

racially, ethnically, homogeneous. You don't have a generally despised population of people that you want to get rid of. And when people say more black people are on death row because they commit more murders, that is not true. If you look at the totality of murders committed, there are just more white people. But the Supreme Court knowing that racism plays a part in these things said that that cannot be considered as a mitigating factor, because if you do that, you're going to have to change the punishment in other crimes, too, because the same racial discrimination can be found. So the Supreme Court did not say there is no racial discrimination in capital cases. It said that if you once adopt that principle that racial discrimination somehow skews this system, then you're going to have to apply it all the way down the line.

PRESIDENT MOUL: One minute.

SENATOR CHAMBERS: And it seems to me that that's what the Supreme Court should have been saying. We want to eliminate it all, not that if you eliminate it here you have to eliminate it everywhere else. But the purpose of this amendment is to say that should the Pardons Board commute one of these sentences to a term of years, the maximum of that term would have to be served. So regardless of how you feel about the bill ultimately, I hope you will put it in the form that I would like to have it in order to present it to you.

PRESIDENT MOUL: Thank you, Senator Chambers. I'll now recognize senators wishing to speak on the Chambers amendment. Senator Crosby, followed by Senators Hefner and Pirsch. Senator Crosby.

SENATOR CROSBY: Thank you, Madam President and members. Yes, I will speak to the amendment because I want to be sure that I do understand. Senator Chambers, would you answer me just two, one quick question? When you said that if they commuted to a period of years, they couldn't be paroled until those years were served no matter whether there was any good time or anything like that. They aren't eligible for good time?

SENATOR CHAMBERS: Right. They could not get good time and this law would say that whatever that maximum of that range is is what would have to be served.

SENATOR CROSBY: We still take the risk that that Pardons Board