

March 15, 1973

(Start of Belt #9)

Supreme Court of the United States, guidelines relative to the imposition of the death penalty. Page 2, page 3, line 3, after the word death, death, put a period. Strike the word or in line 3 and strike lines 4 and 5. Page 5, strike all of section 4, strike all of section 5, strike all of section 6, all of section 7, strike all of page 7, all of page 8, except section 10. Signed Senator DeCamp.

SPEAKER: Chair recognizes Senator DeCamp.

DECAMP: Mr. President, members of the Legislature, I'm not going to discuss at this point the merits of the death penalty, either way. What I am going to do very briefly is explain these Amendments. In the committee hearings it became apparent that one of the difficulties in drawing any death penalty Bill, was establishing under what circumstances you would inflict the death penalty and determining under what circumstances you would not inflict it. Or give the person life imprisonment. The original death penalty laws in the United States were struck down by the United States Supreme Court because the Supreme Court said, they were capriciously applied, and the implication was then that the poor person or somebody with a more skilled attorney something like this, ended up getting off, while somebody under duplicate circumstances was executed. Ok, so what these Amendments do very simply then, they eliminate all of the language in this Bill, which would allow anybody guilty of these crimes to get anything other than the death penalty. If you feel the death penalty is correct, then I think its reasonable to assume that you feel in each instance of a particular crime, of a certain nature, it should be applied. So the elimination of the last 4 or 5 pages of the Bill, is merely eliminating all the various circumstances under which a person would not receive the death penalty. Under these Amendments then, and for your information, its my understanding from the information of the news media, in the last couple days, this is what President Nixon's Bill that he's proposing does essentially, this eliminates any choice except the death penalty when these particular crimes are committed.

SPEAKER: A Senator Carpenter, before the Chair recognizes you, let me do something a little unusual. This is a serious question and this Bill in order to make sure that we understand that its clear to everyone what we're doing here. It would seem propitious to the Chair that Senator DeCamp's motions here be at least printed in the Journal, so that those can be inserted into this Bill. I just looked at the Amendment and it seems to me like it would be extremely difficult for anyone to consider this Bill, in its entirety unless at least these Amendments were in front of everyone here. Now, I guess I'm wondering whats the feeling of the body regarding this. If there isn't any feeling, I think that I would rule that at least the Amendments ought to be printed in the Journal and the Bill ought to be laid over for another day, in order to give this complete clarification. Senator Carpenter, do you care to respond or,

CARPENTER: Yes, I think the presiding, has made a point, but I think the only thing before this body is this. I think we ought to understand this, if what I say is incorrect, and I say it because I heard it in the committee, if what I say is not their judgement of what was said, and what was recommended then I hope somebody will contradict me. Now the Attorney General of the State of Nebraska has no responsibility in the having this Bill, sent to this body, but he did say and theres some question about any Bill what it should say, but he said in as far as he's concerned this Bill reflects his judgements in what he'd have to do