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LB 76A

Crime Commission, I think we can continue this discussion of how we deal with these difficult issues, and there are not pat answers unless one wants to be simplistic about it. With that, I would urge the override of the Governor's veto for LB 76A. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Brashear. Senator Chambers, you're recognized to close.

SENATOR CHAMBERS: Mr. President, members of the Legislature, just a comment toward the concerns of Senator Jensen. The United States Supreme Court, in dealing with death penalty cases, talked repeatedly about the inordinate amount of time that such cases take. The court also pointed out that death cases are different from every other kind of case, not just in degree but in kind. The enormity of the death penalty, the finality of it, as Senator Brashear touched on, distinguish it from any other type of case. In any other case where a sentence is handed down or a penalty imposed, a person can challenge it for being overly severe and there is a range within which a number of years can be imposed, and a court which is reviewing that record can say the number of years is not excessive, or the number of years is excessive and reduce that number. But when the sentence is death, you either die or you don't. Sometimes parents get angry and they say, if you don't do what I tell you to do I'll half kill you, but in reality that cannot be done when we're dealing with a punishment imposed by the courts. I think we ought to be aware of inequities throughout the criminal justice system. There have been studies undertaken, one even by the Nebraska Supreme Court, about the disparities in sentencings, in the charges brought and the other elements that go into the operation of the system. But when these studies come back with findings of things that are amiss in the system, it is for the Legislature to make those corrections. When we have people in the executive branch who stand against any correction in the system, even those recommended by the court which has to administer the system, then it's like what they call a Catch 22. The legislators, some might say, well, why don't the courts do what they're supposed to do? The courts, as Senator Brashear has pointed out, will say, what you're asking the court to do it cannot do; you must do it. Then the legislators will say, we're not going to do it, and, yet, be