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Does NCAA have authority to “kill” Penn State football?

... We have downloaded and read NCAA Constitution, Operating Bylaws, Administrative Bylaws

It is not clear to us that the NCAA had the power to “kill” any athletic program and, if it does, the process and safeguards would have made it extremely unlikely under the current circumstances. And even so, the penalties and fines levied seem to be a stretch of its powers and susceptible to successful appeal within the NCAA and, if necessary, in a court of law.

Furthermore, while it is possible that only Penn State University has standing to challenge most of the sanctions in court, we hypothesize that any major Penn State donor or group of donors may have standing to challenge the \$60 million fine.

There must be a lot of Penn State lawyers who have concerns about the NCAA penalties. We invite them to review the NCAA Constitution, Operating Bylaws, Administrative Bylaws and share their thoughts with our readership and also with Penn Staters for Responsible Stewardship , or PS4RS , a recently formed alumni group not affiliated with the University.

Bloomberg’s Wants Hospitals to Change Baby Formula Protocol

HUFFINGTON POST: Starting in September, Mayor Bloomberg’s push to encourage breastfeeding will incorporate a new program urging hospitals to keep baby formula under lockdown.

The New York Post reports new mothers will not be denied formula, but if requested, they’ll receive a

mandated talk from staffers and nurses on why they should opt out.

27 out of the city’s 40 hospitals have also agreed to forgo handing out gift bags containing products branded with formula-logos...

Rick Santorum Blasts NCAA & Freeh Report On Penn State-Jerry Sandusky Sex Abuse Scandal

HUFFINGTON POST: Former U.S. Sen. Rick Santorum (R-Penn.) and former 2012 GOP presidential hopeful doesn’t think the Freeh report tells the whole truth on the Jerry Sandusky child sex abuse scandal...

“My concern with the Freeh report... a lot of the conclusions in the Freeh report aren’t matched by the evidence that they presented,” Santorum said...

“I understand the NCAA and what they did in reaction to that report,” he added, “[but the NCAA] actually usually [does] their own internal investigation, their own fact checking. They sort of accepted someone else’s work product.”

Newly formed 'Penn Staters for Responsible Stewardship' to the rescue

In response to the rush to judgment by the NCAA and outlandish ineptitude and neglect by Penn States Board of Trustees , PS4RS is being formed without ties to either the University of the Penn State Alumni Association.

ThePS4RS web site explains: *“Why is PS4RS Reviewing the Freeh Report? PS4RS is conducting a comprehensive analysis of the Freeh Report and an identification of its unsupported or inaccurate*

conclusions, inappropriate opinions, and lack of completeness based upon the evidence that is available to us. This is not a ‘Re-Investigation’ as we neither have the resources nor access to do so.

Rather, it is the critical analysis that should have been done by the Board of Trustees immediately upon receipt of the report and most certainly before adopting it and allowing it to be used by the NCAA to impose crippling penalties.

Former federal prosecutor says case against Paterno non-existent

POWERLINE:...First, with respect to the 1998 incident, the Freeh Report says that several authorities promptly investigated and reviewed the matter, including the Department of Public Welfare, the University Police Department, the State College police, and the local district attorney’s office. Freeh Report at 42-47. A “counselor” named John Seasock issued a report that found “no indication of child abuse.” Freeh Report at 42-46. Mr. Seasock interviewed the alleged victim and determined that “there seems to be no incident which could be termed as sexual abuse, nor did there appear to be any sequential pattern of logic and behavior which is usually consistent with adults who have difficulty with sexual abuse of children.” Freeh Report at 44 (quoting Mr. Seasock’s 1998 evaluation of the alleged victim). The Freeh Report adds that Mr. Seasock “couldn’t find any indication of child abuse.” Freeh Report at 45.

Paterno of “allow[ing] Sandusky to retire in 1999, not as a suspected child predator, but as a valued member of the Penn State football legacy.” Freeh Report at 17. The Freeh Report’s expression of outrage may sound compelling now, with the benefit of hindsight and the evidence that now exists about Sandusky’s criminal misconduct. But

... given that (1) law enforcement officials and other people investigated the 1998 incident and found no wrongdoing; (2) Seasock’s report exonerated Sandusky; (3) the District Attorney declined to prosecute the case; (4) Sandusky denied the allegations; and (5) the complete lack of evidence about Mr. Paterno’s knowledge, involvement, and actions, it is difficult to see how Mr. Paterno can be subject to ridicule because he “allowed” Sandusky to retire “not as a suspected child predator.”

Furthermore, if Mr. Paterno had reported the McQueary information to me (were I, like Schultz, the official in charge of the University Police), I would have told him to keep his mouth shut going forward and let the authorities handle the matter. Otherwise, Mr. Paterno could have tainted the investigation. And, because he was a potential trial witness (to McQueary’s prior consistent statements, see Federal Rule of Evidence 801(d)(1)(B) and Pennsylvania Rule of Evidence 613(c)), any further statements or action by Mr. Paterno could have become cross-examination fodder for the defense. Any further action by Mr. Paterno could only have damaged the integrity of the investigation and any prosecution against Sandusky...

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