STUDENT NOTE

ADMISSIBILITY OF RESULTS OF COMPULSORY BLOOD TESTS TO DETERMINE INTOXICATION

In a recent decision the United States Supreme Court held that extraction of blood samples from a drunk-driving suspect while he is unconscious in order to determine the extent of the suspect’s inebriation, if any, is not “such a method of obtaining evidence that it offends a sense of justice,” and does not, therefore, violate the suspect’s constitutional right to due process guaranteed by the fourteenth amendment to the United States Constitution.\(^1\) The court also held inapplicable the right to freedom from self-incrimination as guaranteed by the fifth amendment\(^2\) and the right to freedom from unreasonable search and seizure guaranteed by the fourth amendment.\(^3\) The problem involved is one of tremendous practical importance in today’s age of high speed, motorized slaughter on the highways.\(^4\)

Throughout the United States there is a growing use and dependence upon chemical tests to determine intoxication in cases

\(^1\) Breithaupt v. Abram, 77 Sup. Ct. 408 (1957).
\(^2\) U.S. Const. amend. V.
\(^3\) U.S. Const. amend. IV.
\(^4\) For enlightening and astonishing facts see NATIONAL SAFETY COUNCIL, ACCIDENT FACTS 43-71 (1956).