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## A Note from the Editor

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## A NOTE FROM THE EDITOR

As the time arrives for the composition of a forthcoming issue of the *Buffalo Law Review*, the question of what justifies the publication of a given article, and ultimately the issue itself, is again intensely bandied about. Attention to this question is indicative of the desire expressed by *Review* members that their efforts culminate in a really valuable—albeit modest—contribution to serving the law. Given the articles presented in this issue, this standard is easily satisfied, for with publication of the four professional articles, along with the accompanying student work, readers will be offered writings which inform, challenge, and in some instances prescribe for the future.

The *Review* is particularly pleased to present Professors Goldstein and Ford's article, *The Management of Air Quality: Legal Structures and Official Behavior*. This essay, based on primary research and inventive theorizing, reveals the inadequacies of the present administration of air quality control in the Niagara region, and suggests several ways in which more effective legal resolution of this environmental problem could be achieved.

Professor Thomas Buergenthal, a distinguished scholar of International Law, in his article *The American Convention on Human Rights: Illusions and Hopes*, warns that for human rights conventions to succeed, their goal must be the limited one of seeking protection for only the most fundamental rights. To depart from standards of modesty and pragmatism in drafting such conventions, Professor Buergenthal counsels, is to court self-defeat.

The tragic events of Attica call our attention to the status of correction law. Professor Daniel Katkin contributes to this discussion with his article on recidivist statutes. Professor Katkin indicates the dubious rationale for such statutes and attempts through the use of social scientific data to challenge the presumption of constitutionality traditionally enjoyed by such statutes.

As the *Buffalo Law Review* is not a general circulation publication, Grace Blumberg's article on distaff discrimination and the tax code will not receive the flamboyant publicity garnered by many a less worthy effort on the status of women; never-

theless it is more likely that the battle for sexual equality will advance piped to the tune of the incisive questions and cogent arguments raised in this very fine article than it will from many other contributions on the subject.

We would also like to note several personnel changes affecting the *Review*. Professor William R. Greiner, coauthor of *The Nature and Sources of the Law*, has kindly consented to serve as faculty adviser for this volume of the *Review*. And further, we wish to extend a welcome to our new Dean and Provost Richard D. Schwartz, eminent social scientist. The appointment of Dean Schwartz to this post no doubt reflects the Search Committee's understanding of the growing interdependence of law and the social sciences.

## A NOTE FROM THE EDITOR

This issue of the *Buffalo Law Review* is respectfully dedicated to Professor Jacob D. Hyman, who has completed twenty-five years of exemplary teaching at the law school. We make this modest gesture in recognition of what has been an enduring commitment to an educational institution and to a community.

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Some of the articles in this issue break new legal ground by directing our attention to issues on the verge of development: namely Abraham Abramovsky's article on *Compensation for Passengers of Hijacked Aircraft*, and Professors Donald R. Levi and Kenneth C. Schneeberger's article on the application of economic analysis as a rationale for the determination of riparian rights. Several of the other articles contribute fresh insights into continually nettlesome problems. Professor David E. Seidelson, in his article *Interest Analysis and Divorce Actions*, argues for the demise of the concept of divisible divorce through the use of an interest analysis explanation of jurisdiction. Captain David A. Higley's *Requirements of Uniformity and the Federal Formulation of Criminal Responsibility* attacks the disparity of burdens of proof used in connection with the insanity defense within the federal system. Finally, Professor K. M. Sharma's article contributes to this issue of the *Review* by placing the problem of law and order in the fresh perspective of a foreign scholar and comparativist. Further, the article, *'Law and Order' and Protection of the Rights of the Accused in the United States and in India: A General Framework for Comparison* exposes American readers to some of the rudiments of Indian constitutional and criminal law.

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At this time it is appropriate to mention that Volume 21, Number 3 of the *Review* will be dedicated to those who lost their lives at Attica, by devoting that issue to corrections law and prison reform.

## A NOTE FROM THE EDITOR

On a fine fall day the incident at Attica erupted. Events in the days following shocked and depressed civilized people everywhere, while more profoundly affecting many students and members of the *Buffalo Law Review*. One of our members was at Attica with his National Guard unit; while another, a State Police officer, was put on stand-by alert. Still other *Review* members and fellow students had visited Attica in connection with various clinic programs. Thus, for many, Attica was more than a name borrowed from antiquity and inappositely bestowed on a town and a prison in Western New York. It was an experience woven in a very real way into the fabric of our professional education.

Aware that Attica was unfortunately not an isolated catastrophe, but rather something symptomatic of prison life, the *Buffalo Law Review* felt that a symposium issue on prison reform and corrections law should be published. We therefore dedicate this issue to the memory of those who perished at Attica.



# Buffalo Law Review

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