

the entire body has the opportunity to discuss it. I would urge the body to do that this morning, to vote to place the bill on General File and once again discuss what I think is an exceedingly important issue and one which we tend to address emotionally as our gut feeling as to what is right. But you come to, at least I did, come to a far different conclusion when you begin to apply what actually happens and to what emotions tells you. There just simply...there just simply is not the consistency in this about the death penalty in the way it's applied that you can justify its continuation. An alternative, such as proposed in 327, seems to be a much more appropriate place but notwithstanding that I think the issue deserves to be placed on General File and I would hope that 25 of us are willing to vote to do that.

PRESIDENT MOUL: Thank you, Senator Warner. Senator Dierks.

SENATOR DIERKS: Madam President, and members of the body, I, too, support this effort of Senator Chambers to bring this bill out from committee. I think that there are just a few things we need to consider. One of them is the fact that murder rates in this nation are less per 100,000 people than...in states that have repealed the death penalty than in states that have not, from 4.9 percent, 4.9 murders per 100,000 people up to 7.4 murders per 100,000 people in states that still have the death penalty. So the argument that the death penalty is a deterrent to murder and serious crime doesn't hold water. This was proven by FBI statistics. Another thing that I think you need to understand is that innocent people have been executed in this nation. We have statistics to prove that 23 people have been executed in this nation who were later proven innocent. Now I don't believe that we can bring the kind of legislation that would exonerate that type of error. I believe we need to provide the type of legislation that Senator Chambers has brought. And I wanted to just echo some of the comments that Senator Crosby made. This is somewhat of a pro-life issue and when I get a message on my desk that says a majority of my constituents would not approve of this, I have to remind you that when I ran for this Legislature I told the people that I represent that I will support them a 100 percent on issues that they tell me to support, the majority of them, except in the matters of moral issues, and I said I am not going to vary my stance on the abortion issue, the living wills issue or the death penalty issue and that's what you have to live with if you elect me. So I don't feel like I'm betraying anybody by