

that the state might be in fault as far as this individual is concerned, however, I am not sure of that. I do not know. I was not there. We did not have, at least this year in the committee, we did not have the benefit of hearing from the other side. I am not in a position to make that judgement whether or not the state is guilty but if it is, I am sure that it wouldn't be too difficult to find throughout the State of Nebraska in the penal systems that we have, perhaps in some of the orphanages that have operated in the State of Nebraska, many individuals that have been mistreated in one way or another and probably would be able to file a claim against the state. Now I think that what we are setting here is a precedent that could open the door wide open and I would also point out to this body that Senator Maresh did ask for an Attorney General's opinion on this issue before it was addressed by the committee and the Attorney General's Opinion indicated that it should not be paid through the miscellaneous claims portion. So, therefore, I urge the body's adoption of this motion to simply reject that claim for Mr. Soukup. Thank you, Mr. President.

SENATOR CLARK: Senator Cope.

SENATOR COPE: Mr. President, members, I would support this amendment on the grounds that you just heard. The precedent that we are setting I think can be unbelievable. In the testimony that we heard the last time around, the shock treatment was ridiculed, that he was mistreated. I remember well when this treatment was the accepted and not in institutions but United Stateswide, maybe worldwide, I don't know. In fact, I think it was brought up that the Menninger Clinic even used it. With treatments changing as much as they are I think we are just...it is going to make an attorney's paradise without any question because it would be pretty difficult to sort out who was mistreated, received the wrong treatments thirty years later or twenty years later or forty years later. I am wondering, too, let's assume that the state did not step in and take care of Mr. Soukup, if he had no care whatsoever from the state, where would he be now? No one knows, of course. Certainly, I feel sorry for him. Everyone does, but I just can't believe that we are leaving ourselves so liable for suits in the future that we could even...I did not vote for the bill before, the \$30,000, for that reason only.

SENATOR CLARK: Senator Howard Peterson.

SENATOR H. PETERSON: Mr. Chairman, members of the Legislature, I have handed out to you a summary as prepared by Joe Soukup's attorney and I would ask that you read it rather carefully.