

Court ruling on Rizzo expected

PHILADELPHIA (AP) — The Pennsylvania Supreme Court is expected to rule shortly on whether Philadelphia Mayor Frank L. Rizzo must face a recall election which could end his political career after five years as City Hall boss.

The high court heard arguments yesterday on an appeal by the Democratic mayor to overturn a city court decision directing the recall question be included on the Nov. 2 ballot.

Howard Gittis, a Rizzo attorney, told the seven justices that the recall procedures set up under the City Charter were in violation of the Pennsylvania Constitution.

"Under the charter, you can willy nilly remove someone from elected office for no just reason," argued Gittis. "The Constitution clearly states that you cannot recall a duly elected official without due cause like a criminal conviction."

Rizzo has not run afoul of the law, but instead has been charged by voters with misleading them about the city's financial condition prior to his reelection last fall. He also has been accused of padding the city payroll with patronage drones.

Much of the two-hour hearing yesterday concerned

the legitimacy of recall petitions circulated in the city this summer. Rizzo backers claim many of the signatures obtained were bogus, and that thus any effort to recall the mayor is illegal.

Rizzo, 55, a law and order hardliner who jumped party lines in 1972 to support Richard Nixon, contends the recall leaders are "ultra-liberals" who are desperate for control of the city after twice failing to beat him in mayoralty elections.

Should the Supreme Court uphold the Common Court decision that a recall election is in order, voters would face a "yes-no" question on the ballot. If a majority votes "yes" Rizzo would be ousted and City Council President George Schwartz would take his place until a special election is held, mostly likely in the fall of 1977 when some other municipal posts will be contested.

Rizzo, former city police commissioner, won his first election largely on the promise he wouldn't raise taxes.

The second time around his campaign emphasized the fact he had kept his promise. Then in January, two months after he was reelected, he acknowledged a \$100 million city deficit.

Nominee takes realistic position

HARRISBURG (AP) — Mark Widoff, nominee for the post of Pennsylvania consumer advocate, is realistic about representing the taxpayer.

"It'd be a serious mistake if the average consumer is waiting for a miracle," said Widoff. Gov. Shapp's choice to be the consumer's spokesman before the Public Utility Commission. He must be confirmed by the state Senate.

The 34-year-old attorney, currently executive assistant to Education Secretary John Pittenger, concedes he's not a flamboyant crusader in the mold of Herbert Eenenberg, the self-ordained protector of consumer rights.

"I think my style is low keyed, but the people who know me would say I have strong convictions," Widoff said in a recent interview. "I would approach the job with an open mind. I'm not willing to take the position that in every single circumstance, the utility is the bad guy."

But Widoff said he isn't sure that the public has gotten a

fair shake before the PUC, which regulates utilities such as gas, electric and transportation companies.

"I am absolutely sure that there were facts, relevant facts, that were not brought out in many of these rate cases because it was nobody's job to bring them out," he said.

"You must understand that the PUC, although it has an investigative unit, their role is not that of advocate ... it was set up to act in a judicial sort of way and it's impossible to act in the role of judge and advocate at the same time."

When asked what kind of staff he would have if confirmed, Widoff grinned.

"That's a good question, because the General Assembly only appropriated \$250,000 for our first year. It's my understanding that a large utility spends that much for one rate case."

"Obviously, we need attorneys, researchers, investigators, accountants and clerks, and those things cost."

Legionnaire disease could be catch-all

HARRISBURG (AP) — Health officials are trying to determine if a killer epidemic that swept an American Legion convention in Philadelphia this summer was caused by a disease that for years has been diagnosed incorrectly as viral pneumonia.

The Pennsylvania Health Department, still stumped by the mystery ailment that killed 29 persons, is intrigued by the fact viral pneumonia often is used as a catch-all title in medicine when nothing else fits. And so far few pieces have fit together in the legionnaires' disease puzzle.

"The theory that for years we have classified all undiagnosed pneumonia as viral without really diagnosing it further is going to be looked at," says Morton Rosen, the health department's deputy secretary for administration.

"Let's say we take 15 hospitals across Pennsylvania. We tell them in every pneumonia case that they can't identify as being

caused by bacteria — ones in which they normally would have said, 'Hmm, it must be viral' — to conduct tests and send them to our state laboratory."

"Then we'll try to grow that virus. If we can't we could be dealing with something that is occurring all the time and normally occurs."

Like legionnaires' disease? "It has the same characteristics and we weren't able to grow that one either. The study will be done. We don't know where it's going to lead us."

"The clinical symptoms of legionnaires' disease and pneumonia are the same. If any one of those legionnaire cases had been looked at separately by any physician they would have probably been diagnosed as pneumonia of some sort."

Some 3,000 state American Legion members attended the convention, headquartered at the Bellevue-Stratford Hotel July 21-24. In addition to those who died from the mysterious disease.

Adult movie houses targets of rezoning

PITTSBURGH (AP) — The city's Planning Commission has approved zoning amendments that will make it virtually impossible to open new pornographic theaters in Pittsburgh.

The plan requires that any new X-rated movie house be approved by the commission, City Council and the mayor. The changes also impose strict requirements that would limit such operations to

big commercial areas. The administration of Mayor Pete Flaherty is confident the zoning change will stand up in court since similar legislation in Detroit has withstood a court test.

If council approves the zoning amendments, adult theaters will be required to be located at least 500 feet from a residential or institutional district.

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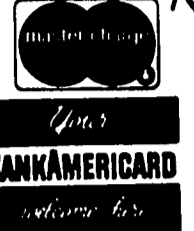


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