

December 1957

## Masthead Volume 60, Issue 1

Follow this and additional works at: <https://researchrepository.wvu.edu/wvlr>

---

### Recommended Citation

*Masthead Volume 60, Issue 1*, 60 W. Va. L. Rev. (1957).

Available at: <https://researchrepository.wvu.edu/wvlr/vol60/iss1/1>

This Prefatory Matter is brought to you for free and open access by the WVU College of Law at The Research Repository @ WVU. It has been accepted for inclusion in West Virginia Law Review by an authorized editor of The Research Repository @ WVU. For more information, please contact [ian.harmon@mail.wvu.edu](mailto:ian.harmon@mail.wvu.edu).

# West Virginia Law Review

---

Published by the College of Law of West Virginia University. Official  
publication of The West Virginia Bar Association.

---

## STUDENT BOARD OF EDITORS

Chauncey Hoyt Browning, Jr., *Editor in Chief*

George Wilbur Hill, Jr., *Associate Editor*

Ross Maruka, *Associate Editor*

John Edward Davis  
Robert George Dorsey  
Jack Older Friedman  
Jerald Elton Jones  
Daniel Leo McCarthy  
James Dennis McDermott  
Thomas Evert Parrish

Lawrence L. Pauley  
Robert Gail Perry  
Irving Adrian Pratt  
John Lee Robertson  
Clarence Robert Schaub  
Joseph Scott Tharp  
James Clayton West, Jr.

---

Stanley E. Dadisman, *Faculty Editor in Charge*

Louise F. Winterbottom, *Business Manager*

---

## 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.<sup>1</sup> The court also held inapplicable the right to freedom from self-incrimination as guaranteed by the fifth amendment<sup>2</sup> and the right to freedom from unreasonable search and seizure guaranteed by the fourth amendment.<sup>3</sup> The problem involved is one of tremendous practical importance in today's age of high speed, motorized slaughter on the highways.<sup>4</sup>

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

---

<sup>1</sup> *Breithaupt v. Abram*, 77 Sup. Ct. 408 (1957).

<sup>2</sup> U.S. CONST. amend. V.

<sup>3</sup> U.S. CONST. amend. IV.

<sup>4</sup> For enlightening and astonishing facts see NATIONAL SAFETY COUNCIL, ACCIDENT FACTS 43-71 (1956).