry Sandusky doing something to a boy in the shower."

Both Bradley and Schiano have denied this ever happened.

'99 Percent Hysteria'

The Penn State campus was bedlam after the grand jury report was leaked to Pulitzer-Prize winning reporter Sara Ganim on Nov. 4, 2011, after it was supposedly placed online by mistake. Four days later, on the morning of Nov. 8, 2011, The New York Times ran a story with the headline, "Penn State Said To Be Planning Paterno Exit Amid Scandal." That night, throngs of Penn State students demonstrating in support of the embattled coach surrounded his house.

Scott Paterno, the coach's son, lawyer and press spokesman, came out on his father's front lawn and, with TV cameras rolling, pronounced Sandusky guilty of everything he was accused of. In doing so, Scott Paterno invested his family and most of Penn State Nation in an unproven narrative.

"This is a horrible story which involved a lot of kids getting hurt," Scott Paterno said. As the father of three kids, he told the cheering crowd, it was time to "say a prayer," and show support for "the victims first."

The national media, now confident of Sandusky's guilt, changed their focus to whether or not Paterno was culpable for covering up Sandusky's crimes.

"They [Penn State] have to get past this, and the only way for that to happen is for him [Paterno], and perhaps the university president and others to resign," stated reporter Ron Allen of NBC.

Paterno had to go "because you cannot watch a football game Saturday and be thinking about child molestation, and that's exactly what you will be thinking about if you see that man on the sidelines," said Stephen A. Smith of ESPN.

"This was a complete collapse, legally, morally and in every other way," Jeffrey Toobin, CNN legal analyst, editorialized about the unfolding disaster at Penn State.

Within a week, an artist painted over Sandusky's image on an "Inspiration" mural of heroic Penn State figures outside the campus bookstore. Paterno was fired. Ten thousand students gathered on campus for a candlelight vigil on behalf of the then-unknown victims of Sandusky. And finally, on Saturday, before the nationally-televised Nebraska-Penn State game at Beaver Stadium, both teams gathered at midfield to pray for the victims.

Penn State officials, faced with a full-blown crisis and an occupying media army, decided they wanted to move on as fast as possible from the scandal by dispatching a few scapegoats.

How did the situation get blown so far out of proportion?

“It's absurd that somebody didn't professionally investigate this thing from the get-go.”

“It wasn't an independent inquiry,” Snedden said of the investigation that began in 2009 under Corbett when he was Pennsylvania's attorney general, and ended while Corbett was governor. “It was an orchestrated effort to make the circumstances fit the alleged crime.”

“There was an exceptional rush to judgment,” Snedden said. “Ninety-nine percent of it is hysteria. It's absurd that somebody didn't professionally investigate this thing from the get-go.”

“It was an orchestrated effort to make the circumstances fit the alleged crime.”

‘Like Custer at the Little Big Horn’

Just seven months after Sandusky was arrested, lawyers in the case were picking a jury at the Centre County Courthouse, where their client was facing 48 charges of sex abuse. They had an impossible task preparing for trial. The grand jury judge had ruled they couldn't have access to all the grand jury testimony, which included the accusations of eight alleged victims, until just 10 days before the first witness was scheduled to take the stand.

Joseph Amendola, Sandusky's lawyer, repeatedly tried to get the trial postponed so he could wade through 12,000 pages of discovery, but the trial judge refused. Just before the trial started, Amendola tried unsuccessfully to back out as Sandusky's attorney, telling the judge he was overwhelmed, and, “My staff is ready to quit.”

Amendola said the case was so rushed that he didn't even have time to send out subpoenas to witnesses. “I felt like Custer at Little Bighorn, for God's sake,” he subsequently testified during an appeal hearing where Sandusky was seeking a new trial. “I mean, we had boxes of material that had just come in that we couldn't even look at because we had to get ready for trial. And it was an absolutely hopeless situation to try to do it properly.”

Amendola didn't help his cause by waiving a preliminary hearing in which he would have had a chance to question Sandusky's accusers. He also didn't ask for a change of venue, even though the case was being tried in Centre County, where one out of every three residents was employed by Penn State, people who might have blamed Sandusky for the scandal that took down their team, and its late, beloved football coach.

The Sandusky trial attracted a news media army of more than 240 journalists and 30 TV trucks. In his opening statement, Amendola talked about the “daunting task” of defending his

client. "I'll be honest with you, I'm not sure how to approach it," Amendola said, before referring to a prosecutor's claim of "overwhelming evidence against Mr. Sandusky."

Sandusky was convicted on 45 out of 48 charges. The judge pronounced Sandusky a sexually violent predator, and sentenced him to prison for 30 to 60 years, where he was placed in solitary confinement for more than five years. But how strong was that overwhelming evidence?

On May 11, 2017, Dr. Elizabeth F. Loftus, one of the world's foremost experts on the malleability of human memory, testified at a hearing on Sandusky's bid for a new trial. Loftus, a distinguished professor of both psychology and law at the University of California, Irvine, is known for her pioneering work on false memories, especially as they relate to eyewitness testimony regarding a crime, as well as so-called repressed memories of traumatic events. Loftus has given lectures to the Secret Service and FBI; she also has a contract to work for the CIA.

Testifying by phone, Loftus told the judge "There is no credible scientific support for this idea of massive repression," as claimed by four of Sandusky's eight accusers at trial.

As far as the notion that "you need psychotherapy to dig it out, and you can reliably recover these memories, and you need to do this in order to heal yourself," Loftus told the judge, "There is no credible scientific support for this." In many other jurisdictions, Loftus told the judge, cases involving repressed memories have been thrown out of court.

Loftus, who co-wrote *The Myth of Repressed Memory; False Memories and Allegations of Sexual Abuse*, testified that her research has shown that human memory "doesn't work like a recording device" that can simply be played back at a later date. Memories evolve over time, she testified, and can be distorted or contaminated with suggestive and leading questioning. Her experiments have also proven that people can be talked into believing things that aren't true. "You can plant entirely false memories in the minds of people for events that never happened," she explained. And once those false memories are planted, she told the judge, people will relate those memories as if they were true, "complete with high levels of detail and emotion."

Researchers have planted false memories about being "nearly drowned" as a child, and "rescued by a lifeguard."

In her experiments, Loftus said, "We have successfully convinced ordinary, otherwise healthy people, that they were lost in the shopping mall" when they were five or six years old, "that they were frightened, cried and had to be rescued by an elderly person and reunited with the family." Other researchers have planted false memories about being "nearly drowned" as a child, and "rescued by a lifeguard," she testified. People have been convinced that they were "attacked by a vicious animal," Loftus said, or that they committed a serious crime as a teenager.

During the appeal hearing for a new trial for Sandusky, Loftus said, “It seems pretty evident that there were drastic changes in the testimony of some of the accusers.” One “obvious” reason for those changes, she testified, was the “highly suggestive” way police and psychotherapists interviewed those accusers.

In an interview with Newsweek, Loftus described McQueary’s evolving eyewitness account of the shower incident as a classic case of suggestion altering one’s perception. When investigators came to McQueary in 2010 to question him about the nine-year-old shower incident, it “could lead to an exaggeration of an ambiguous situation in the direction of something that is more consistent with abuse,” Loftus said. “If you label something a particular way, people will remember it in the direction of that label.”

Loftus described the role of repressed memories in the case as a convenient solution for dealing with the inherent conflicts presented by the testimony of the alleged victims, many of whom had remained friendly with Sandusky for years after the alleged abuse. “All this post-event contact and friendly relations [with Sandusky] needs to be explained away,” Loftus told Newsweek. “With that in mind, I can see how somebody could latch on to the idea of repression as a way of explaining away all of the apparent affection, admiration and repeated contact” with Sandusky.

Malleable Memories

Back in November 2008, Aaron Fisher was a 15-year-old wrestler and budding track star who bragged to male friends about having lots of sex with several girlfriends.

One Saturday, Fisher wanted to go out on a date, but his mother wanted him to spend some more time with Sandusky. Dawn Fisher Daniels was a single mom living in welfare housing in tiny Lock Haven, Pennsylvania. According to Josh Fravel, her next-door neighbor who would testify at the Sandusky trial, the mother had a habit of shipping her kids off on the weekends, so she could go out partying. In 2008, Daniels posted on her MySpace page a photo of herself loaded in a bar, under the caption, “Drunk as hell . . . lol; me at the saloon; who knows who that guy is. . . lol,” along with another picture of the top of her underwear, and the caption, “my thong, tha thong, thong, thong . . . look at that ass.”

Aaron Fisher had started attending Second Mile programs after he graduated from fourth grade. As he did with other kids, Sandusky took Fisher to football games, wrestled with him, cracked his back and tossed him around in the swimming pool. Fisher described The Second Mile as “awesome;” his mother subsequently wrote that she initially thought Sandusky was “some sort of angel” who “acted like a big kid . . . a real dumb jock with a heart of gold.”

But after Fisher got interested with girls, he stopped hanging around with Sandusky, and resisted his mother’s efforts to spend more time with his former pal. When his mother asked why, Fisher replied that Sandusky made him feel uncomfortable.

Approximately a half-hour after her son told her this, according to Fravel, Daniels came outside, and while taking a drag from a Marlboro Light 100, told her next-door neighbor about Sandusky that she would “own that mother-fucker’s house.”

That week, Daniels called Fisher’s school, and complained about Sandusky to the principal and a guidance counselor. When school officials interviewed Fisher, he detailed his physical contact with Sandusky, but didn’t describe it as overtly sexual. Then, while undergoing weekly and sometimes daily therapy sessions featuring leading questions from psychotherapist Mike Gillum, Fisher began to recall multiple instances of being fondled by Sandusky, as well as multiple instances of being forced to participate in oral sex.

In a 2012 book he co-authored with Fisher and his mother, *Silent No More*, Gillum wrote that he saw his job as “peeling back the layers of the onion” in Fisher’s mind to uncover hidden memories of abuse. “Look, I know that something terrible happened to you,” Gillum told Fisher. And then Gillum would guess how Sandusky had abused Fisher. The reticent patient simply had to say “yes,” or just nod his head to confirm that an alleged crime had been perpetrated.

After three years of such therapy, Fisher, “Victim No. 1” in the case, became convinced Sandusky was a monster who from 2005 to 2008 had abused him more than 100 times, including oral sex and touching the boy’s genitals, at various locations, including Sandusky’s home and car, in hotel rooms, at Fisher’s school and on the Penn State campus.

