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Editors' Preface

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● EDITORS' PREFACE ●

Most of the attention focused on the United States Supreme Court in the past few years has been due to its landmark decisions in the civil liberties field. However, there have been other decisions that have caused equally fascinating evolutions of new law in other areas. One such area is labor law, the subject matter of the first article in this issue of the *Review*. Concentrating primarily on developments over the past two years, Mr. William B. Gould presents a thorough and informative analysis of recent cases and trends. The first part of this analysis is directed to an examination of section 301 of the Labor Management Relations Act and preemption. Here, reference is made to business mergers and survival of contract rights, as well as to the problems raised in recent cases concerning administration of collective bargaining agreements. The second part of the article deals with the National Labor Relations Board as litigant in cases involving such matters as secondary boycotts and representative elections. With respect to the former, the author notes that recent cases mark "a rather surprising shift in the Court's attitude toward picketing as free speech," an attitude, the author predicts, which is "certain to spawn progeny which will return to haunt the Court for many years."

The second article in the present issue deals with a very important and timely subject — state and local taxation of interstate commerce. The task of reconciling the decisions in this area has been characterized by one jurist as "more difficult than was the task of Theseus as he threaded his way through the famous Cretan Labyrinth in search of the Minotaur." However, Mr. Donald K. Barnes of the Michigan Bar finds that there may be new hope for uniformity in this area. His article begins with a discussion of the 1959 congressional order that directed an investigation of net-income based taxes. In June of this year, Congress released a part of the findings produced by that investigation in its first or interim report. The results, Mr. Barnes states, "are not surprising since in general they merely confirm impressions which tax practitioners have had for a long time. For the first time, however, there are now adequate authoritative data upon which to base arguments for the need for reform and the directions it might take."

In the second part of the article, the author discusses three con-

stitutional principles which influence what states and their subdivisions may do in the absence of action by Congress. Thereafter, attention is directed to Public Law 86-272 and a discussion of the early and recent cases interpreting that law. In the final portion of his article, Mr. Barnes offers an outline of a conceivable federal statute which he states "represents in a general way the possible structure of an all-inclusive federal statute regulating state and local taxation of multistate business." Such a statute is not only desirable, but necessary, for "much confusion results from the difficulty of ascertaining the principles established by the Court and the still greater difficulty of applying any such principles to concrete facts. The cure must therefore lie in legislation; and, since the states have shown almost no inclination to deal constructively with the problem, the need for federal legislation becomes apparent."

The final lead article in the present issue examines a subject which the author states "occupied the stage front and center in the past two years." In his article dealing with conduct of attorneys, Mr. Samuel T. Gaines first offers an analysis of the recent Ohio developments concerning disbarment orders and indefinite suspensions. Thereafter, attention is focused on the conduct of attorneys as viewed from the perspective of the first and fourteenth amendments. Here, Mr. Gaines sheds new light on the impact of the *Button* and *Railroad Trainmen* cases. Group legal service plans and the problem of fair trial and free press also receive the attention of this author, leading him to the conclusion that "so long as society remains flexible and makes an effort to meet the evolving needs of our citizenry, so too must the legal profession as an integral part of that society, remain alert to prevent a public image that professional standards are selfishly implemented for individual benefit."