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Death penalty foes see Nebraska vote as momentum-builder

By Grant Schulte
Associated Press

With Nebraska on the brink of outlawing the death penalty, opponents of capital punishment hope this week's veto-override vote in the Legislature will build momentum for their cause in other Republican states.

Whether that will happen isn't clear, but Nebraska isn't the first right-leaning state to consider banning capital punishment this year.

A bill to abolish the death penalty in Montana came within one vote of passing in February in the state's Republican-led House. In Kansas, a GOP state representative took the lead in introducing a repeal bill this year, and the state's Republican Liberty Caucus formally came out in opposition to capital punishment in 2014.

"This could start a domino effect, for sure," said Stacy Anderson, executive director of Nebraskans for Alternatives to the Death Penalty. "Many states are already looking at this. I joke with people who do the same kind of work in other states that we're in a race to see who can repeal it first."

Nebraska lawmakers voted 32-15 last week to abolish the death penalty, despite promises that Gov. Pete Ricketts will veto the bill. Death penalty opponents need at least 30 votes for a veto override, but Ricketts is appealing to the public and talking privately with lawmakers in an effort to flip three or more votes.

Sen. Ernie Chambers of Omaha said his repeal bill wouldn't have passed this year without conservative support.

Nebraska's longest-serving lawmaker has fought for decades to end the death penalty; the bill that advanced last week was his 38th try, according to the Legislature's Research Office.

"Nebraska doing it may provide cover to other legislatures to say, 'If Nebraska can do this, we can also,'" Chambers said.

National groups are watching Nebraska closely and expect a "ripple effect" if the state votes to abolish, said Shari Silberstein, executive director of the group Equal Justice USA. Law-and-order conservatives have traditionally stood among the strongest supporters of the ultimate punishment.

"A lot of states have stopped making this a partisan issue, and started to make it a conscience issue," she said. "The party's not going to tell you how to vote."

Repealing the death penalty may be easier in Nebraska than states where capital punishment is more ingrained in the culture, said Eric Berger, a University of Nebraska associate law professor and death penalty expert.

Nebraska hasn't executed an inmate since 1997, when the electric chair was used, and the state has never imposed the punishment with the current required lethal injection protocol. Eleven men are now on death row, including one who has been there for 35 years.

"I don't see a state like Texas repealing capital punishment anytime soon, but there certainly is a movement

that's gaining momentum," Berger said. "The anti-death penalty arguments are beginning to resonate with small-government conservatives. It doesn't guarantee there will be continued momentum, but I do think it's symptomatic of some changed thinking on the right."

Nebraska senators base their death penalty opposition on different factors, including religious beliefs, an argument that it wastes tax-payer money and the idea that the government wasn't competent enough to manage it. The repeal effort has won support from prominent religious groups, including the Nebraska Catholic Conference.

Ricketts argued Friday that lawmakers are out of touch with their constituents, the majority of whom he argues continue to support capital punishment. In a state with a one-house Legislature, he said, the public should serve its role as the "second house" by contacting their senator.

"The people I talk to overwhelmingly support the death penalty," Ricketts said.

Most Americans still support the death penalty for convicted murderers, a trend that has stayed fairly consistent in recent years. A 2014 Gallup Poll said 63 percent of Americans favor the punishment. More than three-fourths of Republicans supported the death penalty, but the percentage has dropped since 1994.