“Mike just kept saying that Jerry was the exact profile of a predator,” Fisher wrote in *Silent No More*. “When it finally sank in, I felt angry.” About his repressed memories of abuse, Fisher wrote, “I managed to lock it deep inside my mind somehow . . . I was in such denial about everything.”

The psychotherapist accompanied Fisher to police interviews, and when he testified before two grand juries. For two years, Fisher was the only alleged victim that the authorities had of an alleged serial pedophile. When Fisher repeatedly broke down crying in front of the first grand jury, he could not elaborate on details of his abuse, and he even denied that he had been abused with oral sex. Gillum then volunteered to testify on his client’s behalf, on the grounds that Fisher was too emotionally fragile to testify. But instead, Gillum wrote in *Silent No More*, he and the prosecutor decided to give Fisher “some more coaching.” When a second grand jury convened, Fisher testified by reading a written statement about his alleged abuse.

After Elizabeth Loftus read *Silent No More*, she told *Newsweek* she found “Mike Gillum’s extraordinary and unusual role in Aaron’s accusations” to be “quite troubling” because Gillum “potentially communicated his personal biases about Aaron’s story” not only to Fisher, but to at least one other accuser in the case.

Without a script to read from, Fisher turned out to be a bad witness. When he testified at the Sandusky trial, he was cross-examined about four different dates he gave for when Sandusky had allegedly begun abusing him with oral sex. First, Fisher claimed it ended a month or two before his 14th birthday in November 2007, a full year before he ever complained to anybody. Next, Fisher said the oral sex started in the summer of 2007 and continued until September 2008. Thirdly, he said it began in November 2007 and continued until the summer of 2008. Finally, he said, the oral sex began in 2008 and continued into 2009, which was impossible because Fisher was claiming the abuse continued even after he had originally come forward with his allegations of abuse, in the fall of 2008.

In response, the defense at Sandusky's trial called Fravel, the former next-door neighbor who testified that Daniels was enthusiastic about the prospect of suing Sandusky, because it would be "her ticket out of the neighborhood."

"I'll own his [Sandusky's] house," Fravel quoted Daniels as saying. And, "When this all settles out, she'll have a nice big house in the country with a fence and the dogs can roam free."

Mark Pendergrast, a science writer and critically-acclaimed author of 11 books, interviewed therapist Gillum for a book he wrote on the Sandusky case, *The Most Hated Man In America, Jerry Sandusky And The Rush To Judgment*, published in November. "This entire case started because therapist Mike Gillum saw Aaron Fisher as a patient," Pendergrast told *Newsweek*. Gillum "used incredibly leading methodology and got over-involved" with his patient, Pendergrast said, to the point where "Aaron Fisher became convinced that he remembered traumatic abuse that probably didn't happen."

"There's no convincing evidence whatsoever that people can forget years of traumatic events."

Pendergrast agrees with Loftus that there's nothing scientific about the claim that memories of traumatic events can be repressed. "Everything we know about the science of memory shows that the things that we remember the best are the most traumatic events that happen to us." The usual problem people have with traumatic memories, Pendergrast explains, is they can't forget them. "That's what PTSD is," he says, referring to Post Traumatic Stress Disorder. "There's no convincing evidence whatsoever that people can forget years of traumatic events."

The theory that people repressed memories of childhood sex abuse was first advanced by Sigmund Freud back in 1895, but subsequently retracted by him, Pendergrast says, however, the myth has "lived on in the popular culture."

At the Sandusky trial, repressed memories were consistently presented as fact. Prosecutor Joseph McGettigan told the jury before calling his witnesses that he would have to "press these young men for the details of their victimization," because "they don't want to remember." That's why the investigation was slow," McGettigan told the jury, because "the doors of people's minds" were closed.

After a jury found Sandusky guilty, then Pennsylvania Attorney General Linda Kelly held a press conference outside the courthouse where she said of the alleged victims, “It was incredibly difficult for some of them to unearth long-buried memories of the shocking abuse they suffered at the hands of this defendant.”

In Aaron Fisher’s civil case, the university’s trustees didn’t subject him to a deposition with a lawyer or an examination by a forensic psychiatrist, as is often done while litigating sex abuses cases. Instead, a consulting forensic psychologist and a law firm retained by Penn State reviewed the paperwork from Fisher’s claim. And then, the university in 2013 paid Fisher, 24, of Lock Haven, PA, a confidential settlement of \$7.5 million.

In the small town of Lock Haven, however, population 9,459, there are at least a dozen skeptics about Fisher who are current and former friends and girlfriends from the time Fisher was allegedly abused, prominent past supporters, neighbors and well as relatives who have gone on tape and video to say that they didn’t believe Fisher was telling the truth.

In response, Fisher’s then-fiance posted a picture on Facebook in 2015 of Fisher lying bare-chested on a bed covered with cash while he was flashing his middle finger at the camera.

‘You Are Not Alone in This’

By the time Sandusky’s trial arrived, the unreliable Fisher was no longer the state’s star witness against Sandusky. The prosecutors decided to replace Fisher as their lead-off with Brett Swisher-Houtz. Dubbed “Victim No. 4,” Swisher-Houtz, at the time Sandusky was arrested, was the only other accuser who claimed he was the victim of a sex act.

When Swisher-Houtz’s father read the story by Sara Ganim in the Harrisburg Patriot-News about how a supposedly secret grand jury was investigating Sandusky for sex abuse, the father advised his son to hire a lawyer, Benjamin Andreozzi, who specialized in taking sex assault cases on contingency. That’s just what the son did. But when Andreozzi first came to see him on April 5, 2011, Swisher-Houtz wasn’t cooperative, and didn’t say anything had happened to him. Two days later, when a state police corporal knocked on his door, Swisher-Houtz said he wanted to talk to his lawyer before he talked to police.

On April 21, 2011, Pennsylvania State Troopers Joseph Leiter and Scott Rossman interviewed Swisher-Houtz at the police barracks, with his attorney present, and a tape recorder running, and this time, Swisher-Houtz was more cooperative. During the first 50 minutes of questioning, Swisher-Houtz told the troopers about wrestling matches with Sandusky, and how Sandusky would pin him to the floor with his genitals stuck in the boy’s face. Then, Sandusky would allegedly kiss and lick the inside of the boy’s legs, Swisher-Houtz claimed. That prompted Trooper Rossman to ask if Sandusky would kiss or lick his testicles.

“Kind of,” he replied, but the state troopers suspected the witness was holding back graphic details of more serious abuse.

While Swisher-Houtz smoked a cigarette outside, the two state troopers talked with Houtz’s lawyer, unaware that the tape-recorder was still running. On tape, the troopers talked about how it had taken months to coax rape details out of Fisher. “First, it was yeah, he would rub my shoulders, then it took repetition and repetition and finally we got to the point where he would tell us what happened,” Leiter said. The troopers then talked about how they were sure Swisher-Houtz was another rape victim, and they discussed how to get more details out of him.

Andreozzi had a helpful suggestion: “Can we at some point say to him, ‘Listen, we have interviewed other kids and other kids have told us that there was intercourse and that they have admitted this, you know. Is there anything else you want to tell us?’”

“Yep, we do that with all the other kids,” Leiter said.

When Swisher-Houtz returned, Leiter told him, “I just want to let you know you are not the first victim we have spoken to.” The trooper told him about nine adults the police had already interviewed, and said, “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.”

At that point, the troopers had only interviewed three alleged victims who claimed they’d been abused, and only on--Fisher--had alleged prolonged abuse.

“I don’t want you to feel ashamed because you are a victim in this whole thing,” Leiter told Swisher-Houtz. “[Sandusky] took advantage of you . . . We need you to tell us as graphically as you can what took place... I just want you to understand that you are not alone in this. By no means are you alone in this.”

Swisher-Houtz subsequently began therapy sessions with psychotherapist Mike Gillum. By the time Sandusky went on trial on June 11, 2012, Swisher-Houtz, as the prosecution’s leadoff witness, testified that for years Sandusky had forced him to have oral sex “40 times at least.” Sandusky also attempted to anally rape him in the shower, the witness claimed, but then he supposedly pushed Sandusky off “with all my might” and got away.

When asked by Sandusky’s attorney why he hadn’t initially said he was abused, the witness testified, “I have spent, you know, so many years burying this in the back of my mind forever.”

Swisher-Houtz’s claims included alleged sex abuse during two high-profile bowl game trips he took with the Sandusky 1998 and 1999. If his claims his true, they require Sandusky to be anything but a criminal mastermind in spending so much time in public with a boy he was allegedly abusing, and for his wife Dottie to be his knowing accomplice.

That's because Houtz-Switzer claimed that Dottie walked in on act of sex abuse, although she denied it when testified. In the six and a half years since Sandusky was arrested, his wife has never waived about steadfastly proclaiming her husband's innocence.

Author Pendergrast is skeptical about Swisher-Houtz's claims of repressed abuse, as well as similar claims from other alleged victims in the Sandusky case. "All of the recovered memories in the Sandusky case are most certainly false," he said. "They shouldn't even be called memories—they're confabulations."

But Penn State bought it. After Swisher-Houtz, 24, of Snowshoe, Pennsylvania, filed a civil claim against the university on Dec. 4, 2012, he wasn't deposed by a lawyer or examined by a forensic psychiatrist. Instead, a consulting forensic psychiatrist and a law firm hired by Penn State reviewed his paperwork, and then the university paid Swisher-Houtz in 2013 a confidential settlement of \$7.25 million.

He was one of eight clients represented by Benjamin Andreruzzi, who collected a total of \$13 million from Penn State.

'No Signed Affidavit'

The massive payouts to Sandusky's alleged victims prompted the university's insurance carrier, the Pennsylvania Manufacturers Association Insurance Company [PMA], to sue Penn State and the various "John Doe" claimants in 2013. The lawsuit ended three years later in a confidential settlement that lawyers in the case say they are prohibited from discussing.

One of those lawyers is Eric Anderson of Pittsburgh, who was an expert witness in the case on behalf of the insurance carrier. Anderson, however, wrote a report disclosed in court records. "It appears as though Penn State made little effort, if any, to verify the credibility of the claims of the individuals," Anderson wrote on Oct. 5, 2015. In his report, Anderson noted "the absence of documentation" in the claims, saying in many cases there was "no signed affidavit, statement or other means of personal verification of the information which I reviewed."

"It appears Penn State made little effort, if any, to verify the credibility of the claims."

"I do not know why so many of the cases were settled for such high sums of money," Anderson wrote. He suggested that "potential punitive damages . . . factored into Penn State's evaluations," along with "a concern about publicity and a desire to resolve the matters very quickly."

