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where dynamic actual living is occurring and go to old moldy books and try to make decisions for today based on something a man said three or two or even a hundred years ago. A lot of times the presedence that these old judges will resort to to make a decision for today, all that proves is that the mistakes of yesterday are made the laws and judicial decisions of today. I think maybe it would be difficult to set an arbitrary age at which a judge should be compelled to retire but I think 72 is not unreasonable. Perhaps it would be well to say that a person of the generation which is living at that time would have to be the judge. Not only should the jury consist of a person's peers but the judge who's going to announce the sentence based on the jury's decision might should be of the peers of the people who are living at that time. I think 74 is too old for a judge. If I were judged by Senator Carpenter, I'd say maybe no age limit should be utilized. And now for the young men in this body, even younger than myself. There are some men in this body who chronologically are young enough to be my child almost, but as far as attitude and mentality, they are three times as old as Senator Carpenter. It's a lot of youth gone to waste and if they are this backward and this conservative at under 35, I wonder what in the world they are going to be at 60. If their brains are paralyzed now, they will be ossified by 65. So now to be completely serious on what's being discussed here today. I think that the age of 72 is too high. I would like to see the age at 70. If you go to Omaha--and maybe they have judges like this in other parts of the city--and look at some of the men who have become infirmed from sitting too long. They develop the sit-down philosophy and as I mentioned, a frog can sit, a hen can sit, anything can sit, we need some people who are going to get up and make changes. There was a judge recently who retired in Omaha. He had two hearing aids and even with both of them he had difficulty following the trend of a discussion and there would be times when one side or the other would ask him for a statement of clarification and at that point it became clear that he had not heard much of anything so he would set his face with a certain expression, as though he was paying as much attention as a man his age could and everything just went by, over and through him and he would make the decision depending on the personality of who was in front of him. If the prosecutor was a man of some prestige and the defendant was insignificant in his opinion, the prosecutor won. If the defendant happened to be an individual of some standing and money in the community, this individual won. So I would say if we could get the age to 70 or as close to 70 as possible, that is fine for a judge and then next year if we can reduce it to 65 I am in favor of that.

PRESIDENT: The amendment before us is the Whitney amendment to LB 55, no 353, excuse me. Even the chair lost track of it. Next to speak on that is Senator Stahmer and that's still the amendment. As the chair understands it it amends the bill to 72 years of age retirement. Is that correct, is that the amendment?

CLERK: 74.

PRESIDENT: 74, I'm sorry, I stand corrected. Senator Stahmer. Senator Carpenter, I've got lights all over the place, everybody wants to talk this afternoon. Well, Senator Stahmer's next then I'll come back to you. Senator Stahmer.

SENATOR STAHMER: I'll yield to the...

PRESIDENT: All right, fine, Senator Carpenter.

SENATOR CARPENTER: I've been sold, I've been had. I ask