

12-1-1953

A Note from the Editor

Buffalo Law Review

Follow this and additional works at: <https://digitalcommons.law.buffalo.edu/buffalolawreview>

Recommended Citation

Buffalo Law Review, *A Note from the Editor*, 3 Buff. L. Rev. iii (1953).

Available at: <https://digitalcommons.law.buffalo.edu/buffalolawreview/vol3/iss1/3>

This Editorial Note is brought to you for free and open access by the Law Journals at Digital Commons @ University at Buffalo School of Law. It has been accepted for inclusion in Buffalo Law Review by an authorized editor of Digital Commons @ University at Buffalo School of Law. For more information, please contact lawscholar@buffalo.edu.

A NOTE FROM THE EDITOR

With the third volume of the BUFFALO LAW REVIEW comes a stable format. The embryo Court of Appeals section now enters its second stage. In developing this section into a body of working legal material, perhaps a different approach has been taken. We have been torn between the idea that all the cases which have received an opinion warrant some treatment and the practical approach of a selection of only the most important ones. Then too, the development of each section has entailed the conflict of a mere presentation of the decision over extensive research into its background. This staff has covered almost all of the opinioned decisions of the past term and has tended to avoid background digressions. Perhaps future editors will find the "straight and narrow" in this maze of approaches. We leave many conflicts unresolved.

Regular readers will notice that Dr. Clyde Summers has taken over the post as faculty advisor of the REVIEW, replacing Mr. Charles Webster who has entered private practice. Mr. Webster was the faculty "instigator" of the REVIEW and we, who have profited by law review experience, together with all those who will share its benefits in the future, express our great thanks for his encouragement. Unable to divorce himself from the REVIEW, Mr. Webster is the contributor of a book review in this issue.

It is customary for the editor to keep score of the fate of our Recent Decisions. In re *May's Estate*, 280 App. Div. 647, 117 N. Y. S. 2d 345 (3d Dep't 1952), noted, 2 BFL. L. REV. 325, was affirmed in 305 N. Y. 486, 114 N. E. 2d 4 (1953), see 3 BFL. L. REV. 81. The Court of Appeals has refused to give extraterritorial effect to § 5 (3) of the Domestic Relation Law. The note implied that consistency of interpretation demanded this.

We were correct, however, that the admission of testimony as to the alcohol content of defendant's blood was not a denial of due process where the blood test was necessary to type blood for a transfusion. *People v. Haeussler*, 260 P. 2d 8 (Cal. 1953), reversing 248 P. 2d 434 (Cal. App. 2d Dist. 1952), noted, 2 BFL. L. REV. 330. The Court of Appeals has also reversed *People v. Leary*, 280 App. Div. 697, 117 N. Y. S. 2d 392 (3d Dep't 1952), *rev'd*, 305 N. Y. 793, 113 N. E. 2d 303 (1953) (Memorandum Decision). The court concluded as did the note, 2 BFL. L. REV. 679, that the mere admission of improper evidence does not justify the setting aside of an indictment where there is sufficient legal evidence to support the conviction.

Mr. Howard Jay Graham has been a constant contributor to various law reviews and we feel most fortunate to be able to publish his timely article on "School Segregation". Mr. Graham, a

BUFFALO LAW REVIEW

graduate of Whitman College, received his M. A. at the University of California and is presently the Bibliographer at the Los Angeles County Law Library. Having delved deeply into the historical background of the Fourteenth Amendment, the writer feels that the clause has been used to achieve results quite contrary to those anticipated by its adoptors.

The REVIEW is using Guttmachen and Weihofen's book *Psychiatry and the Law* as a starting point for an article by a lawyer and a psychiatrist. The lawyer is Dean Alfred L. Gausewitz of the University of New Mexico. Dean Gausewitz received his B. A. and LL. B. at Minnesota and his LL. M. at Stanford. The psychiatric point of view is taken by Dr. Fredric Wertham, M. D., a graduate of Wurzburg University and a practicing psychiatrist in New York City.