Gary Langsdale, the university's risk officer, when deposed in that case, was asked if he had any concerns that the psychologist the university hired as an expert to evaluate claims "did not interview any of the first 26 or so victims who received payments from Penn State?"

“Not particularly,” he said.

On Oct. 1, 2014, a year after he’d been paid off, Swisher-Houtz was deposed during the civil case Penn State’s insurance carrier filed against the university. “Has anybody from Penn State ever spoken to you,” asked Steven Engelmyer on behalf of the insurance carrier.

“Not that I’m aware of,” Swisher-Houtz replied.

‘That Doorway Has Been Reopening’

When the police first tried to interview Dustin Struble in January 2011, he didn’t want to talk to them. But a month later, on Feb. 3, 2011, Struble, another Second Mile alum, told police he considered Sandusky a friend and mentor. Struble said he had taken showers with Sandusky after they worked out, and that Sandusky used to put his hand on the boy’s knee when he gave him a ride in Sandusky’s car, but that nothing sexual ever happened.

Then, Struble underwent more questioning from state troopers, as well as repressed memory therapy. At the Sandusky trial almost 18 months later, Struble, dubbed “Victim No. 7,” recalled multiple instances of abuse. They included Sandusky allegedly pressing his crotch against the boy’s backside in the shower, and another incident while they were out driving, when Sandusky had allegedly stuck his hand down the boy’s pants and touched his penis.

Asked to explain his changing story, Struble testified, “That doorway that I had closed has since been reopening more. More things have been coming back . . . Through counseling and different things, I can remember a lot more detail that I had pushed aside . . . I had sort of blocked out that part of my life.” In a 2014 interview, Struble told author Pendgrast that all of his abuse allegations came from recovered memories.

After he filed a civil suit, Struble, 33, of Grove Mill, PA, wasn’t deposed by a lawyer or examined by a forensic psychiatrist. Instead, a consulting forensic psychiatrist and a law firm reviewed his claim. Then, in 2013, Penn State paid Struble a confidential settlement of \$3.25 million.

In the opinion of Elizabeth Loftus, detailed in court papers, the memories of Struble, Swisher-Houtz and Fisher could have all been affected by “highly suggestive” questioning from police and psychotherapists.

In their appeal of Sandusky’s conviction, his new lawyers argued that his trial lawyers should have put expert witnesses on the stand, such as Loftus, to testify that repressed memory therapy was analogous to hypnosis. Another expert witness cited in Sandusky’s appeal, Harvard psychologist Richard McNally, described repressed memory theory as “psychiatric folklore devoid of convincing empirical support.” But at Sandusky’s trial, his lawyers did not challenge the witnesses, or the validity of repressed memory therapy.

On July 19, 2011, Jason Simcisko, another member of The Second Mile, told police that nothing inappropriate happened when he showered with Sandusky. The police asked if Sandusky had perhaps lifted him up to the showerhead to wash his hair. According to a police report, Simcisko replied, "There might have been something like that. I don't exactly remember, but it sounds familiar."

A year later, by the time Sandusky was on trial, Simcisko's memory had dramatically improved. On the witness stand as "Victim No. 3," Simcisko recalled that Sandusky had touched his penis numerous times. When asked to explain the change in his story, Simcisko testified, "Everything that's coming out now is because I thought about it more. I tried to block this out of my brain for years."

Simcisko's story of abuse radically transformed as his lawyers pressed a civil claim against Penn State. In a statement that might surprise prosecutors, Simcisko's civil lawyers wrote, "very little of the sexual abuse suffered by Mr. Simcisko was elicited during Sandusky's criminal trial." His civil lawyers alleged that Simcisko had been abused more than 100 times, beginning in 1998, when he was 12, and continuing until 2003, included oral and anal sex. If his civil claim is true, he clearly committed perjury during the criminal trial.

Penn State didn't bother with any depositions or psychiatrist exams to test the truthfulness of these allegations. Instead, after his claim was reviewed by law firm and a consulting forensic psychiatrist, Penn State paid Simcisko, 24, of State College, PA., in 2013 a confidential settlement of \$7.25 million.

After he got paid, Simcisko posted a picture on Facebook of himself in a Penn State jersey smiling and tailgating with Jay Paterno, the coach's son, at a Penn State football game where Simcisko bragged about seats on the 50 yard line.

'His Screams for Help'

While at least four of Sandusky's accusers relied on recovered memories of abuse at his trial, three other accusers told stories of abuse that dramatically escalated over time. One such witness was Sabastian Paden, another Second Mile alum. Paden was interviewed by state police after his mother saw news on TV about Sandusky's arrest, and watched Attorney General Kelly ask more victims of abuse to come forward. Paden's mother called her son's high school, and requested that someone report her son as a victim on an abuse hotline. An employee at the school obliged, but when the cops showed up at Paden's home, he denied he had been abused.

Less than a week later, however, Paden testified before the grand jury as "Victim No. 9," and claimed he had been locked in Sandusky's basement and kept there for years on weekends as a virtual sex slave, while Sandusky brought him meals, and forced him to have oral and anal sex.

When Sandusky went on trial seven months later, Paden told the prosecutors he had spent nearly every weekend at the Sandusky home from 2005 to 2007—between 100 and 150 visits—and that Sandusky kissed him every time, and usually forced him to perform oral and anal sex.

When defense lawyers questioned Paden, his story continued to grow. Paden claimed the abuse went on virtually every weekend until 2009, an extra two years, and that he was basically starved while he was being held prisoner in the basement by the Sanduskys. [It was the same time period when Fisher claimed to be spending nearly every weekend with the Sanduskys, yet they didn't even know each other.]

Paden claimed that while he was held prisoner in that basement, his screams for help went unheard by Sandusky's wife, Dottie, because the basement was "soundproof." Paden also claimed he suffered rectal bleeding from Sandusky's attacks, although he conceded that his mother never found any bloody underwear in the laundry.

There are no medical records to back Paden's claims of injuries.

During a 2014 visit to the Sandusky home, former Today show host Matt Lauer expressed skepticism on camera about how any screams from the basement, which wasn't soundproof, could not have been heard by Sandusky's wife. "This is a very small house," Lauer told viewers as he interviewed Dottie Sandusky in her living room. "We're sitting 12 feet from the door to that basement," Lauer said, before he asked again why she didn't hear Paden scream.

"Because he didn't scream," Dottie Sandusky replied.

When Paden's lawyers filed a civil claim for damages, their client's story grew to implicate Paterno, Sandusky's former boss. His lawyers claimed Paterno had invited Paden and Sandusky to have lunch with him at Beaver Stadium, and then tour the stadium. "Each time Sandusky and [Paden] encountered Paterno, Paterno greeted Sandusky, endorsing Sandusky's favored status with Penn State," the lawsuit said. Sandusky denied this ever happened; Paterno was dead by then, and couldn't defend himself, but family members stated that no such event appeared on any of Paterno's calendars.

After he filed his claim, Paden posted on Facebook, "Shit I'm balling like a mother fuck hell yea \$." Like the rest of the claimants, Paden, 24, of McClure, PA, wasn't subjected to a deposition with a lawyer or a psychiatrist's examination; instead, his records were reviewed and approved by a consulting forensic psychiatrist and a law firm hired by Penn State. Paden's claim, which implicated Paterno, and also included a discovery motion seeking background materials gathered for the Freeh Report, resulted in 2015 in the highest payout of all the alleged Penn State victims, \$20 million.

After Allan Mayers, the second most significant witness to flip on Sandusky was his adopted son, Matt, and his dramatic reversal came during the trial. It forced Amendola, Sandusky's

defense lawyer, to renege on a promise he had made in his opening statement to the jury, that Jerry Sandusky would take the stand in his own defense. Amendola changed his mind because he was afraid the prosecution would call Matt Sandusky, who the jury had seen sitting next to Dottie Sandusky, his adoptive mother, when the trial began, to testify against his adoptive father. Neither Jerry nor Matt Sandusky, however, wound up testifying during the trial.

When the former Matt Heichel got involved with The Second Mile, he was eight years old and he and his family were living in a trailer. In 1994, when Matt was 16, he got in trouble for burning down a barn, and was facing jail time for arson. That's when Jerry and Dottie Sandusky offered to adopt him. A Centre County Children and Youth Services report recommended the adoption, saying that the Sanduskys, who had already adopted five foster kids, would provide "a stable, loving home environment."

Matt began an affair with a teenage mother the Sanduskys had also taken into their home. When the Sanduskys found out, they told the couple to stop. Matt, who was 17 at the time, and the teenage mom responded by unsuccessfully attempting suicide by overdosing on aspirin.

Before he flipped, Matt Sandusky had previously told the police and the grand jury that his adopted father had never abused him. He even went to court to fight his ex-wife, so that his children could continue to visit the Sandusky home after Jerry Sandusky was arrested for sex abuse. On the opening day of Sandusky's trial, Matt sat next to Dottie Sandusky and heard Brett Swisher-Houtz's tales of abuse. That night, according to author Pendergrast, Matt, who was staying with the Sanduskys, told one of his adopted siblings, "This is ridiculous. Anybody can make accusations without evidence and get paid. I could, you could, anyone could . . . But I actually have morals."

Three days later, Matt, who became attorney Andrew Shubin's client, flipped, telling police he'd been abused by Sandusky's inappropriate touching. If true, he had committed perjury before the grand jury.

[Meanwhile, all five of his adopted siblings continued to support their foster father; with each stating they did not believe Matt had ever been abused. Matt's former teen lover, who had tried to commit suicide with him, wrote a long email saying that Matt had never mentioned any abuse to her, and she didn't believe he'd been abused. She described Jerry Sandusky, whom she lived with as a teenager, as having a "childlike mind and soul," adding that "our culture and society don't understand that kind of 'innocence' and playfulness today."]

On June 15, 2012, during the trial, a leaked tape of Matt Sandusky's interview with the state police was broadcast on NBC. [Amendola accused his co-counsel, Karl Rominger, who had been partying with the NBC crew, of being the leaker. Rominger was subsequently disbarred and sent to jail in 2016 for 5 ½ to 18 years for stealing more than \$767,000 from clients; later that same year Rominger was sentenced to an additional 20 months in jail for tax evasion.] Since the jury was not sequestered, they could have heard about Matt's defection. Eight days later, the jury convicted Jerry Sandusky.

When he went to the police, Matt claimed his adopted father had touched him inappropriately, but said he didn't recall any oral sex. But when he filed his civil claim on Jan. 16, 2013, he claimed that from 1988 to 2000 [starting when he was 9 and ending when he was 21], his adoptive father had abused him many times, and that the abuse included genital touching, oral sex, and mutual masturbation.

