

The Public Interest Law Center of Philadelphia's 40th Anniversary
Wolf Family Tribute
Remarks by: Michael Churchill

I have been asked to say a few words about the Wolf family, which given its size and interconnections would be a difficult task in the short hour and a half allotted to me. I venture to say that there are even a few members of his family here who could not name all of Robert's cousins and step cousins.

My immediate object on this 40th anniversary is to focus on the public service role of the family and its role in the life of the Law Center. The critical family member was Ned – Edwin D. Wolf, who eagerly seized the opportunity presented by the Lawyers Committee for Civil Rights decision to open offices in 12 cities around the country in response to the urban riots which swept northern cities from 1964 to 1968. Ned attended Penn Charter and Haverford College, before graduating from Penn Law School in 1963. After he spent six months at Wolf Block doing his obligatory preceptorship, he left for good, first to work on the staff of the US Commission on Civil Rights where he assisted in the preparation of the Commission's 1965 report on the failure of local law enforcement in the South to provide equal protection of the laws to persons attempting to exercise their rights. Bill Taylor, the Executive Director of the Commission is recovering from heart surgery, but wrote he regrets at not being here because the "work at the Commission with Ned and his colleagues was and remains an important part of my life" and recalling that in the chapter of his book "The Passion of My Times" "I talk fondly of my days in Mississippi with Ned." After that experience Ned went to work for District Attorney Arlen Specter, as part of his initial group of hires which included Michael Baylson, Ray Denworth, Alan Davis, and Gillian Gilhool, where Ned was the one person juvenile division.

The national Lawyers Committee, created by Philadelphian Bernie Segal and New Yorker Harrison Tweed, operated as a Committee of leading national lawyers from prominent firms which had promised to provide support and take cases on a pro bono basis that would advance racial equality. Ned, at the age of 29, proceeded to assemble a similar local committee with membership from many of the City's leading firms as well as from practitioners who had a historic interest in civil rights, including Richardson Dilworth, Robert Landis, Henry Sawyer and Hardy Williams. Bill Ewing joined them shortly thereafter.

How Ned assembled such backing is unclear to me, in particular how much help he had from Bernie Segal or the national committee. But what was remarkable in Ned was how comfortable he was in dealing with senior partners, junior partners, young associates, sole practitioners, or whomever. Many people put it down to his lineage, but it obviously was a personal trait, part of his self-confidence, a skill of enormous potency, and one not widely distributed.

That lineage was not un-important, however, because it undoubtedly opened doors for him. In 1969 Ned's Grandfather Morris Wolf, was 86 years old, literally a living legend still practicing law, having founded what became Wolf Block Shore and Solis-Cohen in 1903 upon his graduation from law school. Ned was able to see that his grandfather and his firm had been an important force in the building of a cohesive Jewish community and the role it played in that community's emergence from its ghetto stereotype into the mainstream of Philadelphia's business, political and social community. Moreover the firm itself, at that time, was noted for its remarkable esprit de corps, a sense of pride in its work which was another model for Ned in thinking about the kind of community he wanted to create in his own office.

Although I knew nothing firsthand about the creation of the Philadelphia Lawyers Committee, I participated in its very first case, Shannon v. the U.S. Department of Housing and Urban Development. I was recently back from working for HUD when I met Ned at the Chancellor's reception in January 1969 and he told me he was about to sue HUD for allowing the City to change a redevelopment plan approved by the community which provided for integrated middle income housing to a low income project which would increase racial segregation in opposition to community wishes. Thinking I knew something about housing law which might be helpful he invited me to work on the lawsuit

Shannon was an important case, establishing the community's right to a public review of the racial impact of a housing project before its approval, much like the environmental impact statements then newly required for federal construction projects. Despite its importance, or maybe because of it, Ned had been unable to find a firm to take the case on. Ned's father, Robert, a corporate lawyer with experience as counsel to the Federal Housing Administration, was willing to put his time into attempting to negotiate a settlement with the new Republican Administration, or else to try the case, although he had no federal court trial experience. Ned had never tried a federal case. And I had never participated in any trial at that point. This lack

of experience was no deterrent to Ned bringing the case, but it may explain why Chief Judge Joe Lord was confused by what we were trying to say and it took all of Ned's appellate skills to get an amazingly favorable decision written by Judge John Gibbons, with Chief Judge William Hastie also on the Third Circuit panel.

