

ANTHONY M. DeLUCA, MEMBER

115 IRVIS OFFICE BUILDING
P.O. BOX 202032
HARRISBURG, PENNSYLVANIA 17120-2032
PHONE: (717) 783-1011
FAX: (717) 772-9937

7205 SALTSBURG ROAD
PITTSBURGH, PENNSYLVANIA 15235
PHONE: (412) 793-2448
FAX: (412) 793-7495



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
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MEMORANDUM

TO: All House Members

November 18, 2011

FROM: Representative Tony DeLuca

A handwritten signature in black ink that reads "Tony DeLuca".

SUBJECT: Resolution for US Special Counsel Regarding Penn State Child Sex Abuse Scandal

In light of the many questions surrounding the investigation of current and former Penn State officials and employees – particularly why it took the Attorney General's Office so long to arrest Jerry Sandusky, the former football coach now accused of sexually molesting young boys on Penn State's main campus. I will shortly be introducing a resolution urging the US Attorney General to appoint a Special Counsel to investigate the PA Attorney General's handling of this appalling set of circumstances. The resolution will also ask the US Attorney General to investigate whether Sandusky violated Federal law by taking minors across state lines and sexually molesting them when they were out of state.

As Matt Millen, former Nittany Lion defensive lineman and ESPN announcer, said "If we can't protect our kids, we as a society are pathetic." I say to you that if our highest law enforcement agency isn't capable of protecting our kids, that is more than just pathetic – it's criminal.

Why did the Attorney General's Office, with credible eyewitness accounts of misconduct by Sandusky in hand, wait so long to arrest him? How many more vulnerable children did he come in contact with while the Attorney General's Office dragged its feet on this? Did they not assign adequate resources to the case? If so, why not? Was it merely lack of funding and resources or was something more nefarious going on?

The citizens of the Commonwealth – not to mention the victims and their families – deserve answers to these questions. Clearly, there is no State agency independent enough to competently take on this investigation and that is why we must urge Federal law enforcement officials to act.

Please join me in this important endeavor by contacting Linda Dolfi at ldolfi@pahouse.net or by calling 783-1011 to cosponsor this resolution.

A CONCURRENT RESOLUTION

1 Calling on the Attorney General of the United States to appoint
2 a special counsel to investigate the handling by the
3 Pennsylvania Office of Attorney General of an investigation
4 into alleged sexual abuse of minors and to investigate
5 whether that alleged sexual abuse may have violated Federal
6 law.

7 WHEREAS, On November 5, 2011, the Office of Attorney General
8 filed a criminal complaint under Pa.R.Crim.P. 502(1) (relating
9 to Instituting Proceedings in Court Cases) against Gerald A.
10 Sandusky, a former football coach at The Pennsylvania State
11 University, alleging, among other things, sexual misconduct,
12 unlawful contact with a minor and endangering the welfare of a
13 child, with respect to minors entrusted to his care; and

14 WHEREAS, The report of the Thirty-Third Statewide
15 Investigating Grand Jury, which recommended prosecution, found
16 that there were similar allegations lodged against Mr. Sandusky
17 as far back as 1998; and

18 WHEREAS, The report also details actual and credible
19 eyewitness accounts of sexual misconduct by Mr. Sandusky; and

20 WHEREAS, It was years before the criminal complaint was filed

1 by the Office of Attorney General and Mr. Sandusky was finally
2 arrested; and

3 WHEREAS, While these allegations were pending, Mr. Sandusky
4 continued to have contact with minors, putting them at risk of
5 falling victim to additional instances of sexual misconduct; and

6 WHEREAS, It is inconceivable that, with credible eyewitness
7 accounts of sexual misconduct by Mr. Sandusky, the office did
8 not file a criminal complaint under Pa.R.Crim.P. 502(1) and make
9 an arrest under Pa.R.Crim.P. 509(2)(a) or (c) (relating to Use
10 of Summons or Warrant of Arrest in Court Cases) immediately upon
11 learning of such alleged misconduct; and

12 WHEREAS, The Grand Jury also found that Mr. Sandusky took one
13 or more minors across state lines and that inappropriate sexual
14 contact occurred with those minors while they were outside of
15 this Commonwealth, apparently in violation of Federal law,
16 including 18 U.S.C. Ch. 117 (relating to transportation for
17 illegal sexual activity and related crimes); and

18 WHEREAS, There is no Commonwealth law enforcement agency with
19 the independence needed to competently investigate why the
20 Office of Attorney General took so long to investigate this
21 matter and to finally take action to remove Mr. Sandusky from
22 further contact with minors and to investigate whether Mr.
23 Sandusky committed acts in violation of Federal law by taking
24 minors across state lines and engaging in inappropriate sexual
25 contact with such minors while they were outside of this
26 Commonwealth; therefore be it

27 RESOLVED (the Senate concurring), That the General Assembly
28 urge the Attorney General of the United States to appoint a
29 special counsel to conduct an investigation; and be it further

30 RESOLVED, That the special counsel's investigation determine

1 whether appropriate personnel and other resources were assigned
2 by the Pennsylvania Office of Attorney General to the
3 investigation of Gerald A. Sandusky alleging, among other
4 things, sexual misconduct, unlawful contact with a minor and
5 endangering the welfare of a child, with respect to minors
6 entrusted to his care; and be it further

7 RESOLVED, That the special counsel's investigation determine
8 why the office, with apparent probable cause consisting of
9 credible eyewitness accounts of sexual abuse of children in its
10 possession, failed to protect those children and others coming
11 into contact with Mr. Sandusky by filing a criminal complaint
12 under Pa.R.Crim.P. 502(1) (relating to Instituting Proceedings
13 in Court Cases) and making an arrest under Pa.R.Crim.P. 509(2)
14 (a) or (c) (relating to Use of Summons or Warrant of Arrest in
15 Court Cases) immediately upon learning of the first incident of
16 abuse; and be it further

17 RESOLVED, That the special counsel's investigation determine
18 whether Mr. Sandusky violated Federal law by taking minors
19 across state lines and engaging in sexual abuse or otherwise
20 inappropriate sexual conduct with the minors while he was
21 outside of this Commonwealth and, if there was such a violation
22 of Federal law, determine what individuals at The Pennsylvania
23 State University knew or had reason to know about the activity
24 which gave rise to the violation and when those individuals knew
25 or had reason to know about that activity; and be it further

26 RESOLVED, That a copy of this resolution be transmitted to
27 the Attorney General of the United States.