

at a greater cost than we're doing here. And so I think that's a serious concern. It isn't anything pleasant to do. I don't see an alternative at this point. Regardless of what we do in the short-term, there is still the opportunity to do some positive things in the long run. And we, as Senator Warner mentioned, we have put a significant recommendation in here to do a study and look at the whole spectrum of crime from juvenile crime on up to adult crime. I wish there were a different alternative. I have looked for a different alternative. I wish there were one that I could say let's do it and we can avoid building these buildings and we can avoid the threat of a federal court order or the other thing to think about is a prisoner lawsuit. I don't see an alternative. Believe me, I've looked 'cause I don't want to vote for this either. But I urge you to go ahead and reject the Chamber's amendment 'cause there just isn't any other way to do this that I can see. Thank you.

SPEAKER BARRETT: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, Senator Warner asked the question, I'll paraphrase it, whether sentencing practices can be controlled through the control of prison space, and I say "yes". Any time there is a problem of space, judges and prosecutors and others began to look for alternatives. They establish a different approach to the kinds of cases that they prosecute, the charge is brought, and that to which a person is sentenced. If you give a judge unlimited space, jail is where the judge will send the person because it requires no thought, nothing, no consideration of programs, no consideration of how it will affect the individual. And Senator Scofield's acknowledgement that she saw, during a study in the seventies, racist patterns of sentencing will prevent me from having to read, as I was going to, from a study commissioned by the district court judges where they found, and this was done by a group that does this kind of studying for courts out of Virginia, that there is an undeniable racial pattern in the sentencing in Nebraska. Black persons are more likely to be incarcerated than White people similarly situated and they get a longer sentence than White people similarly situated. When all other things are equal--background, employment or unemployment status, nature of offense, nature of prior records--when all of those controls are built in the Black offenders are convicted at a higher rate, are sentenced more likely to incarceration and for a longer period of time and that, thereby, makes them eligible after a longer period of time than non-White inmates