At press time

**U.S. Supreme Court gives Friedman, Fisher good news**

Ralph W. Aigler Professor of Law Richard D. Friedman, longtime champion of a straightforward reading of the Sixth Amendment's confrontation clause, and Law School graduate Jeffrey Fisher, '97, who argued the position before the U.S. Supreme Court last fall, had their positions vindicated when the Court ruled unanimously in early March that the Constitution requires that witness testimony be challenged on cross-examination.

Fisher argued the case, Crawford v. Washington (02-9410), on November 10 and the Court announced its decision March 8, as Law Quadrangle Notes was going to press. The decision, written by Justice Antonin Scalia, cited Friedman's scholarship. (The decision is accessible via www.supremecourtus.gov/opinions/03slipopinion.html.)

Pre-decision stories in this issue discuss Friedman's role in preparing the case and his presence at the Supreme Court when it was argued (page 30) and Fisher's visit to the Law School as part of his preparation for arguing the case (page 76). An edited version of the amicus curiae brief that Friedman wrote for the case begins on page 92.

"This is a decision of great and beneficial importance," Friedman said. "It restores the confrontation clause to its proper position of glory as one of the chief bulwarks of our system of criminal justice. . . . Prosecutors will now understand better than before the importance of taking testimony subject to cross-examination, and we can anticipate that this will happen before trial more frequently than has been the case."

In Crawford, the Court ruled unanimously that the state of Washington violated Michael Crawford's constitutional right to confront and cross-examine a witness when it introduced a tape recording of his wife's police interrogation during his 1999 trial for attempted murder. Sylvia Crawford could not testify in person because Michael Crawford invoked spousal privilege to block her appearance.

Washington's action was allowable under the 1980 Supreme Court ruling in Ohio v. Roberts, which said that testimony could be accepted if the judge deemed it to be reliable.

"Admitting statements deemed reliable by a judge is fundamentally at odds with the right of confrontation," Scalia wrote in Crawford. "Dispensing with confrontation because testimony is obviously reliable is akin to dispensing with jury trial because a defendant is obviously guilty. This is not what the Sixth Amendment prescribes."

Chief Justice William H. Rehnquist, joined by Justice Sandra Day O'Connor, wrote separately that he agreed with the result in Crawford but felt it could have been achieved without overruling Roberts.

"The Supreme Court's decision will fundamentally alter the way that criminal defendants are tried across the nation," Fisher said in a statement. "No more will governments be able to convict people of crimes on the basis of accusations that they are unable to cross-examine."

---

**Yale Kamisar retires**

“All right.”

With these words — familiar as conversational punctuation to anyone who has heard him — Yale Kamisar called to order his final class in Criminal Justice. It was a Wednesday morning in December. Students filled the semicircle of forward seats of Honigman Auditorium in Hutchins Hall, many with their laptop computer screens up and their keyboards ready. A scattering of well wishers sat further back, among them recent as well as longer ago veterans of Kamisar's teaching.

Bill Kasselman, '56, a retired Pennsylvania attorney who now lives in Ann Arbor, said he came to this final class because he had heard so much about Kamisar even though he had graduated nearly a decade before Kamisar joined the faculty. Another graduate, visiting from Colorado, said he had studied under Kamisar and wanted to attend this final class.

Appropriately, much of the class centered on cases concerning the Miranda rule that were about to be argued in the U.S. Supreme Court. Miranda warnings, what they mean, what they should mean, and related issues have been a recurring theme throughout Kamisar's professional career, and began for him even before the U.S. Supreme Court handed down Miranda v. Arizona in 1966.

“There are two Supreme Court cases pending and Miranda will mean more or less as these cases are resolved,” Kamisar explained to his Criminal Justice class.

There were lighter moments, too. Like Kamisar's "Just what I need" fillip as he read a note from a friend in Israel saying he would be watching the live Web-cast of this class — at 5:10 p.m. "Holy Land Time.” And there
were Kamisar's "Team Spirit" and "Most Valuable Player" awards to two students, the latter to a former Florida police officer whom Kamisar often called on so the class could share his law enforcement perspective, which usually ran counter to Kamisar's.

