

February 4, 1992 LB 291

face of the earth. There is an attitude that pervades this society which says that harsh punishments are the way we...

SPEAKER BAACK: One minute.

SENATOR CHAMBERS: ...will deal with our young people. Perhaps it's a throw-back to what we were when we were young and we're so hellish, so wrong-doing and wicked, if that's the way we perceived our own conduct as children, that we're going to beat the hell out of these young people so they won't be like what we perceived ourselves as being. I'm the last one to say that I was a saint when I was a child. I'm the last one to say that I didn't do some of the things that young people do now. But because I may have engaged in childhood wickedness has never caused me to say brutalize and viciously punish the young people of today. That is more a reflection on us and our orientation. When I made a comment that so many people got upset about...

SPEAKER BAACK: Time. Senator Kristensen, you're next.

SENATOR KRISTENSEN: Thank you, Mr. Speaker, members. Senator Chambers, I'd almost like to have you finish that phrase, but I know better. One of the policies that you have, of course, is that it's so bad there's nothing you can do. And drunk driving, and I think Senator Hall touched on it, Senator Chambers touched on it, was drunk driving is different than a lot of other crimes. I've got a right to drink. True? Yes, absolutely I've got a right to drink. Do I have a right to drive? Well, you don't have a legal right to drive, you have the privilege of driving, but can you drive, sure. Can you drive while you've got a little bit of alcohol in you? Yes. Is .10 magic, is .08 magic? No. But it's a matter of what do you do. Do you wait for the damage to occur? If I was going to rob Senator Chambers, if he had anything that I wanted, you wouldn't punish me until after I committed the act. You wouldn't punish me until I assaulted him. You wouldn't punish me until I would kill him because in our system of justice we punish behavior that causes damage or that we don't behave in a way that society wants us to. Drunk driving is different. The policy choice that we make, and almost every...well every other state makes the same policy choice, it's a given, is that you try to prevent the activity and you try to prevent the damage, that it is so widespread you try to prohibit it. And you prohibit it how. Well, just having a law isn't enough, otherwise we wouldn't have to have any punishments for any law. There would just be the