After he flipped on his adopted father, Matt, 40, of State College, collected \$325,000 in a 2013 civil settlement from Penn State. He went on to star in *Happy Valley*, a documentary on the scandal, and appear on Oprah, where he claimed to have repressed memories of abuse.

"All of these things start coming back to you, yes (and) it starts to become very confusing for me and you try to figure out what is real and what you're making up," he told Oprah. But then Winfrey put Matt on the spot, asking "how do we know" he was telling the truth, rather than merely parroting stories he heard Swisher-Houtz tell on the witness stand? In response, a stunned Matt froze on camera for a full seven seconds, before he began a stammering minute-long reply that started with: "I would say . . . My story has been well documented," before finally assuring the host, "There is no reason for me to lie."

The "Sting"

When XXXXX attended Sandusky's trial, he remembered asking his adopted son, "Matt, do you believe these individuals are liars?" And Matt, according to XXXXX, responded that he also didn't believe the alleged victims were telling the truth. But a couple of days later, when Matt flipped and claimed to be one of those alleged victims, XXXXX was stunned.

"It was obvious to me that what the media and the prosecution were saying was not true," he told Newsweek. "I just needed to find a way to prove it."

In 2014, XXXXX, then 31, went to see State College attorney Andrew Shubin, who represented a total of nine Penn State alleged victims, including Matt Sandusky, Allan Myers, and the 1971 accuser who claimed he told Joe Paterno, Randy Tice.

At their first meeting, XXXXX initially used a false name, but that apparently didn't dissuade the lawyer. XXXXX told Shubin he first met Sandusky at a Second Mile summer camp in 1996. While they were driving around in Sandusky's car, XXXXX told Shubin, Sandusky would touch XXXXX's leg and rub upwards near his groin. XXXXX told Shubin that Sandusky used to drive him to Sunset Park, located directly behind Joe Paterno's house. Then, XXXXX said, Sandusky would lead him down a bike trail behind the park where he was forced to perform oral sex on Sandusky. According to XXXXX's extensive record of the conversation, Shubin showed little interest in the story, except to ask if anything ever happened with Sandusky on the Penn State campus.

Over the next three and a half years, XXXXX would meet with Shubin about a dozen times, once while accompanied by his mother, a former Second Mile employee. XXXXX always took care to keep a record of the those sessions. He also was treated at approximately 100 sessions with Dr. Cynthia McNab, Shubin's go-to therapist who had also treated Matt Sandusky. All those sessions were paid for by Penn State through their insurance company.

Neither Shubin nor McNab responded to Newsweek requests for comment.

Shubin, XXXXX said, seemed to believe his ludicrous story without any expressed skepticism, at one point assuring him, "I would believe anyone who said they were a Sandusky victim before I would ever believe Sandusky."

At his second meeting with Shubin, XXXXX said that the lawyer, reading from his computer screen, reviewed the details of his story of abuse. And XXXXX was surprised to discover the story Shubin related was completely different from the original story XXXXX had told.

First, Shubin changed the year of his attendance at the Second Mile camp to 1994-5. Then, the lawyer told XXXXX that Sandusky had groped him in a pool, and brought him to the Penn State campus, where they would work out, followed by sex in the showers.

Shubin went on to explain that during the second summer camp, Sandusky would pull XXXXX out of camp activities, take him to the locker room, and force him to perform oral sex on Sandusky. Shubin also instructed XXXXX that he had reported his abuse to camp counselors, but they didn't believe him. XXXXX said the lawyer also told him that he reported his abuse to the athletic department and Penn State, that a secretary said they would investigate, but they never got back to him. Finally, Shubin, according to XXXXX, told him that he may have reported his abuse to someone at a placement facility for troubled kids, as well as to a psychologist.

When the subject of the alleged abuse in the park came up, Shubin, according to XXXXX, told him, "We'll talk about that later."

"I felt like he was playing a game, guiding me along," XXXXX said.

After many therapy sessions, XXXXX was invited to join a monthly group meeting of other Sandusky accusers, but then his therapist changed her mind, telling XXXXX he wasn't ready to join yet, because he hadn't fully dealt with his anger over having been abused by Sandusky.

"I laughed at this," XXXXX said. "It seemed to me like the others weren't angry because they had been paid and were never even abused by Jerry." XXXXX said he was subsequently told that the group meeting had disbanded.

According to XXXXX's extensive records of their conversations, Shubin's entire theory of the case was based on Sandusky being a criminal mastermind. But to XXXXX, Sandusky came across as a naive simpleton. "That's not close to the Jerry I knew," he said.

Shubin also told XXXXX he "just knew that Sandusky was perpetrating abuse, otherwise he wouldn't be spending so much time with these boys." The lawyer also informed XXXXX that the prosecutors in the Penn State case didn't get along with him because his clients kept dramatically changing the details of their stories. That's because, Shubin told XXXXX, he was able to get his clients to "the right people" to help them "remember a whole lot more."

XXXXX's therapist, McNab, was a big believer in repressed memories, telling XXXXX that "people don't remember when traumatic events happen to them," and that "traumatic events are laid down in the brain a different way."

As part of his claim, XXXXX was diagnosed by his psychotherapist as having Post Traumatic Stress Disorder. This was the same diagnosis Matt Sandusky had received, as did almost all of Shubin's clients.

Dr. Elizabeth Loftus, the memory expert who testified on behalf of Sandusky's appeal, was critical of the rampant diagnoses of PTSD in the Sandusky case. "Most of these therapists, the minute they are told there was a trauma they diagnose PTSD, without ever verifying that there ever really was a trauma," she told Newsweek.

According to XXXXX's records of his meetings with Shubin and McNab, both the lawyer and the therapist told him that they relied on the other to vet or validate the truthfulness of the stories told by their clients.

About Matt Sandusky flipping during the trial, McNab volunteered to XXXXX, "I think a lot of people thought that was a little fishy. I don't. But he [Matt] could have been lying about the whole thing."

After more than three years of therapy with McNab, XXXXX finally told her that he wasn't sure he really had been abused by Sandusky, and that he was questioning the entire case against Sandusky. In response, XXXXX said, McNab told him it was quite possible some of the alleged victims weren't telling the truth, but that she didn't think the accusers she met with would make that kind of thing up, unless they were tremendous actors. She also spent about 30 minutes trying to convince him that he WAS abused and that thinking he was NOT abused was actually a sign that he WAS indeed a victim.

"I'm not saying that all of the claims [of those she treated] are true," she told XXXXX, who was keeping a record. "I have no idea."

The problem with XXXXX's civil case was that he was over 30, which is the statute of limitations for filing a childhood sex abuse claim in Pennsylvania.

In a final meeting with Shubin, on February 12, the lawyer told XXXXX that he could probably not file a claim on his behalf because it didn't look like the Pennsylvania state legislature was going to change the statute of limitations on childhood sex abuse cases any time soon. Going forward, Shubin told XXXXX, there was only one viable option.

Shubin then offered to introduce XXXXX to Anthony Sassano, the lead detective on the Sandusky case, for the purposes of filing a possible criminal complaint against Sandusky, a tactic that might prompt Penn State to settle with him. Shubin subsequently emailed XXXXX Sassano's contact information, and wrote a lengthy letter confirming that he had also talked with Deputy Attorney General Laura Ditka, the lead prosecutor in the case against former Penn State President Graham Spanier, so she could reach out to Sassano on XXXXX's behalf.

Not wanting to break any laws by filing a false police report, XXXXX decided to finally end his sting operation with the publication of this story.

"I am grateful for all that you shared with me and acknowledge that doing so was not easy," Shubin wrote XXXXX on February 15th. "I am also supportive of your decision to reach out to Trooper Sassano to discuss what occurred to you. The statute of limitations on the criminal side has not run."

"I wish you the best in your contacts with the State Police," Shubin wrote XXXXX. "Trooper Sassano has a great deal of experience communicating with Sandusky and other child sexual abuse victims. I am confident he will treat you with dignity and professionalism."

'Never See Your Family Again'

While Penn State was paying out claims, it apparently never ran any background checks on the alleged victims. So Newsweek did, and found that at least a dozen of the alleged victims had criminal records, but they still weren't questioned by lawyers or psychologists on behalf of Penn State, and they still got paid.

The alleged victim with the most extensive criminal record is Ryan Rittmeyer. On November 29, 2011, Rittmeyer called the Pennsylvania state attorney general's sex abuse hotline. Rittmeyer, who had already done time for burglary and assault, became Victim "No. 10" in the Sandusky case.

Rittmeyer had met the lawyer who handled his sex abuse claim, Andrew Shubin, when Rittmeyer pleaded guilty on September 7, 2016 to possession of a firearm. According to police records, Rittmeyer was sent to jail for six months, followed by a year's probation.

Rittmeyer's rap sheet features 17 arrests from 2005 to 2016, including arrests for reckless endangerment [he pleaded guilty and was sent to prison for 60 days], theft by deception and false impression [he pleaded guilty and got six months in jail and two years probation], receiving stolen property, a second count of theft by deception and false impression [he pleaded guilty and was put on probation for a year], criminal solicitation and robbery to inflict or threaten immediate bodily harm [he pleaded guilty and went to jail for 21 months], and simple assault.

After he called the hotline, Rittmeyer told the cops Sandusky had groped him at a swimming pool and then attempted to have oral sex while driving him around in a silver convertible. Sandusky supposedly told Rittmeyer that if he didn't submit, he would never see his family again.

On December 5, 2011, Rittmeyer testified before the grand jury, and changed his story to claim he saw Sandusky once or twice a month during 1997, 1998, and part of 1999, and that something sexual occurred almost every time. He claimed that he and Sandusky usually engaged in oral sex.

The problems with Rittmeyer's story start with the car. "Jerry Sandusky never owned a silver convertible," says Dick Anderson, a retired coach who was a colleague of Sandusky's for decades on the coaching staff at Penn State, and has known Sandusky since 1962, when they were teammates on the Nittany Lions football team. "He drove Fords or Hondas."

In spite of his lengthy criminal record and dubious claim, Penn State didn't subject Rittmeyer to a deposition with a lawyer, or an evaluation from a psychiatrist. Instead, after reviewing the paperwork for his claim, the university in 2013 paid Rittmeyer, 24, of Ellicott City, MD, \$5.5 million.

