

SENATOR FOWLER: Mr. President, members of the Legislature, several speakers here have made references to their constituents to the attitudes in those areas trying to assess, I guess, the political whims that may exist on this issue. I would urge those members to look at this as not just any political issue, not just any political decision where you try and weigh the sorts of votes you may gain or lose by this vote because I think this goes beyond that. This is an issue of justice and the structure of our society. It's the very reason that legislative bodies have been set up to try and establish the penalties for crimes and I don't think that we want to just simply turn that over to a simple majority rule to let the whims of hysteria or public action decide this. It's much more basic than that and it goes beyond just one crime in one district that may have been committed at one time and the hysteria that may have been generated. I have a friend who has studied history quite a bit and he talks about how modern man seems to have one foot in the modern world and yet leaves one foot back in the cave. That he uses modern technology in many ways but still continues to do very primitive acts and I think we see this in this case. We're using electricity, a very modern tool to commit death. One life time ago we used to hang people. Two life times ago we used to cut off their heads. The act is still the same, it's just the technology that has changed and we may move to using drugs which is even a less violent way to kill someone but the result is the same, death. Senator Rumery has many times talked with me about a visit to England where he saw William the Conqueror's castle. He talks about the system of justice that existed back then where if the king ordered you picked up, that was it. There was no trial. That was simply the king ruled but you were guilty, you were guilty and you were killed and I think your head was put out for public display. Well some of that has changed. We've developed a system of justice where at least there is a trial and that there is evidence presented and so on and it's not just the king's word. So we've changed some things but the penalty is still the same penalty that existed when William the Conqueror was around and I think that this Legislature has an opportunity to go all the way and dispense with that William the Conqueror system of justice that Senator Rumery so vividly saw in England. We can bring ourselves into the twentieth century and we can take ourselves out of that primitive past that existed then. So I would urge this Legislature to look beyond just the votes that are in your district, immediate political gain because this is just not any political decision that we're facing here. This ties very directly into the history of man and I would hope that this Legislature could take that step forward to get out of the type of justice that existed back in England in the tenth century.

PRESIDENT: Senator Kahle.

SENATOR KAHLE: Mr. President, members of the body, we have discussed this a great deal and I just want to make a few remarks as to the way I feel about the issue. Senator Fowler just told us that you're not supposed to follow what our people back home want to do. I don't happen to have to run for office this year so I've no political problems with the issue, but I believe 95% of my people or at least 90% of them would want to see the death penalty continued and I'm not about to warp their wishes because when I ran I did promise them I would vote, if at all possible with the majority. One of the other things that really bothers me is that we're always so worried about that minority. They are the ones. We've forgotten completely about the majority. About all of those people out there that are