

May 9, 1979

LB 262

SENATOR WARNER: Mr. President, members of the Legislature, I rise to support LB 262. I recognize this also to be a very personal decision on the part of each of us, and when these kindsof issues come to me in the seventeen years I have been here, I think back to the quotation that a friend and a constituent gave to me the first day I walked into this body which is from a well known speech by Edmund Burke, who was elected to Parliament, in the speech he gave to the electors on 3 November in 1774 but the line that my constituent gave to me which I no longer have because I carried it so long it became tattered, "But your representative owes you not only his industry but his judgment and and he betrays instead of serving you if he sacrifices it to your opinion." I use that because I am sure that I also represent a constituency that probably has the same percentage of support of the death penalty of the various polls that have been given here this morning. I came into this body as a hardliner. I would have come into this body with the opinion of what I suspect is the majority of my constituents today and as many of you know I do not change easily or readily on many issues. My personal experience for change is one I have not ever told before either and it started probably seven or eight or nine years ago when a student would write me letters from time to time, she was the daughter of a good personal friend, urging me to support the repeal of the death penalty and I constantly would write back why she was wrong, but by about the fourth year, she was in high school as a freshman when it started, I had run out of arguments and had been convinced that I was the one that was in error and I am not going to repeat all the statistical things which many of you have already cited except to say that the lack of uniformity in the use of the death penalty, the fact that when the charges are filed in many cases is the real point where the decision is made. Together with those other factors that have been mentioned, the fact that you cannot prove that it is a deterrent, perhaps you cannot prove either way, but then it does become that personal decision. But it seems to me that it is much more likely that a jury is going to give a thirty year sentence rather than a death sentence, and if you look at how it ususally goes, that's what occurs. Nebraska has been a leader in penal reform and that penal reform has included both punishment and rehabilitation. One of the issues I would touch on is one which occasionally comes up and that is cost and some how or other it is rationalized that to keep a prisoner for thirty years is very expensive, as if the use of a death sentence is inexpensive.