

it in the smallest town in western Nebraska as you would in the metropolitan or first class cities but currently on death row the only people there come from Omaha, Lincoln, and Grand Island. We are told that the people in the other part of the state are very hot behind the death penalty and want it, yet the prosecutors will not seek it, the jurors will not convict for first degree murder, or if they happen to convict or a person pleads guilty to it, a lesser charge is usually what they plead to, or if they plead guilty to first degree murder, the sentence is not death. One of the reasons the sparsely populated counties do not want to bring prosecution for first degree murder is that the state must pay for the prosecution and it must pay for the defense. The cost is prohibitive so you will not find first degree prosecutions in the smaller or less populated counties. You will find plea bargains for lesser offenses and I gave you a handout which shows that there have been literally hundreds of homicides since Nebraska reinstated the death penalty in around 1973. Yet despite those numerous homicides, only 11 people sit on death row now and there is nothing in the circumstances of those homicides that distinguishes them very much from the many who committed homicides and are not on death row. So we have an arbitrarily imposed sentence which is not imposed on the vast majority of the people who commit the crime that supposedly carries that offense. What I am trying to do is give you an overview, if I can, then I will go into more detail should that be necessary. In this state as in every other state throughout the country, the amount of money that a person has determines the risk that that person faces with reference to the death penalty. When it can be shown that the amount of money a person has determines the amount of risk of the death penalty that person faces, either the state has an obligation to abolish all financial inequity or to abolish the death penalty. We should not be able to tolerate a set of circumstances where who you are and the money you have determines the punishment you suffer rather than the offense that you commit. So what I am asking you to do by adopting LB 202 is to substitute a 30 year mandatory sentence for the death penalty, and at this point I will acknowledge that I am aware that an amendment will be offered to this bill. So before I proceed any further, I will see what amendments are offered but I think my position on the matter is clear and I am asking that you advance this bill because the penalty now, the death penalty in Nebraska now, which has not been carried out since 1959, has been said by one of the Assistant Attorney Generals to be merely a philosophical concept in Nebraska. Courts are unwilling to make the final decision to deny a person another stay or another appeal. As a result of that, only four people have been executed