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carried out. And if you had a unanimous vote among the judges, a death penalty can not be carried out because they felt that somebody ought always be present who would take the side of the person who was to be condemned and if every judge felt that death should be imposed, that could not be a fair hearing because all of them were predisposed to sentence to die. So if one was not there to say, don't kill, then the automatic thing was there couldn't be a death penalty carried out.

PRESIDENT MAURSTAD: One minute.

SENATOR CHAMBERS: Then somebody...I've talked four minutes already? Okay, well, I better get to some of these other things.

PRESIDENT MAURSTAD: You didn't start out with four.

SENATOR CHAMBERS: The white people, who were...the people who have been removed from death row in Nebraska, by and large, have been white. One very young kid, who was the first one sentenced to death, was removed. I think that's inconsequential because, under the circumstances of his case, he wouldn't have gotten the penalty anyway, on appeal, if it had had to go further. Senator Bruning, when he says that the figures are not there to show racism, he doesn't know how many white people have been taken off death row. They're the only ones who've been taken off. And that study was conducted probably by the staff of the Judiciary Committee, not in the kind of way we want a study undertaken in this situation. And when we're talking about life or death, I, frankly, am shocked that Senator Bruning would place such reliance on what a committee could do while, at the same time, it was having to study numerous other issues.

PRESIDENT MAURSTAD: Time. Thank you, Senator. Senator Tyson.

SENATOR TYSON: Thank you, Mr. President, members of the body. Senator Hilgert addressed this body a few minutes ago and was talking about the fact that one gentleman was found innocent by virtue of DNA tests. His attorney had been, evidently, poorly paid and perhaps a poor attorney. It has been the purport of Senator Hilgert's argument that there has not been sufficient investigation as to the individual circumstances of the case. I