

May 9, 1979

LB 262

country, maybe not in Nebraska at this point, but throughout the nation almost every news release today tells about a stabbing, a shooting, a killing until it is getting to be unsafe for our wives and even ourselves to be out on the street at night. So I am willing to have a look at a new method to control this crime wave. It may work and it may not but I am willing to give it a chance to give it the opportunity to work. Therefore I stand here today supporting LB 262.

SPEAKER MARVEL: Senator Pirsch.

SENATOR PIRSCH: Thank you, Mr. President. Members of the Legislature, this will probably be my longest speech on this floor this year but I hope you will indulge me and listen carefully to what I think are important observations. During the past few weeks in a barrage of paper by Senator Chambers, there have been certain arguments raised and I would like to speak to some of them and, incidentally, Senator Johnson, in Nebraska there are six white men and two black men who were sentenced after January 1st, 1973 to the death penalty. Senator Chambers decries the unjust application of the death penalty and racial discrimination and he cites examples of the murder of one victim more horribly or brutally killed than another's victim getting off with a lesser sentence. I agree. It is unfair. White or black, murder is death no matter how you look at it and perhaps death is even a blessing to the murdered victim if there has been torture or sadistic preliminaries to the murder but to say abolish the death penalty because some get off easier is to throw the baby out with the bath water. What other crimes can you think of where the penalty is always applied fairly and consistently? Should we throw all the statutes out? We in our system of justice must rely on the integrity and intestinal fortitude of an entire complex chain of the judge, the twelve people on the jury, the prosecuting attorney, the defense attorney and even, yes, down to the arresting officer's thoroughness and competency. If there is a weakness in the chain or a prejudice or ignorance, the outcome is different than it might have been. Each individual case is treated differently and quite properly so in our order of justice and sometimes unequal verdicts or plea bargainings do happen but consider, please, the inequitable, the arbitrary and frequent acts of murder perpetrated on an innocent victim. Justice requires punishing the guilty, as many of the guilty as possible, even if only some can be punished, and justice also requires sparing the innocent, as many of the innocent as possible,