

As American citizens we are all given rights that are described in the constitution. Today, anti-smoking legislation has clearly ignored the rights of smokers and enacted multiple laws in an attempt to bring smoking even closer to an end. Already, we are seeing laws that clearly have not followed the guidelines presented by the constitution. The recent ban in Calabasas on all public smoking has finally begun to infringe upon our rights as smokers and business owners.

The constitution states that the only time a law can be enacted that restricts the rights of a citizen is if the citizen is preventing another citizen from practicing their own rights. But, we see in the case of the recent anti smoking laws in Calabasas that this was completely ignored. Legislators pass smoking bans claiming that second hand smoke violates the right to clean and healthy air. The problem with this argument is that it is based on inaccurate and inconclusive second hand smoke studies. Taken exactly from the Surgeon General's Summary on second hand smoke this explains how the report is inconclusive in determining that second hand smoke is a main cause of certain diseases, "All health effects considered in this report have causes other than involuntary smoking." Currently, there is no evidence to support any of the health issues commonly associated with second hand smoke, to actually be linked to secondhand smoke. Certainly, without concrete evidence that disease is linked to second hand smoke the laws should not be passed, because there are no rights being compromised. Of course, the laws were passed and thus the rights of every smoker are violated, not the rights of the non-smoker.

The constitution states in article XIV, "No states shall enforce a law that abridges the privileges of a citizen or deny to any person equal protection of the laws." The recent ban has entirely ignored the smoker's argument and listened only to the opposition. Why have they passed these laws without listening to the smokers? Because, when the general population has come to a consensus, politicians will do what ever they can to get the support of the majority. It's clear that these bans are infringing on our rights as United States citizens. Many times we see laws are passed then declared unconstitutional. With smoking bans we do see this happen, but not as often as it should when considering the bans are infringing on the rights of the public.

Not only does this ban infringe on the rights of the smoker, but also the rights of businesses owners. Restaurants and bars, which are privately owned, are now not allowed to have smoking. These privately owned businesses should have the same rights as a citizen does in their own home. Businesses that thrived upon the business of smokers, are now suffering great economic loss from this ban. The United States prides itself on a capitalistic system, where the business owner has the right to choose how to make their business thrive or die. Already, bans such as in New York have been rolled back because the state came to a conclusion that the bans obstruct the freedom of the free-market society. Why were these bans even passed when it was clear that they would infringe on the rights of business owners?

Each year more legislation gets passed that continues to infringe upon the rights of the smoker and the private business owner. Clearly smoking bans are being passed without considering the rights of the smoker. States use different reasons for rolling back the bans, but the real reason is because there is an obvious violation of basic rights declared by the constitution. Bans will continue to be implemented, as the opposition to smoking grows even more popular as time goes on.