

Former PSU administrator's assistant was ordered not to look at Sandusky file

By Adam Smeltz

STAFF REPORTER

HARRISBURG — Lawyer up and don't trust the Penn State University administration.

With his half-century football career about to implode, head coach Joe Paterno delivered that blunt warning in November 2011 to a young assistant now at the center of a child-endangerment case against three former school administrators, Mike McQueary testified Monday.

"He said: 'The university's going to come down on you. Don't worry about me,' " said McQueary, 38, a prominent witness in the criminal case last year against convicted pedophile Jerry Sandusky. He said Paterno complained administrators had "screwed up" their handling of Sandusky long before police arrested the retired defensive coordinator in 2011.

In an hourlong appearance in Dauphin County Court, McQueary reprised his role as a colorful and fiery observer to begin the preliminary hearing for

Tim Curley, Gary Schultz and Graham Spanier. State prosecutors allege the ousted Penn State leaders developed a "conspiracy of silence" to conceal McQueary's observation of apparent abuse in 2001, allowing Sandusky to attack more boys for several more years.

The former administrators dispute all the felony and misdemeanor charges against them, and their lawyers tried to find weak spots in about six hours of testimony from five witnesses, including two former executive assistants to Schultz.

One of them, Joan Coble, told state prosecutor Bruce Beemer that Schultz ordered her not to look at a private file that he maintained about Sandusky.

"It came out of the blue," said Coble, who retired in 2007 and did not recall similar requests from Schultz about other sensitive files. "The unusual aspect was his tone of voice. It was very stern."

Coble said Schultz cautioned her about the file before Sandusky retired in 1999. She said other

sensitive personnel documents were kept in the same drawer in Schultz's office.

His most recent executive assistant, Kimberly Belcher, testified she discovered the Sandusky file within days after Schultz and Curley were first charged in November 2011 with perjury and failure to report suspected abuse. Dauphin County President Judge Todd Hoover granted her immunity from prosecution for her testimony.

In sometimes-halting remarks, Belcher said Schultz did not tell her about or ask her to retrieve the file, which included notes about earlier administrative communications concerning Sandusky. Instead, she figured a Sandusky file might exist and began looking after her boss was charged, she said.

Belcher said she delivered the file to his home along with documents that he requested, then kept a copy. She was not aware that state officials had been seeking the Sandusky documents under a subpoena issued months earlier, Belcher said.

“With every other meeting that Gary had ever gone to, it was my job to prepare him, to pull files from previous meetings so he could refresh his memory from those previous meetings (and) why decisions were made,” she said. “I wanted to be helpful.”

Belcher later felt she had done something wrong and turned the file over to state investigators, she said. Schultz instructed her to tell the truth if anyone asked about what happened, she said. His handwritten notes reviewed as evidence Monday show references to behavior that was inappropriate at best and sexual at worst. One line reads: “Is this opening of Pandora's box?”

In other testimony Monday, former university police director Thomas Harmon discussed internal emails about a Sandusky allegation in 1998. State child-welfare workers reviewed that incident at the time it happened, and Ray Gricar, then the Centre County district attorney, declined to pursue charges.

But the administrators didn't alert Harmon to the incident in 2001, when McQueary reported he saw Sandusky in a sexual position with a boy in a football locker room, Harmon said. If he had known about that, he would have called Gricar for another review, he said.

“I have no doubt that would have been sufficient to justify an inves-

tigation to find out what happened,” Harmon said.

John Corro, a computer forensics expert at the university, was the final witness, detailing a months-long project to retrieve old email messages for state and internal investigators. He said Schultz kept a lot of electronic correspondence, whereas Spanier appeared to have relatively few messages in his inbox early in 2011. A file of outgoing electronic mail was much bigger, Corro said.

Schultz attorney Thomas Farrell joined Spanier attorney Elizabeth Ainslie and Curley attorney Caroline Roberto to question the witnesses throughout the day, holding up their clients as conscientious administrators.

Harmon acknowledged he never knew Spanier to interfere inappropriately in police matters. Belcher said she could not recall having been told to stay away from Schultz's Sandusky file.

Separately, Roberto questioned McQueary over why he had not more forcefully raised concerns about Sandusky's presence on campus.

University trustee Anthony Lubrano, one of two board members at the hearing, said he doubted McQueary's version of events because of inconsistencies in details. Lubrano said he does not believe there was a cover-up.

“I'm not going to hold them responsible for Jerry Sandusky's behavior. That's what I tell everybody. Jerry was responsible for Jerry's behavior,” Lubrano said.

Tom Kline, a Philadelphia attorney representing a Sandusky victim, said he didn't doubt the sincerity of McQueary's comments about Paterno. McQueary testified Paterno checked to see how he was faring after witnessing Sandusky in the locker room. Paterno died in January 2012.

“While Joe Paterno isn't on trial here, and while Mike McQueary might have wanted to be protective of Joe Paterno ... it reinforces that Joe Paterno knew it was serious,” Kline said.

The hearing is scheduled to resume at 9 a.m. Tuesday. Curley, former athletic director; Schultz, former vice president; and Spanier, former president, face similar charges, including perjury, endangering the welfare of children and criminal conspiracy — all third-degree felonies.

Sandusky is serving a 30- to 60-year sentence in the state prison in Waynesburg for abusing 10 boys over 15 years. He has maintained he is innocent and is pursuing appeals.

Thirty-one men have alleged abuse by Sandusky in ongoing claims against Penn State.