

March 7, 1973

SENATOR RASMUSSEN: Once this is moving then that LB 146 be bracketed.

SPEAKER: I didn't quite catch the rest of your motion, Senator.

SENATOR RASMUSSEN: Would be bracketed until LB 268 catches up with it.

SPEAKER: Until LB 268 catches up. Ok. The motion now is to bracket the bill and we will take a vote on that. Senator Luedtke.

SENATOR LUEDTKE: Mr. President, and I will speak to that motion. Senator Rasmussen is talking about bills that have been passed since the Supreme Court opinion, and that's what he is attempting to do with his bill and that has nothing to do with what Senator Chambers talked about. Senator Chambers was saying just what the Attorney General has told us time and time again and that is that the existing laws with regard to the death penalty are null and void, and we just as well get them off the books. You keep talking about you got a lot of laws on the books. Why don't we get rid of some. This is one the Supreme Court has said is no law. We can't have it. We just as well get rid of it. Now, ultimately, you are going to get rid of it or the Revisor is going to come in next year and get rid of it anyway. So, I have no objection to holding it over. I don't see any advantage in doing it one way or another, but we can handle them at the same time just as well.

SPEAKER: The chair next recognizes Senator Chambers.

SENATOR CHAMBERS: I will speak after Senator Carpenter.

SPEAKER: All right. Thank you. We have two others that are waiting to speak. Senator Proud is next, then Senator Carpenter. Proud. Excuse me. Senator Carpenter, I guess you are next.

SENATOR CARPENTER: This, like many questions before this body, is a psychological political problem. If we do what Senator Chambers wants to do on Final Reading, and I have no objection to it, many people who do not understand who accept that this body has done away with the death penalty and they will not understand that there is another bill coming back of this bill to reinstate it to the point we think we can, and that's the only problem confronting is the people, for whatever that's worth, would and probably could and might misconstrue what we are doing, and I think that's the only problem we have.

SPEAKER: Now, Senator Chambers, Actually we have before the body just the motion to bracket the bill until 268 catches up with it.

SENATOR CHAMBERS: Mr. President and members of the Legislature, I am opposed to bracketing this bill. It would not serve any useful purpose and I can understand Senator Rasmussen's concern and without intending to sound patronizing or anything else, some of these bills that have been introduced purporting to reinstate the death penalty are worse than the ones that they are replacing and I am confident that they, too, will be struck down. For those of you who do not read court decisions and take all of your information from the newspaper and editorial columns, you ought to have it brought to your attention that the way the Supreme Court phrased its opinion, it would be impossible to draft a death penalty statute which the Supreme Court would consider Constitutional. The only way the issue will come before the Court again is to have somebody sentenced to death. He will appeal automatically. There is an automatic appeal in the case of a death penalty anyway, and these statutes will be struck down. There is a desire to make it appear on the part of certain members of the Legis-