

Lexington Clipper-Herald

Editorial: There's a meanness in this world, and the death penalty won't save you from it

Ben Schwartz - Editor

I bet most of you know who Charlie Starkweather is, yes? For those who don't know, Starkweather murdered 10 people in a rampage that spanned the length of the state of Nebraska on into Wyoming.

He was mass-murderer, a child-killer, a rapist (or at least an attempted one), and a coward. He was also the fourth-most recently executed inmate in the State of Nebraska. That was in 1959.

No matter what any death penalty proponent tries to tell you, the death penalty has never really played much of a role in law-and-order in Nebraska, at least not by the numbers. I'm sure most of you are aware that nobody has been executed in the state since Robert E. Williams in 1997. You may also be aware than only three inmates have been executed in Nebraska since the Supreme Court reinstated the death penalty in 1976.

But do you appreciate just how infrequently the death penalty has been applied in Nebraska over the course of the lifetime of just about anybody who is reading this? Three men have been executed in my lifetime (born in 1982). Five men have been executed in my father's lifetime (born in 1950). And seven men have been executed in my grandmother's lifetime (born in 1931).

Between 1920 and 1929, eight Nebraska inmates rode the lightning on to whatever awaits us, including back-to-back executions on Dec. 20, 1920 (can you imagine what that room must have smelled like after that?) Since the May 31, 1929 execution of Henry Sherman for three murders, a grand total of seven inmates have been put to death in 86 years.

Texas, on the other hand, has likely executed seven people in the time between when I wrote this and when you are reading it. The death penalty is a way of life in Texas. They execute men, women, citizens of other countries, mentally handicapped people, it doesn't matter.

Now don't get me wrong. Obviously, a ton of people live in Texas. It stands to reason they'd execute more people than a little state like Nebraska. But less than nine percent of the U.S. population lives in Texas, according to 2014 data, yet the state accounts for more than a third of the country's executions since 1976. Texas executed more people just during George W. Bush's time as governor than any other state has in the past 40 years. They are nutty for the death penalty down in Texas. Oklahoma and Virginia also warrant mention for their fervent devotion to executing inmates.

It's not like that here, and it never really has been.

This brings me to the current hullabaloo over reinstating the death penalty in Nebraska.

Count me among the people who were genuinely shocked when the legislature voted to abolish the death penalty over the veto of Govnuh Pete Ricketts earlier this year. I'm on the record as personally opposing capital punishment, and that remains true, but ultimately, it just doesn't matter.

The death penalty is a moot point in Nebraska because the state does not currently possess a means to execute anyone. The state Supreme Court declared the electric chair to be unconstitutional in 2008 (Nebraska had been the last state in the Union to still use ol' Sparky).

So, we had to switch to lethal injection but have thus far been unable to secure the drugs needed to execute a condemned inmate. And Nebraska is probably never going to get the drugs they need because the company that makes them no longer sells them for the purpose of executions, citing moral objections.

Ricketts went ahead and purchased a bunch (and I mean a bunch, more on that in a minute) of lethal injection drugs from a supplier in India, but there is pretty much no chance the feds are ever going to let him get his hands on them. The DEA has vowed to seize the drugs should Nebraska try to import them.

Ricketts bought enough vials of sodium thiopental and pancuronium bromide to execute 300 inmates. 300! In a state that has executed fewer than 40 people in its history dating back to hangings in the 1870s.

I guess the good news is if Ricketts is successful, at least Nebraska won't have to worry about getting more sodium thiopental for the next 4,000 years or so.

Technically, the death penalty remains the law of the land because a petition movement to put the issue on the 2016 ballot was successful. Ricketts said this week he is continuing to work with the DEA to allow the injection drugs to be imported.

But just to reiterate: Nebraska can't execute anyone, and probably won't be able to execute anyone at any point in the future.

Now, if people want to waste their time and money on reinstating the death penalty by all means please go ahead. If Ricketts wants to throw the \$200,000 of his own money that he donated to the petition drive down the toilet, that's swell. He can certainly afford it.

I have to wonder, however, if Nebraska can afford having a governor whose top priority is a quixotic quest to reinstate a death penalty he has no hope of actually enforcing. The \$50,000 of taxpayer money he spent on centuries-worth of illegal lethal injection drugs may be a small matter, but ignoring real issues like deteriorating rural infrastructure in favor of pointless populist schtick is not.

In the song "Nebraska," Bruce Springsteen sings:

"They wanted to know why I did what I did

Well sir I guess there's just a meanness in this world."

The song was inspired by the Starkweather killings. Make no mistake, execution is a moot point in Nebraska. But the meanness in this world is very real. We see it on almost a daily basis. And I can't help but think that if the death penalty could get rid of it, or protect us from it, Texas would have gotten it done by now.