

home, suppose I have had several drinks, suppose that I run over someone on the highway. Shall I be executed? Obviously, I was not in control of my faculties. If I had been, I wouldn't have done it. It's murder. There's a person dead. Do I pay the ultimate penalty? Surely the attorneys would argue, no. My last argument, far too often, far too often I have watched court appointed attorneys who have not been the best, as opposed to those individuals who are in a position to hire the best attorneys. I am telling you there is...it's like putting...it's like comparing a thoroughbred with a Shetland pony. There is no equity. There is no equity. On that basis alone, ladies and gentlemen, on the equity of adequate defense we ought to take a look at what Senator Chambers and Senator McFarland are attempting to do. I know it's not a popular thing. I have had to defend my position many times but, ironically, once you sit down on a one to one basis, on a small room basis, as I did just a month or so ago in Columbus, very few dissenters when you put it on that kind of a basis because the burden of proof is so awesome that very few people want to say, yes, that person deserves to die, when thousands of others don't.

PRESIDENT: Time. Thank you. Senator Pirsch, please, then Senator Vard Johnson.

SENATOR PIRSCH: Thank you, Mr. President. I have a question for Senator Ashford if he is...will yield.

PRESIDENT: Would you respond, please, Senator Ashford?

SENATOR PIRSCH: Senator Ashford, you spoke in support of Senator McFarland's amendment and I guess I would like to ask you if Senator McFarland's amendment would improve the deterrent effect or the certainty of the death penalty?

SENATOR ASHFORD: Yes.

SENATOR PIRSCH: How?

SENATOR ASHFORD: If the Legislature defines those crimes which it believes that capital punishment should be applied to, then it's going to make it much less likely that you are going to plea bargain those offenses away. It makes it much more likely that you are going to have uniform application of the penalty if the Legislature makes a specific mandate as to what...what crimes are to have the death penalty administered. Instead of having a series of criteria which are totally ununderstandable