

and when you talk about burdens of proof in order to determine the class of homicide that is to be charged, that has nothing whatsoever to do with the bill in its original form or in its amended form. The only time the death penalty can be imposed is when there is malice aforethought, deliberate premeditated, whatever term in your mind carries to you the notion that the law requires, which is that a person deliberately and in a fashion not allowed by the law took another person's life. Those things are not touched by the amendment. You still have to prove first degree murder, all elements of it, and that burden is on the state, will continue to be on the state. The Legislature and nobody else can shift that burden constitutionally but there was an editorial in the Catholic Voice which appeared February 5th of this year and the editor is suggesting that the readers of this newspaper support LB 202 in its unamended form which is to abolish the death penalty. And there is some interesting language here. "As one who several years ago buried a nephew policeman murdered during a jewelry store robbery, your editor urges you to read the letter on page 10, study the bishop's statement, come to an honest opinion on this subject, and then contact your State Senator and urge him or her to vote for LB 202. This is not an issue to be settled in a Gallup poll. Our viewpoint is determined not by a revenge filled society but rather by the gospel message. Here is our opportunity to follow our bishops and stand with them as prophetic leaders. If we have strayed so far that we can no longer see the diety in everyone, then little else remains for us except despair." The final paragraph. "A decision to oppose the death penalty would not entail a watering down of our convictions. Neither would it encourage criminality but it would include all persons even those on death row in Lincoln as being equally with us, the brothers and sisters of Christ, entitled to human life until God calls them home." Sometimes those words have meaning to people and sometimes they don't but it seems to me that if a profession is made of a certain philosophical or religious position, the time to vindicate that belief is when the pressure is on, when a live issue is before us. One reason it is not difficult for me to show a restraint is because I have talked to some of you and I am convinced that a lot more of you have thought about the issue very seriously, that it is not an easy matter to make your mind up on. You are not as settled in your conviction as I have been for a lot of years. That being the case, respect must be given to those who are undergoing a moral internal struggle, and I hope that when your struggling is completed, you come down on the side of the principle that the state ought never kill its citizens, that the state ought not in the law sanctify the principle that killing is the proper action