

## Editorial Section

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### Recommended Citation

*Editorial Section*, 30 Md. L. Rev. 177 (1970)

Available at: <http://digitalcommons.law.umaryland.edu/mlr/vol30/iss3/1>

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# Maryland Law Review

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## EDITOR'S NOTE

"Ecology" is a word which has suddenly been thrust into the front ranks of our vocabulary, as we arrive at an abrupt but overdue realization that our natural environment, unlike our other assets, *must* be intelligently managed if not only it, but ultimately *we*, are to enjoy continued existence. Maryland's greatest resource is unquestionably its waters; the State relies upon Chesapeake Bay as it does upon nothing else. This issue of the REVIEW reflects the Editors' conviction that a prerequisite to intelligent management of Maryland's tidewater resources is a set of intelligently drafted laws which allow both comprehensive and flexible administration of these resources at the governmental level, while preserving the individual's own right to enjoy their benefits and to initiate actions for their protection.

The oyster is one of the benefits which Maryland derives from its tidewaters. *More About Oysters Than You Wanted To Know* is an examination of the effectiveness and the constitutionality of the State's historically restrictive regulation of the oyster fishery. Garrett Power concludes that Maryland's approach to oyster management, while retarding the death of the picturesque skipjack fleet, is constitutionally suspect and, moreover, has contributed to a marked decline in the Bay's yield of the shellfish.

In addition to Professor Power's contribution, the issue contains a lengthy student comment on Maryland's management of its wetlands. The writer delves into legal history to examine the development of the State's control over public and private use of these areas, a control which, while once obedient to laissez-faire principles, has been made extensive by the recently enacted Wetlands Act. The comment concludes by indicating some weaknesses of this statute, notably its failure to provide an explicit right of appeal to concerned individuals who wish to contest administrative action (or inaction) which is detrimental to the wetlands.

Our lead article is entitled *Appropriate Subjects for Bargaining in Local Government Labor Relations*. In it, William J. Kilberg examines the traditional justifications for the prohibition of collective bargaining by public employee unions. His conclusion is that the extent of this prohibition is, in fact, unjustified, and analyzes the scope of possible bargaining matter in an attempt to develop a standard of bargainability for the public sector.

*Evans v. Abney* is a recent Supreme Court decision which held that enforcement by a state court of a racially restrictive condition in a will did not result in unconstitutional discrimination against Negroes. Professor David S. Bogen examines this decision and concludes that it may mark a limit on the Court's use of the state action concept to prevent enforcement in state courts of private discriminatory covenants.

A second student comment is entitled *Criminal Victim Compensation in Maryland*. In it the student writer examines the various avenues available to victims of crime who desire to be made whole; the writer finds these methods to be generally inadequate as compensatory devices. A casenote concerning the relative priority in bankruptcy of administrative expenses and an IRC § 7501(a) statutory trust fund, and a review of a recently published book by Alexander M. Bickel, conclude the issue.

The REVIEW extends its congratulations to Garrett Power on his promotion to Professor of Law, and to Everett F. Goldberg and Lawrence L. Kiefer on their promotions to Associate Professor of Law. The REVIEW welcomes Abraham A. Dash and Richard V. Falcon to the faculty of the law school; Messrs. Dash and Falcon will be Visiting Associate Professor of Law, and Assistant Professor of Law, respectively. In addition, the REVIEW welcomes to the permanent faculty Max Isenbergh, who taught here last spring as a visiting professor, and who has been appointed Professor of Law.