Ned turned out to be a superb lawyer, who understood that there were many ways to gain victory. When no Black persons ever had been allowed to be on the Nominating Committee for the School Board created by the City Charter, Ned forced the Deputy City Managing Director to admit on the stand that he did not know any of the many Black persons who Ned named that met the eligibility requirements for that position. Ultimately the US Supreme Court refused to find the Philadelphia appointment system discriminatory. But as Ned knew, no managing director would ever want to go through that process again, and Black persons started to be appointed to the nominating Board and to the School Board itself. Ned, by the way, argued that case in the Supreme Court, drawing a lovely note from Justice Powell celebrating the quality of his argument, which Ned wryly mounted in a frame along with Powell's decision against him. Ned, Tom, and I kept that in our offices to remind ourselves of the difference between praise and the delivery of real goods.

The Lawyer's Committee work focused on police misconduct and employment discrimination, training lawyers in the private bar to take cases screened by the Committee staff. The EEOC called the Philadelphia panel one of the most effective in the country. Ned set ambitious goals for the employment work, targeting major employers in the banking industry, the steel industry and manufacturers like Boeing and Western Electric. Ned was fearless about taking on strong adversaries and about public controversy, but he was also loved working the inside game, lining up support for his positions among the many powerful insiders he knew.

To carry on this work Ned had a very small staff augmented by volunteer lawyers and students, including vista volunteers. Rose Lucas was his secretary and office manager. Students, experts, and witnesses frequently stayed at his house on Horter Street, and all were treated as part of a large family invited to share his love of music, books and movies. The office was at 1 North 13th Street, the workload hectic, crisis frequent, and the style heroic -- but that was how everyone thought important change occurred.

By 1974 it was clear that Ned's hopes that the big firms would carry the major case load, or that small practitioners would pick up the load, was not working out. Many firms found they

had conflicts, especially on any case involving employees versus employers, or would only take one case. This led to the decision to drop the referral model and instead build up greater internal capability to handle litigation directly. A second decision was to expand the scope of the firm's work from racial equality to a broader concept of public interest, including poverty, gender and disability matters, governmental reform, and environmental matters. All of this was embedded in the creation in 1974 of the Law Center, under the aegis of five Chancellors and former Chancellors of the Philadelphia Bar Association, to take over and expand the Committee's work. A consequence of those decisions was the need for substantial new fund raising. Ned's mother, Elinor Newbold, joined the Board to help with the fundraising when the Board's lawyers' efforts faltered.

I am afraid I have not conveyed the truly large scale in which Ned thought and the scope of the accomplishments of the office. In a short time it took on the excessive use of deadly force by the Philadelphia Police Department, which the Law Center successfully ended a few years later. It also targeted the lack of minority hiring in the construction trades under the Philadelphia Plan, a matter still unsolved, as Bruce Crawley noted at the Symposium this morning. And Ned proposed tackling urban health as part of an environmental project.

Ned was not only fearless in his public controversies, but in his battle with a rare breast cancer. Struck with it before turning 30, it went into remission for a few short years and then returned in 1972. Ned did an enormous amount of work from his bedroom on Horter Street, with staff and friends in and out until his death in January 1976. There was little self pity, but lots of regret at the loss of a future with Flora, Abigail and Susannah.

Ned's death did not mark the end of his influence on the Law Center nor the role of his family in its history. He had set into place its structure and mission, and his vision has proven remarkably durable. Furthermore he and the Board Chairs Bernie Borish and Bob Sayre had recruited first Tom Gilhool, and then later myself, to work together to carry that mission forward.

Ned's father had contributed not only to litigating the first Lawyers Committee case, but once the case entered its remedy phase he persuaded Denise Scott Brown of Venturi and Rauch, busy with an international architectural practice, to redesign the landscape of the East Poplar block involved. It was an example of the Wolf family habit to think big and to bring quality and excellence into all of their endeavors.

Robert was not a stranger to public interest matters. During his service at the end of

World War II he was assigned to assist in the interrogation and prosecution of the top level of Nazi officials in the Nuremberg trials on the staff of Robert Jackson and Telford Taylor. Back in Philadelphia he was active in the Chamber of Commerce and Philadelphia First, the public policy arm of the business community, and also in political matters, serving as campaign manager for Lt. Governor Raymond Broderick in his unsuccessful run for Governor. Eddie Becker, as he then was, served on the campaign committee and they remained friends and allies.

