

May 15, 1979

LB 262

the success of this since the battle lines are very clearly drawn but I would say to Senator Chambers and those who are promoting the elimination of the death penalty, that these are very specific limitations and along with these specific limitations I think you would have a much better bill, a bill more likely to pass and one that I think would be easily defensible in the Supreme Court of the United States, the Supreme Court of the State of Nebraska and to the people of the State of Nebraska. For that reason I urge the adoption of these amendments.

SPEAKER MARVEL: Senator Pirsch, do you wish to speak to the Newell amendments?

SENATOR PIRSCH: Mr. President, fellow legislators, I would like to support Senator Newell and I thank him and welcome his coming forward with an amendment of this type. I think there is a need for the death penalty. Perhaps you would want to disagree that the average common citizen should not be protected by it but I would hope that you could not disagree with the fact that our wardens and our correction people need it in the prisons and that even their fellow inmates need the protection from killers in the prison.

SPEAKER MARVEL: Senator Landis, do you wish to speak to the Newell amendments?

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I do. I want to state the reasons I will be opposing the Newell amendment and they are three. Number one, the Newell amendments do not offer any deterrents value in the attempt to assuage or persuade potential murderers to refrain from that act. Secondly, it creates a special class of people that apparently have a different kind of protection under the law than others. I think that is unfair and not a policy that we should countenance and, third, it simply does not meet the basic standard concept of 262 which is to renounce the use of state abetted deaths as a tool of the implementation of public policy. Now with respect to the deterrent's value of 262 amendments by Senator Newell, the prospect of deterring those who might potentially kill police officers is really simply a fallacious argument. Statistics will not support that fact. Professor Sellin, a man quoted by Senator Dworak earlier in our discussions on 262 pointed out that in 1964 twenty-four of the twenty-six prison homicides took place in states that had the death penalty, not in states