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Branstetter, Jennifer

From: Ammerman, Paula [REDACTED]  
Sent: Monday, January 16, 2012 9:49 PM  
Subject: Article from the Atlantic for your Review

Importance: High

TO: Members of the Board of Trustees

I was asked to forward the attached editorial from Andrew Cohen of the Atlantic (of today, Monday, January 16, 2012). Lanny Davis thought you may find it of interest.

Paula

## Thus Begins the Rehabilitation of Joe Paterno

By Andrew Cohen  
Jan 15 2012, 8:48 AM ET [103](#)

*The coach's side of the story, as presented in The Washington Post, deserves cross-examination.*



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Andrew Cohen is a Murrow Award-winning legal analyst and commentator. He covers legal events and issues for CBS Radio News and its hundreds of affiliates around the country and is a frequent contributor to the op-ed pages of the nation's leading newspapers and online sites. From 2000-2009, Andrew served as chief legal analyst and legal editor.

CBS News and contributed to the network's coverage of the Supreme Court, the war on terrorism, and every high-profile civil or criminal trial of the decade. He is also a single dad of a great kid, a racehorse owner and breeder, and the winner of several awards for writing about horse racing, including the 2010 John Hervey Award for distinguished commentary and the 2010 O'Brien Award for Media Excellence. Follow Andrew on Twitter at [@CBSAndrew](#).

In the very first *sentence* of her long mash-note about Joe Paterno, which was massively hyped and then posted Saturday afternoon by *The Washington Post*, Sally Jenkins tells us about the wheelchair and the family prayers at the dinner table. Next, she tells us about the lung cancer. "His voice sounded like wind blowing across a field of winter stalks, rattling the husks," Jenkins writes, and then we are quickly told about the Lazy Susan "loaded with trays of cornbread and mash potatoes spun by, swirling fast as the argument."

Thus begins the controlled media rehabilitation of the defrocked Penn State head football coach, who is portrayed in Jenkins' extraordinary piece as a sad, sick, old man who was in over his head even back in 2002 when the first child rape allegations came to him. Paterno distances himself from Jerry Sandusky, the man accused of the assaults, expresses remorse for the victims of Sandusky's alleged crimes, and then laments his own fate. The piece ends with Paterno's wife, Sue, showing Jenkins family photos. Check, check, check and check.

A defense attorney could not have presented a more compelling narrative of Paterno. What's that? Oh, right. Jenkins tells us that the first interview with Paterno since the scandal broke was "monitored" by Paterno's lawyer as well as by a "communications advisor." They are there, Jenkins writes, to make sure that Joe Pa was "lucid" following cancer treatment. Later, Jenkins dutifully tells us that Paterno's lawyer says his client "has no legal exposure in the Sandusky case," as if there were a real possibility that the lawyer would say something else. But enough of that silliness. Toward the middle of the piece, Jenkins writes:

Paterno's portrait of himself is of an old-world man profoundly confused by what [he was told about the Sandusky allegations in 2002], and who was hesitant to make follow-up calls because he did not want to be seen as trying to exert any influence for or against Sandusky. "I didn't know which way to go," he said, "And rather than get in there and make a mistake...."

Two important things here. First, this article *is* little more than "Paterno's portrait of himself." We get a subjective narrative of the sort you would get from a witness who had just been examined by his own attorney. Second, Paterno himself is picking at the heart of why so many of his former supporters are so disappointed in him. The supposedly moral coach, the legendary molder of young men, when confronted with a choice between doing *more* to protect alleged child abuse and doing *less* to protect it chose to do the least required by law.

Here's how Paterno puts this conflict-- this moment of choice-- earlier in the piece:

"I didn't know exactly how to handle it and I was afraid to do something that might jeopardize what the university procedure was," he said, "So I backed away and turned it over to some other people, people I thought would have a little more expertise than I did. It didn't work out that way."

Even aside from throwing his supervisors under the bus, there is so much here in this one quote. If Jenkins' piece serves as the direct examination of Paterno, the narrative he and his tribunes have chosen to share with the world, here are a few questions that might serve as part of a cross-examination. (It's possible, don't forget, that Paterno may be deposed one day and asked to give his testimony on this matter under oath for the record. It's also possible, given his current health, that he will not live long enough for this to occur).

