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## Both sides speak out on death penalty

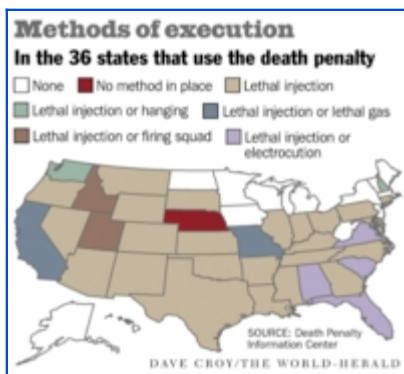
BY PAUL HAMMEL  
WORLD-HERALD BUREAU

LINCOLN - The son of one of the five people gunned down in a Norfolk bank spoke forcefully Thursday in support of Nebraska's death penalty.

"My name is Bill Sun, and I am a victim," Sun told the Legislature's Judiciary Committee in a hearing room packed to overflowing.

Lethal injection, he told them, must be adopted so "the system will work." His father, Samuel Sun, was one of the bank victims.

Just as forcefully, Sadie Bankston stared out at the lawmakers and told them she had forgiven the man who gunned down her son, Wendell Grixby, on an Omaha street in 1989.



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"I am not for the death penalty because the death penalty will not bring back my son," Bankston said.

The emotional and much-debated issue of the death penalty returned to the State Capitol with testimony on two bills:

- Legislative Bill 36, introduced by State Sen. Mike Flood of Norfolk, which would adopt lethal injection as the state's method of execution.
- Legislative Bill 306, sponsored by Sen. Brenda Council of Omaha, which would repeal the death penalty and replace it with life in prison and no chance of parole.

The committee took no action after listening to the testimony. Sen. Brad Ashford of Omaha, the chairman, promised a lengthy deliberation before either measure is forwarded to the 49-member Legislature for debate.

"It's going to take a long time to plow through all the testimony we've had today," Ashford said.

A majority of those at the hearing were death penalty opponents, wearing stickers that said, "Execute Justice, Not People."

Nebraska is one of 36 states with capital punishment, and currently 10 men sit on Nebraska's death row.

The state has been without a legal means to carry out the death penalty for nearly a year, since the Nebraska Supreme Court ruled that the electric chair was unconstitutionally cruel and unusual punishment.

Flood, speaker of the Legislature, told the committee that it doesn't make sense to have the death penalty without a legal means to carry it out.

He said the Norfolk bank slayings in 2002 - and two other murders linked to the three gunmen involved - are prime examples of why the death penalty is needed. Three men were sentenced to die for the bank slayings.

"Some crimes are so grave and so heinous that the only appropriate punishment is execution," Flood said.

He cast aside suggestions that the recent exoneration of six people in the 1985 murder of a Beatrice woman should give lawmakers second thoughts about the death penalty.

"I'm here to account for the Norfolk 7," Flood said, referring to both the bank slayings and the two other homicides.

Death penalty supporters, including Sun and Douglas County Attorney Don Kleine, said there are plenty of safeguards to ensure that only the most heinous criminals get the death penalty.

Opponents said capital punishment offers no "closure" for crime victims and that replacing it with life in prison and no parole would save the state millions of dollars in prosecution and appeal expenses.

"The bill before you should be called the 2009 Nebraska stimulus package for lawyers," said Michael Radelet, a University of Colorado sociology professor who has studied the death penalty.

Radelet said national polls indicate that more people favor life in prison without parole than the death penalty. He said a survey of 100 criminologists indicates that a better deterrent to crime would be to invest in solving the 40 percent of homicides that go unsolved.

"It is the certainty of punishment that deters crime," Radelet said. "Let's find the killers."

Amy Miller of Nebraskans Against the Death Penalty told the committee that court challenges to lethal injection are under way in 17 states, and Nebraska would be wise to wait and see what happens before moving forward.

Former State Sen. Ernie Chambers of Omaha, who had blocked the passage of lethal injection bills since at least 1993, said the wording of the new lethal injection bill is flawed. He said it doesn't spell out or prohibit what substances could be used to administer death.

"Is there any prohibition against using rat poison?" Chambers asked. "No."

He also attacked an aspect of the bill that would make the protocol - to be determined by the Nebraska Department of Correctional Services - a nonpublic document.

Flood, sponsor of the measure, said he planned to amend that language.

"It should be made public," he said. "The public has a right to know what the procedure (is) and the chemicals used to cause death."

A doctor and an anesthesiologist also questioned whether competent people can be found to properly administer the lethal injection because, they said, it violates medical ethics to be involved in executions.

Flood said that nurses or emergency medical technicians have been used in other states to administer the injections and that his bill prevents a medical licensing board from disciplining anyone involved in the procedure.

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