At the end, a bit of advice: "I don't care how successful you are, how big an office you have, how much you earn, you'll never feel like a real lawyer unless someday during your first 10 years of practice you are the court-appointed attorney for some indigent defendant. And when you are, don't let the prosecutor ever forget you."

As the clock ticked toward the end of the class hour, faculty members and others from the Law School community quietly slipped in and formed lines across the back to offer the Law School's traditional "Standing O" as Kamisar ended his long teaching career here and strode from the room.

Indeed, Yale Kamisar, the Clarence Darrow Distinguished University Professor of Law, has been "all right" at the Law School for nearly 40 years, since he joined the faculty in 1965. Although he retired from teaching here at the end of the fall term, he is teaching this winter term at the University of California at San Diego Law School, and plans to continue to do so.

His presence at the Law School — as well as on the op-ed pages of the nation's newspapers and other venues arguing his side of the social/constitutional issues of our time — has been that of a giant. Early this year, the Criminal Justice Section of the Association of American Law Schools presented him with its Lifetime Achievement Award.

As Associate Dean for Academic Affairs Steven Croley's research has revealed, Kamisar produced three books and 14 scholarly journal articles during just his first seven years of teaching. "And that fantastic pace has continued ever since," according to Croley.

Kamisar is known for producing solid scholarship — his name is on 10 editions of a criminal law casebook alone — and then often giving that scholarship life in the public arena. He does the research first, then casts it for public debate. And he's prolific. A Law Library search for Kamisar-written opinion pieces in the popular, nonlegal press came up with more than 100 titles.

All right.

Law School colleagues, family members, and others feted Kamisar in November at a gala retirement dinner in the Lawyers Club. It was a multimedia evening choreographed by Croley, and included an audio cut from the Supreme Court oral arguments in *Miranda v. Arizona* in 1966, and videotaped comments from longtime collaborator Wayne R. LaFavre.

Citing Kamisar's "absolute intellectual integrity," William I. Miller, the Thomas G. Long Professor of Law, enthused, "I just love the man. We will never see the likes of him again." Former Dean and James E. and Sarah A. Degan Professor of Law Emeritus Theodore J. St. Antoine, '54, noted that "Yale has had more articles cited by the United States Supreme Court than any other contemporary scholar." Looking behind Kamisar's sometimes gruff manner to his deep concern for people, the law, and the Law School, longtime criminal law casebook co-author Jerold S. Israel reported that "most of Yale's writing of praise is buried in university files somewhere" because it was done in support of students, colleagues, and others who could benefit from a good word from him.

The evening's last word, agreed the more than 100 people present, had to be Kamisar's.

"Okay," Kamisar began. "All right."

His professional life has been filled by issues that just keep resurrecting, he explained. Dean Allan Smith called him in 1964 to come to Michigan from the University of Minnesota Law School, where he was teaching at the time. Kamisar accepted, and in 1966 the Supreme Court handed down *Miranda.*
The issue of physician-assisted suicide similarly has periodically come to the fore.

Not above self-targeted humor, Kamisar also confessed how he found himself locked in the Law School one night in 1965 and had to telephone Smith and ask the dean to come over to let him out.

Kamisar also praised his colleagues and the Law Library and took note of the Law School’s “great resources and working conditions.” For 35 years, he added, he and now-Professor Emeritus Jerold Israel have collaborated on their casebook in criminal law. “A little bit like being married,” Kamisar joked.

“I leave the Law School in very good hands,” he said. “I am optimistic about this young faculty. . . . I hope they live out their careers here. And when they retire 30 to 40 years out, I hope they feel as good about having spent their careers as Michigan Law School professors as I do tonight.”

All right.

