



Sen. Stewart Greenleaf questions representatives from the Pennsylvania State Police during a Senate Appropriations Committee hearing in February.



BLAINE T. SHAHAN FOR THE CAUCUS

A GIANT OF THE LEGISLATURE

Sen. Stewart Greenleaf takes opportunities for change

» BRAD BUMSTED + PAULA KNUDSEN

In every two-year session of the Pennsylvania General Assembly, about 3,800 bills are introduced. About 250 to 300 become law, state records show. In other words, the odds are pretty steep for a state lawmaker to get a single bill passed.

Sen. Stewart Greenleaf, R-Montgomery, however, could teach a graduate-level class in getting bills passed.

Greenleaf has been the prime sponsor of 160 bills signed into law since joining the House in 1977 and the Senate in 1979. That's about four bills a year, on average. He has been the prime sponsor of more bills that became law than any other member of the 253-member General Assembly, according to the Legislative Reference Bureau.

Sometimes being a prime sponsor doesn't tell the whole story. He was also a key player on 155 other bills signed into law that did not carry his name, his office says.

"He is truly a giant" in the Legislature, said Vincent DeLiberato, director of the Legislative Reference Bureau. Serving as the Senate Judiciary Committee chairman hasn't hurt.

Despite published reports after this interview suggesting he was considering retirement, Greenleaf has made no formal statement and talked about sticking around the Capitol.

Greenleaf, 78, says it is his persistence and a passion for justice that have

made him successful. He says it's also because he doesn't care whether a bill is Republican or Democratic-oriented, conservative or liberal.

Greenleaf ran unsuccessfully for Congress in 2000 and dabbled in the New Hampshire presidential primary in 2012, he says, to discuss ideas.

One of the bills he's proudest of was a constitutional amendment implemented by Act 161 of 1996 that permits child witnesses to testify via closed-circuit television. It was approved by the electorate in 1995.

He was also the sponsor of Pennsylvania's Megan's Law in 1995 to monitor sexually violent offenders, a law in turmoil in the Legislature and the courts for 22 years.

He sponsored a Puppy Lemon Law that became a state statute in 1997 and another law in 1998 prohibiting live animals from being used as prizes in contests. The 6' 4" Greenleaf played basketball at the University of Pennsylvania. He has a black belt in taekwondo.

In an interview with *The Caucus*, Greenleaf also talks about his health and the fact he's feeling good now after an

operation.

THE CAUCUS: What drives you in pushing legislation and in being so successful at getting bills signed into law?

GREENLEAF: I look at it as a tremendous opportunity to change. It's a dream of everyone, whether you're a legislator or not, to make the world better — and particularly in my area, it's been about justice. I think that's my role here, to make sure we're doing the just thing, and we have not always done the just thing. Not intentionally, but because of lack of information and not considering what the collateral consequences might be for a piece of legislation. You find out later what the consequences are, and then you have to try to correct that mistake.

THE CAUCUS: Earlier this year we wrote about Megan's Law, legislation that you started years ago. And Megan's Law has gone through several versions since.

GREENLEAF: It was not well received when I first introduced it. ... One of the first things I did when I was on the Judiciary Committee over 20 years ago was to hold hearings on this because I was an assistant DA and I saw it both as my function as a DA, but also you saw it in real life. And what happened was, I held hearings all over the state 20 years ago

and every time we brought a victim in — an older one, not an adult but maybe an early teen; I could picture one now. I can see her now in my mind's eye. She said, "It was my fault," and that's how society was dealing with it. They swept it under the rug. They knew it was going on and they said it was the responsibility of the child.

As unbelievable as that is, that's what the attitude was. ... So it was hard to pass a law. ... But what changed it, I had a couple bills on Megan's Law and extending the statute of limitations and things like that, years and years ago, and they weren't going anywhere. As soon as the clergy issue exploded in the '90s, wham! That bill passed in about two weeks.

THE CAUCUS: The House Judiciary Committee recently held a hearing on Megan's Law and the state police testimony said there are now 22,000 people on the registry.

GREENLEAF: How can they handle that? They can't. And so what it's done is it has diluted the purpose.

THE CAUCUS: How do you even find someone?

GREENLEAF: Right.

THE CAUCUS: Or determine their level of danger?

GREENLEAF: They may be ... a kid



THE INTERVIEW

(who) mooned or did something, or if it was some other activity, but not a habitual, sexual, violent predator. That's who the state police should be concentrating on. That's who we should be trying to (stop). ... The problem is, it (non-predatory type activities) dilutes the purpose of what you're trying to do instead of concentrating on those people who abuse children over and over and over again. You read the newspaper articles and reports that say there are people who, their whole lives, have probably assaulted 20, 30, 40, 50 children in their lifetime. They are habitual.

