

Point of View

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TO BE EQUAL

THE TWO-TRACK SOLUTION TO URBAN ILLS

By John E. Jacob

The media seems to have finally discovered that the African American community is angered by the crime in its midst and determined to do something about it.

But civil and community organizations have been fighting to reduce black-on-black violence for years.

Urban Leagues have traditionally been active on this front, and the National Urban League

has mounted programs seeking to reduce the level of violence in minority communities.

Jesse Jackson's anti-crime crusades are not new, either. Reverend Jackson has been actively dealing with this issue long before the media discovered that fact. So too, have other African American and local leaders.

Now President Clinton has joined the crusade, making a major speech about crime to an

African American congregation in Memphis.

The President said essentially what African American leadership has been saying for so long—that we need to recapture the solid moral values and personal responsibility that keep people on the right track.

It is important to keep up that kind of pressure to turn a dismal situation around.

Family breakup, drugs, easy access to deadly weapons, a

popular culture that glorifies violence, and other aspects of American life help drive the crime rate up and encourage the disintegration of many of our neighborhoods.

I have long preached the importance of traditional values and instilling a strong sense of personal responsibility among our young people. But that's only a part of what needs to be done, and it may not even be the most important part.

Once again, the President got it right, when he told his Memphis audience:

"We cannot repair the American community and restore the American family until we provide the structure, the values, the discipline and the reward that work gives."

Talking about values or exhorting people to act right takes place in a vacuum if there isn't a viable alternative to dysfunctional behavior.

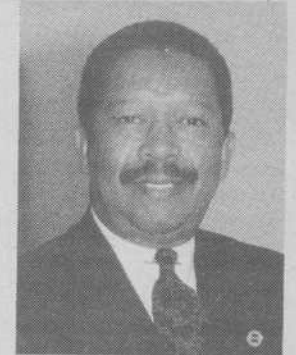
The crisis of the black family, the violence among our youth, and the disintegration of the sense of community are all largely the result of the job shortage that has left African Americans in a permanent economic depression.

So we confront a problem that has to be resolved on two tracks, and it's a mistake to pretend that Track One — exhorting people to accept traditional rules and values — is enough.

Track Two has to be the economic revitalization of inner cities and the provision of training and employment opportunities for all our young people.

The two tracks have to go together.

That's because people will not seize the opportunities offered by a new job or training



JOHN E. JACOB

situation unless they believe in themselves and in their ability to succeed.

And it is just as improbable that they'll develop the discipline and values needed to succeed without the experience gained by demanding schoolwork or employment.

That's why I often feel both liberals and conservatives haven't got it right. Liberals often think providing opportunities is sufficient, and conservatives often think that all people need are the right set of values. Life is more complicated than that.

The two-track solution to inner city violence consists of community-based organizations working together to regenerate the sense of community and values, and government and private sector providing the education, training, and jobs that encourage positive values and behaviors.

WORKPLACE FAIRNESS ACT WILL PUT US OUT OF WORK

By Peter Kirsanow

Where employment policies are concerned, the Clinton Administration is: a). inept, b). schizophrenic, c). ignorant, d). dangerous, or e). all the above. The correct answer is "e" — the Administration's hostility toward the interests of employers, (and, consequently, workers) is astonishing.

The Administration's next attack on the workplace will come in the transparently titled "Caesar Chavez Workplace Fairness Act." Passed by the House in June, the bill would eliminate the right of employers to permanently replace striking workers.

The law currently permits employers to permanently replace striking workers under certain conditions, a right that has been in existence since the Supreme Court decided *NLRB vs. Mackay Radio and Telegraph Co.* more than 50 years ago. The right to strike and the right to replace are pivotal elements of a federal labor policy that recognizes economic self-help as vital to the collective bargaining process.

The balancing of these economic self-help remedies allows bargaining disputes to be decided by the interplay of economic forces. The economic rationale of the federal policy is that an employer's ability to hire permanent replacement is the most reliable barometer of the legitimacy of the strikers' wage demands.

For example, suppose the employees of the "Widget Co." believe that workers with their level of skills and training in the

widget industry should be paid \$10 an hour. The company maintains that \$8 is more consistent with the current marketplace. Negotiations reach an impasse and the employees strike, asserting that the company's offer is below the prevailing market wage.

If the Widget Co. can easily hire permanent replacements at \$8 an hour, it is a good indication that the \$10 rate demanded by the employees exceeds the market rate for workers in the widget industry. The union must, therefore, make some movement in its bargaining demands or weather an unproductive strike.

On the other hand, if the Widget Co. cannot hire permanent replacements at \$8 an hour, it must give serious consideration to the higher union demand or risk going out of business. Under either set of facts, the company's labor costs will ultimately be competitive with the prevailing industry standards. The company will be less likely to be forced out of business due to artificial, non-competitive labor costs.

Passage of the striker-replacement ban would radically alter the bargaining balance by eliminating market forces from the equation. Consequently, any inclination to strike would not be sufficiently tempered by economic reality.

Passage of the Administration's Caesar Chavez bill would spur the development of at least three strike scenarios:

* Deprived of the right to permanently replace strikers, a company may be forced to ca-

pitulate to an inflated union wage demand unrelated to prevailing market conditions. By doing so, the company may become uncompetitive and be forced to cut back operations or even cease business.

* Under a second scenario, a company does not give in to the inflated wage demand of striking employees. Because it is barred from hiring replacements to continue operations, the company's customer base dwindles, cutbacks ensue and it may eventually go out of business.

* The third alternative is for a company to choose the path of least resistance. American businesses already chafe under regulations and constraints perceived by some as burdensome. The bill would also provide companies with further impetus to export jobs to countries without similar restrictions.

Under any of the aforementioned circumstances the workers whom the bill purports to benefit suffer. The jobs eliminated may never return in this era where American business and labor must compete against counterparts around the world.

While unfavorable ramifications abound with its passage, the bill would do little to augment protections already available to striking workers. Indeed, the use of permanent replacements is currently limited by a variety of constraints — so much so that the opinion is rarely used.

Permanent replacements may not be used without financial peril in a strike precipitated or prolonged by the employer's

commission of an unfair labor practice.

Economic strikers not guilty of strike misconduct may not be discharged by the employer and are entitled to reinstatement upon making an unconditional offer to return to work. In addition, employers may not discriminate against returning strikers with respect to wages, benefits, seniority or terms and conditions of employment. Strikers even retain voting rights in representation elections after the strike starts.

Moreover, the bill lags behind the evolutionary curve of labor bargaining tactics. In recent years unions have increasingly employed a number of sophisticated alternatives to strikes which are sometimes more effective and carry fewer consequences for workers. Some of the alternatives include consumer boycotts, publicity campaigns and administrative actions through federal regulatory agencies.

Passage of the bill would be inconsistent with the Clinton Administration's professed goal of increasing employment and competitiveness, but it would be fully consistent with its paternalistic and short-sighted approach to workplace issues.

Peter Kirsanow, an attorney, is the former chief labor counsel of the city of Cleveland and a leading participant in the National Center for Public Policy Researchers project 21, a non-profit initiative to promote new leaders and solutions to the problems facing American communities.

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