

# Sketches of Yale Kamisar

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For forty years, ever since the Warren Court “revolution,” Yale Kamisar has been a leading force in constitutional criminal procedure. His influence on the Supreme Court and the judiciary, more generally, on the legal academy, and on his students, has been nothing short of profound. What follows are sketches of Yale from a few of his friends, which attest to that influence, and some of the reasons for it.

The papers in tribute that form the present collection—from Judge Ronald Gould,<sup>1</sup> as well as Professors Ron Allen,<sup>2</sup> Al Alschuler,<sup>3</sup> Tracey Maclin,<sup>4</sup> and Bill Miller<sup>5</sup>—stand here on their own, though they can, and perhaps should, be read as of a single piece with the contributions to the *Festschrift* for Yale being simultaneously published in the *Michigan Law Review*.<sup>6</sup> No two journals could possibly accommodate all the things that there are to be said about Yale by those whose lives his work has touched, but we felt that without the coloring done here, the portrait of Yale was incomplete.

And, of course, Yale, being Yale, we could not venture a collection such as this one without giving him the last word. Thus, with delight, we offer Yale’s own reflections on his career, including some of his most memorable battle-tales.<sup>7</sup> At one point, Yale suggested this essay might be his “last” law review publication. We knew—or at least I did—it could not be true: that, so long as there were injustices in the criminal procedure arena, Yale would have to keep speaking out and writing, if not from Ann Arbor, then from San Diego. Rare is the happiness of being proved right as when Yale told us that he wanted to add a “little” postscript to his original essay, and wound up submitting an entirely new article, which we also present,<sup>8</sup> on the Supreme Court’s recent *Miranda*-related decisions: *United*

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<sup>1</sup> Ronald M. Gould, *A Student’s Tribute to Professor Yale Kamisar*, 2 OHIO ST. J. CRIM. L. 3 (2004).

<sup>2</sup> Ronald J. Allen, *In Praise of Yale Kamisar*, 2 OHIO ST. J. CRIM. L. 9 (2004).

<sup>3</sup> Albert W. Alschuler, *Hail Yale*, 2 OHIO ST. J. CRIM. L. 29 (2004).

<sup>4</sup> Tracey Maclin, *Is Yale Kamisar as Good as Joe Namath?: A Look Back at Kamisar’s “Prediction” of Miranda v. Arizona*, 2 OHIO ST. J. CRIM. L. 33 (2004).

<sup>5</sup> William Ian Miller, *Yale Kamisar: Up Close and Personal*, 2 OHIO ST. J. CRIM. L. 65 (2004).

<sup>6</sup> My own contribution to this *Festschrift* is being published as Marc Spindelman, *Yale*, 102 MICH. L. REV. 1747 (2004).

<sup>7</sup> Yale Kamisar, *A Look Back On a Half-Century of Teaching, Writing and Speaking About Criminal Law and Criminal Procedure*, 2 OHIO ST. J. CRIM. L. 69 (2004).

<sup>8</sup> Yale Kamisar, *Postscript: Another Look at Patane and Seibert, the 2004 Miranda “Poisoned Fruit” Cases*, 2 OHIO ST. J. CRIM. L. 97 (2004).

*States v. Patane*<sup>9</sup> and *Missouri v. Siebert*.<sup>10</sup> The sadness over the thought that Yale is “retiring” from Michigan Law School is tempered by the realization, materialized in this volume, that he is constitutionally incapable of retiring from being Yale.

Guest Editor

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<sup>9</sup> 124 S. Ct. 2620 (2004).

<sup>10</sup> 124 S. Ct. 2601 (2004).