

## THE LAW

# Pistol-packing cop kills unarmed man

By Ed Newbold

SEATTLE

**C**OINCIDENTAL FACTORS" were the words used by Republican County Prosecutor Chris Bayley to dismiss the circumstances surrounding a police shooting incident in Seattle—a shooting that cost the life of a 26-year-old black man named John Rodney.

Rodney, an unarmed burglary suspect, was shot in the back after a long foot chase by two police officers. Press reports later revealed that Rodney had been a resident of a state institution for the retarded for five years and had a history of nonviolent crime. He also had a "pattern of running on any occasion when he was confronted by police," according to a spokesperson from the Public Defender Association.

On the other end of the pistol from Rodney was police officer Dennis Falk, who has been in the news lately in another capacity—as co-chairperson of an organization called Save Our Moral Ethics (SOME). SOME has just filed a petition called Initiative 13 that will put Seattle's gay rights ordinance to a test in the November elections.

The shooting also occurred in the midst of a struggle to define future police department firearms policy. Tough new regulations—which would have clearly ruled out the Rodney killing—had already been passed by the city council but were not scheduled to take effect until November. If the Policeman's Guild gets it way, however, the new rules won't last much longer than it takes a gendarme to say "Stop, or I'll shoot." A police-sponsored petition has put another measure, Initiative 15, on the November ballot. If passed, 15 would nullify all legal restrictions placed on police shooting since the 1960s. "It would take us two steps back," says black attorney Lem Howell.

If the personalities involved and timing surprised anyone, however, the outcome of a coroner's inquest into the incident certainly didn't. The night before the inquest began, Howell, the Rodney family lawyer, had told a group of Rodney's supporters, "I can't tell the Rodney family that we're going to get justice—because we're not."

## Shooting through a fence.

On Sept. 9, an all-white jury of six citizens handed down a 4-2 decision: Falk used "reasonable" judgment in killing Rodney.

The two-day inquest examined the alleged Rodney burglary, during which Rodney canvassed several houses and entered two without permission. At each house Rodney has asked to mow the lawn. Lem Howell was able to show that none of the family had found Rodney's behavior "threatening" or "menacing," although some were naturally frightened by a stranger in the house. Nothing was stolen.

Officer Falk took over the chase upon his arrival at the scene and shot Rodney once in the heel as Rodney climbed a tall fence that Falk, who is stout, could not negotiate. Falk fired the second, deadly shot through the fence and hit Rodney in the back. Falk testified at the inquest: "The fence was so high that if he got over this fence, I would lose sight of him and lose him if I did not fire. By finding a slot in the fence where I could place my revolver, I got a second chance to stop him."

Howell argued, but was not able to prove, that Falk did not yell "Halt, Police," or "Stop, or I'll shoot," as he claims. None of the witnesses who heard the shots (four policemen and the owner of the house on whose lawn Rodney died) heard the alleged warnings.

After the inquest, the police depart-

Dennis Falk, a policeman who is also a John Bircher and sponsor of an anti-gay initiative, shot and killed an unarmed black man.

ment removed Falk from active duty "indefinitely," but prosecutor Bayley confirmed that his office would not bring charges against the policeman.

## Humanism is the problem.

Officer Falk, a 14-year member of the John Birch Society and its local "section leader," had achieved notoriety in the Vietnam era when his beat was the volatile University of Washington district of Seattle. His lead-lined gloves, he boasted to a Seattle daily newspaper, were "very effective" in gaining "respect in the district." More recently, Falk joined with another city policeman to launch SOME and the local crusade against gay rights. But homosexuality, contends Falk, is not the main problem in America: "Humanism is the problem in America."

Meanwhile, there is anger in the black and gay communities. The *Medium*, a moderate black weekly, has condemned the murder in unequivocal terms. Two demonstrations have both attracted hundreds of people and picket signs asking such questions as "Save whose moral ethics?" and "Is the Seattle Police Department the armed wing of the John Birch Society?"



Demonstrators protest murder by policeman in Seattle, Washington.

Attorney Lem Howell, for his part, is considering filing a "wrongful death" civil suit against Falk and the city.

But for John Rodney, who was described by a former counselor at the Buck-

ley School for the retarded as "one of the most lovable residents there," the case is closed.

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## STUDENTS

# Congress forecloses on student loans

By Harrison H. Donnelly

WASHINGTON

**A**T LEAST THEY'RE NOT KEEPING their IOUs in shoe boxes anymore. But officials of the Department of Health, Education and Welfare (HEW) still have a long way to go to overcome the negative public image of the college student loan program.

Often cited as a prime example of waste in government spending, guaranteed student loans have been plagued by a high default rate by ex-students who don't want to repay banks, or the government, for their educational loans.

Students get the guaranteed loans directly from banks or other lenders. The federal government and 31 participating state agencies promise to repay the loans if the student does not. States are reimbursed by the federal government for 80 percent of their repayment costs.

For most students, the government pays the interest on the loans while they are in school. The loans are supposed to be repaid within ten years after the student leaves school, at 7 percent interest.

