the discovery of new evidence favorable to the prisoner. Instead, as the people learned from the press, while in jail Crump became a regular reader of the Bible and evidenced such a change that it was concluded that he was not the same man who pulled the trigger that produced Ted Zukowski’s death; in short, that he had become rehabilitated since entering the jail.

The State of Illinois is firmly committed to the beneficent policy that rehabilitation may be considered by its parole board, established largely for giving effect to that policy, when it decides how long a prisoner shall serve within prison walls a penitentiary sentence imposed by the judgment of a court. Necessarily, however, there is implicit in any conviction imposing the death penalty a forfeiture of any right to an opportunity for rehabilitation.

When the enormity, atrocity and heinousness of a defendant’s commission of murder rises to a point indicating that his continued existence will constitute a real threat to the lives and safety of law-abiding people, then society, as a matter of self-preservation, provides that the death penalty may be imposed. In such a case as the present, a robber by his premeditated, wanton destruction of a fellow human being has, in the judgment of two juries of his peers, placed himself beyond the right of rehabilitation. So they condemned him to die.

If it were not so, every criminal sentenced to the death penalty would artfully strive for executive clemency and, the better the actor, the more his chances to escape that punishment would be.

One awaiting death in a cell, no matter what he has done to others which brought him to that dilemma, can find people, even his keeper, who might state that he has been rehabilitated. As to Crump, even the governor was convinced of that fact, but the application of the rehabilitation theory to one sentenced to death is a contradiction in thought and terms. It actually amounts to a refusal to apply the Illinois death penalty act.

The jurors, as the traditional representatives of the people of the state, after considering the evidence heard in open court, including Crump’s confession, found him guilty and, in fixing his punishment, weighed the future risk to innocent persons should he ever be released into contact with society. Two juries felt the risk to society was too great and hence they chose the death penalty, which undoubtedly was within their province. That verdict still stands despite Crump’s appeals to all available Illinois and federal courts.

Here was an unbroken sequence of judicial actions, strung out for several years by Crump’s use of every lawful effort to avoid punishment, which settled once and for all the legal correctness of his death sentence. The courts thereby served notice on all who plan to kill for the purpose of robbery that, when such a killer is convicted, he may for the protection of society be considered beyond rehabilitation and shall forfeit his life.

This action of the courts made every citizen and his family feel safe in Illinois. They knew, of course, if they thought about it, that the governor had an undoubted right to pardon or reduce the sentence. But, no new evidence favorable to Crump having appeared, no perjury or fraud at his trial having been suggested, and his conviction having withstood in every available court the attacks of ingenious lawyers, they assumed that no irrelevant event occurring after his conviction, such as his claimed “rehabilitation,” could be utilized to defeat the death penalty law of Illinois.

Citizens might well repeat the query “Death, where is thy sting?” if a murderer may escape that penalty by convincing a governor that, after the lawful imposition thereof, he has “become another man” or has been “rehabilitated.” One shudders at the thought that one contemplating a ruthless killing might even confidently rely on his own histrionic ability, if caught, convicted and sentenced to death.

For then, at the end of the road would not be the punishment of death but the rainbow of rehabilitation.

Conference Program

In the Autumn Quarter, the School held a Conference on the Uniform Commercial Code. This Conference was designed to examine the Code from a point of view quite different from that of most discussion to date. Instead of the customary article-by-article approach, a group of leading scholars discussed some of the basic problems which arise under all articles of the Code, and analyzed the similarities and differences in the treatment of such problems, in the various articles, as well as the reasons for those similarities or differences. The topics and speakers were:

"Self-Help and other Remedies in the Uniform Commercial Code," by John G. Fleming, Professor of Law, University of California; Berkeley.
"The Floating Lien: A Road to Monopoly?" by Peter F. Coogan, of Ropes and Gray; Boston.
"The Concept of Commercial Reasonableness and Good Faith under the Code," by Alan Farnsworth, Professor of Law, Columbia University.
"Cutting Off Claims of Ownership under the Code," by William D. Warren, Professor of Law, University of California; Los Angeles.
"Cutting Off Defenses under the Code," by Grant Gilmore, Townsend Professor of Law, Yale University.
Soia Mentschikoff, Professor of Law, The University of Chicago Law School, and Associate Chief Reporter, Uniform Commercial Code, presided, introduced the topics and speakers, and moderated the discussion which followed each paper.
A Conference on Church and State was held during
the Winter Quarter, under the chairmanship of Professor Philip B. Kurland. It might interest readers of the Record to note here Mr. Kurland’s prospectus of the Conference: “It is perhaps strange that in this democracy the two great causes of domestic conflict currently derive from differences in creed and color among its people. At least these are the conflicts that are of deep concern both to the courts and to the public at this time. It is not strange that the Law School of The University of Chicago should undertake, as part of its Conference Program, to bring together persons competent to shed light rather than heat on the subject of the religious issues, first by an exploration of the depth and breadth of the problem of church and state in this country; second, by an examination of the proper role of the courts and the constitution in the resolution of some of the thornier legal problems that have arisen and are likely to arise.”

