

March 15, 1982

LB 202

SENATOR KAHLE: Well, I think that Senator Peterson was right. We have been snookered. Thank you.

SENATOR LAMB: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I am not going to take a lot of time. I wanted to say this that I had a letter from a lady several days ago. She said I think that you ought to reconsider your position on the death penalty. I believe that anyone who commits murder should be executed within a period of twenty days. Now I don't know what she expected me to offer that kind of an amendment or not but that would fit the description of justice, swift, sure, and certain, provided the person were really guilty, I guess. Now if you found out on the 21st day the person were not guilty, I guess that would call for a different sort of rationalization. I made the point here before on this floor that if the death penalty were in fact enforced uniformly and across the board and you executed the thousands of people who took a life that it might deter the penalty...it might deter the commission of the crime. The facts are that it is not applied uniformly. It is not applied without regard for the individual who committed the crime and at the present time perhaps the safest place in the State of Nebraska is on death row at the Nebraska State Penitentiary. It is the only place that I can guarantee no one has died in the last twenty-two years, and if you take the situation as it exists today and continue the present system of the death penalty, I am almost certain that you can convince the people that no one will die there in the next twenty-two years. As Senator DeCamp has said, the death penalty is a myth. It has not been enforced. Now some of you who are aware of the other laws that are ignored, I ask you what would be the situation on our highways today if we did not enforce the speed limit? Do you really believe that anyone would pay any attention to it? I can tell you from my own personal experience, I am not proud of the fact that I have a number of points, but the facts are that if it was not for the enforcement of that law I would exceed that speed limit and I would do so morning after morning after morning, and in the evening also. The point I want to make is this and I want to make it once more, that we do not at this time have a death penalty but it gives those of us in this position the best of two worlds. We can look at the 90% of the people or the 80% of the people who clamor for a death penalty and we can go back home and say that is right, we are going to execute those bums, when each and everyone of us know it is not going to happen. Now if you can find some way to make it happen beyond the control