**YOU HAVE THE RIGHT TO REMAIN SILENT: AN INTERVIEW WITH YALE KAMISAR**

Have you had Kamisar? So goes the common follow-up when an alumnus finds out that you go to the Law School. Part legend and all character, Yale Kamisar is our Clarence Darrow Distinguished University Professor of Law. An expert on constitutional law in general and criminal procedure in particular, his course in the latter is a perennial favorite among students. He has been cited in at least 33 Supreme Court opinions beginning in the early 1960s, and not for just one seminal work, but for 19 articles, three casebook editions, and one collection of essays.

Beyond the scholarship is his engaging teaching style, which some find fearful and others wildly entertaining and effective. There is the lore of the book-flinging episode. “I was trying to make a point,” explained Kamisar, noting that he was teaching criminal law and was on the case of the husband flinging a beer mug at his wife, who was holding a lit lamp. Alas, that teaching tool ended after Kamisar accidentally broke a student’s eyeglasses. (The student was not wearing his glasses at the time; they were on his desk.) “I did pay for the glasses. It was the last time I threw the book.”

Though the specific method has changed, Kamisar still tries to, in his words, “mix it up” with his students. As his last semester of teaching at the Law School neared its end, the RG sat down with Kamisar to “mix it up” one more time.
Q: It's been rumored this is your final year of teaching. Is that true?

Kamisar: It's my final year of teaching at Michigan. I'll continue to teach at the University of San Diego from January to May, but I'll be back in Ann Arbor from May through December. I'll teach a course at San Diego as long as I can still do it. I'll still live in Ann Arbor, I'm not going to move permanently to San Diego. I'll still live here, and still have an office here — although not as big as the one I have now, since you lose your office when you retire. There'll be an auction and somebody will bid for it. How I'm going to get rid of all the stuff I've accumulated I don't know.

Q: You've been here since 1965. How much have things changed since then?

Kamisar: It's much more of a national law school. When I first came here, you'd pick the top states most represented in the student body and it would be Michigan, Ohio, Illinois, Indiana. Today it's Michigan, New York, California, New Jersey. I was struck by the fact that there are 50 people from California in the first-year class, and 30 from New York. So that's just one example. I think the students now go all over the country more than they used to. In the 1960s we were very strong in places like Cleveland and Chicago; now, more people go to Washington, D.C., New York, Los Angeles, San Francisco, Seattle, Dallas, Houston. So I think in terms of students coming in and leaving and where they go, it's much more of a national law school.

Q: Has the character or the caliber of the students changed?

Kamisar: Obviously, current students have better credentials and more impressive records, but frankly I don't see much difference in class. In fact, it seems to me, the student culture is such that few people volunteer. I get the feeling that students think they lose points with their classmates if they volunteer. I would say that preparation is not as good as I would like. I stopped teaching first-year criminal law. I hated to give it up because the students were so eager and so well prepared. I think something happens after the first year. Students sort of figure, "Well, I'm a B student and I'll always be a B student, whether I work hard or not, or a C student, and I'll always be a C student." Perhaps students become very busy on the [Michigan] Law Review and the other journals or find other things to do and who knows what. It's just one of those things. I don't know, it may be the students really are prepared, but they don't want to mix it up, so they say they're unprepared. It's a sharp contrast to the first year, where people are raising their hands, and people are throwing themselves into the discussion all the time. If you ask me, "Is it clear that the students are brighter than the ones I had 10 years ago, or 30 years ago?" my honest answer is no, you can't tell that from class participation.

Q: What about the level of participation with 2Ls? More active than say, 10, 20, or 30 years ago? More prepared?

Kamisar: I am sure that second- and third-year students spend much more time and energy than they used to spend interviewing for jobs. When I first came here, summer clerkships were almost unheard of; especially between the first and second year; that was almost unheard of. Summer clerkships have become a much bigger thing. And the money for getting a summer clerkship is much greater. When I worked at Covington and Burling in the summer of 1954, I got paid $50 a week, and that firm was one of the top firms in the country.

I'm not complaining, because $50 a week went further in paying my tuition than your $2,000 a week goes now. Tuition at Columbia Law School, where I went, was $750. I'd work 10 weeks and get $500. That was two-thirds of my tuition. Current students work 10 weeks and get $20,000, and that's not quite two-thirds of their tuition. It seems incredible. Present students make $2,000 a week; I made $4,000 a year at the top firm in Washington. And yet, when you compare it to the tuition, present students are not any further ahead than I was. Think about that.

continued on page 24
Q: Have you felt that your teaching style has changed over the last 25 years?

Kamisar: Yes, my teaching style has changed, in a strange way. It may not be evident, but I prepare more than I used to. And I think more about the structure of the class. I was more likely to go in 30 years ago and wing it, you know, think out loud. But now I’m more likely to have a structure, I’m going to have specific questions I want to ask. I have so many points I want to make, I want to end the hour a certain way. So I think of each class as more of a series of one-hour units, so that each class has a story of its own. Originally, I don’t think I did that as much. You get older, and pride is a funny thing. I find myself working harder when I prepare for class — and when I write articles. When I write something on confessions, I tell myself “Well this has to be something special, because I’m supposed to be an expert on confessions.”

When I first started writing, I just wasn’t that self-conscious about it. Many years later, I read a symposium on legal writing, and if I had started writing at that time, I would have been completely inhibited. When I began writing law review articles, I wasn’t thinking about all those things that were supposed to be in an article. I just wrote.

When I put together seven or eight articles on confessions in a book, called Essays on Police Interrogation and Confessions, one of the most interesting reviewers said there was almost a complete lack of self-consciousness, I mean, Kamisar is writing these articles and he had no idea when he wrote the first one that someday he’d write seven or eight more of them and put them together in a collection. And that’s true. I wrote about things that interested me, and I didn’t know where and how it was coming out.

Now, I feel more pressure to write well, more pressure to be careful, to be measured, to search for the right word. I’ve probably toned down my strong criticism compared to the wild guy I was in the 50s or 60s. That’s what happens when you get older.

Q: Would you attribute that to the amount of time you’ve been writing? Or is it because your name is coast-to-coast on that subject?

Kamisar: I remember a conversation one day in the faculty lounge. They were talking about somebody else, and the first guy says, “Great article.” And the second guy says, “You expect something more, something special from that person. He’s supposed to be a big expert on the subject.” It was kind of chilling. It doesn’t get easier. Again, it’s pride. I’m assuming I’m a popular teacher. I still want to be a popular teacher. And so I am working harder on it than I used to. But that’s another story.

I used to teach two sections. When I first started teaching I taught two sections of criminal law and two sections of civil procedure. I would say things that would make people laugh in the first section of criminal law and I’d write them down. In the second section, I’d repeat the same remark that produced laughs earlier but nobody would laugh. It seems there’s no substitute for spontaneity. People can tell when it’s spontaneous and when it’s not. It’s the funniest thing in the world — but only the first time. Maybe the students told the other section during lunchtime what made them laugh. I’m funny when I don’t want to be.

I miss the students who used to really go after me. Really, just head on. “You’re a bleeding heart, what about all the victims?” It would work me up, and I think I’m really at my best mixing it up with students. But students rarely do that anymore. I don’t know whether they just figure “Well, this guy knows too much” or “This guy’s been around the block too much,” but I kind of miss it. I try to bait them; I have a former police officer in my class right now, and I try to bait him all the time. In fact, he’s contributed greatly to class discussion.

Q: What part of the job do you enjoy more, the writing and research, or the teaching and taking on students on your feet?

Kamisar: It’s different, you can’t compare them. It’s like asking a baseball player who loves the game, “Do you enjoy catching a baseball while going toward the fence with the bases loaded, or do you enjoy hitting a double with the bases loaded?” I enjoy both aspects of it. Sometimes I’m in the middle of something and I say, “Oops, I have to prepare for class now,” or “I have a class in a few minutes” and I wish I could finish the thought I had, but once I’m in the classroom I get wound up. So I enjoy that part of it, but I must say that I wouldn’t be in this business if I just did the teaching; the writing is important.

