

Ernie, I think we should abolish the death penalty because the Pardons Board can mitigate that sentence. And there have been instances when the Pardons Board in Nebraska has overturned a death sentence. That has been done by the Pardons Board. That power for them is given by the Constitution. Every government on the face of this earth has a pardoning power. In most states, it's in the Governor. In some, it's in a commission. At the federal level, it's in the President. And in other countries they have different ways by which they administer that power, but every government has that power to pardon. Mistakes are made. People's attitudes will change. A person may conduct himself or herself in such a manner while incarcerated that mercy is extended. So that pardoning power is there. And as for those who want to act like they're shocked that I am not in favor of life without parole and that I think it's excessive, they need to do what I did with the reporter for the World-Herald today--go all the way back to 1977 when the first amendment that would require a mandatory 30-year minimum sentence for first degree murder was offered and I stated on the floor and it's in the transcript that I think the 30-year minimum is excessive if it's applied across the board in every situation. The death penalty in Nebraska is administered in an arbitrary, random and unfair manner. There are about 200 people serving time for homicides. More than that number of homicides has been committed. How in the world are you going to separate out 12 unfortunate wretches who when the roulette wheel was spun their number came up and say that somehow they deserve to die when others who committed far worse, if there is such a thing, murders never face the death sentence because of plea bargains? When a punishment is created by the Legislature, obviously, it should apply to the majority of those whose conduct brings them within the reach of that punishment. When the vast majority of those even who commit first degree murder never face the death penalty, how can that be called a valid punishment? Nobody has been executed in this state since 1959. What other bill could be on the books for that long a time and never carry out its purpose and be considered a valid law? None. When people talk about the amount of time that "Wili" Otey has been on death row and they become exercised, I can understand that. But there was another man, and he happens to have been white, named John Rust who was on the death row longer than "Wili" Otey and a federal court has ordered him resentenced. And two other white men have been ordered resentenced. And I'm not going to give their names because the people on this floor won't even know them because there was not the outcry by the media or any of these groups.