

parole in a little less than three years. Now that case was handled the way it was strictly because of money. Had that been a black man or a poor white man in Lincoln or Omaha, but more likely a poor black man, a death penalty would have been sought and a death penalty would have been imposed. This man, because he was fortunate enough, and I use that term "fortunate" advisedly, fortunate enough to have committed his murder in a poor county, wound up getting a slap on the wrists. That is the arbitrariness that exists in this state. He originally was charged with first degree murder. I'm not for the death penalty in his case. I'm not for it in anybody's case, but I'm saying when this type of incident...and I can show you cases where maybe the death penalty was more warranted than in his case, but where it was not even a realistic possibility because of a plea bargain, because the county did not want to spend that money,...

SENATOR CROSBY: One minute.

SENATOR CHAMBERS: ...and that when that is the case, we should not have a punishment which could result in the taking of the life of a person by the state when the state, itself, does not ensure that arbitrariness is taken out of the equation. There was a former justice on the U.S. Supreme Court and he said that receiving the death penalty in America and having it carried out is so freakish and arbitrary, based on the system, that it's like being struck by lightning. There is no rhyme or reason other than if you look at race. That is also the case in Nebraska. So my colleagues, enough of you, should give serious thought to our eradicating this unfairness that exists in the law.

SENATOR CROSBY: Time. Thank you, Senator Chambers. Senator Abboud, on the Beutler amendment. He waives off. Senator Hall.

SENATOR HALL: Thank you. Madam President, and members, Senator Beutler, would you respond to a question? And I know we're on a substitute amendment that was hand-written and I'm not sure that it's been passed out. Could you walk through the amendment again and explain the...

SENATOR BEUTLER: Yes.

SENATOR HALL: ...the change that it would make, please.

SENATOR BEUTLER: Senator Hall, the sum and substance of the