

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

April 21, 1999 LB 76

his name is pronounced cook, Edward Koch, although it is spelled K-o-c-h. He wrote, it is by exacting the highest penalty for the taking of human life that we affirm the highest value of human life. Lord Justice Denning (phonetic), who was the master of the rolls of the Court of Appeals in England, said to the Royal Commission on Capital Punishment, this was in 1950, this is a quotation. "Punishment is the way in which society expresses its denunciation of wrongdoing, and in order to maintain respect for the law, it is essential that the punishment inflicted for grave crimes should adequately reflect the revulsion felt by the great majority of citizens for them. It is a mistake to consider the objects of punishment as being a deterrent or reformatory or preventive and nothing else. The truth is that some crimes are so outrageous that society insists upon adequate punishment because the wrongdoer deserves it, irrespective of whether it is a deterrent or not." Senator Chambers quotes a variety, Voltaire, Montesquieu, all the rest. Rousseau who wrote the seminal paper called the social contract, and this is back in 1762, he wrote, again, every rogue who criminally attacks social rights becomes, by his wrong, a rebel and a traitor to his fatherland. By contravening its laws, he ceases to be one of its citizens. He even wages war against it. In such circumstances, the state and he cannot both be saved.

PRESIDENT MAURSTAD: One minute.

SENATOR TYSON: One or the other must perish. In killing the criminal, we destroy not so much a citizen as an enemy. The trial and judgments are proof that he has broken the social contract and is no longer a member of the state. Members of this body, give some thought to it. What happened in Colorado yesterday and what has happened before in this country and will continue to happen, because of the degradation of our culture over a long period of time, is done by enemies to our rights, our lives, our liberties, and I would submit that the first sentence of the green copy of this bill is wrong. Freedom is the greatest right, not life. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Tyson. For the record, Senator Chambers exposed my first error of the day. We are on the Bruning amendment, not the Chambers' amendment, to the committee amendment to LB 76, introduced by Senator Chambers.