

LB 240
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(Start Belt #3)

have such a high regard for human life, so much talk about religion, a chaplain saying a prayer to open our sessions every morning. Let the executions be required to be published and as for the deterrent argument, how in the world are you going to say it's just to execute one person to stop somebody else in the future from doing something. That admits you're not punishing the person for what he did but for what you think it will stop somebody else from doing. That is patently unjust, but we're not talking about justice and injustice this morning. We're not talking about right and wrong. We're talking about emotionalism and political expediency and I'm about to wind it up. The conflicting provisions occur in the aggravating and mitigating circumstances. One of the aggravating circumstances which can cause death to be inflicted is if a person commits murder while trying to hide another crime. Yet, one of the mitigating circumstances is if the murder is committed under stress and duress. A person could commit an act which he finds out is going to be considered a very serious crime and the stress and duress of that knowledge can cause the commission of a murder to hide that fact and that then becomes a mitigating circumstance although in the prior page, it is an aggravating circumstance, but I know these arguments are falling on deaf ears. Those who are going to vote for the death penalty are going to do so; and here's my last point: The fact that it is impossible in Nebraska to pass a mandatory death bill should make you defeat this one. Do you know why it's impossible? The Pardon Board and its powers are established under the Constitution of this State and no law can take away the Pardon Board's power to reduce a sentence of death to life, cannot take away its power to reduce a sentence of life to a term of years imprisonment. You cannot constitutionally, according to the State Constitution, pass a mandatory death bill; so now, pass this bill and show me the contempt you have for the law.

PRESIDENT: Chair recognizes Senator Rasmussen, then Senator Fred Carstens, then Senator Fellman.

SENATOR RASMUSSEN: Mr. Chairman, Members of the body. Nearly every day in this chamber the Attorney General's opinions are read and I know are guidelines for the way we vote on certain legislation. I'd like to quote from our hearing in front of the Judiciary Committee what the Attorney General said on this bill and I will quote. "I start out by saying honestly and openly that I actually drafted this bill. I started work on it last October and the final drafting was in January. I did it because I knew that at one time or another, I would receive a request as to whether or not a death penalty bill could be enacted in Nebraska and I said in November, there are two problems facing such a bill. One is to get it past the Supreme Court and the second consideration, it has to be something that would be acceptable to the people of this State and with those two objects in mind, I drafted this bill." This is not only a statewide but a nationwide problem. It's in about 32 states are working on legislation on this order. Even on the national level it has come into focus but that is a long ways from the chamber here in Nebraska. I would ask that we kill the amendments offered to this bill and send it on for final passage as it is. Whether we are rich or poor, I do not think this gives us a license to kill. To Senator Chambers, I have also been poor and I, at the time it didn't think, or I never thought, it didn't enter my mind to neither steal nor kill and as far as the Legislature being hard-hearted, I would consider this body far from that. If we hadn't had law and order, we'd still be carrying guns and the West wouldn't have been settled. I would ask you to kill this amendment and move the bill on to E&R. Thank you.

PRESIDENT: Chair recognizes Senator Fred Carstens.