Q: What about practicing law?

Kamisar: There are some professors who haven’t really practiced much, and that’s O.K. for the most part.

Jerry Israel [Alene and Allan F. Smith Professor Emeritus of Law Jerold H. Israel, Kamisar’s longtime colleague and co-author] never practiced law but he was involved in consulting later and wrote great things. But I do think that you lose something when you don’t practice. And one of the things you lose is that you don’t appreciate how fortunate you are to be a professor.
Before I went into teaching, I only handled one criminal procedure case as court appointed counsel, because I worked very hard at a big firm. And in that case I ran into a problem but I didn’t realize it until about a day before the argument. I had five or six hours to do research and all of the cases were against me. I felt helpless. If the prosecutor brought up that point, I didn’t have anything to say. I didn’t have enough time to think it through and find any authority for my side. Actually, it was a case where my client was arrested illegally and taken to the police station where he could be searched more thoroughly. He had cocaine capsules in a cigarette package which he threw on the floor of the police station. And there’s a cop behind him who saw him do it. And he said, “What’s that?” And my client says, “You’ve got me. It’s cocaine, it’s drugs, you’ve got me.”

I focused on how to get the cocaine capsules thrown out in the face of an argument that my client abandoned the evidence. I successfully argued on appeal that the illegal search tainted the throwing away. It was clearly an illegal arrest; the police had nothing to go on really. So I argued that the throwing away was the fruit of illegal arrest.

The problem was, the day before the oral argument, it just struck me, “What if the government argues O.K., the drug capsules should be suppressed, but the statement ‘you got me, it’s drugs,’ is admissible?” This was 1956 or 1957. I checked the law hurriedly, and all the cases were against me. The black letter law was that the illegality of the arrest had no bearing on the admissibility of voluntary statements. The illegality of the arrest was irrelevant. I thought that was wrong. I thought that if the illegality of the arrest taints the search of a person’s pocket and the government can’t use the physical evidence its agents find, that it’s tainted by the illegal arrest, [then] the statements should also be tainted by the illegal arrest. But all of the law was against me. I almost panicked. Fortunately the government never made that argument, never separated the statement “You’ve got me, it’s drugs” from the drugs. If the government had made the argument, I would have been a dead duck.

Q: Did that experience have an impact on your academic career?

Kamisar: Yes, that’s the point I’m trying to make. Five or six years later, I wrote an article — probably worked on it for six or seven months — basically on that point. I read everything. I thought about it a lot. I did all sorts of things and I finally published an article, I think in 1961, arguing essentially that the courts ought to change the law and say that even though a statement is voluntary or even spontaneous, if it was preceded by an illegal arrest it should be thrown out as the fruit of the illegal arrest, just the way physical evidence is. All the law was against me. I went through every edition of Wigmore, through every edition of Greenleaf, 16 editions of Greenleaf, but that statement appeared all the way back to the early 1800s. And incredibly there was a case on this, two years later, called Wong Sun. It’s a famous case; in that case, the Court held, in an opinion by Justice Brennan, that there should not be a separate rule for statements tainted after an illegal arrest and physical evidence found as a result of an illegal arrest or search. They should be treated the same; in both instances the evidence should be thrown out. The Supreme Court relied on my article. But I couldn’t have done all that work — all that research — if I weren’t a law professor, if I hadn’t had the luxury of months of time and the resources of a great law library.

Getting the Supreme Court to change its position, that’s what you live for, something like that.

Q: Earlier you used a sports analogy, which many of your students would notice you tend to do in class. Do you have a certain penchant for sports?

Kamisar: I was sports editor of my college newspaper. I love sports. Strangely enough, the only sport I knew when I grew up was baseball. Because when I grew up in New York City you didn’t have much college football. When I was a kid you didn’t have much college basketball. All I knew was baseball; football was little more than a semi-pro sport, like volleyball is today. You could buy a franchise, an NFL franchise, for like $1,500; I’m serious.

