The show frequently is conducted with a dialogue format. Blasi estimated that his audience to a considerable extent is composed of college students who are interested in careers in the law. As a consequence, some of his programs have focused on trends in legal education, such as the growing use of seminars and clinical programs for teaching purposes.

More often, however, Blasi will take recent Supreme Court cases and after presenting a summary of the facts, the ruling, and the rationale of the majority and dissenting opinions, he will offer his own views on the constitutional issues. He said that he is careful never to over-editorialize, and, as a result, receiver-very polite mail.

Blasi, a 1967 graduate of the University of Chicago Law School, taught two years at the University of Texas Law School and one year at Stanford Law School before joining the U-M faculty.—Phillip Maxwell

Prof. Kamisar Praises Michigan Supreme Court

A University of Michigan law professor says the Michigan Supreme Court— unlike other state supreme courts—has outpaced a reluctant U.S. Supreme Court in providing important protections for the accused.

Speaking at a recent conference of Michigan judges at Mackinac Island, Prof. Yale Kamisar said landmark criminal procedure decisions of the U.S. Supreme Court under Chief Justice Earl Warren have now been undermined by recent decisions of the high court under Chief Justice Warren Burger.

But Kamisar praised the Michigan Supreme Court for maintaining the spirit of the earlier Warren Court rulings in such areas as the right to court-appointed counsel, search and seizure methods, and police lineup and identification procedures.

"In each area—most notably in the identification cases—the Michigan Supreme Court is taking a more expansive view of the rights of the accused than is the Burger Court," said the U-M professor.

"This is undoubtedly a source of concern and unhappiness for some, but not for me," Kamisar said. "It is important for at least one state court to show that the federal Constitution sets forth only the minimal standards of criminal justice."

In illustrating discrepancies between Warren and Burger court decisions, Kamisar recalled that the Warren Court had sought to offset the risk of misidentifications in police lineups by declaring it illegal for a lineup to be conducted without the presence of a legal counsel for the accused.

But, he said, this protection received a "devastating blow" in a 1971 Burger Court ruling which held that the accused has no right to counsel in a police lineup until he is indicted.

The effect of this ruling, according to Kamisar, was "to allow the police to manipulate the applicability of the right to counsel by conducting all identification procedures before the accused had been indicted."

In addition, Kamisar noted that last year the Burger Court "dealt the Warren Court lineup cases a second crippling blow by holding that an accused person has no right to have counsel present at any stage of the criminal process" whenever the police ask a witness to identify the suspect from a group of photographs.

And although the Burger Court did require that the photos be preserved for later examination at a trial, Kamisar argued that this measure "does not provide adequate safeguards against the police influencing a witness—through gestures, comments, or the order of photos displayed—to choose a particular suspect whom the police may think is guilty." The only adequate safeguard, the professor suggested, is for legal counsel to be present during the photo identification session.

What effect have these rulings had on the Michigan Supreme Court?

According to Kamisar: "Although the Burger Court has plainly given the lower courts great encouragement to cut down the original lineup cases, the Michigan Supreme Court has refused to go along."

He notes that in April 1974, by a 6-1 majority, the Michigan Supreme Court reaffirmed its earlier position granting the right to counsel in both photographic and lineup identifications "before as well as after the accused is formally charged with a crime."

Kamisar said the state supreme court has also failed to follow the federal court's example in cases dealing with "entrapment" (when police induce a person to commit a crime), "search and seizure" measures (when police seek consent to search for evidence in a person's home or office), and other cases involving the right to legal counsel.

In one recent ruling, for example, the U.S. Supreme Court declared that a poor person has no right to court-appointed legal counsel beyond the "first appeal" of a case.

But the Michigan Supreme Court had already adopted an administrative order providing free counsel for the indigent whose case is on second appeal, Kamisar pointed out.