In Memoriam

Francis A. Allen


Allen clerked for U.S. Supreme Court Chief Justice Fred Vinson; served as president of the Association of American Law Schools; was scholar in residence at the Rockefeller Foundation in Bellagio, Italy; twice was in residence at the Salzburg Seminar of American Studies; was a visiting expert at UNAFEI, the Japan-based UN agency that deals with problems of criminal corrections; and was a Guggenheim Fellow in 1971 and 1973. He was elected to the American Academy of Arts and Sciences in 1975.

Allen was known for his scholarship, eloquent speaking and writing, and open-mindedness as well as his humaneness and collegiality. "He is widely regarded as the nation’s leading spokesman for a humanistic conception of legal education," the University of Michigan Board of Regents said in the resolution it passed in 1986 when Allen took emeritus status.

Professor Emeritus Yale Kamisar, himself a pioneer in criminal procedure scholarship, said Allen “did more than anyone in legal scholarship in modern criminal procedure. Wherever I went, he’d been there first. . . . Everybody who wrote about criminal procedure in the early 1960s and thereafter used Frank a great deal. He was there from the very beginning.”

Allen was a prolific author of journal articles and books, added Kamisar, but “what many regard as Allen’s very best writing is . . . the ‘Allen Report’ (as it has come to be called), the 1963 report of the Attorney General’s Committee on Poverty and the Administration of Federal Criminal Justice, a committee selected by Attorney General Robert Kennedy and chaired by Allen. No work has more forcefully or more eloquently articulated the need to eliminate, or at least minimize, the influence of poverty in the administration of criminal justice than the Allen Report. . . . It significantly affected our way of thinking about the obligations of ‘equal justice’ and the problems faced by criminal defendants of limited means.”

The report led to passage of the Criminal Justice Act of 1964 and the Bail Reform Act of 1966. Allen also helped write the American Law Institute’s Model Penal Code and was instrumental in forging the Illinois Criminal Code of 1961, whose provisions included decriminalizing sexual acts between consenting adults of the same sex.

Former colleagues and students spoke glowingly of Allen as colleague, friend, and teacher. “Frank was undoubtedly one of the foremost scholars of his generation, but he was much more—a wonderful colleague and a wise and generous mentor to many, including myself,” said Professor Emeritus Jerold Israel, who also joined the Florida faculty after retiring from Michigan Law.

Michigan Law Professor Douglas Kahn recalled a colleague’s comment that Allen “was the only person he knew who spoke in paragraphs.” Said Kahn: “Frank never said or wrote anything foolish or awkward. Every sentence was carefully created, and every thought was the product of a keen mind having given consideration to the issues. He was truly a wise man and a gentleman in the best meaning of that term.”

“Frank had a rare combination of intellectual rigor, profound humaneness, and stylistic elegance that made his deanship a golden age for the Michigan Law School,” said Professor Emeritus Theodore J. St. Antoine, ’54, who also served as Michigan Law’s dean. “Under him our instruction became richer and broader through expanded interdisciplinary offerings and more practical through new clinical programs. And he presided over a major outreach to minorities and women.”

“Frank was a nonpareil occasional speaker—both witty and meaty,” St. Antoine added. “His range of allusions, always apt for his subject matter, would run from the ‘Song of Roland’ to T.S. Eliot, with generous helpings of ‘Peanuts’ along the way. He even made faculty meetings something to look forward to!”

Carl E. Schneider, ’79, the Chauncey Stillman Professor of Ethics, Morality, and the Practice of Law and currently a visiting professor at the U.S. Air Force Academy in Colorado, described Allen as a teacher whose influence reached far beyond the immediate subject and classroom. “I am one of the thousands of students whose legal education truly
began when Frank Allen asked of the famous necessity killing case, ‘What are the facts of Regina v. Dudley & Stephens?’ Frank liked to call himself a son of the manse, and he supposed that teaching and learning were serious things. He would acerbically say that learning was hard work and often little fun. But Frank knew with Holmes that one can live greatly in the law, and he brought everything he had to showing students how to read like a lawyer, think like a lawyer, speak like a lawyer.

“Later, I acquired an office facing his across the courtyard. However early I came in, I would see Frank pacing his long office, class notes in hand, preparing. Today, when I read a case, I enjoy the craft pleasure in lawyer’s work that I began to acquire from Frank. Holmes wished for the ‘subtle rapture of a postponed power’. By his teaching, Frank surely earned it.”

“I knew Frank for more than 50 years, first as my teacher, then as the dean responsible for my decision to join the Michigan faculty, and finally as a colleague and friend,” recalled Professor Emeritus and former dean Terrance Sandalow. “More than anyone I have known during that time, he embodied the intellectual virtues at which a liberal education aims. A consummate teacher and scholar, his efforts in both areas were marked by deep learning, keen insight, and a quality much rarer even among the ablest teachers and scholars—wisdom.

“Although a very private man, Frank was a warm and generous friend—at times, perhaps, generous to a fault, as in his seeming inability to see the failings of his friends. But that is, surely, the most forgivable of faults, one that those of us who were his friends have good reason to prize.”

Olin L. Browder Jr., S.J.D. ’41, the James V. Campbell Professor Emeritus of Law, died April 11. Born in 1913, he earned his A.B. and LL.B. at the University of Illinois, and taught at Michigan Law from 1953-84 before taking emeritus status.

Browder practiced law for a time in Chicago, and served as an attorney with the Tennessee Valley Authority in 1942-43 and as a special agent with the F.B.I. from 1943-46. Prior to coming to Michigan, he also had taught at the University of Tennessee and the University of Oklahoma.

A member of Phi Beta Kappa, Phi Kappa Phi, and Order of the COIF, Browder chaired the ABA’s Committee on Rules Against Perpetuities from 1966-71.


Lawrence W. Waggoner, ’63, Michigan Law’s James M. Simes Professor of Law, described Browder as a students’ favorite among teachers and a highly regarded scholar. “Olin was my teacher, colleague, co-author, and friend,” said Waggoner, with whom Browder co-wrote Family Property Transactions and Palmer’s Cases on Trusts and Succession. “As a teacher, he was very popular. In and out of the classroom, he was quiet, yet had a lot to say and said it efficiently.”

“He also had a devilishly subtle sense of humor,” Waggoner added. “He made you chuckle, not laugh out loud. As a scholar, he was very perceptive. His law review articles are still cited today as authoritative, and he is thought of as one of the giants of his generation.

“Above all else, he was a gentleman and a gentle man. He loved Ann Arbor and the Law School. And he loved to have a beer at lunch!”