1. After Paterno reported to his superiors what he had heard about the 2002 incident involving Sandusky did he follow up on his report? Did he ever again mention the incident to his bosses, or to Sandusky, or to Mike McQueary, the young man who first reported what he allegedly saw Sandusky doing? If so, when did Paterno look back into the matter and what did he learn? If not, why not? If you had to report such a thing to your supervisors, wouldn't you eventually circle back and ask "whatever happened?"

2. Paterno, and his wife, Sue, both told Jenkins that they would resort to violence if they believed that someone had

abused their own children. "If someone touched my child, there wouldn't be a trial," Sue Paterno said. "I would have killed them." Given these feelings in his home about the sexual abuse of children, why did Paterno do only the absolute minimum required of him by law? Why didn't he follow up the allegations until he discovered the truth? And how does his quote square with Question No. 4 below?

3. I'm no sports reporter but I'm pretty sure that Joe Paterno had a reputation for iron control over his football program. So why would he be so hesitant to "exert any influence" over a matter as shocking and dramatic as the allegation of child rape in the shower room at Penn State? Why would he tell Jenkins that he "didn't feel adequate?" Why would arguably the most powerful man on that campus feel so helpless over such a big deal? Is this credible? How many witnesses would line up to testify about Paterno's epic rule over his domain?

4. Paterno tells Jenkins that what McQueary told him back in 2002 didn't register.

"You know, he didn't want to get specific," Paterno said. "And to be frank with you I don't know that it would have done any good, because I never heard of, of, rape and a man. So I just did what I thought was best. I talked to people that I thought would be, if there was a problem, that would be following up on it."

Is this credible to believe that a football coach of 58 years, or any rational person of Paterno's age for that matter, had never heard of the concept of sexual assault of men and boys? Isn't Joe Paterno a practicing Catholic? Is he telling us that he had never heard of the Church's child abuse scandal, the one with worldwide reverberations that are still being felt today?

5. Of the scandal, as Jenkins notes, Paterno had earlier said: "In hindsight, I wish I had done more." What exactly does he wish he had done? Jenkins never tells us and we don't even know whether she asked.

"Paterno is accused of no wrongdoing," Jenkins writes, but that's not technically true, is it? He is accused of no crimes, that's true. Jenkins writes that "authorities have said he fulfilled his *legal* obligations by reporting to his superiors." (my emphasis). And to my knowledge he is not a defendant in any pending or conceived civil cases against Penn State or Sandusky. But that doesn't mean he hasn't been accused, by tens of millions, of a form of wrongdoing that goes beyond the letter of the law or the scope of the jury.

"No fewer than five formal investigations" are still underway into the scandal, Jenkins writes, and for Penn State "the best case scenario is that the institutional leaders were guilty of blindness, and an unfeeling self-absorption...." Does this include Paterno? We don't know. Jenkins instead asks us to feel pity for him; to place the scandal into the larger picture of his legendary life. Fine-- this is what *apologias* do. They seek to change hearts and minds. They seek to remind people of the long arc of a life and not its worst moments.

My takeaway from Jenkins' work, however, is this: if Paterno wrongly failed or refused to properly deal with the 2002 allegations in the ten long years before the scandal broke, he sure is having to deal with them now. Some mistakes we pay for right away. Some mistakes we pay for later. And some mistakes we never pay for. Maybe Paterno believed he would never have to pay for this mistake-- or even confront it. But Karma's a bitch, isn't it, whether you are a legend or a loser.

I'm genuinely glad that Paterno got his side of the story out in the public realm-- in a controlled and controlling manner that entirely befitted his reputation as a head coach. And the frail old man *should* be "shocked and saddened" about what transpired under his regime. But if he is looking here for a form of absolution, looking for it with a few pitiable quotes under the watchful eyes and ears of his handlers, looking for it while contending at the same time that he'd never heard of "rape and a man," he's looking for it in all the wrong places.

Image: Reuters