

SPEAKER BAACK: Senator Chambers, you have about four minutes.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, much of what I'm saying is for the record. I read a lot of history. I read a lot of history. My major at Creighton was history. I graduated as a history major. I took my oral exams in history and passed them, took my written exams in history and passed them. And one of the areas that concerned me the most dealt with crimes and punishments. When you read about the Constitution, there is much reference by the U.S. Supreme Court to what the discussion was behind the various provisions that went into the Constitution. One of the most widely discussed and least agreed upon provisions is the Eighth Amendment reference to cruel and unusual punishments. At the time that provision was put in the U.S. Constitution there were people, in the U.S. Congress, who were explaining that when that provision was adopted there were colonies that allowed people's ears to be clipped, to allow people to be placed in the stocks, to allow people to be publicly whipped. So, if Congress, at a future date was going to try to outlaw those punishments as cruel and unusual, and you were going to interpret the Constitution in light of what existed at the time that it was written, none of those punishments could be prohibited, because they existed at the time. There were others who argued that as society became more enlightened, more humane it had to reflect this in the punishments that were attached to conduct that was criminalized. There have also been people who have been described as great, who stated that you can judge a society's level of humanity and progress towards civilization by the kind of conduct that it criminalizes, but even more so by the punishment that is annexed to that conduct. People are familiar with Patrick Henry. They're familiar with his alleged comment, "I know not what course others may take, but as for me, give me...", and the rest of it. Whether he said that or not is a subject of debate. But the matter that I want to touch on that Patrick Henry talked about was the kind of punishments that are attached to crimes. That is something that we have to be concerned about. And, Senator Kristensen, I'm not just talking about the conduct that would constitute a 1B felony, but the punishment that is attached. In my opinion, if you have conduct which at the lower end could...

SPEAKER BAACK: One minute.

SENATOR CHAMBERS: ...merit a sentence of 10 years, and at the