'Just Made Stuff Up'

Some of the newer civil claims filed against Sandusky and Penn State reached the furthest back in time, and were among the most improbable. And when sparse details of those claims were disclosed in court filings, they generated a series of headlines that destroyed what was left of the late Joe Paterno's reputation, by charging that the coach had known since the 1970s about other sex abuse victims of Sandusky.

Michael Quinn, "John Doe 150," was represented by Slade McLaughlin, who represented "Billy Doe" in the Archdiocese of Philadelphia sex abuse scandal, as well as 11 other alleged victims at Penn State.

In the Philadelphia case, "Billy Doe," whose real name is Danny Gallagher, claimed to have been repeatedly raped when he was a 10 and 11-year-old altar boy by two priests and a Catholic school teacher. He collected \$5 million in a civil settlement with the Philadelphia

archdiocese, but his story has since been shredded by a retired Philadelphia police detective who was the lead investigator on the case. He testified that he repeatedly caught Gallagher in one lie after another, and that Gallagher even admitted to the detective that he “just made up stuff and told them anything.”

In the Penn State case, Quinn—John Doe 150—claimed that when he was in 9th grade, he attended a summer camp on the Penn State campus sponsored by The Second Mile. At that camp, Sandusky, whom Quinn had never met, came up to him in the shower and without even saying hello, soaped him up, and stuck his finger in the boy’s anus.

Quinn asserted that as a ninth grader, he had the gumption to immediately tell several Penn State football players about what Sandusky had supposedly done. Quinn also claimed that the next day, he tracked down Paterno in a hallway outside the coach’s office, but when Quinn tried to tell Paterno about what Sandusky had allegedly done to him, Paterno allegedly replied, “I don’t want to hear about any of that kind of stuff, I have a football season to worry about.”

When he first heard Quinn’s allegations, Franco Harris, a Penn State star from the 1970s, called Quinn’s story about allegedly tracking down and confronting Paterno “unbelievable . . . It just doesn’t make common sense.”

It didn’t matter. Even though his claim was decades past the statute of limitations, which in Pennsylvania, for victims of sex abuse, is age 30, on September 12, 2013, Quinn, 56, of Plains, PA, collected a confidential settlement from Penn State of \$300,000.

Penn State’s lack of investigation into Quinn’s claim was revealed a year later. In the civil case where Penn State’s insurance carrier sued the university, Quinn was called to testify on October 13, 2014.

“Have you ever been interviewed by anybody from Penn State regarding your claim,” asked lawyer Steven Engelmyer, on behalf of the Pennsylvania Manufacturers’ Association.

“No,” Quinn replied.

Two years later, when the 1970s abuse claims against Penn State became public, one of Quinn’s lawyers, Michael Boni, told the Associated Press that people shouldn’t necessarily believe the headlines that claimed Paterno knew way back in the 1970s about allegations of sex abuse against Sandusky. “Believe me, I’m the last person to defend the guy,” Boni told the AP, but he added that he knew of no “direct irrefutable evidence” that Paterno had known about any prior sex abuse by Sandusky dating back to the 1970s. “I think you need more than anecdotal or speculative evidence” to attack Paterno, Boni said.

The oldest civil claim against Sandusky and Penn State was made by Randy Tice, then 57, of State College. Tice, who was represented by Andrew Shubin, came forward in 2013 to claim that 42 years earlier, back in 1971, when he was 16, he was brutally raped after Sandusky

picked him up hitchhiking. According to Tice, Sandusky, a lifelong teetotaler, plied him with booze and marijuana, and then drove him to the locker room at the practice facility at Penn State. There, Sandusky allegedly snuck up behind Tice while he was standing at a urinal, attacked and anally raped him.

According to Tice's civil claim, the details of which have not previously been made public, while Sandusky was raping him, the two got into a wrestling match and Tice head-butted Sandusky in the teeth, causing "dental injury" that required "dental work," a story Sandusky denies. When asked about Tice's claim, Sandusky's lawyer just laughed.

Franco Harris, the NFL Hall-of-Famer who was a star on the Penn State back in 1971, was also skeptical of Tice's story. A football team locker room is "very close quarters," Harris said. If a Penn State coach got beat up in a locker room brawl, Harris said, "I would think we would have heard something."

Tice also claimed that back in 1971, before Penn State had the ability to do conference calls, Tice somehow got Paterno and another university official on the phone simultaneously to complain about being raped by Sandusky, and that Paterno allegedly threatened him, saying, "Stop this right now! We'll call the authorities."

It was then-CNN reporter Sara Ganim who broke the Tice story, which she had sat on for months until the Quinn story broke. Ganim also did a TV interview with Tice, but it never ran.

Despite his improbable story, in 2013, Penn State paid Tice, 62, of State College, \$200,000, even though his claim was decades past the statute of limitations, which in Pennsylvania for sex abuse claims, is age 30.

After he got paid, Tice, wearing a Penn State football hat, posted pictures on Facebook of himself, his wife and daughter, all smiling and wearing Penn State garb at a Nittany Lions football game.

The Lock Haven Quintet

Among the 36 alleged victims of Jerry Sandusky who got paid, there are several subsets who all know each other. Five of the alleged victims appeared in a single photo of Sandusky posing with smiling Second Mile kids that ran in Sandusky's own 2000 autobiography amazingly entitled, *Touched*. The photo included Brett Swisher-Houtz, Dustin Struble, Zachary Konstas, Michal Kajak, and Frankie Probst, all of whom collected from Penn State a total of \$29 million.

Jason Simcisko and Ryan Rittmeyer are gambling buddies who have posted on Facebook photos of themselves together while on excursions to Nevada. They share the same lawyer,

Andrew Shubin, and collected a total of \$12.7 million from Penn State. And then there's the Lock Haven quintet, five guys from the same small Pennsylvania town, population 9,459, located some 40 miles northeast of State College, who each collected a multimillion dollar settlement from Penn State.

Among the alleged victims, Frankie Probst appeared in the Touched photo and also hails from Lock Haven. He has the distinction of going on national TV on November 21, 2011, and telling NBC's Natalie Morales that Sandusky was a "fatherly figure," who never abused him. "Unh-uh," the 24-year-old Probst told Morales, when asked if he was ever touched inappropriately by Sandusky below the belt. "Not that I recall."

Then, more than four years later, on February 23, 2016, Probst filed a civil claim, charging that Sandusky began abusing him when he was 10 years old. He claimed that Sandusky treated him like a "girlfriend," and that the abuse, which included oral and anal sex, continued into Probst's senior year when he was a star tight end on his high school football team known as "Frank the tank."

Probst, 31, of Lock Haven, PA, collected \$9 million last year. The first Lock Haven resident to claim abuse, Aaron Fisher, the only one to testify at Sandusky's trial, collected \$7.5 million. The others who filed civil claims and got paid were Probst, Skyler Coover (\$7 million), Glenn Neff (\$7 million) and Joshua Culver (\$5 million). Between them, the five alleged victims from Lock Haven, all of whom went to the same school district, and three of whom shared the same lawyer, collected from Penn State a total of \$35.5 million.

Another skeptic of the Lock Haven quintet is Tennielle Jones, a former fiancée of Joshua Culver's, and the mother of his son. In a tape-recorded interview on October 25, 2017 with Newsweek, Jones said that Culver had bragged to her about how he collected \$5 million from Penn State [the exact amount of his 2013 settlement that was never publicly disclosed].

It was the first time, she said, that Culver had ever mentioned Sandusky to her. Culver, Jones said, told her that he "stayed up for three days" before his interview with his therapist so he would be emotional and convincing when he told his story of abuse.

'Couldn't Get an Erection'

In their civil claims of abuse, the 36 alleged victims portray Sandusky as a sexually insatiable predator with the virility of a porn star in his 20s. According to the claims, mostly from 1995 to 2009, Sandusky was constantly on the prowl for forced sex with boys, and never had any problems achieving an erection. Sandusky's medical records, however, from 2006 to 2008, depict a man in his 60s suffering from all kinds of ailments and conditions, as well as a possible genetic disorder characterized by small testes and a low sex drive.

A doctor who reviewed Sandusky's medical records, but asked to remain anonymous, wrote Newsweek in an email, "This guy couldn't get an erection no matter how he tried. Even

Cialis/Viagra would probably not work.” The doctor added that Sandusky should have sued his lawyers for malpractice.

Doctors described Sandusky as having an “androgen deficient state,” meaning he had levels of male sex hormones so low it was unhealthy. Sandusky’s medical records state that he was undergoing “testosterone replacement therapy for significant low levels of both free and total testosterone.” Doctors wrote that Sandusky was also being treated with antibiotics for chronic prostatitis, an inflammation of the prostate commonly caused by bacterial infection that results in frequent and painful urination. Prostatitis can also cause sexual problems such as low libido, erectile dysfunction, and painful ejaculations.

Sandusky’s chronic prostatitis began in 2005 and continued through 2008, his medical records state. Doctors described Sandusky as being “light-headed” and suffering “dizziness” from using Flomax, which he began taking in 2006, because he was having trouble urinating.

In addition to his urological problems, Sandusky’s medical records list many ailments that raise the question of whether Sandusky was healthy and energetic enough to be out having rampant, promiscuous sex with all those boys. Sandusky’s ailments include cysts on one of his kidneys, a small aneurysm in his brain, a 2006 hernia operation, bleeding hemorrhoids, chest pains, headaches, drowsiness, elevated blood pressure, and sleep apnea. He was on thyroid medication when he went to the doctors and told them he began “falling apart” in 2005. By 2008, his doctors wrote, Sandusky reported he was falling asleep at the wheel and gotten involved in two car accidents.

The medical records also describe an obvious and distinctive feature of Sandusky’s anatomy never mentioned in the testimony of eight victims at the criminal trial, nor in any of the 36 civil claims filed by alleged victims. On February 2, 2006, Dr. Frank B. Mahon at the Milton S. Hershey Medical Center, who was treating the 62-year-old Sandusky for chronic prostatitis, wrote that Sandusky had “small” testicles of “perhaps 2 cm” or centimeters each, which equals .787 of an inch. The average size of adult testicles are between two and three inches.

On December 18, 2008, another doctor at the Hershey Medical Center wrote that the 6-foot-1 210-pound former coach, nearly 65, had “marked testicular atrophy with very little palpable testicular tissue.”

In stark contrast to the way he is portrayed in the claims against him, people who have observed Sandusky in close quarters describe him as an anomaly in the hyper-macho world of football coaches, saying he comes across as asexual. There may be genetic reasons for that. Sandusky’s medical records state that as a boy, he had “delayed development of secondary sexual characteristics” that required shots, but they don’t say what kind of shots. Sandusky told his doctors he was “unable to have children” because his “sperm counts were low.”