The problem is that too many students are refusing to repay their loans, leaving the government with the bill. At the peak, in May 1978, there were more than 400,000 loans in default, involving a total of \$400 million.

## Chaotic management.

HEW officials argue that the main cause of the problem has been the chaotic management left over from previous administrations. "The program was administered very poorly in the past," charged Leo Kornfeld, head of the HEW Bureau

of Student Financial Assistance.

For example, in some regions records were kept on index cards and stored randomly in cardboard boxes.

## Congress scrutinizes a student loan program plagued by chaotic management and a high student default rate.

Even with its limited manpower, HEW failed to take the most obvious step against the defaulters—sending them a bill. The department notified almost no defaulters that it wanted its money back.

Clearly, most people weren't anxious to volunteer payment for bills they never got.

The most serious problem with defaults has been concentrated among students in for-profit vocational schools. Despite the image of the well-paid college graduate defaulter, the greatest concentration of defaulters has been among working-class students who felt cheated by these "proprietary" schools.

"A lot of people who are not paying their loans were victimized by the proprietary schools," said one congressional aide. Concentrating on signing up students in order to get their tuitions, which were often paid for by guaranteed loans or other federal grants, many of the schools have offered second-rate instruction.

## Embarrassing measures.

Large numbers of students dropped out and were unwilling to repay loans for what they considered a "rip-off."

In addition, the declining value of a college degree on the job market left many graduates resentful, and often simply unable to pay their loans.

One of HEW's first steps to crack down on the defaulters proved highly embarrassing, if necessary. Comparing the names of federal employees with those of the defaulters, the department found that 222 of its own employees, and 6,783 among all federal workers, still owed the government money—including 23 employees earning more than \$30,000 a year.

The next step was to contact all defaulters directly. Getting the most recent addresses available from the Internal Revenue Service, HEW at least notified the defaulters that it had not forgotten them.

One strategy that has had a substantial impact has been to ask the Justice Department to prosecute defaulters. More than 1,500 cases were referred to Justice between November 1977 and July 1978. In many cases the threat of prosecution alone is enough to persuade defaulters to begin to repay.

HEW decided to go slow, however, on a plan to turn over all the defaulters to private collection agencies. Officials were concerned that the tactic might seem to be encouraging the sometimes vicious and harassing methods of private collectors.

Califano and Kornfeld argue that their new efforts already have begun to bear fruit. From the high of 400,000, the number of defaulters who are not attempting to repay their loans has declined to about 350,000. Califano said federal collectors were persuading about 1,200 defaulters a week to begin to repay their loans—a rate four times that of a year ago.

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## LABOR

# Arbitrator writes mail pact

By David Moherg

**P**OSTAL WORKERS WON A LITTLE, lost a little in the arbitrated settlement of their contract dispute with the Postal Service announced on Sept. 15. Yet it was the acceptance of arbitration itself and the limitation of the renewed contract discussions to pay increases and the no-layoff clause that most angered militant local union leaders and rank-and-file groups.

They argued that the Letter Carrier and the Postal Worker union leaders had violated a constitutional requirement to resume collective bargaining and to submit the results to the membership if the original contract were rejected.

Also, when members of the three unions involved—including the Mailhandlers—turned down the first contract, the critics maintain, they were upset with far more than the pay. Disciplinary procedures, mandatory overtime and other working condition issues in the contract were not even reconsidered.

Harvard professor James Healy, appointed as arbitrator by the Federal Mediation and Conciliation Service, handed down his binding agreement after the unions and the postal service failed to reach an agreement within the 15-day period set for the new talks.

## Pay package boosted slightly.

Healy increased the original pay package for the average worker by about \$300 over the life of the contract. Also, he shifted more of the money to the beginning of the contract. Instead of pay increases of 2 percent, 3 percent and 5 percent in the three years, Healy awarded \$500 in the first year, 3 percent in the second and \$500 in the third. That would narrow the pay differential slightly and work to the advantage of lower-paid postal employees.

Although union representatives thought that the pay boost by Healy was small, they were generally cheered by his removal of the limit on cost-of-living increases written into the earlier pact. Even with the cap off cost-of-living adjustments, however, postal workers would still probably lose real income if the inflation rate continues as high as it has been. Under the formula they use, workers recover roughly 65 percent of the pay losses due to inflation. Overall, assuming a 6.5 percent rate of inflation, the union estimated that workers would receive a 21.3 percent wage increase during the three years, compared with 12.5 percent under the rejected agreement.

The union's loss came in the revision of the protection of regular workers against layoffs, one of the most fervently cherished provisions in the contract. Healy ruled that any employee in the regular work force—full-time regulars, part-time employees with regular schedules and part-time employees with flexible schedules—on Sept. 15 would be protected "to the north" from any involuntary layoff. However, anyone hired after Sept. 15 would get the protection only after working for six years.

Although Postal Service spokespersons believed that the change would give management more "flexibility" and power to control the workforce, nobody was very clear about what the impact would be. Since the Postal Service has been cutting back its workforce—roughly 85,000 workers in this decade—few new full-time employees are hired. Most of them come from the ranks of part-timers, among whom there is high turnover in many locations. ("Part-timers" often work very long hours, as much as 60 a week, for extended periods, despite their job description.)