THE CAUCUS: You mentioned how the explosion of the priest scandal in the '90s helped get legislation through. How often in your career have you found that outside influences, national stories or whatever, impact legislation?
GREENLEAF: Often. Often. You have to educate people. You have to educate the public, not the legislators. The legislators are governed by their constituency. If they start getting calls, then they come along. So when I deal with a bill, I try to educate the public on it and if you're talking about the truth, they can't deflect it. They can't beat it.

THE CAUCUS: Well, you must have persistence. You were a House member, then you became a Senate member. You just kept plugging away on some of these issues.

GREENLEAF: Well, if you have the compassion about it and a fervor for it ... that's why I'm here. To do justice. And there are times we found that we weren't doing justice, like convicting innocent people. Who would have ever thought that we would convict innocent people?

THE CAUCUS: I think you just answered a question that I had, and that is, Why do you think you have been so successful? One hundred and sixty bills and you mentioned persistence, compassion, fervor, so I mean, it's a combination of all those things, right? And a passion for justice.

GREENLEAF: That's why I'm here and that's why I introduce legislation. When I see something that is wrong, it raises that fervor in me ... and it's not that I want to be that politic about it, but that's why I'm here. Isn't that what we're here for? It's to find out ways we can change society. ... And so that's why I introduced a lot of bills — because I see every one of them has a story behind it or something where there is a justice issue. Most of the bills I have introduced have dealt with children or they are the ones that were being abused and taken advantage of, or of animal issues, puppy lemon laws ... and also criminal justice issues.

THE CAUCUS: I see you have an indigent defense bill.

GREENLEAF: Yes, Pennsylvania is the only state that doesn't fund our public defenders and I've been trying to change that now, but they are reluctant. Sometimes I will get an appropriation for one year and then all of a sudden next year they don't do it. It's a low, low priority and that's a justice issue. That's why sometimes we convict innocent people — because they don't have the representation they require.

THE CAUCUS: Is that one of the bills that you regret not getting through,

that you can't change that?

GREENLEAF: Well, I have once in awhile. And they take it away. If you don't care about justice, then care about the money. Because when you have a person that is not represented properly, or doesn't have a lawyer and there's a lot of litigation associated with it, it's very, very expensive. I think it's about, I want to say, a million dollars or something if they go through all their legal remedies. And then at the end of the day, the courts — whether it be the Supreme Court of Pennsylvania or the Eastern District of Pennsylvania, federal court, or the Circuit Court of Appeals — they have to reverse. And so what happens is it goes right back to the Common Pleas court and they have to retry it all over it again.

THE CAUCUS: Are you saying that the cost of court-appointed counsel is much higher than if you just funded the public defenders?

GREENLEAF: I don't know about that. It depends on the case, but what I am saying is that they should have access to competent representation, experienced representation, and what happens is that their caseload is too high. ... These appellate court judges all got together and said, "Look, you are causing additional expenses when you don't provide adequate funding for representation." And part of the problem is not that the lawyers are incompetent, it's just that their caseload is too high.

THE CAUCUS: When you look back 20 years, 30 years on some of the issues that still are frustrating and are still not finished, what do you think about that?
GREENLEAF: I have to be persistent. Ultimately I will — if I stay in here long enough — we'll solve it.

THE CAUCUS: Of the bills that you have had passed, what do you consider the most significant?

GREENLEAF: Allowing children to testify when they are victims, on closed-circuit television. It took me, I don't know, 15 years ...

If you're a defense attorney, if you can't trip up a 3-year-old, you better turn in your (law) license.

A defendant has the right to confront their accusers, OK? So they have a right to do this, but you don't have to do it in a hostile environment in a court. You can do it in closed-circuit TV where the defendant is and the defendant will have to be there. The lawyer has to be there. They are their constitutional rights. But you can make it less threatening for that child, and so Maryland introduced the bill and they had that, but Pennsylvania — I introduced it and at first they passed it, but then the Pennsylvania Supreme Court found it unconstitutional. ... I said, "Okay, well then I have to change our Constitution."

THE CAUCUS: Have you had a bill signed by every governor since Thornburgh, who started here in '78?

GREENLEAF: Well, Shapp was there. Oh no, I was in the House.

THE CAUCUS: As a House member, you were here when Shapp was here?

GREENLEAF: The last three years.

THE CAUCUS: There was something I was researching earlier this year and I came across you as a House member

and I was like, "Wait? Is this Greenleaf?" And it was.

