

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

January 24, 2000 LB 509

discussing AM2074 to LB 509. Those wishing to speak are Senators Matzke, Bruning and Chambers. Senator Matzke, you're recognized.

SENATOR MATZKE: Thank you, Mr. President and members of the Legislature. I think Senator Chambers' last remarks pretty well characterize what we're debating here this morning. This is not an issue of felony murder. This is an issue of the death penalty. He made that very clear. His last five minutes of speech to this body he reiterated his position, which we are all familiar with, and that is that the death penalty should be abolished. But I think Senator Bourne probably hit the nail on the head. Where is this debate going? The issue is not felony murder. The issue here ultimately, if not on this amendment, certainly on the bill itself, is going to be essentially a vote on the death penalty, because if this bill is passed, even in its amended form, the net effect is that it's going to abolish the death penalty for almost two-thirds of the murderers currently in this state that have been convicted of first degree murder. So let's realize where this vote is going. In all probability this amendment is not as bad as the bill. I don't think that this Legislature would have even considered passing the bill in its original form because it would have been a total departure from American jurisprudence. I have never been a prosecutor. In my almost 40 years as a practicing lawyer I have always been a defense lawyer. I may be the only member of this Legislature that actually ever defended a first degree murder case. I did that on court appointment. My client was not executed, he's still in the Penitentiary. I've been through the mill, I know how serious a matter it is. It's not a matter to be taken lightly. And as I've said before on this floor, I think the statistics show that our court system, our judges, our juries are very restrained in this matter. I think the statistics last year that Senator Brashear brought to us were something like we have 160-some defendants convicted of first degree murder and only about 9 or 10 of them actually sentenced to execution. So Nebraska has shown that it is very, very careful in administering the death penalty. I don't know that this is really the appropriate time to argue the issue of the death penalty as Senator Chambers has addressed. He's very articulate in doing that. It's certainly a matter of grave concern to all of us. I feel that it's quite simply a matter of