

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

March 10, 2005 LB 53

distinctions for categories of crimes and the severity, the seriousness of crimes. But this approach really isn't about that, and that's why I have some objection. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Foley. Senator Smith.

SENATOR SMITH: Thank you, Mr. President and members. I rise to support the veto, if you will, or at least vote to sustain the veto of the Governor. I think he has very adequately and appropriately pointed out the constitutional concerns about it. I would argue that if this is about civil rights, we would be restoring all rights. We would be restoring gun ownership to violent criminals. We wouldn't even think about doing that. There's hesitation in the body to let a law-abiding citizen carry a gun the way he or she may want to, but I don't want to dwell on that. I don't think that editorials in our newspapers should have anything to do with it, the way I vote certainly. Sometimes I wish that I could leverage a few more votes based on editorials, but that hasn't worked in the past. This Legislature is not the body to grant ultimate redemption. We can't even try to do that. We've heard from families of victims, and I understand that's not really part of this debate either, but nonetheless, we can't get around that. I'm disturbed by the fact that our Secretary of State, John Gale, says that the Board of Pardons has a policy of never pardoning drug offenders. That's his policy, that's not ours. He has a vote there. I know he's pushed for the Vote Nebraska Initiative that has within that restoring felons' right to vote. I know that Secretary Gale apparently has been supporting that. I find that disturbing. But the fact is, we have the rule of law in our society. We have law and order, and I think it's only appropriate that the pardons process is subjective. Senator Schimek very appropriately pointed out that the pardons process is subjective. That's exactly right. Some felons are violent criminals, others aren't. They can determine for themselves who should be pardoned, and for various reasons, and withhold some, not an automatic pardon. This is about an automatic pardon relating to voting for felons, automatic, when there's already a process in place that withstands constitutional scrutiny, that might restore the voting rights. But I strongly object to the