GREENLEAF: And I had two bills passed that session, too, while we were the minority. One of them was a bill on judicial code. The code wasn't my idea, but that was kind of funny because I was a freshman legislator. I was only in the House two years, and I introduced the bill. It was a minor bill dealing with depositions or something.

THE CAUCUS: Every governor since Shapp has signed one of your bills?

GREENLEAF: Yeah.

THE CAUCUS: But you take only certain ones to hang up (on office walls)?

GREENLEAF: I can't put them all up. I had to stop.

THE CAUCUS: If you don't mind me asking, how is your health?

GREENLEAF: It's good. Actually, my blood pressure and cholesterol is normal. I'm in good shape.

THE CAUCUS: You look like you've lost some weight.

GREENLEAF: I did.

THE CAUCUS: On purpose?

GREENLEAF: No, I had an operation and that was successful and now I am healthy because my blood pressure is fine, and I'm in good health.

THE CAUCUS: Did you have cancer and you're in remission?

GREENLEAF: It was a small amount. Thank God. I was doing a check-up and it was caught very early and treated and I'm in good shape now. ... Well, thank God, because if I had not had that test, I would have — who knows? They caught it early — very, very early.

THE CAUCUS: So you are going to be around long enough to get funding for public defenders in statute?

GREENLEAF: I'm not sure. Who knows? You never know how long it takes to do these things. You just have to keep pounding away at it. A lot of things I introduce, they're not partisan. I mean, one day I could be supporting a very conservative bill, and the next day I could be supporting something you would consider to be very liberal. I don't base it on Republican on Democrat. I don't base it on anything other than justice, and that we are accomplishing justice and that's not a partisan issue. Justice is not a partisan issue.

THE CAUCUS: Some of the things you raised, the right and the left would be supportive.

GREENLEAF: Right, it's surprising but just recently I had a bill introduced that was for victims of rape and the rape kit. That was started in Congress, but the federal parties don't handle rape. It's handled by the local, state government. So now we're trying to have each state adopt those requirements that they have rights to know what is in that kit and be brought up to date and not be ignored.

THE CAUCUS: Auditor General DePasquale did an audit saying that rape kits were untested.

GREENLEAF: Right, so we just kicked out a bill yesterday on that.

THE CAUCUS: Are there any more

guiding principles that you think have kept you going this whole amazing career?

GREENLEAF: Justice and perseverance. You know what is right and what is just, and it's not partisan. It's not liberal or democratic, republican, or conservative. It crosses party lines, and you have to be prepared to advocate for that and I took a lot of flack when I first came up here, but now they pretty much leave me alone. And that's why I'm here.

THE CAUCUS: What's the point, right? They know you're going to...

GREENLEAF: Do it anyway. They aren't going to talk me out of it, so they just roll with the punches, I guess. But that's what you have to be up here. You have to be basically doing what the right thing is and that doesn't necessarily always mean Republican or Democrat or Independent, or whoever you are. Have I made mistakes? I have... I have probably introduced more mandatory minimums than you can count. Then we found out we were convicting innocent people, which I had not believed until they proved it to me.

And then I said, "Oh, my God. I thought we were doing justice." Convicting an innocent person is just the worst of all injustices. So the last, since like 2000, I've been working on that and trying to alleviate some of the collateral consequences, unintended consequences that we were doing in the criminal justice field. The punishment without rehabilitation is an absolute failure. That's why the recidivism rate is so high. 64% of people who are released from prison return and why? Because we continue to punish them. Who says anywhere in the crimes code that a person is to be punished the rest of their lives? All it provides for is a fine, probation or parole, incarceration, and that's it.

Once that's done, we should be there, right by their side, helping them to rehabilitate and re-enter society, because what we are doing is very expensive to put people back in prison all the time. We are destroying their lives and destroying their families...

I held a hearing on prison overcrowding and one of them was a young man who came before the committee. He had been in state prison. I forget why he was there, but it was a non-violent offense. He had been released, and was on parole, and he showed up with one positive drug test after a couple of years on parole. What do they do? Help him overcome that? No, they put him right back into the state correctional institution. He was married. He had children. He had a job. He was a productive citizen and we just destroyed his life.

So I have worked on those issues about parole issues. We have changed the parole board just recently. We used to have them here. Leo Dunn was here in August. He got into a position where he was appointed and now we have a Parole Board and not just individuals who are out to try to get you, but to try to rehabilitate you. That's what we should be doing, and to have some training in that area. So there is change all over that. We have a Board that is now functioning under that concept. There are some people who belong in jail and we're not going to parole, we're not going to let them out. But the large majority of them are redeemable.