

“I would rather be exposed to the inconveniencies attending too much liberty than to those attending too small a degree of it.”

~Thomas Jefferson

Since the conception of the United States, there has been a basic assumption that men were free to act as they pleased on their own property, as long as they did not interfere with anyone else's right to do the same. However, in recent years, restrictive laws written by moral do-gooders have sought to limit private citizens' behavior on their own property. In the name of public health concerns, local governments have begun passing laws like the bill recently passed in Calabasas, California that bans smoking not only in “public” places, but also in private automobiles that operate within the city limits. Needless to say, laws like these are a flagrant violation of not only property rights, but also of personal liberty.

The crux of the debate surrounding smoking bans comes down to a shifting definition of public versus private space. For most of the existence of the US, places owned in common, such as parks and sidewalks were viewed as public places. Private spaces were those areas owned by private citizens, like bars and restaurants. As laws such as the Civil Rights Act of 1964 were passed addressing racial discrimination, the definition of a public space was inadvertently redefined to anywhere that served the public, regardless of how it was owned. While such laws were successful at integrating America, the altered perception of space gave government an inroad to create more regulation.

Under America's former understanding of private space, anyone who disliked the way a private establishment was being run was free to go somewhere else. If one did not want to be exposed to second hand smoke at a bar, he could simply go to a bar that did not allow smoking, or start such a bar himself. However, this sort of self-correcting marketplace was not acceptable to the anti-tobacco lobby who sought to use the new definition of public space to force their moral and health preference on others. In so doing, they began to infringe upon personal freedoms, as smoking is a personal choice and a personal liberty.

Smoking is a non-violent, non-invasive and peaceful pastime. While it is egregious enough that in many parts of the country adults are no longer allowed to smoke in bars and restaurants, new laws that restrict smoking in entirely private places are completely unacceptable. Places like homes and automobiles are both private in the manner in which they are owned, but also by virtue of the fact that they are not open to the general public. If a person wants to smoke in his home or car he harms his neighbor in no conceivable way. Even if one were to smoke in his car with the window open, the effects of second hand smoke would be thoroughly mitigated by the velocity the car was traveling at. Prohibiting citizens from participation in an activity that only affects themselves is ridiculous and unnecessary legislation.

Laws that ban smoking in completely private places, like automobiles, are overzealous in much the same way the alcohol prohibition was. While it is much easier to pass a law forcing others to behave a certain way rather than to accept and harmonize on people's differences, restricting personal choices is in direct opposition to what America is all about. It is, as Jefferson put it so eloquently, “timid men who prefer the calm of

despotism to the boisterous sea of liberty.” Liberty means some people won’t act as you would prefer, but to pass a law restricting people’s behavior is un-American.