His medical records state that Sandusky suffered from hypothyroidism, (underactive thyroid) as well as hypogonadism, meaning his body didn’t produce enough testosterone to maintain good health. Sandusky was also said to be suffering from “possible Klinefelter’s syndrome,” a

genetic disorder where males have an extra X chromosome, resulting in small testicles, infertility, low production of testosterone, a low sperm count or a complete inability to produce sperm, hypogonadism, reduced muscle mass and a prevalence for sexual dysfunction, such as a low sex drive and erectile dysfunction.

The genetic condition affects 1 in 500 males, usually men who are tall at puberty. Sandusky, 74, born in 1944, is listed in his medical records as 6-1. Amazingly, Sandusky has never been tested to see if he has Klinefelter's syndrome, although his lawyers are now pursuing a DNA test in prison.

The medical records, which date from 2006 to 2008, cover the same time period during which key trial accusers Aaron Fisher and Sabastian Paden claimed they were being raped hundreds of times by Sandusky.

At his trial, Sandusky's lawyers never used his medical records in his defense, probably because they didn't have time to even read boxes of grand jury testimony, or serve subpoenas on witnesses. Sandusky's appeal lawyers similarly weren't familiar with those records until they were turned over by Dottie Sandusky to Newsweek.

"I was shocked to receive this evidence at this late date," Al Lindsay, Sandusky's appeal lawyer, said. "The medical records seem to indicate that there is an anomaly in his [Sandusky's] anatomy which, if these various sexual acts actually happened, would be obvious to any of these supposed victims. None of this ever was mentioned in any of proceedings, that he had this anomaly. The failure of any of these supposed victims to mention this, particularly in light of the fact that many of them were communicating with each other, is certainly strong evidence that they are not telling the truth."

In prison, Sandusky's lawyer said, he is on a half-dozen medications, including continuing testosterone replacement therapy, and Terazosin for continuing prostate infections.

There's another angle to the story of Sandusky's medical records--of the 36 alleged victims who got paid after claiming they were raped and abused hundreds of times by Sandusky, including nine who say Sandusky had engaged in high-risk and apparently unprotected anal sex with them, not one alleged victim has ever asked to see Sandusky's medical records, to find out whether he had HIV or any venereal disease. Nor has any victim ever sought to have Sandusky tested for any diseases.

"Under normal circumstances, that would be an immediate concern to the victim," former federal agent Snedden said. He was talking about the medical records of the alleged perpetrator, not only for the criminal case, but also for any civil case, because those records might potentially up the damages. But in the Penn State case, none of the alleged victims "ever pursued any of Sandusky's medical records," Snedden said. "You have to ask why."

'Still Clinging to Hope

In their unsuccessful petition for a new trial, Sandusky's lawyers didn't spare their outrage. "The Jerry Sandusky case is the biggest travesty of American justice since the Salem Witch Trials," wrote Lindsay and Andrew Salemme. "This is the story of how the media, overzealous law enforcement, a biased grand jury process, prosecutorial malfeasance, a discredited and pseudoscientific type of therapy, greed, and serial instances of ineffective assistance of counsel resulted in transforming an innocent man into one of this county's most infamous child predators."

"I am an innocent person determined to battle false allegations," the 74-year-old Sandusky wrote in an email to Newsweek. "My intentions were to help, not abuse kids . . . I carry on, still clinging to the hope that the words 'truth, justice and the American way' are still alive and will prevail."

When he wrote his report for the FIS in 2012, former Special Agent Snedden didn't state whether he believed Sandusky was innocent. But Snedden said he thought it was telling that when the cops showed up at Sandusky's house armed with search warrants, they didn't find any porn. [In fact, the only porn found in this case was on the computers of some prosecutors.]

Snedden said he has never heard of a pedophilia case that didn't involve the discovery of large caches of pornography. "Having worked child sex abuse cases before, [pedophiles] go from the porn to actually acting it out," Snedden said. "It's a crescendo."

Does he believe there's any credible evidence Sandusky is a pedophile? "Certainly none that's come to light that wasn't susceptible to manipulation," Snedden said. Since he wrote his report, the former special agent's skepticism has only increased.

A complete review of all circumstances in the case, Snedden wrote Newsweek, "casts grave doubt on the validity of the entire process, and would lead a reasonable person to believe that justice was truly not served. It also strongly suggests Sandusky is very likely innocent."

The scandal at Penn State "literally screams for an independent investigation," Snedden said, "because this travesty could happen to anyone."

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Sidebar One:

What's The Real Date?

What's the actual date of the infamous shower incident supposedly witnessed by Mike McQueary? The grand jury report said it was March 1, 2002, but after they looked at the emails of former Penn State University vice president Gary Schultz dealing with Sandusky, prosecutors in the case subsequently moved that date back 13 months, to February 9, 2001.

In an interview with Newsweek, Schultz said he thinks the February 9, 2001 date is also wrong.

“Recent discoveries surrounding the events of that night, and looking back, regarding Sandusky’s initial confusion when [former Penn State Athletic Director Tim] Curley approached him about the incident, all make me skeptical that the incident occurred on February 9, 2001,” Schultz said. “I see increasing evidence that December 29, 2000 may be the correct date.”

Schultz’s theory is based on a police record, Schultz’s contemporaneous emails, and the testimony of Dr. Jonathan Dranov.

On November 23, 2010, McQueary gave a written statement to the police in which he said the shower incident occurred on the night of “the Friday before Spring Break” in either 2001 or 2002, when the campus was deserted.

But February 9, 2001 was not during Spring Break, and the campus that night was far from deserted. On February 9, 2001, across the street from the Lasch Building, the Barenaked Ladies were in concert, and the Penn State Ice Lions were playing hockey in a building attached to the Lasch, a contest that began at the same time of the alleged shower incident. But December 29, 2000 was during Winter Break, and on that day the campus was deserted. And since Penn State didn’t play in a bowl game that year, McQueary had plenty of time on his hands.

What is known for sure is that McQueary met with Joe Paterno on the Saturday morning of February 10, 2001, according to McQueary, to discuss the shower incident, which McQueary claimed had happened the night before — that’s why the meeting with his coach was so urgent. But skeptics have suggested that McQueary may have had another reason for visiting Paterno that day. And that instead of an interval of just one day between the shower incident and that Saturday morning meeting with Paterno, the gap between the two events may actually be more than five weeks.

The testimony of Dr. Dranov supports this theory. During the trial of Spanier, Dranov testified that he met with Schultz in the office of McQueary’s father, [a meeting that Schultz said took place between February 21st and 23rd, 2001] and that the date of that meeting was, “about

three months or so after the [shower] incident.” Meaning that going by Dranov’s testimony, the date of the shower incident was in December, 2000. During McQueary’s defamation case, McQueary’s own lawyer stated during Dranov’s testimony that the time lapse between the two events was “one or two months.”

Because Penn State switched computer servers, Schultz’s daily calendars no longer exist. But going from his contemporaneous emails, Schultz says that on either February 19th or 20th in 2001, he met with McQueary to discuss the shower incident. A few days after that, Schultz said, between February 21st and 23rd, he believes he met with Dr. Dranov and McQueary’s father in McQueary’s father’s office, on another matter. At the end of that meeting, Schultz said, both McQueary Sr. and Dranov asked Schultz what was going on in response to Mike McQueary’s report about the shower incident. In his testimony, Dranov confirmed the meeting with Schultz took place.

Schultz is convinced the real reason Mike McQueary went to see Paterno on February 10, 2001 was that two days earlier, it was reported that Kenny Jackson was leaving his post as wide receivers coach at Penn State to join the coaching staff of the Pittsburgh Steelers. That opened up a job McQueary badly wanted, but would not get for another three years. [This puts a hole in any cover up theory, as the first thing that would have happened is that McQueary would have been given the job and told to shut up, neither of which happened.]

McQueary has testified that when he first called Paterno to request a meeting with him, Paterno allegedly replied, “I don’t have a job for you and if that’s what it’s about, don’t bother coming over.” But Paterno’s widow Sue, who witnessed the phone call, vehemently denies this, saying, “That never happened!”

But if McQueary’s plan was to hit the coach up for a job, when he went to the coach’s house, Paterno was in a hurry, his wife said, and no job was ever discussed.

As for Sandusky, he has always maintained neither prosecution date made any sense. After reviewing the records, he is also convinced that the real date is December 29, 2000, because he connects to the night before he found out he did not the head coaching job at the University of Virginia, and he was on a road trip to Allan Myers.

Because this evidence has only recently come to light, McQueary has never been questioned about whether the shower incident actually happened on December 29, 2000.

If Schultz is right about the December 29, 2000 date, it means McQueary waited more than five weeks to talk to Paterno about the shower incident, instead of just a day, and that there was no urgency for the Saturday morning meeting.

If Schultz is right about the date, the whole prosecution story falls apart.

Sidebar Two: ***The Leaks***

Leaks from the Pennsylvania state attorney general's office were rampant in the Penn State sex case. And the biggest beneficiary was Sara Ganim, a young reporter for the Patriot News of Harrisburg, PA. According to court documents, she did favors for the attorney general's office, and they did favors for her, favors that helped her win a Pulitzer Prize, at 24.

On March 31, 2011, when she was 23, Ganim wrote the first story disclosing the workings of the secret grand jury investigation. At the time, the attorney general's nearly two-year-old investigation of Sandusky had stalled. Prosecutors had only one alleged victim, Aaron Fisher, then 17, but a prior grand jury apparently hadn't believed his story, because it declined to issue an indictment. As far as finding more victims, Deputy Attorney General Jonelle Eshbach wrote in a memo to her superiors in November 2010, the case was "dead in the water."

The Ganim scoop basically placed a want ad in the local newspaper on behalf of the state attorney general's office, seeking alleged victims. Over the next three months, the task force investigating Sandusky went out and conducted more than 160 interviews with former Second Mile alums. But unlike many recent high-profile sex abuse cases, there was no flood of new accusations once the story became public; instead, it was barely a trickle.

Ganim appears to have been an avid recruiter for the prosecution. Two days before she wrote that scoop revealing the secret grand jury investigation, Ganim, according to court papers filed by Sandusky's lawyers, left a message for Debra McCord, the mother of Zachary Konstas, an alleged victim that prosecutors wanted to interview. Ganim, according to the testimony of State Police Corporal Joseph Leiter, contacted the mother and gave her the name and phone number for an investigator assigned to the attorney general's office.

