

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

April 20, 1999 LB 76

study is undertaken not only will we look at the perpetrator but also at the victim. So I hope you will adopt this amendment. I will not take my full five minutes, but I do want to suggest that tomorrow we will have a chance to start on the committee amendments themselves. I hope if you get phone calls this evening you can keep in mind that we're not debating the abolition of the death penalty. That is not what the bill is about. I don't see, even though I'm against the death penalty in all circumstances, I don't see what the haste is to kill. Why would an Attorney General try to build an entire public life based on pride in getting people killed? Why can Senator Bruning not rest easy as long as somebody else is alive on the earth even though locked in prison? Would he feel less safe if he knew that somebody who was on death row lost the race to a codefendant who got to the prosecutor first and said, I'll tell on this one if you don't kill me, and that the one who gets to rat may be most culpable? The prosecutor wants a conviction. The prosecutor does not want a trial if that can be avoided. But in the case of Simpson that I handed out to you, the one who testified against Simpson was told by the prosecutor, because he won the race to the prosecutor, you have to testify against Simpson. But as things began to unfold not only was it determined that Simpson had a level of IQ that rendered him mentally retarded, at least presumptively so, but the one who testified against him, because he won the race and was told by the prosecutor he had to testify against Simpson, is the one that witnesses said did the killing that Simpson was convicted for. The prosecutor will take one he knows has committed the murder and let that one get a lesser sentence for telling on the other, just so that somebody can get the death penalty out of the case. If people like Senator Bruning really thought about their position, were not going to take a simplistic approach, they would look first of all to see if, where there were codefendants, the more culpable one actually got the death penalty, or if he did not and will eventually be released. And that often happens. So I hope that when we engage in a discussion tomorrow, notice, I haven't used the word "debate" one time on this bill, but in the discussion tomorrow we will get past some of those simplistic statements. People can make them, but I hope you will take them for what they're worth--venting, expressing frustration, wanting a desire for revenge. But, really, it adds nothing to the discussion that we