

## Hypocrites Abound In University's Sex Assault Scandal

By NORM PATTIS

The tongue-clucking moralists on the Pennsylvania State University board of trustees who fired Joe Paterno in the dead of night ought to be tarred, feathered and then run out of Happy Valley. They used Joe Pa for all he was worth and then killed him once they had milked every conceivable dime they could from the man and his legacy. Now they will most likely hide behind sovereign immunity to avoid paying any of the victims of Jerry Sandusky's lust a dime.

Shame on Sodomy State.

Everyone now knows the shocking allegations against former defensive coordinator Sandusky. While sitting near the top of the Penn State football program, he used his status, and university facilities, to facilitate the rape of young boys. A state grand jury has known about this for years, and recently went public with allegations against Sandusky and several senior university officials for lying in their grand jury testimony.

All this went on while the Nittany Lions cruised through an almost perfect football season this year. They are closing in on a spot in the Big Ten championship game and a choice bowl game. Why just the other day, Paterno collected his record 709th victory as a Division I football coach, all of them earned at Penn State during the decades

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- Defense Attorney  
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Paterno spent pacing the sidelines on behalf of the school's team. The university did not know about these allegations until just this week? I say the tongue-cluckers knew, and they waited until Paterno's record for most wins was safely in the



books. The university makes a boat-load of money on its football program.

Penn State's decision to fire Paterno after the record was salted away for all time looks a lot like a soft drink manufacturer's decision to issue a product safety alert that rats were found in the secret syrup, but waiting to make the announcement until after reporting record sales, and profits.

Will the university put its money where the board's mouth is?

Although the Catholic Church paid,

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and is paying, millions, for the behavior of its priests in using altar boys as sex toys, Penn State cannot be compelled to pay a dime. That's because as a state institution, it enjoys sovereign immunity from claims for money damages. Thus, although even a law student would have no trouble showing that the university knew, or should have known, about the shower room antics of Sandusky, it did nothing. The university was deliberately indifferent to Sandusky's lust. It turned a blind eye.

It appears that even the university's board of trustees behaved like cowards. It had the executioner's note delivered to Paterno in the dead of night, claiming to have informed him of its decision days earlier. Paterno denies that claim. I believe Paterno.

"The past several days have been absolutely terrible for the entire Penn State community. But the outrage that we feel is nothing compared to the physical and psychological suffering that allegedly took place," said vice chair of the board, John Suma.

Huh? The past few days? The suffering that "allegedly" took place? If this is the best the board can do it ought to engage in the mercy killing of a mass resignation. The board sat back and did nothing until it got caught in the press, until Joe Pa's record was safely banked away, all the while making millions of dollars for its endowment from its semi-pro football team.

What's the university and the State of Pennsylvania going to do with all the money Paterno generated for it? It cannot be sued for its role as pimp to Sandusky's pleasures: Sovereign immunity doesn't permit

anyone to go after the sovereign's money. Somehow this semi-medieval legal doctrine survives in a republic.

But the state can waive sovereign immunity. It can open its coffers to those who truly were injured and give to them the money it made with a wink and a nod. That would be a genuine expression of remorse. Firing Paterno is cheap symbolism. No one disputes that he informed his superiors when he was told what Sandusky was up to. Even a grandstanding state cop told reporters that Paterno had fulfilled his legal duty. Paterno is accused of no crime.

The tongue-cluckers executed Joe Paterno in the middle of the night. No hearing. No notice. No opportunity to be heard. If Paterno is the fighter I hope he is, he will bring suit against the university for breach of contract. No immunity for that claim. The university entered into an enforceable contract with Paterno. Let's have a public trial and air what the university knew, when it knew it, and why it decided, for years, to do nothing, only kicking Paterno to the curb when it had milked the man for all he was worth and the press finally ran the story, a story the board would just have soon have kept quiet. ■