mines the result. But as my colleague James Boyd White has recently observed, "the inquiry can never be performed in an adequate way, and the reality thus is that the decision must rest not upon [scientific] grounds, but upon prior dispositions or unarticulated intuitions that are never justified."

Finally, if not even the direct victim of a Fourth Amendment violation has a "constitutional right" to exclude the evidence—if the use of unconstitutionally obtained evidence presents a question "not of rights, but of remedies"—why should the courts "balance" the costs and the benefits? If, as the Court has told us, the exclusionary rule's application turns on a "pragmatic analysis of its usefulness in a particular context," why not replace judicial with legislative pragmatism?

In recent years, cost-benefit analysis has led the Court to admit unconstitutionally obtained evidence in various peripheral or collateral settings, such as civil tax and grand jury proceedings. But the Court's recent decisions take a good-sized bite out of the exclusionary rule in its central application: the prosecutor's case-in-chief against the direct victim of a Fourth Amendment violation. And they fray the thread that holds the cost-benefit sword over the exclusionary rule itself.

Training for traders

Jackson paints the big picture for government officials

In the fast-moving area of international trade and economic relations, where casebooks are outdated almost by the time they are published, government officials who oversee the day-to-day implementation of United States trade policy are often hard-pressed to keep up with developments in their own fields; a grasp of the "big picture" becomes a luxury few have the time for.

Recently, John Walker, assistant secretary of the United States Treasury and a Law School alumnus (J.D. '66), decided to make official time for just such an overview. To provide it, he called upon John Jackson, the Hessel E. Yntema Professor of Law, an internationally recognized authority on international trade law and one of the Law School's most admired teachers. At the end of the course, the first such Treasury Department venture, Jackson was presented with the Office of the Secretary Honor Award "for outstanding service to the government" that is expected to enhance governmental programs related to trade.

For three Thursdays and Fridays in May, Jackson commuted to Washington, where an audience of 100 awaited him in the newly refurbished Cash Room of the Treasury, once the site of Grant's inaugural ball. Originally, Jackson had thought that the 27-hour course would simply be a condensation of his Law School course in international trade law and economic relations. But the overall sophistication of the audience demanded an extensively revised course. The "students," 80 percent of whom were lawyers, included personnel from the Treasury Department, State Department, Department of Justice, Department of Commerce, the U.S. Trade Representative's Office, the International Trade Commission, and the President's Commission on Competitiveness. They ranged in rank from assistant secretaries to the career civil servants who handle the nitty-gritty detail of U.S. trade policy.

"It was an enormous challenge," says Jackson of his teaching assignment. "At each session, there were people who knew a great deal about the subject and some who knew nothing. And usually, on any special topic, there was someone in the room who knew more than I did. It really kept me honest."

In a lecture-discussion format, Jackson covered the "complex and mystifying" legal structure of GATT (General Agreement on Tariffs and Trade); the U.S. international trade system—including the Trade Act of 1974, of which he was a major draftsman, and the
Trade Act of 1979, on which he consulted for the Senate; the antidumping and countervailing duties issues; the sticky question of government subsidies; and future trade policy issues. He also discussed the substantial international trade role delegated to U.S. courts. A product of the legislative branch’s distrust of the executive—which colors all aspects of this country’s international trade policies—the extensive use of judicial review is a distinctively American feature.

Jackson is the author of *World Trade and the Law of GATT* (1969), a classic tome that is extensively relied upon by government officials. His most recent book is *Implementing the Tokyo Round: National Constitutions and International Economic Rules* (University of Michigan Press, 1984), written with two other eminent authorities on international trade, Jean-Victor Louis (Belgium) and Mitsuo Matsushita (Japan). This work is unusual in its emphasis on the interplay between international economic agreements and domestic law. The book treats the implementation of the GATT-Tokyo Round in the United States, the European Economic Community, and Japan as a case study of the legal processes and constraints that influence international economic negotiations. Jackson and his colleagues found substantial differences not only in negotiation systems but in the degree to which international rules were—or could be—incorporated in domestic law.

Spurred by preparations for his Treasury Department course, Jackson has already begun work on his next book, on international trade law and policy. Michigan law students will also reap the benefits of Jackson’s Washington service, in the form of a substantially revamped Law School course in international trade. ☞

**Beloved Law School professor dies**

*University community mourns Marcus Plant*

Marcus L. Plant, distinguished University of Michigan law professor and representative to the nation’s top governing bodies in amateur sports, died suddenly at his Ann Arbor home Sunday, July 15, 1984. He was 72 years old.

Plant was a Law School faculty member for 36 years, during which time he worked and wrote in several fields, including workers’ compensation and employment rights, torts, the law of medical practice, and medical-legal problems. He was the author of *Cases on the Law of Torts* (1953) and co-author of several editions (1962, 1974, 1980) of *Cases and Materials on Workers’ Compensation and Employment Rights*. His exploration of the relationships between law and medicine resulted in *The Law of Medical Practice* (1959), which he co-authored with Burke Shartel. Plant continued to teach following his formal retirement in 1982 and was visiting professor at other law schools.

“Marc Plant was a warm personal colleague, but he was also the epitome of the scholar-teacher who makes our University a great one,” said Law Professor Allan Smith, a long-time colleague and former Law School dean and U-M interim president. “He was thorough in his research, often anticipating developments in his field of expertise, and was devoted to his teaching career. He will be greatly missed.”

Former students, Law School colleagues, and members of the U-M Athletics Department joined Plant’s family and his many other friends at a memorial service at St. Francis of Assisi Catholic Church. Among the speakers to eulogize him was Law Professor John Reed, whose remarks appear on the following page.

As Reed noted, Plant’s busy “other life” in athletics had no effect on his extraordinary commitment to the Law School. In 1978, Plant completed a 24-year tenure as the University’s faculty representative to the National Collegiate Athletic Association (NCAA), the Big Ten athletic conference, and related groups. During eight consecutive three-year terms, he also represented the U-M in the Western Collegiate Hockey Association and was a member of the U-M Board in Control of Intercollegiate Athletics. In addition to becoming the dean of Big Ten faculty representatives, he was president of the NCAA in 1967-68, served many years on NCAA policy-making committees, and from 1968 to 1972 represented the association on the board of directors and