

two other bills from committee already, one being the living will bill, which was not a priority bill but it was considered to be an issue of such importance that the Legislature ought to discuss it even if that discussion did not occur this session. LB 327 is on the Speaker's priority list. If we pull it from committee, it will be debated this session. Most people have read the newspapers and become aware of various men on death row who are approaching an execution date. The one that has had the highest profile is John Joubert. He currently is in Maine under a sentence of life, having been convicted of a murder. The Nebraska Supreme Court has set an execution date for, coincidentally, my birthday which is July 10th. Even the Attorney General acknowledges that that execution is not going to occur on that date because John Joubert has a series of appeals available to him through the federal court system. So that case is going to go on and on and on. The one facing death most imminently now is Willie Otey. He has a June date. The Supreme Court, the Nebraska Supreme Court, in overturning and in overruling an appeal by him, has stated that these appeals can go on forever. They can make a mockery of the capital punishment law, that currently capital punishment is the policy of the State of Nebraska. There must be finality and they overruled his attempt to have his death penalty set aside. But the court did something very interesting. The court, on its own motion, undertook to review some aspects of his earlier sentencing and the handling of his case which the court was not required to do. So while saying that finality is necessary in the very opinion where the court made that statement, the court itself may have opened additional avenues of appeal. Lower courts, federal district courts, federal appeal courts and even the U.S. Supreme Court have all been uncertain about precisely what to do with these death penalty cases. The Supreme Court seems right now to be what is called a hanging court. They will allow a man to be executed and then shortly after that execution occurs a case comes along which is virtually on all fours and the court will stay the execution. So prosecutors, Attorneys General, defense attorneys, defendants and others who look at this whole death penalty complex have stated that guidance does not come from the courts and the reason is that even the most hardened judge who seems anxious to have people fried, drugged to death, shot or hanged will reach a point where they hesitate and whereas yesterday they were very anxious to see an execution occur, today or tomorrow, in almost identical circumstances, they back away. So the Nebraska Supreme Court does not seem to be that anxious to be the final one to say, this person shall