

the Persian War by the fact that flag burning had taken place in our history? Not at all. Are we as a country less committed to our ideals because of flag burning incidents? No, we are not. Have lives been lost or suffered because of that? No, they haven't. Has there been physical property loss or injuries to individuals? No, there are not. There are not perils associated with this action. What does occur is that a particular disrespectful attitude comes out and we don't like that disrespectful attitude and we want to punish that failure to respect that which we respect. Senator Hefner cannot point to anything more than, I don't like the fact that you disrespect that which I respect. And I want to punish you for it and I want to send you to jail for the fact that you don't respect the same things that I respect. That is not the basis upon which we pass laws. Jefferson challenged us all when he said, government governs best when it governs least, which means you need a real peril. You need a real peril before you criminalize behavior. There is a real peril in the sale of drugs. There is a real peril in people having their luggage checked on their way into airways and into airplanes. There is a real peril in shouting...

SPEAKER BAACK: One minute.

SENATOR LANDIS: ...fraudulently the word "fire" in a crowded theater with limited access and egress. There is no real peril to this country. There is remedy, on the other hand, for those of us who don't like the fact that this disrespectful act takes place. Number one, it may well be a violation of an open burning statute. Number two, if it's a public flag that is taken, it's vandalism and it's the theft of any public property, but that's not what Senator Hefner's act is about. It's not that a public flag is burned or a publicly owned flag, it could be your own privately owned property that you to choose to desecrate in some way that Senator Hefner doesn't want because it doesn't show respect. I went through the Vietnam War with everyone here and we had a great many demonstrations that were roundly objected to and oftentimes thought to be foreclosed legally. This time in the Persian War, the Persian Gulf War, there was a maturation of our process. People did not try to make illegal the anti war arguments.

SPEAKER BAACK: Time.

SENATOR LANDIS: They went out to the streets and demonstrated