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we could guarantee these people would never again get out of prison, I think most of us would agree that for these nine men on death row, that would be a good thing. Nobody wants to see them in society. Their crimes are so horrible that we can't have them in society. But under Nebraska's constitution, the Board of Pardons has the ability to commute any sentence, including one that the Legislature puts in called life without parole. In the statutes, that's not good enough. We've got to amend the constitution if we want life without parole as a sentence. Senator Chambers knows that. He knows this constitution inside and out. A penalty we put in statute is always trumped by what's in constitution. And in the constitution it says, the Secretary of State, the Attorney General and the Governor make up the Board of Pardons, and they can commute any sentence, any sentence. It doesn't say any sentence except one the Legislature makes in its wisdom. It says any sentence. So the people of Nebraska made a constitution that set up a Board of Pardons. The only way to set up life without parole is to change that constitution. This does not do that. The amendment to the amendment is flawed, and AM2074 is flawed. Senator Matzke pointed it out eloquently and I thought it beared repeating. Thank you.

SENATOR CUDABACK: Thank you, Senator Bruning. Senator Engel, on the amendment to the amendment. Senator Engel, you're recognized.

SENATOR ENGEL: Mr. President, members of the body, actually the question I was going to bring about was just actually discussed by the two previous testifiers here who have a legal background. The only thing I was going to ask and I could ask Senator Chambers if he would answer, is a little more emphasis as far as explanation on life without possibility of parole. I would like to add a little to that before your answer and the...was Carol Fugate, was she sentenced under that? Was she given that sentence when she was sentenced back in 19...

SENATOR CUDABACK: Would you yield, Senator Chambers?

SENATOR CHAMBERS: Yes, I will. Senator Engel, there was no provision for life without parole, and there is none in the law now. It was just a life sentence, and that can be, as these two