

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

May 13, 1999

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people who are now in the state penitentiary awaiting the imposition of the death sentence? What about the ones, the 165 or 155 that Senator Brashear made reference to that should have been given the death penalty? What Senator Brashear and what Senator Chambers have here is a desire to move justice into the area of numbers; let's make it mathematical, let's have a study. There have been studies all over the United States. And Senator Chambers is exactly right, you cannot prove a negative. But you can know what justice is, and it is a way that society has of protecting itself against people who...

PRESIDENT MAURSTAD: One minute.

SENATOR TYSON: ...error grievously. I don't doubt for one moment that Senator Chambers is sincere in his abhorrence of the death penalty, as I'm sure Senator Chambers doesn't delude himself as to my stand on it. But I believe that Senator Bruning is right, this is about the abolition of the death penalty, whittling it away, a little bit at a time, a couple more appeals, and the people who murdered and bludgeoned and stabbed and tortured are sitting warm and dry, and they will eventually die of old age. This is about the abolition of the death penalty, no matter what pretty construction you talk about, and I'm sure that Senator Brashear is going to give us more pretty constructions. It's still about the death penalty, and I urge you to support the bracket. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Tyson. Discussion on the bracket motion, Senator Bruning.

SENATOR BRUNING: Mr. President, members of the Legislature, I think Senator Tyson has it exactly right. The state of Nebraska, the people of the state of Nebraska insist upon the death penalty, and they insist upon it because it protects them, protects all of us from these types of criminals, not all types of criminals, the most horrible, the one one-thousandths of one percent of the people who commit unfathomable crimes, and the people of the state insist upon it, in my district nearly 90 percent. And has the issue been studied? It certainly has been studied. And we talked about it on General File, but it bears repeating. In 1997, your Judiciary Committee, my friend Senator Brashear as the Chairman, studied this exact issue. And