

May 15, 1979

LB 262

this actually creates a set of privileged or special protected classes against whom if a crime is committed. There is a special penalty by the state. I think that is a very unfortunate precedence for us to accept. I don't think it is a wise policy.

SPEAKER MARVEL: You have one minute.

SENATOR LANDIS: Lastly, let me summarize the issue here as being that 262 is the compromise. It is the workable approach. In fact, what 262 does is to penalize murderers greater than what they are penalized now under the law. As a matter of fact the average murderer spends eighteen years in jail in Nebraska. What 262 does is insure that he will spend twelve more years there so obviously we are not doing this as a matter of leniency for murderers but what we are doing it for is ourselves. Justice Holmes said that the record of the law, the history of the law, is the history of civilization of our progress as human beings and in 1789 when we passed as part of our bill of rights, the eight amendment against cruel and unusual punishments, we put down the right of the state to use torture. That was a step forward for government and our own progress as humans and now in 1979, Senator Chambers and the rest of us who support 262 ask you to put down the use of executions as the right of the state to protect itself and to use a more sensible, more dignified and a better policy that will have a better effect in prison administration and will also more stringently and more harshly penalize murderers, something that everybody in this body wants. Thank you.

SPEAKER MARVEL: Senator Lamb, on the bill. Senator Nichol, do you want on the amendments or on the bill?

SENATOR NICHOL: Mr. Chairman, just a moment on the amendment. I have tried to approach this bill unemotionally but as far as this amendment is concerned it is nothing but bad. What we are saying to some people are, you are better than others. It is okay to kill you and to the others we are saying, you are better. They better not kill you or you will be executed. I think it is purely discretionary, discriminatory. I am trying to make a new word, Nelson Merz, in competition with you but I think it is entirely wrong to set out certain people being one class, one class another class, so I think it is a bad amendment.

SPEAKER MARVEL: Senator Kahle, do you wish to speak to the amendment or the bill?