The reporter, according to court records, left this text message: "Debra, it's Sara from the Patriot. I just want to pass along this agent's name and number. The Attorney General has expressed interest in helping you." Ganim told McCord that if she wanted the case against Sandusky to proceed, she must call the investigator, because otherwise it might be dropped.

At Sandusky's trial, prosecutors stipulated that Ganim, who did not respond to a Newsweek request for comment, contacted McCord on their behalf.

Ganim was so wired with the attorney general's office that she knew about the impending indictment of Spanier six months before it happened. "Hi Graham," Ganim wrote Spanier on May 23, 2012. "I just heard that the AG's office is planning to file a perjury charge against you before the Jerry Sandusky trial that begins June 5th. Wondering if you have been contacted, or if you wanted to comment? Sara Ganim." Spanier was indicted in November 2012.

It was Ganim who branded Sandusky “the most hated man in America.” She also served as a consultant on HBO’s upcoming Paterno movie, to be broadcast April 7th, and in the official movie trailer, is portrayed as the heroine of the story.

Another Ganim scoop involving McQueary’s shower story has been refuted by a key witness. On Sept. 11, 2017, Ganim, now working for CNN, ran an exclusive about what she described as a newly discovered, one-page police report from 2011 in which McQueary supposedly described the emergency Saturday morning meeting he had with Paterno to tell him about the shower incident the day after it allegedly happened.

According to the report, McQueary told Paterno he had witnessed “an extreme sexual act occurring between Sandusky and a young boy... Paterno, upon hearing the news, sat back in his chair with a dejected look on his face,” the report stated, adding that McQueary “said Paterno’s eyes appeared to well up with tears. Then [Paterno] made the comment to McQueary this was the second complaint of this nature he had received about Sandusky,” the report said, according to Ganim.

Sandusky grew up in a recreation center run by his father, the son of a Polish immigrant. That’s where he got used to helping disadvantaged kids and taking group showers. In 1998, Sandusky had been investigated for taking a shower with Zachary Konstas, the 11-year-old boy whose mother complained about it to authorities.

Sandusky, who had been told the boy had cancer, admitted that he had gave him a bear-hug in the shower, and lifted him up to the showerhead so he could wash shampoo out of his hair, but he denied any sexual abuse, as did Konstas.

Various authorities came to the same conclusion. After an investigation by the Penn State police, the Centre County District Attorney and a psychologist and an investigator on behalf of the county’s Children and Youth Services, no evidence of sex abuse was found. The psychologist who interviewed the boy for an hour wrote, “The behavior exhibited by Mr. Sandusky is directly consistent with what can be seen as an expected daily routine of being a football coach.” The psychologist, who interviewed several high school and college football coaches, wrote that it was “not uncommon for them to shower with their players.”

Konstas, whose relationship with Sandusky continued almost until his arrest, when he was sending him “Happy Father’s Day” texts, found a lawyer and entered psychotherapy. He subsequently contended that although Sandusky had never abused him, he was “grooming” him for future abuse.

After Sandusky was convicted, Konstas, 29, of Colorado Springs, CO sued Penn State the civil courts for damages and collected \$1.5 million in a 2015 confidential settlement.

If this extraordinary, one-page police report exists—and skeptics have called on Ganim to release it—it was never turned over to defense lawyers when it would have been relevant at the criminal trials of both Sandusky and Spanier.

On the Saturday morning that Mike McQueary had his emergency with Joe Paterno, there was one other person in the room, and for the first time, that person has told her story. Sue Paterno, the coach's widow, witnessed that meeting, and what she knows about it has not been reported until now. "Mike McQueary was only here 3 minutes so no way could he have said all the stuff he's saying now," she wrote in an email to a former Penn State official. "Joe was just out of the shower & dressing quickly to go to the Dapper Dan Dinner in Pittsburgh," which was held on Feb. 10, 2001. The quote from Paterno's widow was in stark contrast to the characteristic reluctance on the part of the Paterno family over the years to criticize McQueary, the official whistleblower in the case.

Sidebar Three:

A Political Hit Job

Four days into his investigation at Penn State, former special agent John Snedden called his bosses at the U.S. Federal Investigative Services [FIS] to tell them that despite all the media hoopla, there was no sex scandal in Happy Valley. "I just want to make sure you realize that this is a political hit job," he recalled telling his bosses. "The whole thing is political."

Snedden's report quoted former Penn State President Graham Spanier telling a member of the university's board of trustees, "I was so naive." Snedden explained that comment: "He means that politically. [Spanier] was [too] naive to understand that a governor would go to that level to jam him. How a guy could be so vindictive," referring to Tom Corbett, the former governor of Pennsylvania. Corbett, according to Snedden, was angry at Spanier for publicly opposing his plan to cut Penn State's \$300 million budget by 52 percent.

On March 9, 2011, at a press conference attended by the media and more than 100 spectators, Spanier ripped Corbett's proposed budget cuts as a "near-total abandonment" of state support for public higher education. "Abraham Lincoln is weeping today," Spanier said, referring to the Morrill Act of 1862, signed by President Lincoln, that fostered the creation of so-called "land-grant institutions" such as Penn State. Those institutions were funded by grants of federally-controlled property to use or sell, as part of a campaign to expand the availability of higher education to non-elites.

In Snedden's report, Spanier "explained that Gov. Corbett is an alumni [a Pennsylvania private college]," and a "strong supporter of the voucher system." Corbett, Spanier told Snedden, "is not fond of Penn State, and is not fond of public higher education."

In response to those comments, Corbett, through a spokesperson, issued this statement: “This is a biased and flawed report by an investigator who never contacted me for my perspective. Since the time Mr. Spanier made his fabricated claims to the investigator, he went to trial and was found guilty by a jury of his peers for endangering the welfare of children.”

As part of his investigation, Snedden placed Spanier under oath and questioned him for eight hours. During that interview, Spanier stated that he had been the victim of “vindictiveness from the governor.”

Spanier, Snedden wrote, “is now hearing that when the Penn State Board of Trustees was telling [Spanier] not to take action” about the scandal and that [the trustees] were going to handle the situation,” behind the scenes, “the governor was actually exercising pressure” on the trustees to fire Spanier.

When the scandal hit, “It was a convenient disaster,” Snedden said. It gave the governor a chance “to fulfill vendettas,” and get rid of Spanier, as well as Paterno, who was opposed by John Surma, then the CEO of U.S. Steel, and a prominent member of the university’s board of trustees. It was Surma who called for the trustees to fire Paterno, as well as Spanier in a voice vote.

At the same time Snedden was investigating Spanier, former FBI Director Louis Freeh was writing his report on the scandal, a report commissioned by Penn State, for which they paid \$8.3 million. Freeh came to the opposite conclusion that Snedden reached, finding there had been a cover up. Freeh’s report found a “striking lack of empathy for child abuse victims by the most senior leaders of the university,” which included Spanier, who had repeatedly been beaten by his father as a child, resulting in four adult surgeries on his head and face.

Freeh found that Spanier, Joe Paterno, former Penn State Vice President Gary Schultz and former Athletic Director Tim Curley “repeatedly concealed critical facts relating to Sandusky’s child abuse from the authorities....” Freeh reached these conclusions without his investigators ever talking to Paterno, Schultz, Curley, McQueary or Sandusky. Freeh only talked to Spanier briefly, at the end of his investigation.

What does Snedden think of the Freeh report? “It’s an embarrassment to law enforcement.”

Confidential records show that Freeh’s own people disagreed with his conclusions. His staff reviewed a May 21, 2012 draft of Freeh’s report, which was subsequently turned over to Penn State officials. The lead paragraph of the draft said, “At the time of the alleged sexual assaults by Jerry Sandusky, there was a culture and environment in the Penn State Athletic Department that led staff members to fail to identify or act on observed inappropriate conduct by Sandusky.”

The draft report talked about an environment of fear that affected even a janitor who supposedly saw Sandusky assaulting a boy in the showers: “There existed an environment within the athletic department that led an employee to determine that the perceived threat of losing his job outweighed the necessity of reporting the violent crime of a child.”

Over that paragraph in the draft report, a handwritten note said, “NO EVIDENCE AT ALL!” Freeh, however, included that charge in his final report about the janitor who allegedly saw Sandusky assault another boy in the showers but was so fearful he didn’t report it. However, when the state police interviewed that janitor, Jim Calhoun, he stated three times that it wasn’t Sandusky he had seen sexually abusing a boy. [The state police didn’t bother to ask Calhoun who was the alleged assailant.] At Sandusky’s trial, however, the jury convicted Sandusky of that crime, in part because his defense lawyer never told the jury about Calhoun’s interview with the state police.

Freeh concluded there was a coverup at Penn State, but his investigators weren’t so sure. On March 7, 2012, in a conference call, Kathleen McChesney, a former FBI agent who was one of Freeh’s senior investigators, noted that they had found “no smoking gun to indicate [a] cover-up.”

In a written statement to Newsweek, Freeh claimed that after McChesney made that observation, his investigators found “the critical ‘smoking gun’ evidence” in a 2001 “email trove among Schultz, Curley and Spanier.”

In that email chain, conducted over Penn State’s own computer system, the administrators discussed confronting Sandusky about his habit of showering with children at Penn State facilities, and telling him to stop, rather than report him to officials at The Second Mile, as well as the state Department of Public Welfare. In the email chain, Curley described the strategy as a “more humane approach” that included an offer to provide Sandusky with counseling. Spanier agreed, but wrote, “The only downside for us if the message isn’t ‘heard’ and acted upon [by Sandusky] and we then become vulnerable for not having reported it.”

Curley subsequently told Sandusky to stop bringing children into Penn State facilities, and informed officials at The Second Mile about the 2001 shower incident. But Penn State didn’t inform the state Department of Public Welfare about Sandusky, which Freeh claimed was the smoking gun.

By definition, however, a cover-up needs a crime to cover up. And Penn State’s administrators have repeatedly testified that the 2001 shower incident reported by McQueary was never represented to them as a sex crime, but rather horseplay. The 1998 shower incident also was investigated by multiple authorities, who found no crime, nor any evidence of sex abuse.

Freeh, however, claimed that a trio of college administrators should have caught an alleged serial pedophile who had already been cleared by the Penn State police, the Centre County District Attorney, as well as a psychologist and an investigator from Centre County's Department of Children and Youth Services. To buy into the conclusions of the Freeh Report, you'd also have to believe that Penn State's top officials were dumb enough to plot a cover up on the university's own computers.

