

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office

April 21, 1999 LB 76

that falls during the moratorium period. During the moratorium period, the Supreme Court may set an execution date that does not fall during the moratorium period. I just felt that in order to clarify a little of the discussion that's gone on, it isn't that processes would not continue, just that no executions would take place during this time. But more importantly to discuss, this discussion, I think, is the fact that we're hearing a lot of discussion on the floor about a lot of aspects of the death penalty. This particular bill and what we'll be voting on is more our obligation to make sure that the processes that we set in place through our laws on the death penalty are meting out justice. And I think that Senator Brashear, and I'm not an attorney, but I've been listening to the cases that he has been presenting, and I think they cast doubt on how fairly justice is being meted out and that they justify the study. And I agree with the others who have said it's difficult to have a study with these doubts which are the reasons that we're going to have, I hope, the study and have executions during the same time, that it is consistent to look at these processes that we, as lawmakers, put in place to have the death penalty in our state and make sure those processes are working properly. In preparation for this, I know all of us have received lots of material and I spent some time looking at reports on the Internet on the issue of the moratorium and on the processes of the death penalty. And I thought I would just share with you some of the conclusions of the American Bar Association that have been studying this issue because I think they echo a lot of the concerns that we've recognized here. It starts out by saying former Bar Association President, John Curtin, told a Congressional Committee in 1991, whatever you think about the death penalty, a system that will take a life must first give justice. This recommendation, which is for states to examine their death penalty processes, would not commit the ABA to a policy regarding the morality or the advisability of capital punishment per se. Rather, this recommendation would reenforce longstanding association policies that seek to bring greater fairness to the administration of the death penalty. And I hope that as we continue to discuss this, we frame the issue around what this bill does and what the committee amendment does, and that is tell our constituents...

PRESIDENT MAURSTAD: One minute.