

you that although it is for the best of reasons, we should not use the law to that end. You know about 15 years ago we were concerned about public health and the fact that people were growing up with bad teeth, and we had one of a couple of different options. One of them was to use fluoride on a level in their water, their water sources. The other alternative was to make a law that says it is illegal not to brush your teeth. Well, we didn't pass that law. We passed the fluoride law because that was the way to attack the problem. We knew, too, that there wasn't a good way to enforce a law that says did you brush your teeth this morning. We threw that methodology out because we were looking for better enforcement. Now if you want to save lives, if that is an end, you can do that in lots of different ways. We can outlaw all dangerous activities. People shouldn't be jumping off cliff- with one of these hang gliders. I am sure that is dangerous. More importantly, we can reduce the speed limit on the highways to 25 miles per hour, undoubtedly a tremendous savings of lives and the property if people actually drove their automobiles 25 miles per house.

PRESIDENT: One minute.

SENATOR LANDIS: We don't do it because it is sufficiently inconvenient that we don't make that savings of life. My point is this, that in this business of limited government in which we use the law to secure public goods out of public acts, there are I think three reasons not to secure what we would all admit is a public good, first that the act that is being outlawed is purely a private one, like riding a Brahman bull, and assuming that risk; secondly, that it is sufficiently inconvenient in another way like the reduction of the speed limit to a really unconscionable level that people are going to ignore and makes our highways really not at all an effective means of transportation; or third, if you have got a law that can't be enforced without the self-incrimination of the individual. Not every good is the proper object of the law. The law should secure those kinds of goods which it is capable of securing and a method of enforcement that really offers no potential enforcement that reduces this to a guideline and really no more without the self-incrimination of people really isn't the proper use of the law to effectuate what is a reasonable goal and a public good.