The morning session, entitled “The Problems of Church and State in the United States,” included the presentation of “A Protestant View,” by the Reverend Harold Fey, Editor of The Christian Century, and “A Catholic View,” by William Gormran, of the Staff of the Center for the Study of Democratic Institutions. Professor Harry Kalven, Jr., presided.

“Some Vexing Constitutional Issues” was the subject of the afternoon session, over which Professor Dallin H. Oaks presided. The speakers and subjects were:

“Taxation and the First Amendment’s Religion Clauses,” by Paul G. Kauper, Professor of Law, University of Michigan.

“Constitutional Problems of Utilizing a Religious Factor in Adoptions and Placements of Children,” by Monrad G. Paulsen, Professor of Law, Columbia University.

“Constitutionality of Public Aid to Parochial School Education,” by the Reverend Robert F. Drinan, S.J., Professor of Law and Dean, Boston College Law School.


Papers delivered at this Conference will be published by The University of Chicago Press in September, 1963.

By the time this issue of the Record reaches its readers, the Conference on the Control of Narcotic Addiction will have taken place. The opening session will examine the case for penal sanctions against addicts, discussing the issues underlying the selection and use of penal and alternative controls of addiction. “A Prosecutor’s View” will be presented by the Honorable Carl J. DeBaggio, Chief Counsel, Bureau of Narcotics, U.S. Treasury Department. John R. Silber, Professor of Philosophy at the University of Texas, will speak on “A Philosopher’s View.” The second session will present four perspectives on the profile of addiction. The papers and speakers will be:

“Addicting Drugs and Human Chemistry: A Pharmacological View of Addiction,” by Maurice H. Seevers,

At the Luncheon Session of the Conference on the Uniform Commercial Code, Professor Allison Dunham, of the Law Faculty, left, and Peter F. Coogan, of Ropes and Gray, in Boston.

Left to right: William D. Warren, Professor of Law, University of California at Los Angeles, Soia Mentschikoff, Professor of Law, The University of Chicago Law School, and Grant Gilmore, William K. Townsend, Professor of Law, Yale Law School, all of whom participated in the Conference on the Uniform Commercial Code.

Between sessions of the Commercial Code Conference, David Marshall Evans, Assistant Professor of Law at the University of Chicago Law School, left, discusses doctrine (or possibly pipes) with John G. Fleming, Professor of Law at the University of California at Berkeley.
The International Commission of Jurists

By Sir Leslie Knox Munro

Formerly Dean of the Faculty of Law at the University of Auckland; New Zealand Ambassador to the United States, New Zealand Representative to the United Nations Security Council, President of the Twelfth General Assembly of the United Nations; Secretary-General of the International Commission of Jurists; Visiting Professor of Law at The University of Chicago Law School, 1963.

I find, as Secretary-General of the International Commission of Jurists, a growing interest throughout the world in its objectives and work. I am satisfied that for a long time to come there will be a need for such a body to secure the observance of the Rule of Law.

Let me quote the aims and objectives of the Commission as set forth in its Statute:

The Commission is dedicated to the support and advancement of those principles of justice which constitute the basis of the Rule of Law. The Commission conceives that the establishment and enforcement of a legal system which denies the fundamental rights of the individual violate the Rule of Law.

The Commission will uphold the best traditions and the highest ideals of the administration of justice and the supremacy of law and, by mobilizing the jurists of the world in support of the Rule of Law, will, inter alia, advance and fortify the independence of the judiciary and the legal profession and promote fair trial for all persons accused of crime.

The Commission will foster understanding of and respect for the Rule of Law and give aid and encouragement to those peoples to whom the Rule of Law is denied.

The Commission consists of jurists who are dedicated to its aims and objectives and who in their persons provide wide geographic representation of the legal profession of the free world. The Commission includes 25 members, which number may be increased to a maximum of 40.

I think that it may be properly said that the Jurists now forming the Commission are representative judges and lawyers from all parts of the non-Communist world. Communist judges and lawyers are not associated with the Commission for the simple reason that they are opposed to the Rule of Law as defined by the Commission.

The Commission normally functions through an Executive Committee which meets in Geneva where the headquarters of the Commission are, but from time to time it has met in other countries.

The Secretary-General is responsible for the practical work necessary for the realization of the aims and objectives of the Commission and is empowered within the general policy laid down by the Executive Committee to take such action as may be necessary to this end.

In his report of the Commission's Congress in New Delhi, Mr. Norman Marsh, one of my distinguished predecessors and a well-known British authority on international and comparative law, has thus defined the Rule of Law: