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Introduction

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Introduction

In this Symposium Issue, the *Industrial Relations Law Journal* is pleased to commemorate two significant American labor law anniversaries: the fiftieth anniversary of the National Labor Relations Act and the twenty-fifth anniversary of the *Steelworkers Trilogy*. The *Journal*’s Board of Editors believes that these anniversaries are a particularly appropriate time to assess the status of American labor law and to present a forum representing divergent viewpoints on this topic. Consistent with this philosophy, the *Journal* solicited pieces from a broad spectrum of individuals and presents articles from a judge, two labor law professors, a labor law practitioner, an industrial relations professor, and two law students.

At a time when the NLRA has come under increasing criticism, Judge Abner Mikva and Professor Richard Block provide highly relevant analysis and recommendations concerning the future of the Act. Judge Mikva reviews recent developments concerning the NLRA and concludes that the Act is an anachronism doomed to failure in a technological society characterized by world trade and the availability of less costly third world labor. Mikva notes that the NLRA was enacted during the “smokestack era” of the 1930’s, and that new legislation is necessary to cope with the industrial realities of the 1980’s.

Professor Block complements Judge Mikva’s critique by proposing a research agenda to determine the proper role of unions in American society. Block contends that policymakers are not capable of reforming the NLRA until they have more data on whether unions provide important benefits to society. Block’s research agenda provides a starting point for future labor law and industrial relations scholarship which will hopefully provide the basis for labor law reform.

The *Journal* commemorates the *Steelworkers Trilogy* by presenting a series of articles and commentary on the proper scope of private dis-

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pute resolution. Professor Charles Morris discusses the growing number of arbitration cases which will be deciding unfair labor practice issues under the recent Board decision in Olin Corporation.³ Responding to the increased responsibilities placed on arbitrators, Morris suggests several changes which should occur in these cases in regard to procedure and review in an effort to protect the integrity and good name of arbitration.

Professor Clyde Summers and Gerry Miller, a labor law practitioner, debate the necessity of neutrals for private dispute resolution by focusing on Teamster Joint Grievance Committees. Professor Summers argues that arbitration without neutrals is an oxymoronic concept that fails to adequately protect the individual rights of union members. Consequently, Summers urges that decisions by these committees should not be given the same deference as is given to those of neutral arbitrators.

Miller counters these arguments by stressing the efficiency of joint committees and the fact that committee members have more experience than most arbitrators. Additionally, Miller rebuts several common criticisms of these committees. Finally, Miller contends that committee decisions are the result of collective bargaining agreement self-determination, and, therefore, courts should give deference to these decisions.

Two Boalt Hall students round out the Symposium Issue. John Burrough's Comment analyzes plant relocations; a topic at the center of the debate concerning the future of American labor law and one that also is of significant concern to arbitrators. Burroughs describes the manner in which arbitrators have decided relocation disputes and finds that arbitrators have not prevented relocations in the absence of specific prohibitory provisions in a collective bargaining agreement. Burroughs concludes that arbitrators should critically assess the business rationales for relocation and use a standard which incorporates reasonableness and good faith in determining whether such relocations are justified under the collective bargaining agreement.

Andrew Kahn reviews John Dunlop's book, Dispute Resolution: Negotiation and Consensus Building, and notes that Dunlop covers a wide-range of industrial relations topics. In addition to being a useful introduction for new students of industrial relations, Dunlop provides more sophisticated analysis including a discrete theory of industrial relations. Kahn explains that some of Dunlop's analysis is based on research completed in the 1960's and that Dunlop could provide additional insights on current industrial relations issues if he updates these sections.

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