

question. Do I see five seconds? I do. The question now is, shall debate cease? Record your vote. Have you all voted? Record.

CLERK: 25 ayes, 6 nays to cease debate, Mr. President.

PRESIDENT: Debate ceases. Senator DeCamp.

SENATOR DeCAMP: Mr. President and members of the Legislature, I apologize for not making as clear as I have to and must what is involved here and it is obvious that I have failed because of statements by Senator Barnett and Senator Luedtke. Senator Barnett and Senator Luedtke have stated, yes, the death penalty will come up every year and I agree. That will happen but that is not the issue here. Every year proposals come in from repeal of the death penalty to retaining the death penalty to having higher insurance fees to whatever and we pass laws that look to the future, to what the people are going to do in the future. This resolution, if passed by the people, would make us a court going on the past, on every case. We are not talking about necessarily the death penalty at all. What we are talking about is each year individual cases. So we have four people or five, I don't know how many, on death row now. We also have a number of people in prison for first degree murder, life imprisonment or whatever their sentence was. Each year under this resolution, each year you could bring individual pieces of legislation to the Legislature who now would have the responsibility of deciding what their sentence should be. Remember they have been through court. Now we are making the Legislature a new court, a Board of Pardons dealing with the past, and if I have failed to make that clear to you, if you do not understand the concept, please read the words of the resolution and, Senator Barnett, since this is your resolution, please understand I know the death penalty is going to be here every year and every year I will continue to probably fight in favor of the death penalty but you are creating a new monster. You are creating a Legislature who is going to be an executive branch of government and a judicial branch of government dealing with the past, a concept that does not exist now. That is not what you want and, Senator Luedtke, I repeat, I repeat and repeat, I know the issue of the death penalty and what prison sentences should or should not be will be in the future. I understand that but please concede, admit, understand, you are creating a new system. Remember it says, the Legislature shall determine these things in first degree murder as provided by law. What is a law? A law is a bill brought before the Legislature. So in the case of Caril Ann Fugate, I use it again because it is an obvious one, one you can relate to. Each year, Senator Chambers, Senator Stoney, Senator Carsten, Senator DeCamp, Senator Labeledz could have brought in a bill that any girl sentenced to prison at the age of fifteen and so on and so forth, we would be a judge every year of the past. That is not what our function is. That is not what we should do. Now Senator Chambers has been as straightforward and honest on this issue as any human being could be. He has said his goal is to save the people on death row now, primarily, and, of course, stop any deaths in the future. My goal is to retain the death penalty. Implicit in that is that those people on death row will be put to death. We are....

PRESIDENT: You have one minute.