



# Public Interest Law Center of Philadelphia

Volume 1, No. 3

May 1983

## Auto Emissions Inspection and Maintenance

On May 4, 1983, Governor Dick Thornburgh signed into law Act 1983-3 authorizing the Pennsylvania Department of Transportation to institute a motor vehicle emission inspection and maintenance (I/M) program in the Philadelphia, Pittsburgh and Allentown metropolitan regions. Passage of Act 1983-3 also released approximately \$500,000,000 in federal-aid highway funds that had been enjoined for 16 months because the state had reneged on its court-approved consent agreement to institute the I/M program.

Stanley R. Wolfe  
*Chairman of the Board*

Lucy Hackney  
*Vice-Chairman*

Lane Taylor, Jr.  
*Vice-Chairman*

Edwin D. Wolf  
*Executive Director*  
1974-1976

Thomas K. Gilhool  
*Chief Counsel*

Jerome Balter  
Michael Churchill  
Frank J. Laski  
*Staff Attorneys*

David G. Davis  
*Administrative officer*

Peter Stevens  
*Newsletter Editor*

1315 Walnut Street  
Philadelphia  
Pennsylvania 19107  
(215) 735-7200

The adoption of Act 1983-3 was but the latest, and hopefully the final, chapter in a seven-year struggle to compel the state to comply with the air pollution control laws, just as the state expects private industry to comply with environmental protection laws which the state enforces against them. Under the Federal Clean Air Act, the State is required to implement an I/M program to reduce carbon monoxide and hydrocarbon (ozone causing) emissions in those regions where pollution levels exceed national standards and therefore are considered unhealthy, especially for persons with lung or heart ailments.

Objective:  
reduction  
of carbon  
monoxide  
and hydrocarbon  
emissions

It all started back in 1976 when the Clean Air Council, the Sierra Club and several other environmental groups requested the Public Interest Law Center to compel state compliance with its obligations to implement an I/M program. None could have predicted that the path to success would take more than seven years; that it would include innumerable appeals and requests for review by the U. S. Supreme Court; that it would involve a host of attempts by the State Legislature to delay or prohibit the previously authorized I/M program; that the Governor would veto two of these measures and that one veto

---

would be overridden by the General Assembly determined to resist "federal intrusion"; that the federal courts would declare the State to be in civil contempt for reneging on its agreement to implement the I/M program; and that the State would be enjoined from \$500,000,000 in federal-aid highway funds for 16 months while the General Assembly debated the merits of the I/M program against a backdrop of decaying roads, and a potential of 50,000 construction jobs.

The struggle for clean, healthy air was also a struggle for governmental integrity and decency. The State attempted to use its inherent sovereignty and immunity to flaunt the law and, thereby, to set an extremely bad example for private enterprise which might use the State's own example of obduracy to resist state enforcement against them. Fortunately, a coalition of forces including environmental organizations, the building construction trades and the AFL-CIO state-wide organization finally convinced the Legislature to vote for clean air, better roads and more employment.

Coalition  
effort

Throughout this long process, the Law Center's principal client, the Clean Air Council, never wavered in its dedication and its involvement in the cause. Throughout this multifaceted case, the Council provided invaluable research and advice. We value them as clients and apparently they value the Law Center as counsel. Very recently, the Clean Air Council and six neighborhood organizations "hired" the Law Center to stop the unlawful pollution from Philadelphia's Northwest Incinerator. Let us hope that success at the Northwest Incinerator will be achieved in a shorter time than it has taken to achieve the I/M program in the State.

Clean Air  
Council's  
persistence

**Features in  
Coming Issues:**

The Employment Project - A look at the Law Center's landmark litigation, client support we have provided over the past 9 years, and future work proposed by the Long Range Planning Committee.

The Law Center in the 1980's - A report on new directions and changing roles for the Law Center, as we respond to the needs of our clients.

