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LB 262

it takes to rehabilitate the kleptomaniac who commits a series of petty larcenies may be just as long a time period as the time period it takes to rehabilitate a person who commits armed robbery. But for some reason the harsher penalty, and I think everybody would agree that the death penalty is a harsher penalty than a thirty year term, but for some reason the whole logic of a criminal system is rejected by the abolitionists when they come to the death penalty. The whole logic they have assumed up till now they now reject.

SPEAKER MARVEL: You have ten seconds.

SENATOR BEUTLER: It is certainly within the power of society to say today that we should have a thirty year term instead of a death penalty, but in my mind if you are going to do that, don't call it justice and don't call it fairness because I don't think it is. Call it mercy and let it be left at that.

SPEAKER MARVEL: Senator Johnson.

SENATOR JOHNSON: Mr. Speaker, members of the body, I rise in support of LB 262, in support of a mandatory thirty year jail sentence and in opposition to the death penalty. I basically take my position because I think in the end the imposition of the death penalty is a randomly administered function. We have had a number of studies that have taken place over the years that have shown that by and large administration of death penalty is both arbitrary and capricious. Since 1930 there have been 350,000 homicides in this country, 50,000 of which were capital offenses, and yet of those 50,000 capital offenses, in 1939 a 199 persons were executed, in 1940 a 124 persons were executed, in 1950 82 persons were executed, in 1960 56 persons were executed, and since 1960 for the last 19 years, 31 persons have been executed. Now out of a pool of 50,000 when you get down to such few numbers, you can't help but believe that what we really have in this nation is a lottery, a lottery of death and on what is that lottery based; (a) geography. If the offense occurs in a noncapital punishment state, obviously there will not be a death penalty applied and there are fourteen noncapital punishment states. If the offense occurs in one of the thirty-six capital punishment states, whether that person will even be subjected to the death penalty depends; number one, on the state's definition of a capital offense; number two, on the state's treatment of murder; number 3, on the state's definition of insanity, which as you know is an exculpatory defense to a murder or