Robert became deeply concerned with many of the inefficiencies of the criminal justice system, and this was the source of his longtime support of the Citizens Crime Commission, but his attention increasingly turned to elements of juvenile justice, or rather the lack of it and the lack of effective services to help young persons while incarcerated so that they would not grow into adult criminals. Unlike so many others, he did not work for either private or government agency, but urged, wrote, called, talked and listened as an independent voice to whoever he could find in order to make the system serve the young persons in it. From time to time he would raise the question whether a law suit would help, but his principle tactic was to wear opposition down with his persistence and willingness to deal with whatever problems they imagined prevented them from doing what he believed necessary. Bureaucrats didn't know what to make of him, and would start to dismiss his ideas, and then he would turn up with an appointment from the governor, or from a Supreme Court Justice, or as an advisor to some other official. The amount of time he spent on these matters was truly staggering, and represented a most unusual and valuable contribution to public service, finally recognized by the Bar Association when he received its Fidelity Award.

Robert's great contribution to the Law Center came in 1992 when he sold a rare book he owned and decided to split the proceeds between the Law Center and the Citizens Crime Commission. We placed the \$100,000 from this entirely unsolicited contribution, at that time our largest personal gift, in an endowment fund, and later with his permission used it as collateral to borrow money to keep operating. That gift is still an asset on our balance sheet to this day. I am glad that we are joined today by Robert's widow, Caryl, who has had her own distinguished career as a biological scientist and artist, and two of Robert's step-children Scott Smith and Caryn Suliman. A third, Tracey Volpe was unable to be here.

Another great contribution of the Wolf family to the Law Center and Philadelphia life came from Ned's marriage to Flora Barth Wolf, who otherwise might never have left

Washington. Instead she taught in Philadelphia schools in an innovative program, the Learning Centers Project, and then raised two wonderful daughters, first with Ned and then on her own. Both are themselves serving the public – Abigail as a doctor and Susannah as a teacher– and you will shortly see for yourselves how wonderful they are. Flora’s lineage in the fight for equal justice is distinguished too, with a father famous for his editorial writing in opposition to the excesses of Senator McCarthy. Flora was the person in the Wolf family who actually had to look after all those students and visitors who Ned so casually invited to Horter Street, and to cope with a sick husband. After Ned’s death Flora served on our Board, returned to school to get her law degree from Penn and from there went into the City Solicitors’ office, rising to Divisional Deputy for Zoning Enforcement. In 1991 she ran for Common Pleas Court and thankfully won, proving that enough of the voters can get it right some of the time.

I am not telling any secrets when I state that practitioners in Family Court are very nervous whenever a new judge arrives, particularly because so much of their work is in a closed courtroom out of public view. But Judge Wolf quickly demonstrated her high quality and a work ethic which threatened to interfere with normal closing hours. Both in domestic relations court where she previously served, and now in dependency court, all parties know that she will devote enormous energy to finding a resolution that is fair. You might think this should not be so difficult, but in a system where the reason many people are acting badly is because they are unable to do otherwise without significant help, and even though they may be entitled to such help it is not available, in those circumstances the path of justice is not always obvious. I am not sure all of you know how difficult it is listening to the plight of trapped persons, struggling to find ways to help. We ask a lot from our judges who by definition are dealing with what went wrong in our society, but family court is a killer in its demands for empathy, understanding, and resilience. Fortunately, those are the qualities Flora Wolf possesses and contributes as a judge to all of us every day.

Two other grandchildren of Robert Wolf and Eleanor, along with Ned’s children Abigail and Susannah, are also continuing on their family’s path of public service, and they are Alexander and Marc Briscoe, the children of Ned’s sister Virginia. Marc, who is not here because he is on trial, is beginning a career as a public defender in California after having been a social worker. Alex, the interim director of the Alameda County Health Care Services Agency was a participant on a panel in our symposium today. His first hand knowledge and innovative

programs impressed everyone and would make any ancestor proud.

Not only the Law Center but the entire Philadelphia community would be a very poorer place without the vision of the Wolf family as to the central importance of justice in our society, understanding that it is the glue which holds the social contract together. Glue is the wrong metaphor, however, because justice is not a rigid construct. Justice, in Ned's vision, requires more than equal enforcement of law, important as he saw that to be in the South, but it also requires the end of imposed subordination and inferiority, what he called the badges of slavery. This was not only a matter of race, but of caste and historic advantage. It was a vision of equality, not just in formal terms, but in actuality. That is a vision many others have shared too, but he set it alive in the Law Center, launched it, and it is still sailing forward. We thank him and his remarkable family for that vision and their many efforts towards fulfilling it.