

March 20, 1973

I'm using this as an opportunity to say it. If you look at the Bill, and some of you got off the LB 12, because the Governor said, that there were verbal, defects. I want to tell you, that the Attorney General who drafted this Bill, in Section 1, said it's to be a mandatory Death Penalty. That means it is obligatory. That it must be. Yet before he completes the section, he shows a means by which it does not have to be mandatory. What the Supreme Court was telling Legislatures all over this country, is that it is impossible to pass a Death Penalty which will stand a Constitutional challenge before the Supreme Court. Senator DeCamp, has introduced an Amendments which on paper will make this a mandatory Death Bill, but if that occurs, there will be few prosecutions under it, because the prosecutor will know in certain cases he can not get a conviction. For example, if a socialite or a rich person or a politician, like in the case where a bribe was offered to Senator DeCamp, since the individual who offered it, happened to be the nephew of the State Attorney General, it was reduced to a misdemeanor. So if there is a prosecution, a jury may not convict, because they know with conviction, comes the automatic imposition of the Death Penalty. So the Legislature is playing games with this Bill, the Legislature knows its playing games and when Senator Rasmussen indicates in the paper, that the Amendments offered by Senator DeCamp, were not in good taste, the whole Death Penalty is not in good taste. The Death Penalty itself, is obscene. its unworthy of a civilized nation. One which professes to have such a high regard for human life, but when we see what happened in Vietnam, with the dropping of bombs daily on woman and children, that the high regard for human life, occurs only in the case of Number 1, and number 1 happens to be the individual sitting in this Legislature. Now, on page 2, and I know your not going to follow it, but I'll say it for the record, at line 6, 15, and 15, you see an opportunity for value judgements to be made. Where they talk about aggravating and mitigating circumstances, a judicial balancing act to determine whether or not the so called mandatory Death Penalty is to be imposed. If its mandatory, there is only one course that can be taken. That is the imposition of the Death Penalty. There can be no aggravating or mitigating circumstances, but that is the gate by which the wealthy and well born can escape. It an individual happens to have been a doctor, that in itself is a mitigating circumstances, because he or she spend his or her life, healing the sick. If the individual happens to be poor, and maybe does some stealing for subsistence, that in itself, is an aggravating circumstance. So the conditions under which a person is born, the environment, in which he or she lives, can be aggravating or mitigating circumstances determining whether or not the Death Penalty will be imposed for the same action committed by 2 different people. On line 3, page 6, you see where they talk about allowing death or life. There again is the ambivalence, and as for me being opposed to the Death Penalty, and Senator Camp, DeCamp for it, yet supporting the same Amendments, that should not be unusual. Senator Luedtke is in favor of a Death Penalty, and I'm opposed to it, but both of us were opposed to this Bill, LB 268. It was conceived in haste, in laziness. It was poorly drafted. It was contradictory, can not accomplish its purpose, and if the Legislature were sincere, it would write this Bill to make it a mandatory Death Bill, but your not going to do it. It takes courage to say impose death, and I mean it, and you don't mean it. You will not say that we will take the responsibility for the Bill that we pass, you will not even make the Governor take responsibility for signing it. We don't have to throw the switch. The Governor need not throw the switch, even the warden doesn't have to throw it, he can designate a suitable executioner. If everybody who has something to do with the imposition of the Death Penalty, is so certain about the legal and moral righteousness or it, why do we hide and try to wash our hands like Pontious Pilate,