

topsy-turvy position. The Supreme Court Judges said in the Ferman against Georgia case, that you will search the record in vain to find the wealthy, the affluent, those with political clout being sentenced to die. Even if you have a law which on its face is valid, its application can turn it into a monster as the death penalty in America is right now. If you wrote a law and said that if a person holds a high political office, makes \$50,000 a year and has friends he or she will not suffer the death penalty no matter what crime is committed. On the other hand, if a person is black, or has a Spanish surname, or makes less than \$3,000 a year or has little education will be subject to the death penalty. That application renders a law that might be constitutional on its face, unconstitutional in its application. So what my amendment will do, what my amendment seeks to do is to substitute a 30 year mandatory minimum sentence for the existing death penalty, which has not been carried out since 1959, and Senator Hefner only 20 people have been executed in the history of Nebraska by the state. Prior to 1903 sheriffs were hanging people out in the county and probably some of my kind went to that fate, launched into the next world because we certainly don't find justice in this one. So, Mr. Chairman, I have made my motion which is to amend this bill with the amendment found on pages 1424, 25, 26, or 36, those are in the 30's. 1434 through 1438 of the Journal. It comes from Section 28 or Chapter 28-105, LB 568 deals with 28-106. But remember this. Before you allow that material from a different chapter to be brought into this bill it was dealing with Chapter 39. So, it looks awfully shabby to let material from 28 come into a bill dealing with 39 and then say the next door neighbor to 28-106 is not germane. That does not compute and were Senator Beutler somebody who sat on the Judiciary Committee or had read the types of amendments we have put in bills from the Judiciary Committee, he would see that as a matter of fact anything from the criminal code is germane to any bill that deals with any subject in the criminal code. I'm asking that you adopt this amendment.

SENATOR LAMB: The motion is the adoption of the Chambers amendment. Those in support vote yes, those opposed vote no.

CLERK: Senator Lamb voting no.

SENATOR LAMB: Have you all voted? Senator Chambers.

SENATOR CHAMBERS: I want a Call of the House and a roll call vote.