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Journal on page 1344. (FA94, Legislative Journal page 1344.)

SPEAKER KRISTENSEN: Senator Chambers, you're recognized.

SENATOR CHAMBERS: Mr. President, members of the Legislature, this is a very simple and straightforward amendment. It is a word that ought to have been in the committee amendments, but I slept it, because agreeing to the committee amendment was not easy for me to do. It was an agreement not to seek the abolition of the death penalty. But in the study that is authorized there is to be a looking at various aspects related to the defendant in order to adequately review this situation to determine how the personality, the race, the financial, the political circumstances of the defendant have a bearing on who may be sentenced to death and who may not be, it is essential that we also look at those same elements and factors relative to the victim. It has been established through study, after study, after study, that those who kill white people are far more likely to get the death penalty than those who kill nonwhite people, this is whether the perpetrator is white or nonwhite. But the corollary is that it is very rare that a white person will get the death penalty for killing any black person, male, female, old, young, a multitude or a single one. So the racism is very evident in the system. Since Nebraska is going to undertake a study of the experience with the death penalty in Nebraska, it is essential that we have, not only this information about the perpetrator, but similar information about the victim. And this amendment would add language that would include consideration of the victim. The amendment does not require much more in the way of discussion, but I have to take advantage of every opportunity to get certain things into the record. I passed out an article that deals with a man, named Simpson, who had been placed on death row for first degree murder. Senator Matzke and I had spent a good amount of time, while debating a bill of his dealing with making the killing of a police officer an aggravating circumstance, we dealt with an amendment that I added to his bill which would prevent the execution of anybody mentally retarded. Anybody with an IQ below 70 was presumed to be mentally retarded, but there would be a hearing to determine whether such a person who made that allegation really was, and the purpose of that would be to determine whether the death penalty would be imposed. The