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LB 202

prosecutor of a conviction of first degree murder. And then the question is submitted to the jury and again the jury is charged to find this individual guilty beyond a reasonable doubt, and whether or not the person will be convicted depends upon how the jurors perceive the facts and apply the law. And then finally the question goes to the judge, if there has been a finding of first degree murder, should the individual be executed or should he not be executed, and we have an array of statutes requiring the judge to take one thing into consideration in terms of executing and to look at a different thing in a different fashion in terms of not executing.

SENATOR LAMB: One minute, Senator.

SENATOR V. JOHNSON: The truth of the matter is those persons who ultimately are found guilty of a capital offense and are condemned to die have truly been tested in a lottery, in a lottery of life, a lottery dependent on their being caught, dependent on the state of mind, dependent on the quality of evidence used against them, dependent upon prosecutorial discretion, dependent upon judicial application, dependent upon juror determination, and so what we end up with is a system that is inherently, is inherently unfair. But by our continuing to struggle for and fight for this system we miss the boat in terms of those things that you and I as a society need to do to keep the violent offender off of the streets. We need to separate the violent offender from the nonviolent, put the violent offender away in our jails, keep them in our jails, work on rehabilitation programs.

SENATOR LAMB: Your time is up, Senator.

SENATOR V. JOHNSON: We must take care of this bill.

SENATOR LAMB: Senator Labeledz on the amended bill.

SENATOR LABEDZ: Thank you, Mr. President. I think that I probably more than anyone here would like to explain my reasons for the way I vote on LB 202 and the reasons I have done so in the six years that I have been here. I would like to first comment, and I am reading an article here that came out of Washington, and it says here, "We cannot foster respect for human life while giving the state the license to destroy it." And that is why Governor Carey for the fourth time in his four years vetoed a bill to reinstate capital punishment and I would like to also go over with you a case that just happened recently in Chicago. Before I do that, I would like to say that my stand on the pro-life issue, a lot of people have said to me and written