They who have read about everything are thought to understand everything too, but it is not always so; reading furnishes the mind only with materials of knowledge; it is thinking that makes what we read ours. We are of the ruminating kind, and it is not enough to cram ourselves with a great load of collections – we must chew them over again.

– William Ellery Channing

OFFERING YESTERDAY'S LABOR LINE
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the sophisticated jury consultants they sometimes use tell their clients is deceptively simple. And it comes from the jury room. Surveys and debriefings of juries show that when employment cases go to a jury, it does not matter what the case involves – age or sex discrimination, wrongful discharge, broken promises or defamation. What the jurors want to know – and the most vivid impression they retain – is whether the employee was treated fairly. If the employee was treated fairly, the employer wins. If not, the employer loses.

Increasingly, employers who heed this lesson and institutionalize safeguards to ensure fair treatment for employees tend to stay out of courts and to win more when they get there.

If the employee was treated fairly, the employer wins. If not, the employer loses.

If yesterday's game with the unions is all over but for the shouting, and today's game is being litigated in state and federal courts across the country, where will tomorrow's game in employment law be played?

One answer is that it will be played in Congress and state legislatures. The National Conference of Commissioners on Uniform State Laws has drafted, and is in the process of debating passage of a model employment termination act that would require "good cause" for all employee terminations.

Idaho has enacted a similar law, and the American Civil Liberties Union strongly supports this type of legislation. On the federal level, former National Labor Relations Board (NLRB) Chairman Edward Miller, a management lawyer in Chicago, has proposed amending the National Labor Relations Act to make any wrongful termination an unfair labor practice to be tried before the NLRB.

In case no one has noticed, both proposals would be lawyer intensive legislation. Despite this obvious drawback, variations of both may well become law during the '90s if only because there are so many more employees than employers.

A second – and potentially more productive – answer in where tomorrow's game in employment law will be played is being implemented in the executive offices and human resources departments of our country's most competitive and best managed corporations. They are making sure, in one way or another, that all their employees receive "due process" before and after any termination of employment.

A New York Times article last month reported a growing trend among such companies as Federal Express, Honeywell, Citicorp, NBC and IBM to implement their own variations of internal grievance and feedback mechanisms for employees and to use ombudsmen, peer review or third party arbitration when employees are terminated.

If enough companies adopt a similar approach and recognize that employees are their most important resource and treat them that way, tomorrow's game may well be in their hands and those of their employees – rather than in the hands of lawyers and legislators.

Michael McMenamin is a lawyer with the Cleveland office of *Walter, Haverfield, Buescher & Chockley* and a contributing editor of *Reason* magazine. The article above appeared in *The Plain Dealer*, the Cleveland daily newspaper.

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Weber's book, . . . *Good As Gold?*, a tract on how we lost our gold reserves and destroyed the dollar.

It is an organization with which our readers should be familiar as a source of material on money and banking. The address of The George Edward Durell Foundation is P.O. Box 847, Swan Avenue Extended, Berryville, Virginia 22611. The telephone number is 703-955-4939.

Homer W. Giles, Chairman

The foundation of good human relations is friendliness and good will. The right conception of business, in my judgment, is a transaction--or a series of transactions--carried out in the spirit of friendliness. There are, I know, some people in all walks of life who are so cold-blooded in their attitude that dealings with them chill the blood. There is much more to business than the exchange of material values. We can do business, just as we can carry on all other aspects of our lives, in a wholesome and friendly attitude. When we do so, our days become brighter and happier, more meaningful and more worthwhile.

— Charles G. Reigner

No free government, or the blessings of liberty can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by a frequent recurrence to fundamental principles.

– Patrick Henry

ALTERNATIVE FUELS: CLEANER AIR OR CLEANER POCKETS?

by Michael Fumento

It's coming soon to a gas station near you. It may cost you more than the price of a movie ticket each week. And you may get out of it less than you got out of that foreign film you went to where you *thought* there would be subtitles. Introducing alternative fuels, one part of the Clean Air Act which Congress is poised to pass. While the Bush Administration has estimated the cost of the Act at "only" $21.5 billion a year, according to the Business Roundtable the cost could range from a "best estimate" of $54 billion to as much as $104 billion per year. And while the Bush alternative fuel proposal was described by the White House as "perhaps the most innovative and far-reaching component" of the Act, the federal office of Technology Assessment has figured that the alternative fuels provision is by far the most expensive part of the Act on the basis of cost per ton of pollutants removed.

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You've probably heard something about alternative or "clean" fuels, and what you've heard has almost certainly been positive. But the information you've received has also probably come from environmental activists and reporters who view gasoline pollution not so much as a byproduct of an advanced society but as some sort of moral problem, an evil thing, and view any alternative to gasoline as necessarily better. Alas, like most things in life, these "wunderfuels" just ain't what they're cracked up to be.

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Most automobile air pollution happens when gasoline is incompletely burned in a car's cylinders, although some may be emitted when cars are fueled at the pump or from the gas tank. Nitrogen oxide, carbon monoxide, and hydrocarbons and various trace substances (aldehydes, olefins, hydrocarbons) – collectively called "volatile organic compounds" (VOC) – spew out of tailpipes. Some of these substances, like carbon monxide, directly cause pollution while others, such as nitrogen oxide, hydrocarbons, and aldehydes, when cooked by sunlight, form ozone. When these non-carbon monoxide pollutants come together and hang above a city they form a sometimes unhealthy soup called smog.

. . . some of these "clean fuels" are dirtier for some emissions than gasoline.

Alternative fuels are supposed to reduce air pollution by reducing some or all of these emissions. It is telling of Congress's attitude to alternative fuels that the House and Senate bills refer to them as "clean fuels", as does much of the media. In fact, all fuels cause pollution and it turns out that some of these "clean fuels" are dirtier for some emissions than gasoline. And all of them will be more costly.

Methanol, or wood alcohol, is normally manufactured either from natural gas or from coal. Many consider it the alternative fuel of choice. C. Boyden Gray, Special Counsel to President Bush, an avid supporter of alternative fuels, drives a methanol-powered car. Methanol provides more acceleration power than does gasoline, which is why formula one race cars such as those at the Indy 500 use it. But unless you drive a race car or have the income of a top White House aide, you don't want to use it.

As with all the alternative fuels, methanol combustion provides less energy to the gallon than does gasoline. Methanol provides about half the energy value, meaning that it will propel a car only half as far as gasoline would. It has been estimated that methanol, if mass-produced for automobiles, would cost anywhere from 50 to 90 cents a gallon. Prior to the Gulf Crisis, gasoline was wholesaling at about sixty-five cents a gallon. At that level, taking into account the fewer miles per gallon, drivers' fuel bills, currently about $543 a year on average, could increase dramatically with methanol. Methanol would also require either doubling the size of the gas tank – a severe logistical problem – or cutting cruise range in half. Obviously if existing cars are converted to be able to use methanol, considerable expense is involved. But even off the assembly line, it is estimated that such cars will cost about $300 more than their gasoline equivalents.

And what will be the effect of these extra costs on air quality? Many recent tests have shown either no benefit or even a detriment from burning methanol instead of gasoline.

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