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not convinced this is the way and I'll tell you why. The thing that concerns me about L.B. 268 is particularly the second trial, the second hearing at which you decide whether the individual shall be given the death penalty, where aggravating and mitigating circumstances are taken into consideration and the President of the United States has included this in his particular approach to the death penalty bill. The reason I'm concerned about it is that you could have a situation where you would have two individuals participating in a murder, openly participating in a murder, found guilty, brought up before this court, whether it's two--one or three or by the court, doesn't make any difference, by the Supreme Court. You could have two different results out of the same murder situation, where two people conspired together and committed murder, you could have one go to the electric chair and the other one go to the Penitentiary for life. I do not think this meets the test as I read it in the United States Supreme Court opinion. Obviously you could pass this bill and find out that the only way you're going to find out is you're going to have to convict somebody under those circumstances. I personally want to wait to see what happens in subsequent cases to the United States Supreme Court before I'm willing to test again the law on capital punishment. I, I think it's a very grave matter. I don't think we should just be putting legislation on the books just to say we've done something.

PRESIDENT: Senator Duis, back to you.

SENATOR DUIS: All right. Now, now, I think we've gotten to the meat of this thing. At least I hope so, at least from my standpoint. I'm interested and let me make this statement. I believe in capital punishment under certain circumstances and I am sure that Senator Chambers understands me, but here's the point. All the time we've been going through this, we've gotten into a second trial and this is exactly the point that I wanted Senator Luedtke to make and I am not an attorney. I don't know the first thing about it, but I do know that you cannot take two individuals or three or four or five or six, and have a second trial for them under mitigating or aggravating circumstances and come out with the same decision. Now let's get this through our heads right now, and this is the part of this bill that needs amending and if we're going to pass this bill, this is the part that probably would have to be amended along with one other point. I'm a little bit concerned about the second line on page 2 and I wish Senator Luedtke would take a peek at this with me. This second line on page 2, it calls for mandatory standards. It doesn't call for mandatory capital punishment. Now these standards, when we get over to them, are what I would call pretty flexible. These are the things that probably could bounce back and forth, but I'm not going to get off onto that subject too much, but gentlemen, let's take a good look at the standards that are set up in this bill and let's also try and figure out if you have more than one person involved in a capital punishment crime, how are you going to deal with them in the second trial when it comes to mitigating and aggravated circumstances because I, for one, would feel that if a person was, if a person or group of people were equally at fault, that the mitigating and aggravating circumstances could be no different from one to another. Thank you very much.

PRESIDENT: Chair next recognizes Senator Anderson.

SENATOR ANDERSON: Mr. President, Members of the body. I hear most of you addressing yourselves to, not whether or not we