

SENATOR H. PETERSON: Mr. Chairman, I likewise would rise to support the kill motion for two reasons. Number one, I think as the bill has been amended it is unconstitutional because we have a classification of people that we are going to protect. It seems to me that would very likely be unconstitutional. Number two, I don't think there is any question but what the people in this state wish to retain the death penalty. When I ran for this office, I put out a questionnaire and one of the questions I asked was, should the death penalty be retained? Eighty-two percent of the people said, yes, in Grand Island, and I believe that that pretty well reflects what the people in this state really believe on this particular subject, and it just seems to me that if we were going to do anything, we ought to try to stiffen the penalty, the swiftness of the method by which we use this, and I know that the Supreme Court has moved on it, but I would say to you that the Supreme Court has changed since that time. I would think it would be kind of interesting to have the new Supreme Court take a look at the issue.

SENATOR LAMB: Senator DeCamp.

SENATOR DeCAMP: Mr. President, I was not going to speak but several points have been made that I do think need to be corrected. Number one, the bill as it exists now and I have checked with the bill drafter and two or three different attorneys, it is not dual murder as has been alleged. It is anyone incarcerated. So if there is person A guilty of rape or whatever and person B guilty of murder, and each of them kill a prison guard or kill somebody else, they are in prison, it applies uniformly to them. Because it is unclear to some members and could be argued that it could be read both ways, the amendment being offered next, assuming it survives, does clear this up. But I repeat, the bill drafter and the lawyers I have had look at it, once they analyzed it, say, yes, it is clear. Second, people have talked about swift and sure, and I have said you can't do it. Now let me tell you the rest of the story, as Paul Harvey says. In 1976, if you will go back and check, I offered a swift and sure...Senator Chambers remembers, and mandatory death penalty proposal, and it was copied almost word for word from the California proposal that was in existence at that time. Our Attorney General indicated it would be constitutional, and if Senator Howard Peterson and Senator Hefner, Senator Pirsch and some others, wanted something, I have got the amendment, I will give it to you. You can offer it. That gives your swiftness, your sureness and