I tried out for the sports desk of the college newspaper (NYU), and was told everything was taken except track and field. I didn’t know a darn thing about track and field. But I learned all about it. I learned all about the discus throw and the shot put and the pole vault and the javelin throw. I became a nut about track and field.

continued on page 26
Then my three sons became tournament tennis players, so I became a nut about tennis.

In college I had a sports column. It was called “The Yale Key to Sports,” and I had to write the column three times a week. I really think that helped me a lot. It helped me become a good writer. You had to write a beginning and an ending and organize a theme three times a week. It helped me write exams in law school. It would help me write op-ed pieces; I’ve written a lot of these over the years, probably 100. I always submit my op-ed pieces to the New York Times first. When they turn me down I go to the Washington Post. When they turn me down I go to the Los Angeles Times. I’ve written a lot for the LA Times. I’ve also written a lot of pieces for the Detroit News and the National Law Journal and the Legal Times. I think that I can write op-ed pieces pretty easily because I was once a sports writer.

When I write an op-ed piece, I’m almost always feeding off an article. I’ve done the research, I’ve spent six months, eight months on an article. When a case comes up, some issue comes up, I think, well, I can just go back and re-read my article, take out some little piece and have 750 words. I almost never do new research for an op-ed piece. Frankly, I believe law professors should do more of that. I think the payoff is big. I’ve sent reprints of articles to hundreds of people, and then something comes up, and I’ll write an op-ed piece that was really based on one of these articles, then 10 or 15 people who should have read the reprints say it’s “a great op-ed piece” and make it perfectly clear that they never read a page of the article I sent them earlier. So maybe 50 people read reprints. I only read them when I have to, when I’m revising a casebook or I’m writing an article and it is on my subject. I get so many reprints, I must get about 45 or 50 a month. So I just put them in a big pile and I get around to them when I can. But people read op-ed pieces. I just think there is too much law review writing for other professors and not enough for the public.

Q: Are you a Yankees fan?
Kamisar: NO! I’m not a Yankees fan. I’m a Giants fan. I don’t know why, I grew up in the Bronx, I should be a Yankees fan, but I’m not, I’m a Giants fan. I never liked the Yankees. How can you like the Yankees? It’s like liking General Motors (although GM is not what it used to be). I should revise that; it is like liking Toyota. To tell you the truth, I don’t watch baseball anymore. I watched the Cubs and the Red Sox [in last fall’s playoffs], hoping that they would win for a change, but I lost interest when they both lost. Aside from something special like the Cubs or the Red Sox, I haven’t watched baseball for years.

The reason is, I don’t know the names of the players anymore. I remember one year Jack Morris was a pitcher for the Detroit Tigers, and the next four years he pitched for four different teams. How can you possibly get involved in an organization where the players keep moving every year? When I grew up Mel Ott and Carl Hubbel played for the Giants forever, and then Willie Mays played for the Giants forever. The notion that Willie Mays would play for the Giants one year and then the Yankees the next year, and then the Cubs the following year — how can you have any loyalty if the players don’t? I think that’s really hurt baseball a lot. And I also think that it’s too slow a game. I didn’t think that until I watched football or basketball for many years. Baseball is just too slow. I’m not going to spend four hours watching some pitcher scratch his butt or fix his cap or some batter spit on or put more dirt on his hands; I mean, come on. You get about one minute of action for every 30 minutes. Baseball was my first love, but I have lost interest in it.

Q: Have you ever had any run-ins with the cops?
Kamisar: I’ve been stopped a few times for speeding, stuff like that, nothing other than that. I remember one incident. It was a cold December day and I was driving to the indoor tennis courts, the first year we had an indoor tennis facility in Ann Arbor. I would just put on my shorts and a jacket and tennis shoes so I could just run right out of the car and right on to the tennis courts rather than change. So I am driving along about 5 degrees below zero and some cop stops me for speeding and makes me get out of the car. There I am in my tennis shorts just shivering. The cop knew who I was. He said, “I once went to a lecture you gave to some police officers. You should be more careful because we don’t want to lose you because you’re so valuable.” He just kept me outside my car shivering; I think it was just one big joke for him. I was part-icule when I got back in my car.

