

Illiteracy: no excuse for flag-burning

With the flair for moral obtuseness characteristic of a liberal at the height of his game, Democratic consultant Bob Beckel has declared that "George Bush and the yahoos on the right are going to take the flag and desecrate it." Gracious. What terrible thing is planned by the visigoths on the right? A festive flag-bonfire, perhaps? No, that would be perfectly constitutional, according to the Supreme



Court. Bush's offense is that he dares to take offense at the court's disgraceful decision.

In Beckel's view — one that is typical of the American left and of some misguided conservatives as well — it is less sinful to burn an American flag than it is to express outrage over the act, and to express that outrage through preventive legislation. Such legislation, which existed in 48 states prior to the recent decision, has been declared a grievous abbreviation of the right to "free expression" of political opinions. Those who celebrate the decision are burdened by a monumental misunderstanding of the First Amendment.

The right to "freedom of expression" invoked in the decision is not a part of the First Amendment. There

are specific forms of expression that are given sanction — freedom of speech, of petition, of the press — because these forms of expression are indispensable to a properly functioning republic. Self-government is an enterprise in which all may participate, even those who possess opinions as toxic as those of Gregory Johnson. But self-government becomes anarchic if fundamental rules governing expression do not exist.

In favoring speech and print as forms of political expression, the founders sought to confine political commerce to those channels that reward persuasion and reason. Supporters of the decision insist that burning a flag expresses political ideas that cannot be expressed in any other way. Gregory Johnson, the young communist whose flag burning was the fulcrum of the current controversy, is indeed a thoroughly inarticulate individual, but his interviews reveal that he is quite capable of expressing his profound hatred for America. He has challenged President Bush to a television debate to "discuss these issues." During his encounters with the press, Johnson had no need to resort to flag-burning to express himself (although a grammar coach would have been useful). Bearing this in mind, how would proscribing the burning of the flag obstruct Mr. Johnson from expressing his views?

Within the reptilian recesses of Johnson's mind there are a number of

feculent notions. He believes that the Maoist regime in China — which through the decades has killed in excess of 30 million people — represents the zenith of human achievement. He seems to believe that the United States is a police state, and that even now, after his supposed right to burn the flag has been secured, America is in the grip of fascism. All of these ideas are vile and indefensible, and I champion Johnson's right to propagate any of them in the forum of his choosing — inasmuch as he confines himself to those modes of expression that are given constitutional sanction.

At least one group that supports this decision has offered a defense that is beyond parody. Ponder a declaration by Michelle Parrish-Pixler of the ACLU. Drawing from the ACLU's vast reservoir of foolishness, Parrish-Pixler has said that preventing the desecration of the flag would make it a sacred object, which would be an unconstitutional "establishment" of religion.

If Parrish-Pixler is right, then the decision two weeks ago ended the dark night of theocratic terror. The vast majority of states had laws that punished burning the flag; to the states this issue should return. Congress should withdraw this issue from the Supreme Court's jurisdiction until the Court becomes less infatuated with extra-constitutional "rights."

That time may never come. So be it.

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