



**Pete Ricketts**  
Governor

## STATE OF NEBRASKA

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May 26, 2015

Mr. President, Mr. Speaker, and  
Members of the Nebraska Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 268 without my signature and with my objections.

LB 268 would repeal Nebraska's death penalty. To do so opposes the overwhelming majority of Nebraskans who support the death penalty as an important public safety tool.

Proponents of repealing the death penalty are using arguments that are both incorrect and inapplicable to Nebraska.

For instance, there are no fiscal savings to elimination of the death penalty. The fiscal notes developed by your own staff demonstrate that enactment of the bill will not reduce costs. The costs incurred in capital murder trials are mostly spent at the trial phase – which will continue whenever heinous murders are committed. Fiscal savings that were discussed from other states have no impact in our state.

Additionally, there are no claims of actual innocence from the ten murderers currently on death row. In recent years, Nebraska has vastly expanded the use of DNA evidence and testing to determine the innocence or guilt of those charged with serious felonies. Again, proponents of LB 268 are using accounts from other states. These are not compelling or persuasive enough to warrant repeal of the death penalty with all of the other procedural safeguards contained in Nebraska's laws.

Please consider that life imprisonment is not a thoughtful compromise of some sort. Life imprisonment does not always mean that a convicted murderer will spend the rest of his life behind bars. The case of Laddie Dittrich is evidence of that. Dittrich, a convicted murderer, was sentenced to life imprisonment. After serving forty years in prison, his sentence was commuted by the Pardons Board. He was then paroled. Shortly after parole, he was arrested for molesting a young girl in Otoe County. He now faces a trial on that charge.

Recent events demonstrate the need to have the death penalty in place. In Omaha, there is one murderer convicted of four first-degree homicides who now awaits sentencing. There is one awaiting trial on charges of four first-degree homicides. There is one arrested on charges of first-degree murder of his mother and helpless four-year old brother.

Especially heinous and violent crime is not limited to our largest metropolitan area. Currently on death row are murderers who have been sentenced for evil deaths that they perpetuated in Madison, Hall, Scotts Bluff, Richardson, as well as Douglas counties.

Retaining the death penalty is not only important to the integrity of criminal prosecutions, it is also vitally important to good prison management. This fact cannot be overlooked given the recent prison disturbance in the Tecumseh facility, during which two inmates were intentionally killed by another inmate or inmates.

If the death penalty is not in place, then an inmate has no concern about receiving a more serious sanction. It is not proper to force prison wardens, corrections officers, or the correctional system to have inmates who are fearless of additional sanctions for murders they perpetuate within the prison walls.

The argument that the death penalty should be repealed because it has not been imposed for many years is disingenuous. Following the state's last execution, aggressive and lengthy legal challenges by many of those who are now supporting LB 268 were waged against use of the electric chair.

In 2008, when that method was deemed to be no longer valid, our state enacted death by lethal injection. That change was made only six years ago. Again, the very advocates of LB 268 joined in waging legal system challenges that have precluded any execution from being properly carried out in Nebraska.

For those same advocates to now cry out that the death penalty should be removed because it has not been used for too long is dishonest. I urge you not to be moved by this false argument. It is one made in bad faith by lobbying advocates.

Among those advocating for LB 268 are out-of-state, special interests who are funded by a New York organization with out-of-state funding. It would be unfortunate for these out-of-state interests to have their wishes carried out at the expense of the overwhelming majority of Nebraskans who want to retain the death penalty.

For those family members of victims who have waited patiently for justice to be carried out, this bill is cruel. LB 268 vests the killers with more justice than the victims and their families.

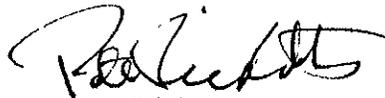
Your decision will determine whether our state has the prosecutorial tools to manage the "worst of the worst" individuals who commit premeditated murder.

Your decision will determine whether the families of victims of ten murderers on Nebraska's death row will ever receive the justice they deserve which was meted out by a very deliberate and cautious judicial process in each of their cases.

Your decision tests the true meaning of representative government.

For each of these reasons, I respectfully urge you to sustain my veto of LB 268.

Sincerely,

A handwritten signature in black ink, appearing to read "Pete Ricketts", with a stylized flourish at the end.

Pete Ricketts  
Governor

