

May 9, 1979

LB 262

today to oppose LB 262. If we pass this bill, it will certainly be a sad, sad day for us in Nebraska.

SENATOR MARSH: Thank you. I would like to introduce 14 fourth graders from Diller, Nebraska Elementary School in Senator Burrows District who are in the South balcony and their fourth grade teacher, Allen Gross. Would you please wave at us? Senator Dworak.

SENATOR DWORAK: Mr. President, colleagues, I think the question we have to ask ourself on state sanctioned killing is why? I think we have to convince ourselves that this is the right thing to do and we must have the right reasons for doing it. Now I am going to limit my remarks to the deterrent aspect of this issue. Senator Pirsch said, "Who can prove that the death penalty is not a deterrent?" Senator Beutler indicates that most of the studies he has seen come out inconclusive. It seems the major arguments that the proponents of capital punishment advance is that the threat of death penalty deters people from committing murder and I agree with Senator Beutler. Existing studies indicate there is no correlation between the availability of the death penalty and the homicide rate. Thorsten Sellin in his report for the model penal code project of the American Law Institute on the death penalty formulated the following positions as true if the death penalty actually exercised a deterrent effect: Murders really should be less frequent in states that have the death penalty, all things being equal, than in those states that have abolished it. Murders should increase when the death penalty is abolished and should decline when it is restored, and the deterrent effect should be greatest and should therefore affect murder rates most powerfully in those communities where the crime occurred and its consequences are most strongly brought home to the population. Sellin was unable to demonstrate statistically the validity of any of these presuppositions. He compared homicide rates from 1920 to 1955 in states with and without the death penalty. In making his studies, he compared states with similar characteristics and found that similar states had similar murder rates notwithstanding their stance on the death penalty. His studies for New England and midwestern states concluded that executions have no discernable effect on homicide rates. He also studied the effect of the abolition or introduction of the death penalty on homicide rates in eleven American states, Arizona, Colorado, Delaware, Iowa, Kansas, Maine, Missouri, Tennessee, Oregon, South Dakota and Washington. He concluded that the death penalty exercises no influence on the extent or fluctuating