

The American Democracy: A system of the people, for the people, by the people?

The opening scene; a barbecue in sunny Calabasas, California, where a man having just finished his dinner pulls out a fine cigar from his breast pocket. Meanwhile, an upset neighbor calls the police, and minutes later, the satiated man is fined hundreds of dollars. Surely a synopsis from an old Twilight Zone episode about a totalitarian America, right? Unfortunately not.

As Americans, we enjoy a vast multitude of freedoms. Some of us own land, some of us attend church on Sundays, while others write their senator or local newspaper. These are essential elements of life in the United States. Whether or not you believe in God, your neighbor can choose to go to church. That is his right. That is your right.

Don't we all have the right to choose?

Individual freedoms should end only when they trample on the freedoms of others. This is the concept of legal paternalism, which protects someone when they are unable to defend themselves. The Calabasas smoking ban does not represent legal paternalism.

Smokers are not zombified nicotine addicts with deep pockets. They are normal, thinking human beings. They are typically fully aware of their actions and the consequences of those actions, and thus have every right to indulge in those actions so long as they don't harm another individual.

Secondhand smoke is not just simply an annoying thing to some people. The odor can be offensive to some and it can cause headaches to sensitive individuals. But, so can certain perfumes, car exhaust, garbage cans, or any number of other factors common in our modern day environments.

Banning smoking in the workplace, or in crowded restaurants, or on buses, may be justified because it's an example of the rights of one impeding the rights of another. But to forbid a man to smoke in his own car, or on his own land, is not one man's right taking priority over another. Any justifications to the contrary are typically wild stretches of the facts. A man smoking 50 feet away will not give you cancer.

This ban follows the precedent of prohibition. It attempts to ban a lifestyle choice that does not necessarily impede on the freedoms of another; a lifestyle choice that an individual willingly and knowingly makes. In doing so, the law oversteps its boundaries and moves from an enabling support to an oppressive limitation. In incorrectly banning one action, the law becomes the criminal by unjustly stepping on the rights of others.

This is not a matter for jokes on late night television, or even episodes of the Twilight Zone. It is something that smokers and non-smokers alike should examine and speak out about. It can become an easy trap to cry foul play, and claim that this is the system working against the common man. However, this is not the time for victimization or cries of injustice. This issue is not about the support for, or in opposition to, smoking. It is about something far greater; the protection of our freedoms and our right to choose for ourselves. Therefore, now is the time for reason and calm logic. Now is the time to speak up and out, because if honest and open dialog does not come, Calabasas will only be the first of many cities with oppressive bans that limit or deny the freedoms of choice. People need to know what they're voting for, so that informed and fair decisions can be made. That is the American way.