And I tell this story in my class, and it’s true, about the time I asked another police officer who stopped me: “Am I under arrest?” I’ll never forget it because I think I was the first person who ever asked this officer: “Am I under arrest?” It was perfectly clear that he didn’t know. He didn’t know what to say. He was getting very frustrated and very angry. He was getting so angry that I decided I had better cool it. So I withdrew my question. And the funny thing about it was that I was reading an article the night before about what is an arrest and so forth. It isn’t that simple, especially back in those days, back in the 50s or the early 60s where people didn’t quite know what an arrest was. Many people thought that unless the police booked you, you weren’t arrested. In fact I had
been arrested. This officer told me I hadn’t been arrested, so I said I’d leave and he said, “If you leave, I will arrest you.” So I said, “Then I am under arrest.” He was getting so red in the face, so mad that I decided to cool it. He probably was shocked that anybody would ask him a question like that.

Q: So do you have it in for the cops?

Kamisar: I’m not against cops per se. I’m against cops who mistreat people. I’m against cops who attack the courts. More generally, I’m against authority. I just don’t like authority. My mother was very authoritarian. I fought her all my life. In fact, I practiced on her. When I got older she used to tell me that I would make all these speeches and debate her that she was being unfair and unjust. She brought out the sense of injustice in me.

People get away with so much because the people they are dealing with don’t know what to do. I have a very low threshold. Years ago they would say, “Thanks for not smoking.” But I’d say, “Wait a minute, I am smoking. Days when I can smoke a pipe I’m going to smoke. Don’t say thanks for not smoking.” I get very annoyed when I’m waiting two or three hours on a plane and the captain comes on the intercom and he says, “Thanks for being so patient. I feel like shouting out: ‘I’m not being patient!'”

These carpets (in the professors’ offices) are paid for by a special fund, the Wolfson Fund. And one day, many years ago, shortly after we were told we were to get carpeting and drapes out of the fund, it turns out there was a University interior decorator and she came by to each professor and said, “The rest of the University is demoralized by the Law School, it has so much money, and the offices are so much bigger than the other offices. People teaching economics or political science know the Law School is just rolling in money and so I think it would be a good idea if you didn’t have wall-to-wall carpeting and just had area rugs. Moreover, I really think it would be a good idea if you didn’t have full drapes, just half drapes that don’t close all the way.” And she’s going on and on like this. Somehow this person reminded me of the police officers who are always pressuring you to “consent” to a search of your car and the great majority of people do “consent” under these circumstances. But I wasn’t going to consent to anything less than I was entitled to. So I asked the interior decorator: “Do I have a choice? It sounds like you’re trying hard to persuade me to go in a certain direction, but that I have a choice. Do I? Is it my choice? Do I make the decision? Can I reject your ‘advice’?” And she said, “I’m only telling you what I think is the right thing to do, but it’s your decision.” I retorted: “O.K. I want wall-to-wall carpeting and I want full drapes, end of discussion.” She left the room in tears and went to the dean. Then word got out that I got wall-to-wall carpeting and a bunch of other faculty changed their minds and asked for the same thing. That shows you what a [bleep] I am.

Q: Any last thoughts you would like to share . . .?

Kamisar: You think it will never end. It just goes so fast. I remember my first few classes very well. But between 1968 and 1998, it’s like a blur. You feel like the same guy you were when you were 28 or 38, but you’re 58, then 68, and, one day, 74. I probably caused the deans more grief than most people. I’ve been treated very well. Except for being a Supreme Court Justice or the head coach of the Michigan football team (but only on game day), I can’t think of a better job than being a law professor at the U-M Law School.