

Regents for six months in order for White to continue working on projects relating to the construction of the new law library addition.

Eric Stein Receives von Humboldt Award

Prof. Eric Stein of U-M Law School is one of five American professors named to receive awards from the Alexander von Humboldt Foundation of Bonn, West Germany, to pursue scholarly research in that country.

"The award is available to scholars in social sciences and humanities of any nation," noted the awards announcement. "The prize entails an invitation to conduct scientific work of the recipient's own choice at German research institutions."

Prof. Stein was nominated for the award by co-directors of the Max Planck Institute for foreign and private international law in Hamburg, where he will conduct research from January through April, 1982. His work will also be done at a second Max Planck Institute in Heidelberg.

Stein's research will contribute to an ongoing project by European and American scholars analyzing the trend toward uniform foreign affairs and policies of European nations, as a byproduct of their uniformity of economic and trade policies. The project is sponsored by the European University in Florence.

Other of Stein's research work will deal with the problem of prohibition of racist propaganda under American law, in certain European countries, and under international treaties. The work is being carried out in conjunction with research by U-M law Prof. Lee Bollinger, who is writing a book about U.S. First Amendment free speech questions.

Prof. Stein, who holds the Hessel E. Yntema Professorship at the U-M, is a specialist in international and comparative law. He is author or co-author of books on European Community law, test ban negotiations, and harmonization of international business law.

Other winners of 1981 von Humboldt Research Awards and their scholarly fields: Prof. Richard A. Musgrave, Harvard University (finance); Prof. Walter H. Sokel, University of Virginia (literature); Jacob Neusner, Brown University (Semitic studies); and Prof. Robert S. Weyer, University of Illinois (psychology).

Kamisar Argues For "Exclusionary Rule"

Abandonment of the so-called "exclusionary rule," which prohibits police from using illegally gained evidence in criminal trials, could open the floodgates to widespread abuse of constitutional guarantees by law enforcement authorities, warns a Michigan law professor.

Yale Kamisar, criminal law specialist, defended the long-standing exclusionary rule in remarks in June, 1981, before the Attorney General's Task Force on Violent Crime which met in Los Angeles.

The exclusionary rule, which has been criticized recently by Chief Justice Warren Burger of the U.S. Supreme Court and other members of the legal profession, was adopted by the federal courts in 1914. It has also been imposed on the states since 1961 as a result of the widely known Supreme Court case, *Mapp v. Ohio*.

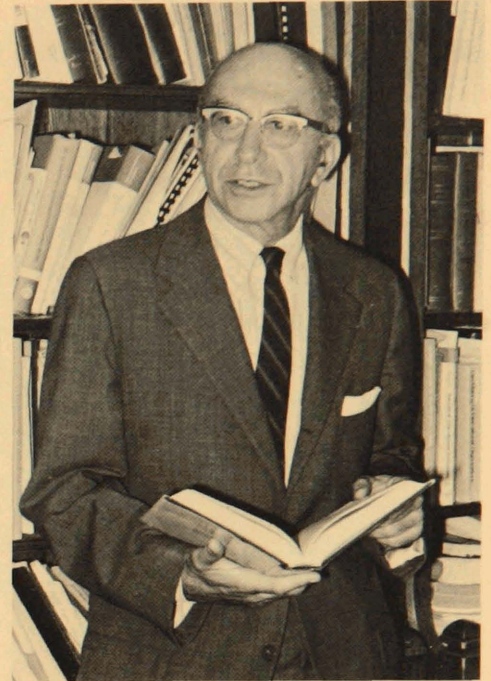
Kamisar told the federal task force that abolition of the rule by the courts would provide the tacit message to police that they could return to pre-1961 policies under which constitutional guarantees—particularly the Fourth Amendment protection against "unreasonable search and seizure"—were not seriously upheld.

He cited the disclosures of one New York City police official, who described the effect of the 1961 *Mapp* ruling this way: "The *Mapp* case was a shock to us. We had to reorganize our thinking, frankly. Before this, nobody bothered to take our search warrants. Although the U.S. Constitution requires warrants in most cases, the U.S. Supreme Court had ruled (until 1961) that evidence obtained without a warrant—illegally if you will—was admissible in state courts. So the feeling was, why bother?"

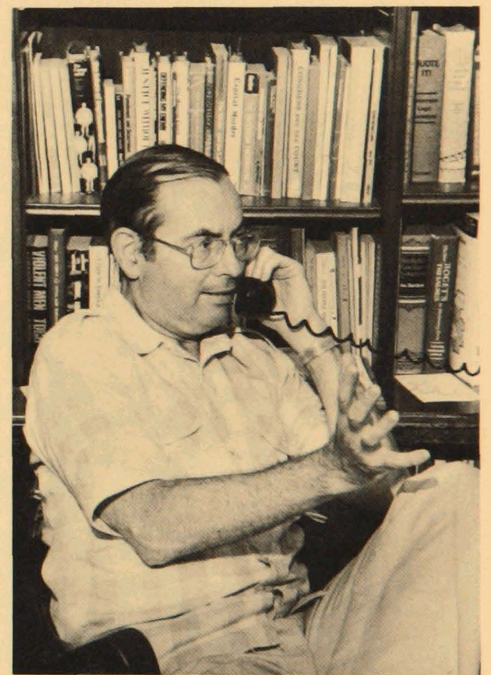
Kamisar noted that one recurrent criticism of the exclusionary rule is that it handcuffs police in their fight against crime. But, argued the professor, those restraints against illegal police activity are already set forth in the U.S. Constitution, and the exclusionary rule merely serves to remove incentives for violating those guarantees.

"The exclusionary rule says nothing about the content of the law governing police," said Kamisar. "The rule merely states the consequences of a breach of whatever principles control law enforcement"—namely, that evidence gained illegally cannot be admitted in a criminal trial.

But the professor acknowledged the difficulty in gaining strong public



Eric Stein



Yale Kamisar