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2009

### Kamisar, Yale

Jerold H. Israel

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The Yale Biographical Dictionary of  
**American Law**

Edited by  
Roger K. Newman

YALE UNIVERSITY PRESS NEW HAVEN & LONDON

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**Kamisar, Yale** (1929– ). Law professor. Born in the Bronx, N.Y., to an immigrant, working-class family of modest means and limited educational background, Kamisar received academic scholarships that enabled him to attend New York University (B.A., 1950) and, after enlisting in the army during the Korean War and winning a Purple Heart, Columbia Law School (LL.B., 1954). He began practicing antitrust law with Covington and Burling in Washington, D.C., and represented a convicted drug user pro bono on appeal in 1956. When prosecutors attempted to use the man's barely literate, handwritten petition to incriminate him, Kamisar's impassioned argument in the court-room won his client his freedom. The case helped

convince Kamisar that he was better suited for the classroom. He taught on the law faculties of the universities of Minnesota (1957–65) and Michigan (1965–2004) and, beginning in 2002, the University of California, San Diego.

A legendary teacher, Kamisar mixed humor, passion, sharp (almost combative) Socratic questioning, a booming voice (developed as an infantry platoon leader in Korea), and occasional profanity (with similar roots), producing an experience most students love and none forgets. He carried over much of this style to the frequent panel discussions and public debates to which he was invited as the leading academic defender of the Warren Court's criminal justice decisions.

Kamisar's publications included traditional academic scholarship (more than 50 law review articles and a cluster of casebooks in constitutional law and criminal procedure), magazine articles aimed at diverse audiences, and numerous op-ed pieces in prominent newspapers. Featured in this corpus was a relentless attention to detail, extraordinary breadth of research, effective use of analogy and metaphors, and passionate advocacy ("advocacy scholarship," he noted, is not an oxymoron). In his magazine articles and op-ed pieces, Kamisar's argumentation tends to be crisp and vigorous, utilizing more fully what he describes as the "art of wordmanship." (He first longed to be a sportswriter.) The general theme of his writings is that the Bill of Rights quite correctly embodies a special concern for the dangers of concentrated state power, and that this concern must be heightened where governmental authority is exercised in low-visibility settings (typically true of the police). To fully implement that concern, he warns, the Supreme Court cannot permit constitutional protection to be reduced to an "empty gesture" by allowing "logic to triumph over life."

Indicia of the influence of Kamisar's writings are found everywhere; more different articles and books (a total of 27) cited in Supreme Court opinions than any other writer; a co-authored casebook on criminal procedure that has been used in its various editions by more than 400,000 law students in more than 100 law schools; magazine and op-ed writings that *Time* emphasized in including Kamisar in its 1977 listing of the ten mid-career law professors most likely to "shape the future."

Kamisar is known especially for his pathbreaking work on the law of interrogation, which led to his being dubbed the intellectual "Father of Miranda." Most often cited is a pre-*Miranda* article (later cited by the *Miranda* majority) which used a gatehouse and mansion analogy in criticizing the Supreme Court's inconsistency in strongly implementing the constitu-

tional protection of the accused at trial (the mansion) while providing only skimpy and easily evaded protections for the suspect interrogated at the police station (the gatehouse). For most of the second half of the twentieth century, Kamisar was one of the foremost commentators on constitutional criminal procedure.

JEROLD H. ISRAEL

Yale Kamisar, "Equal Justice in the Gatehouses and Mansions of American Criminal Procedure," in *Criminal Justice in Our Time*, ed. A. E. Dick Howard (1965); Kamisar, *Police Interrogation and Confessions* (1980); "Tribute to Yale Kamisar," *Michigan Law Review* 102 (2004).