

and result in ununiform kinds of results, that's why I think it will.

SENATOR PIRSCH: I guess I am thinking we have to coin a phrase from another legislative bill many years ago, the right problem but the wrong solution, it seems to me. I...I don't understand how limiting this when you don't limit the appeal or...or make any other changes is going to suddenly convince judges, juries and prosecuting attorneys to make this a deterrent. Passing a speed limit law will not deter some speeders but it will deter a great many more who fear the penalty of points and fines. And to say that the death penalty is not a deterrent, in my mind, is impossible to prove, as with most laws. And I have heard law enforcement officers recount firsthand experiences in conversations that they have had that...that they claimed that they did prevent in some cases. And I guess I am wondering too if we throw out other stiff penalty statutes because they have not been a deterrent, or because they have been plea bargained, it seems to me that's the same kind of thinking, the same kind of mind set. And I...I think that would be foolish.

PRESIDENT: Senator Vard Johnson, please.

SENATOR V. JOHNSON: Mr. President and members of the Legislature, I was here in 1980 when the Legislature did vote three times to repeal capital punishment and I think that our high water mark was probably 25 votes. And the bill eventually was vetoed by Governor Thone. I suppose that most of my colleagues here missed the arguments and the quality of the debate that occurred in 1980 when your predecessors voted to repeal capital punishment. It was probably one of the most moving days that I have experienced in the Nebraska Legislature because it was so imminently clear to the 49 of us on the floor that the votes might well be there to repeal capital punishment. And, as a result, we had 49 members essentially glued to their chairs listening to the give and the take in the debate, and, by and by, over a morning and an afternoon's worth of work we moved the repealer bill off General File and then we did it again off Select and then finally on Final Reading it was done again. And it was a wonderful debate. It was a debate in the highest tradition of the legislative process. This weekend I was reading about the men, not women, unfortunately, but the men who met in Philadelphia to draft the United States Constitution. This is the 200th Anniversary of the drafting and passage of the United States Constitution. And the author, at the conclusion of the article, pointed that...noted that the United States