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In Memoriam: Francis A. Allen

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IN MEMORIAM: FRANCIS A. ALLEN

Francis A. Allen graced the law faculties of five universities in the course of a remarkable, forty-six-year teaching career. In that time, he established himself as one of the half-dozen greatest twentieth-century American scholars of criminal law and criminal procedure.

Allen's writings in the 1950s on the right to counsel, police interrogation, and search and seizure were foundational. His articles made him a model for countless law professors, because his treatment of an issue, however explosive, was always evenhanded and open minded. He participated in the actions of his time, but not the passions.

Allen anticipated (and influenced) many of the arguments advanced by the Warren Court when it launched its so-called revolution in American criminal procedure in the 1960s. A quarter-century after his pioneering work, Allen returned to the subject to put the criminal procedure decisions of the Warren and Burger Courts in proper perspective. Although he had no affection for the Burger Court, he defended it against intemperate and extravagant criticism.

What many regard as Allen's very best writing is not any of his many splendid law review articles but rather the Allen Report (as it has come to be called), the 1963 report of the Attorney General's Committee on Poverty and the Administration of Federal Criminal Justice, a committee created by Attorney General Robert Kennedy and chaired by Allen. No work has more forcefully or more eloquently articulated the need to eliminate, or at least minimize, the influence of poverty in the administration of criminal justice. The Allen Report led to much-needed federal legislation. More importantly, it significantly affected our way of thinking about the obligations of "equal justice" and the problems faced by criminal defendants of limited means.

Although he is probably best known for his work in the field of criminal procedure, Allen was an expert in many fields, including juvenile justice, criminology, criminal corrections, the "politics of crime," family law, constitutional law, and legal education. His interest in legal education was no doubt whetted by his service as dean of the University of Michigan Law School from 1965 to 1971, a time of unprecedented student unrest and a time when Allen's civility, patience, wisdom, and capacity for fairness stood him in good stead.

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