

The city of Calabasas' smoking ban has gone too far and is endangering the rights of its residents and the principles of this country. Though negative effects of secondhand smoke should be taken seriously, there is simply not enough evidence to support the notion that acute exposure to secondhand smoke is an imminent threat to public health. Furthermore, by illegalizing smoking in privately-owned vehicles, the city is treading on its citizens' property rights. By robbing people of their free will (and businesses of their income), stringent smoking bans counteract the values on which America was founded.

In the first place, bans on public smoking are based on insufficient and oftentimes biased evidence. Dr. Michael Siegel, a physician, preventative medicine specialist, and professor at the Boston University School of Public Health, is taking a bold stance against anti-smoking groups who skew data in order to support their agenda¹. Some groups, such as Action on Smoking and Health (ASH), claim that "...breathing drifting tobacco smoke for as little as thirty minutes...can raise a nonsmoker's risk of suffering a fatal heart attack to that of a smoker."² Scientific studies, however, have demonstrated that some people are exposed to secondhand smoke for years without suffering from any adverse health effects³. The ASH had no response to Dr. Siegel's request for evidence to support this "wildly inflated" claim. Occurrences such as these can cause needless panic, upset, and a loss of trust in public health officials.

It is clear that Calabasas' ban of smoking on the sidewalks is based on these exaggerated claims. In heeding the advice of these anti-smoking groups, the city

¹ <http://tobaccoanalysis.blogspot.com/>

² http://www.huffingtonpost.com/jeff-stier/secondhand-smoke-exaggera_b_72483.html

³ <http://abcnews.go.com/2020/Stossel/story?id=1955237&page=1>

legislators of Calabasas have inadvertently transmitted a message that they cannot be trusted—first, for passing legislation based on propaganda, and second for infringing upon residents’ rights. In an article written for the Encyclopedia of Economics, Armen Alchian argues that property rights are an expression of human rights⁴. In addition, Alchian defines a property right as “the exclusive authority to determine how a resource is used, whether that resource is owned by government or by individuals.” Clearly, by outlawing smoking in privately-owned cars, Calabasas has violated this fundamental right.

Furthermore, this legislation also places severe limits on the rights of business owners themselves. In an establishment such as a bar, pool hall, or bingo parlor, it is reasonable to assume that people will be smoking. Those who have been influenced by the anti-smoking messages would be inclined to stay away from such establishments, allowing other patrons to enjoy the atmosphere they expect. This smoking ban limits the economic prosperity of small businesses, and drives away regulars who no longer want to be in an environment that limits their freedom of choice.

Individual choice, economic freedom, and property rights have been part of the backbone of this country since its formation. In violating these basic liberties, smoking bans threaten the morale, trust, and cohesion of the communities in which they are enacted. Once residents realize that these decisions were made based on incomplete and inconclusive evidence, their view of government and public health officials will be tainted. This jaded perspective may cause problems in the future, when these same officials attempt to pass legislation based on legitimate dangers.

⁴ <http://www.econlib.org/library/Enc/PropertyRights.html>