

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

May 13, 1999

LB 76

study, which, in my next segment I will talk about, our Supreme Court has been asking us for, as lawmakers they've been asking us to deal with this issue.

PRESIDENT MAURSTAD: Thank you, Senator Brashear. Discussion on the bracket motion, Senator Matzke.

SENATOR MATZKE: Thank you, Mr. President and members of the Legislature. Those who support this bill, both tonight and previously and in the press, have made reference to the fact that 165 people have been convicted of first degree murder, and 10 of them are on death row, and the 155 are in the penitentiary. They imply that this shows a lack of uniformity, a lack of proportionality, that it virtually indicts the system as being unfair and unjust. I happen to see it just the opposite. I think it is statistical proof, actually, of the fairness and thoroughness and outstanding job that our judiciary and court system has done in this state. While I support the death penalty, I support it only in those instances where guilt is absolute and unquestioned. I support it only when it is established far beyond the reasonable doubt, where there is no question whatsoever of guilt. And I think actually the statistics do not prove a lack of proportionality. What they show is how carefully justice has been administered in Nebraska, what a good job juries have done, judges have done, and appellate courts have done. So, instead of looking at these statistics as an indictment of our system, I look at it as proof that the Nebraska judicial system and court system has really done an outstanding job, and has only imposed the death penalty where there is absolutely no question whatsoever of guilt. Now the term proportionality has been used, and that troubles me some, because it sounds like statistics. It sounds like adding up numbers on one side and numbers on the other side. The truth of the matter is, if this bill passes and there is a moratorium and a study of what the newspaper has reported as being 1,300 homicides in this state since 1973, what the study is going to find is exactly what Senator Brashear made very clear to us in his recitation of factual situations in our previous floor debate, every single murder case is absolutely different from every other single murder case. There is very, very seldom in a state like this a pattern. There might be a pattern with the Mafia in Chicago. But, if you look and you read the murder