'Looking at a Bullet'

The night before former Penn State University President Graham Spanier was going to be arrested, neither he nor his lawyers knew about it. But Gregory Paw, a senior investigator for Louis Freeh did, thanks to a leak from Deputy Attorney General Fina. On the night of October 31, 2012, Paw sent an email to the Freeh Group, which was supposed to have conducted an independent investigation. "PLEASE HOLD VERY CLOSE," he wrote his colleagues. "Fina called tonight to tell me that Spanier is to be arrested tomorrow, and Curley and Schultz re-arrested. . . Spanier does not know this information yet..."

This was just one of several leaks from the Attorney General's office to the Freeh Group. In another email sent on October 31, 2012, Paw wrote Omar McNeill, another senior investigator at the Freeh Group, spilling the details of how Fina was pressuring former Penn State general counsel Cynthia Baldwin into becoming a cooperating witness, even though she was the lawyer who had represented Spanier, Schultz, and Curley when they appeared before the grand jury probing Sandusky.

"The ever-colorful Fina said yesterday that he has told Baldwin's counsel that he was comfortable putting '12 people in a box' and being able to convict her," Paw wrote. "[Fina] also said [Baldwin] was 'looking at a bullet.'"

Emails showed that Fina had long targeted Baldwin, as well as Spanier. In a June 6, 2012 email, written a month before Freeh released his report on Penn State, Paw informed the other members of the Freeh Group that Fina had told him he "still looked forward to a day when Baldwin would be 'led away in cuffs,' and he said that day was going to be near for Spanier."

In May 2012, Baldwin was one of the last witnesses interviewed by retired Special Agent Snedden. Baldwin told Snedden that Spanier was "a very smart man, a man of integrity," and that she trusted him, and trusted his judgment. But after being targeted by prosecutors for her role in the alleged cover-up, Baldwin flipped and became a prosecution witness. And five months after she talked to Snedden, Baldwin told the grand jury that the information Spanier gave reporters about his knowledge of Sandusky, as well as his conduct in the alleged scandal, was filled with falsehoods. "He is not a person of integrity," Baldwin testified. "He lied to me."

Spanier subsequently accused Baldwin of unethical conduct. In a January 16, 2013 affidavit, Spanier wrote that Baldwin had misled him, and that he had never waived the attorney-client privilege, meaning that according to legal ethics, Baldwin could not testify against him.

The Pennsylvania Superior Court agreed. Citing misconduct by both Baldwin and Fina, the court dismissed charges of perjury, obstruction of justice and conspiracy against both Spanier and Schultz, and charges of obstruction and conspiracy against Curley in 2016. The court said that Baldwin did indeed breach the attorney-client privilege when she testified before the grand jury; the court also found Fina's questioning of Baldwin there "highly improper." According to the Superior Court, Fina misled the grand jury judge, and posed a "significant number" of questions to Baldwin that "implicated potential confidential communications."

Fina, now a criminal defense lawyer, did not respond over months to several Newsweek requests for comment.

Former FBI Director Freeh wrote to Newsweek that several of the emails in question "were written months after our Penn State work had ended, after our recommendations already were being implemented by Penn State."

The emails regarding what Fina had to say, Freeh wrote, were attempts by "leakers" to "distract from the damning and conclusive record of the horrible acts that took place at Penn State in the years before Sandusky's arrest."

When Newsweek asked whether Freeh, as a private citizen during his Penn State probe, was authorized to have access to secret grand jury information, he declined comment.

On Oct. 18, 2017, when Jefferson County, Pennsylvania, Presiding Judge Henry Foradora decided in a 59-page opinion that he was denying Jerry Sandusky a new trial, he specifically cleared two former deputy attorney generals, Fina and Jonelle Eshbach, of charges of prosecutorial misconduct, for allegedly leaking grand jury secrets.

Judge Foradora apparently didn't believe the testimony about a prominent grand jury leak, as divulged by the official whistleblower in the case.

On the witness stand at the trial of former Penn State President Graham Spanier, on March 21, 2017, Mike McQueary, the official whistleblower in the case, testified that Eshbach had called him days before the release of the grand jury report in 2011, to warn him, "We're going to arrest folks and we are going to leak it out."

As emails show, Fina was repeatedly leaking grand jury secrets to investigators at the Freeh Group. But Judge Foradora concluded that it wasn't Fina or Eshbach who was leaking grand jury secrets to reporter Sara Ganim. Why? Because Fina had testified she had set a trap for the real leakers in the attorney general's office, but couldn't find the culprits. Fina also asked the supervising judge of the grand jury to investigate where the leaks were coming from.

“It is a fact of human nature that one engaged in or aware of misconduct he does not wish to have exposed does not ask an outside source to investigate it,” the judge wrote.

Sidebar Four:

The Spanier Trial

Ever-Changing Story

When former Penn State President Graham Spanier went on trial on March 21, 2017 at the Dauphin County Courthouse in Harrisburg, PA, he was charged with one count of conspiracy and two counts of endangering the welfare of a child. He was facing another jury pool tainted by years of saturation media coverage of the scandal. A 2013 poll of Dauphin County residents commissioned by defense attorneys found that 46.9 percent of those questioned in Dauphin County agreed with the statement that even if Penn State officials like former Penn State athletic director Tim Curley and former university vice-president Gary Schultz did nothing illegal, “they should be punished.”

Seventy percent of the people polled in Dauphin County agreed that “from very early on, officials like Curley and Schultz knew exactly what was going on with Sandusky.”

Almost 65 percent agreed that “the culture at Penn State and in the Penn State athletic department tolerated Sandusky's behavior.” And 62.6 percent agreed that “Curley and Schultz helped to create the culture at Penn State that tolerated Sandusky's behavior.”

No wonder that rather than stand trial, Curley and Schultz decided to plea bargain to one misdemeanor count of endangering the welfare of a child. “The state [attorney general’s office], the media, the incredibly-flawed Freeh Report, and accuser settlements based erroneously on our presumed guilt, created a stew that made it impossible to get a fair trial,” Schultz wrote in an email to Newsweek. “I feared facing a jury with three felony counts for these reasons.”

But Spanier refused to cut a deal. When the former Penn State University president went on trial, the prosecution called as its star witness Michal Kajak, a 28-year-old who had testified at the Sandusky trial and was known as “Victim No. 5.”

To keep the victim’s identity secret (even though he was an adult), Kajak was sworn in as a witness in the judge's chambers. When the jury came out, they were surprised to see Kajak already on the witness stand. As extra sheriff’s deputies patrolled the jammed courtroom, looking for spectators who might try to snap a picture, the judge announced to the jury that the state’s star witness would be referred to in court as “John Doe.”

The prosecutor placed a box of Kleenex next to the witness stand before he asked Kajak if he had ever been sexually abused.

“Yes,” Kajak said, already sniffing.

By whom? the prosecutor asked.

“By Jerry Sandusky,” Kajak said, as he continued to whimper.

The details of his alleged sex abuse, however, were never explained to the jury, possibly because it was another murky and ever-changing story.

When the police interviewed Kajak on June 7, 2011, he claimed that when he took a shower with Sandusky, Sandusky made him touch his erect penis. But at Sandusky’s trial a year later, Kajak testified that Sandusky had lathered him up with soap and then forced him against the shower wall, where Kajak felt Sandusky’s erect penis pressing against his back. This time, instead of saying Sandusky made him touch his penis, Kajak told the jury he ran out of the shower before Sandusky could do anything else.

The jury at the Sandusky trial didn’t believe Kajak; they acquitted Sandusky of indecent assault for that alleged incident.

Another credibility problem for Kajak: he gave three different dates for his alleged abuse. First, he said the shower attack took place in 1998, when he was 10 years old, and claimed he didn’t even know what an erection was when he allegedly saw that Sandusky had one. That 1998 date, however, turned out to be a year before Kajak first met Sandusky at a summer camp. Then, Kajak changed his story to say he was abused when he was 13 or 14, in either 2001 or 2002. When he filed his civil claim in 2012, Kajak claimed he was abused in August 2001, just before 9/11, when Kajak was turning 13, and presumably knew what an erection was.

When Kajak filed his civil claim for damages in 2012, he dramatically ALTERED his allegations to say that after Sandusky groped him in the showers of the Penn State gym, “he pushed Michal against the shower wall, penetrated Michal and sodomized him.”

If true, Kajak perjured himself at the criminal trial of Sandusky.

It was yet another recovered memory of abuse. In his civil claim, Kajak stated that when he was being examined by a licensed psychologist, “Michal revealed to Dr. [Stephen R.] Cohen that he recently recalled, through a flashback, that Sandusky had raped him in the showers in August, 2001. The flashback had been prompted, Kajak claimed, by “a recent experience in the shower with his girlfriend,” which “triggered ‘an intense flashback and recollection of being raped. As Dr. Cohen notes, ‘It is not uncommon for victims of sexual assault to block out memories and details of the event, but have flashbacks later in life and recall the details that have long been suppressed.’ “

In Kajak’s civil claim, he wasn’t deposed by a lawyer or examined by a psychiatrist on behalf of Penn State. Instead, in 2013, the university paid Kajak, 29 of Royersford, PA, a confidential settlement of \$8.1 million.

At the Spanier trial, the prosecution used Kajak to show the jury that Sandusky had abused a boy after the infamous McQueary shower incident, with its official date of February 9, 2001. The prosecutors wanted to prove that both Spanier and Penn State had been negligent and guilty of a cover-up.

In any other trial, defense lawyers might have questioned Kajak about the different dates he had given for the incident, as well as his ever changing story. But Spanier's lawyers decided the atmosphere was so poisoned against them that they chose not to ask Kajak a single question. In his closing statement, Samuel Silver explained why — he did not want to add to the suffering of a sex abuse victim by subjecting him to cross-examination.

The Dauphin County jury found Spanier not guilty of conspiracy, and one felony count of endangering the welfare of a child, but found him guilty of one misdemeanor count of endangering the welfare of a child. A week later, the jury foreman told reporters in a lengthy interview that the verdict resulting in the conviction of Spanier on the single misdemeanor count was a “mistake.”

Meanwhile on Facebook, a smiling Kajak, whose allegations are at the heart of the alleged Penn State cover up, published a recent photo of himself, his wife, and infant child wearing identical T-shirts that said, “Saturdays Are For [Penn State] Football.”

jzadmin's blog

This article was originally published at The Framing of Joe Paterno, here:
<http://www.framingpaterno.com/exclusive-bombshell-newsweek-cover-story-blowing-hbo-paterno-movie-was-spiked-last-moment>