

March 17, 1982

LB 202

point I am trying to get across to you today is this. We have a multitude...several hundreds of homicides in this state. There is not much likelihood of a death penalty being imposed and carried out. In the history of the State of Nebraska since records were kept on executions, only 20 people have been executed and I use the word "only" in relationship to the total number of homicides that have been committed. Now we have more than half that number on death row today, in this year of 1982. Nebraska's history is not that of a killer state thus far. There is something unsavory about a number of southern states which are known for having large numbers of people on death row even though the courts will not allow them to execute these people. I would hate for Nebraska to join that group of states. So what I am hoping you would do this morning is defeat the kill motion and if there is additional material which needs to be discussed or brought to your attention, that is readily available. But there are three points that I want to mention to you. Judge Krivosha as well as others have pointed out, and it has been generally accepted by the members of the body that the certainty and swiftness of punishment is what provides a deterrent if any is to be provided at all. For those who are concerned about a 30-year sentence being unduly long, and I am one of them, such sentences....

SENATOR LAMB: One minute, Senator.

SENATOR CHAMBERS: ....are imposed right now. For those people who wonder what you will do with murderers as far as confining them in the Penitentiary, remember hundreds of murderers are being confined there right now with not any particular problem in dealing with them, in fact, they are the less difficult prisoners. The split decisions that are coming down in all capital punishment cases indicates an ambivalence on the part of judges, and the handout I gave you this morning dealt with two Nebraska cases, one was in this morning's paper where a plea was allowed to a lesser offense. The other dealt with a case of a man convicted of first degree murder in Lancaster County but the County Attorney is not certain that he will seek the death penalty. In the Florida case, the Florida Supreme Court and a federal judge refused to stay a man's execution which was to occur in a few days but an additional federal court did intervene to stay the execution. This bears out what U.S. Supreme Court Justice Rehnquist indicated, the accused has so many bites at the apple; he is likely to find some court which will vacate his death sentence. So in order

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