

more than merely taking another person's life. There are certain circumstances that must attend that taking before the death penalty can be imposed. There is a second group of provisions known as mitigating circumstances or those which will lessen the severity of the punishment because there are aspects of the crime that indicate that death should not be imposed. The Nebraska Supreme Court has ruled repeatedly that you do not count the number of mitigating and the number of aggravating circumstances to determine whether the penalty is imposed or not. But anyway that is the way the system works now. What this bill would do is eliminate death as a punishment for any offense. The most severe punishment would be life imprisonment. But since life has never been defined in the statutes or by any court decision as being life which means you don't breathe anymore and that ends the sentence, people have gotten out on the average after serving about 18 years in Nebraska for first degree murder, and by the way, no first degree murderer in Nebraska who has been paroled has ever repeated that murder or any crime of violence that we have been able to determine. Built into this bill, LB 202, is a provision that says even if life is the sentence the person so sentenced cannot be released in less than 30 years. I think that is excessive. I think it is inhumane, but because of what is being demanded as an alternative to a death penalty, a substantial prison term is what is included in the bill. The U. S. Supreme Court in 1972 when it abolished death penalties all over the country because they were arbitrarily imposed kept referring over and over to the deterrent effect of a prison sentence. During our hearings before the Judiciary Committee, a prison sentence was stated to be a deterrent by a former county attorney. He said the only ones deterred by the death penalty are jurors. They are unwilling to convict if they think their convicting could lead to a person being sentenced to death. That brings us to an interesting situation. Erwin Charles Simants was an individual whose name came up repeatedly during earlier discussions of a bill like this and people were saying if anybody should get the death penalty it is somebody who commits a mass murder like that. Well, because the sheriff involved in that action talked to the jury, the State Supreme Court said that that conviction had to be overturned and a new trial ordered because where a death sentence is involved you have to be far more scrupulous in the way you handle the situation than I guess in less than death cases. So Erwin Charles Simants was given a new trial. He was given a change of venue from North Platte to Lincoln. This case shows the arbitrariness of the present death penalty because a man who was found to be sane in North Platte was found to be insane in Lincoln. A law like a death penalty, if it is going to exist at all, should be statewide. You should be run as great a risk of