

May 15, 1979

LB 262

not pardon or commute the sentence of a first degree murderer. However, we can't be certain and I want that emphasized, we cannot be certain that they will not do so and that is the whole crux of the matter. For example, consider the recent experience in Tennessee where the former Governor grossly abused his power of executive clemency or consider the case of Colorado's lame duck Lieutenant Governor who pardoned a convicted murderer last November while the Governor was vacationing in Florida. Lame duck officials are especially tempted to commit such improprieties. Further, the Board of Pardons may very well commute a murderer's sentence long after the public rage over the horrendous crime. For example, June 2nd, 1956, Mr. Darryl Parker was sentenced to life imprisonment for first degree murder. On August 25, 1970, the Board of Pardons commuted his sentence to an indeterminate one of twenty-five to forty-five years. He was paroled one month later, September 24th, 1970, and discharged on September 25th, 1975. He served only fourteen years for first degree murder. He would still be in jail today had the Board of Pardons refused to commute his sentence. Thus, the Board has acted in the past to severely reduce sentences. What is to prevent them from doing that in the future? The fact is that uncertainty as to the severity of punishment for first degree murder would still persist under LB 262, thus seriously undermining if not completely eradicating the value of a so-called thirty year sentence. Last year, February 10, 1978, the Lincoln Journal put in a editorial and I would like to read part of the editorial. Judging from the pattern of repeated close votes this week, and that was in February of last year, there aren't twenty-five Senators in the forty-nine member Unicameral flatly willing to repeal the state death sentence statute. At the same time there seems to be at least a bare majority which might agree to a law requiring a first degree killer to serve a minimum of thirty years. If there could be a foolproof mechanism, and I say that and emphasize that, if there could be a foolproof mechanism for getting that objective cemented into place, that is the problem. There is no such foolproof assurance, not now. They go on to say, importantly all succeeding Legislatures would have constitutional power to direct changes from time to time in sentences or conditions. I hope the Senators that have voted for LB 262 were listening to my words because if they think that LB 262 with a minimum thirty year sentence is going to help, they are so wrong because there are ways and means for that murderer to be let out on a commuting of the sentence and then the Board