

May 9, 1979

LB 262

SENATOR CHAMBERS: Madam Chairman, I will defer my time for closing to Senator Schmit.

SENATOR MARSH: Senator Schmit.

SENATOR SCHMIT: Madam President and members of the Legislature, I rise this morning to support LB 362, 262, correction. I do so after eleven years in this body of firm opposition to the abolishment of the death penalty. I do not make the decision lightly. I recognize the serious consequences of the action that we take here today, the impact it has not only upon those who have been here before us but upon those who will follow. I join Senator Kremer, for whom I have high respect, and Senator Warner, who have served here longer than I, in this effort and I agree with Senator Kremer that if the death penalty were carried out as we perhaps mandate by law that it might be a deterrent to murder. The fact is that the death penalty has not been carried out in Nebraska in twenty years. Not since Charles Starkweather was executed in 1959 has any individual paid the supreme sacrifice, as we refer to it, with his life. Notwithstanding that fact, there have been hundreds and perhaps even more murders that have occurred in Nebraska in that period of time. If you will read the statistics that have been provided to you, you will note that twenty persons have paid with their life in Nebraska since 1903. In more than seventy years, that means that only twenty individuals of the thousands of murderers have been called upon to sacrifice their life for having committed a murder. I believe that swift, sure and certain punishment deters crime. In a very minor example I would call your attention to the fact that a number of years ago airplane hijacking was a rather commonplace occurrence. When it became certain that any individual who attempted to hijack or did in fact hijack an aircraft would be dealt with swiftly, certainly and severely, the hijackings virtually came to an end. There have been only, to my knowledge, several that have occurred in the past few years, and in those instances, those individuals were emotionally disturbed if not insane. I think the bravest speech we have heard on this floor since I have been a member of this body was a reference by Senator Tom Kennedy to his son's taking his life rather than to face the threat of cancer. I think that points out more eloquently than I could ever do the fact that death is not the one thing that most of us fear. I do not fear death myself as greatly as I would fear a lifetime of imprisonment. Those of us who are accustomed to freedom, those of us who generally abide by the law, notwithstanding the references made by Senator