

April 17, 1979

LB 398

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I don't think this is an easy bill for any of us. Now I have had conflicts with judges. In the last few days, as a matter of fact, I had a conflict with a judge in Omaha, named Grant, and I thought his position with reference to a recommendation I made was very shortsighted, narrowminded and off the mark. However, even Judge Grant is not wrong all the time and after doing such a foolish thing as to criticize what I did in the way that he did, he came back a few days later with a decision that I think took courage. Now there was a young boy in Omaha who killed one young lady and seriously injured another who apparently tried to rescue this one who was killed. The jury, first of all, I think it ought to be made clear, the jury found this young man guilty of manslaughter. It could have been second degree murder. The jury found him guilty of the least severe form of homicide which was available so the jury is the first group who decided that this crime was not as serious as some people on the outside of the jury room may have felt it was. After the jury came in with the least serious offense for which he could be convicted under the circumstances, Judge Grant imposed two sentences to run together, one, the maximum or the longer of the two I think was for one to seven years which means that in a few months under the working of the good time laws, this young person can be released from prison. That is not to say that he will be. It simply means the eligibility is there. Now my only problem with the Judge's decision is not that he made a mistake in this case, but that this type of justice would not be meted out in every case. There will not be equal justice. Had the race of any one of the individuals involved in this crime be different, there would have been an entirely different outcome. So when we see a judge make a courageous decision based on the facts before him or her and weighed according to the principles that are to move a judge when making a very difficult decision which is going to be unpopular and condemned once that decision is made, that high standard of judicial integrity ought to be maintained across the board with no reference in determining the penalty to the race or the economic standing or the political clout of the individual before the judge. So I have to give Judge Grant, the one I was just arguing with not too many days ago and saying he was silly, a plus for making a decision and judgement which he knew. He had to know he would be condemned for it. One of the families of the victims was very prominent in Omaha so there are a lot of things involved in decisions that judges must render which are never coming into play in decisions