

sell it to an unsuspecting addict as the real thing. The reason behind this legislation, when we enacted it, is this-- first of all the intent to deliver a controlled substance is sufficient, in the opinions of many of us, and that has been upheld, I believe, by the court, to the commission of a felony. Secondly, the fact that the individual who wants to sell the drug does not have it, but perpetrates it as being the drug, calls to mind an instance where an individual purchasing that drug took it based upon what he thought it was, used it as such and had serious repercussions from using it. That possibility exists. There are many other instances that I could recount that would, I believe, point out the importance of keeping this Section in the Statute. I would like to say again that when that instance occurs that an individual who works for a law enforcement agency is guilty of doing that which Senator Chambers has described, that that incident can be taken care administratively and should be taken care of administratively. There are, of course, as many different kinds of individuals on the side of law enforcement as there are on the other side. But, basically, we believe, and I believe the facts will bear me out, that those individuals engaged in law enforcement are honest. We have had some problems with nonofficers of the Patrol. Basically, we have attempted to solve the problem of drug abuse by using the means that are available and, in some instances requiring the use of confidential informants. In some instances we couldn't bust a case. The Patrol could not bust a case without having that kind of an individual. Most of the members of this body, for example, could never engage in the purchase of drugs. There are some of us, Senator Chambers, who might get away with it, but I'm sure most of us would be considered far too square. So you have to.... Senator Cullan is smiling. But you have to use the individuals, you see, that are available, that can get the job done. When you do this, sometimes, we have had problems, but those problems, I am confident, have been rectified. They will require the additional spending of dollars by this Legislature to hire officers, hopefully, better quality people who will not do the kind of thing which Senator Chambers has described. Then that leaves us with this decision, shall we, if we can clean up the few instances that might have occurred that Senator Chambers described, shall we then leave the individual who wants to go out and rob, I say rob, unsuspecting addicts by selling them baking soda when he purports it to be cocaine or some other substance, and then if he happens to be picked up he says "Oh no, I'm clean. I didn't really sell a drug. I was just selling baking soda and someone thought it was a drug". So in effect I can set up a real business involving no risk to myself, where I could sell a substance, which was not considered to be a drug, I could sell it, and sell it and sell it. I could make thousands, if not more, dollars. In the event that I were busted or picked up by an officer I could just say "Well I'm sorry, Officer, the joke is on you". I don't think Senator Chambers wants that. I certainly do not want it. I would hope that we would, therefore, not adopt this amendment. Again, I would be glad to work with Senator Chambers in any way possible to assure the absolute integrity of law enforcement officers and individuals who work for law enforcement agencies. That is going to require some additional input by this Legislature and some additional dedication by the people of the State of Nebraska toward the financial resources that are necessary to hire that kind of person, because you can hire the confidential informant, who Senator Chambers has another name for and it may be