

May 9, 1979

LB 262

some people for the benefit of the rest. True justice requires limits on the injury it is allowed to inflict. As long as death remains a permissible instrument of government, those in power will justify its use. But because it is final, death is by definition unpolitical."

SPEAKER MARVEL: You have one minute left.

SENATOR CHAMBERS: "By ending life, execution ends the search for truth. Any punishment may turn out to be unjust but the penalty of death cancels the pursuit of justice for the prisoner and for those entrusted with his fate. For that reason alone, government and execution ought to be recognized as incompatible. Our job is to uphold human life and never by a deliberate act of the state destroy the citizens." And this final comment in about the thirty seconds I may have. I have yet to find a warden or any prison administration in favor of the death penalty. The mere existence on the books and the maintaining of death rows increase the difficulty of administering a prison and doing the job which the correction facilities are established to do, namely, to rehabilitate people who can be rehabilitated and properly hold for protection, for society's protection, those who must be held.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I would like to oppose LB 262 and I would like to go through some of the arguments that are used by the abolitionists in support of doing away with the death penalty. First of all, there is the argument that capital punishment does not deter. I believe that it does deter. The abolitionists quote a number of statistics and studies which in their opinion support that conclusion. I have reviewed as many of those as I can and I find that the statistics are totally inconclusive. In fact, there are statistics on the other side, particularly on a study done by a fellow by the name of Isaac Ehrlich that support the conclusion that the death penalty does deter. Ehrlich discovers a statistically significant trade off between the murder rate and executions per conviction. The trade off rate implies that a one percent increase in the execution rate will reduce murders by about .06%. This translates into eight lives saved per execution. I quote that to support the principle that these studies are completely inconclusive in this regard and I would also like to quote Chief Justice Stewart speaking on the case of Gregg versus Georgia. Statistical attempts to evaluate the worth of the death penalty

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