---

## Board Elections

At the Annual Meeting in January, Stanley R. Wolfe, Esquire, of Berger & Montague was elected Chairman of the Board of Directors. Vice Chairpersons for 1983 are Lucy Hackney, Esquire and Lane Taylor, Jr., Esquire. The following 15 new members were elected to the Board:

Susan Bailey  
Public Relations Consultant  
Florence Gaynor  
Director, West Philadelphia  
Community Mental Health  
Consortium  
Richard D. Greenfield, Esquire  
Greenfield & Chimicles, P.C.  
Norman L. Holmes, Esquire  
Blank, Rome, Comisky & McCauley  
Germaine Ingram, Esquire  
University of Pennsylvania  
School of Law  
Alexander Kerr, Esquire  
Hunt, Kerr, Bloom, Hitchner,  
O'Brien & Conrad  
Virginia Kricun, Manager,  
Corporate Community Relations,  
Sun Company, Inc.  
Suzanne S. Levy  
Civic Activist

Christopher A. Lewis, Esquire  
Dilworth, Paxson, Kalish  
& Kauffman  
Charisse Lillie, Esquire  
University of Villanova  
Law School  
Stephen L. Mikochik, Esquire  
Temple University Law School  
Nancy Moses  
Producer of community and  
cultural events and programs  
Emmanuel Ortiz, Esquire  
Executive Director,  
ASPIRA, Inc.  
Philip Price, Jr., Esquire  
Deputy Director, Greater  
Philadelphia Partnership  
Carl S. Singley, Esquire  
Dean, Temple University  
Law School

## Legal Update

The Law Center has asked the Third Circuit Court of Appeals to rule that the Department of Labor violated the law when it made only "minimal" efforts to enforce the Executive Order requiring contractors on government assisted projects to hire minorities in the numbers to be expected were there no union discrimination. Since the Philadelphia Plan was adopted in 1969, setting goals for minority craftsmen, only 60% of the goals have been met. In fact, the percentage of skilled minority workers employed seems to have decreased since the early 1970's, in parallel with the Department of Labor's failure to seek sanctions against any contractor in the Philadelphia area since 1974. The Law Center's brief, filed in May, comes at a time when the Reagan Administration has continued to press its fight against "Affirmative Action."

Taylor v. U. S.  
Department of  
Labor

---

### Introducing our Clients

This is the second in a series of profiles of our most active clients.

#### GUARDIAN CIVIC LEAGUE

The League was founded in 1955 by a group of black police officers as a social organization. It rapidly became an important force to improve the professionalism of the Police Department. It moved into the struggle for affirmative action, the ending of police abuse and improved community relations. It has also sponsored town watches and political education seminars.

It is ironic that in 1967, when the Police Department and the population of Philadelphia were smaller, there were more black officers on the police force than there are today: in 1967 there were 1,337 black officers, 21% of the force...today there are 1,200 black officers, less than 16%. In the meantime, the percentage of Philadelphia's population which is black has climbed to 39%. And only 35 police officers are Hispanic -- 1/2 of 1% -- although 7% of the population is Hispanic.

The Guardians were responsible for the successful increased minority recruitment effort in the Police Department, and the training sessions which increased the percentage of black applicants in the top 500 test takers from 18% in 1980 to 52% this year.

The Law Center has assisted members of the League when their activities have been challenged by the Police Department, and we are currently working with them to increase the number of minority employees on the force.

### Introducing our Board of Directors

#### EVERSLEY VAUGHAN

One of the founders and now President of the Council of Neighborhood Organizations, Eversley is a long-time activist who remembers walking a picket line when he was 12 years old.

He took a degree from Temple, studied at Penn, and is a retired social worker. He holds old-fashioned values -- one has to make the world a better place -- and along the way he has won the City Human Relations Commission Award, "Citizen of the Year" Award from the Bar Association, and the Sylvan Cohen Award from the Jewish Community Relations Council. He is most proud of his four daughters. And the activity which has given him the most satisfaction? Whatever he is doing at the moment!

#### ROBERT SAYRE

After graduating from Princeton and Penn Law School, Bob began practicing law with Saul, Ewing, Remick & Saul in 1940, became a partner, and was the Managing Partner from 1977 to 1981. Besides a strong emphasis on anti-trust and securities law litigation, he is interested in hospital and health law.

His two major interests outside the practice of law have been the Philadelphia Chapter of the Lawyers' Committee for Civil Rights Under Law, which became the Law Center in 1974, and the United Way, of which he has served as Chairman of various committees over the past 16 years. He and his wife, Lucy, together received the United Way Citizen Volunteer Award in 1976.

The Sayre family has taken an active interest in outdoor sports, particularly skiing and hiking. His children are now living in Paris and New England.

Contributions to the Public Interest Law Center of Philadelphia are tax deductible.  
Your gift in any amount will be welcome and sincerely appreciated.