William Fox's, president of the Cleveland local of the Postal Workers and head of the National Conference of Local Presidents that threatened a strike over any arbitrated settlement, said that the postal unions must now work out detailed contractual language from wanting the arbi-



Postal workers are worried that the final settlement will permit management to escalate the rate of employee attrition and increase workloads.

trator's agreement within the next 60 days. Burris argues that it is crucial that all lay-offs are made according to seniority. If that is done, he believes that workers will not have lost much security, since under the old contract the 130,000 part-time employees had to serve four years before they were covered by the no-lay-off clause.

But Vincent Sombrotto, the president of the New York branch of the Letter Carriers who is currently challenging president Joseph Vacca for his job, feared that the Postal Service "can escalate the rate of attrition of regular employees and replace them with new people who do not have job security. Management can put the screws to people. That's the great give-back in this settlement. It wasn't worth the money."

## Amnesty for strikers?

Pat Moore, editor of the *Rank and File Postal Worker* and an employee of the Richmond, Calif., bulk mail center who was fired for taking part in the widest

strike this summer, was concerned that changes in the disciplinary procedure that remained intact would facilitate such harassment and attrition.

Although a Postal Workers union spokesperson said that the unions would do everything possible to win amnesty for the 185 people in New Jersey and California who were fired for striking, the Postal Service is holding up any discussions until after the contract is officially signed. Most workers will probably be reinstated, but comments by Postal Workers president Emmet Andrews suggest that a few "ringleaders" will be axed.

Although the arbitrated settlement is binding, Letter Carriers and Postal Worker leaders are polling their members on the new contract, as their constitutions require. Critics, such as Sombrotto, have denounced the balloting as a "total scam, a charade." Some New York Postal Worker members even tried to block it with a court injunction. Rejection of the settlement could bring a strike, but most observers expect it to be approved. They

think that workers are tired of the contract dispute and cynical about the effect of their decisions, since the arbitration flouted their will.

Both Sombrotto and Burris worry about the effect of the arbitrated settlement on the "credibility" of the union to management, the morale of the membership and the future of collective bargaining in the postal service.

"In the future postal workers will have bad feelings about rejecting a contract," Burris predicted. "They won't feel that it does any good. Also, now we have developed a precedent on what will be done after the first 90 days of negotiation. This arbitrated settlement will always be pointed to, rather than attempt to find some collective bargaining means. Arbitration will never award us the progress in vacation time, holidays, premium pay and other areas where we have made no progress in 20 years, and with the possibility of holding out for arbitration there's no pressure on management to negotiate at the bargaining table."

# GM abandons its southern strategy

By Evan Hendricks

**O**NLY TWO MONTHS AGO, United Auto Workers president Douglas Fraser blasted General Motors for trying to prevent unionization in its soon-to-be-opened plants in the South, and promised: "If corporations like General Motors want confrontation, they cannot expect cooperation from labor."

After Fraser personally repeated this warning to GM chairman Thomas A. Murphy, company president Elliot Estes announced a new hiring policy offering preferential treatment to UAW workers who wanted to transfer to a southern location.

In a statement released Sept. 11, Estes also said that "GM has no objection to the UAW becoming the bargaining representative of employees in new GM plants."

Fraser, who was reported to be "walking on cloud nine" as a result of the announcement, reacted by stating, "The fulfillment of GM's commitments will put behind us the problem of the 'Southern Strategy' the union has faced for a

few years. And the procedures agreed upon should make it clear to workers at a non-union GM facility that they are absolutely free to choose union representation without fear of reprisals."

The new agreement went into effect im-

**"If corporations like GM want confrontation they cannot expect cooperation from labor."**

mediately at four new GM plants at Albany, Georgia, Tuscaloosa, Alabama, and Three Rivers and Constantine, Mich., under provisions of the existing UAW contract.

Another site slated for preferential hiring is a new assembly plant in Oklahoma City, Okla., which is expected to employ up to 4,000 workers by next spring. The remainder of the new GM plants involved in the agreement are either still on the drawing board or under construction, including shops at Laurel and Meridian, Miss.; Shreveport, La.; Fitzgerald, Ga.; Athens, Ala.; Wichita Falls, Tex.; and

Fredericksburg, Va.

According to a union source, the new policy is crucial to those members who came from the South and wanted to transfer to jobs in their home states, but didn't want to risk losing their union status. Prior to the new policy, UAW workers were forced to surrender their seniority and union benefits when seeking jobs in southern GM plants. Under the new agreement, they can apply for new positions at their current workplace, thus sparing them the time and cost of an extra trip south.

"In the past," explained one UAW spokesman, "if an applicant for a southern position indicated that he even knew what the word 'union' meant, he had very little chance of getting the job. And anyone who wanted to organize workers was forced to stand by the gate and hand out leaflets."

"With experience union personnel inside the new plants," he continued, "other workers will have more of an opportunity to learn what the union can do for them, and they won't look on organizers as 'outsiders.'"

Evan Hendricks writes regularly for *IN THESE TIMES*.