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have sent out two different articles in the local newspaper asking about the death penalty, and the response is coming back more against the death penalty than for it, and I presume that I may hear...

PRESIDENT MAURSTAD: One minute.

SENATOR Dw. PEDERSEN: ...more now that I'm speaking today. But the one thing my mother taught us, from the time we were small children in our family, is to be fair and consistent. And it's very obviously, blatant obviously to me, obvious that we are not being fair and consistent. That's why I'm supporting the moratorium. I do believe we need to take a look at it and see what is going wrong with our courts and our whole judicial system that we are not being fair and consistent in the process of justice. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Pedersen. (Visitors introduced.) For further discussion on the Bruning amendment, Senator Brashear.

SENATOR BRASHEAR: Thank you, Mr. President, members of the body. If we can, briefly, and I've always been candid with you all, I'm not a criminal lawyer, but if we can, I would like to just give you my understanding of something that I think you may appreciate in the context of this whole discussion. The death penalty, you'll recall, was "ruled unconstitutional" in 1972. That case was Furman v. Georgia, and the whole issue was that it was not, and I'm going to use my language, was not applied fairly. It was after that, in 1973, when Nebraska adopted the mitigating and aggravating circumstances test, in an effort to bring our statutes into compliance with Furman v. Georgia, so we could have the death penalty again. Then it was 1978 when we adopted the statutes with regard to proportionality, which I have presented to you several times, where we made the legislative findings about fairness and lack of fairness and scrupulously applied justice. That was 1978. Since then we've had the cases, the Moore case, the Palmer case, the Lotter case, in which our Supreme Court has narrowed and struggled with this issue to the point where we are now only looking at whether the death penalty is proportional in relationship to the death penalty, which, as was set out in the Lotter case, which I