

Essay:

Imagine an America where we cannot wear yellow because it's too bright for some peoples' eyes. Imagine an America where we cannot consume alcohol, even in bars or our own homes. Imagine an America where we cannot listen to certain music because some find it offensive. This is the America our government is on its way to creating, its first step being the recently enacted smoking bans, like the one in Calabasas, California. As United States citizens, we are guaranteed the right to pursue happiness and the rights to our own property. However, as smoking bans become more prevalent, these rights are consistently violated.

The Declaration of Independence states that the role of the government is to secure and protect the inalienable rights of man (man meaning American citizens presently), including the pursuit of happiness. Consider a hypothetical situation that is beginning to occur frequently in our society. A smoker, outside a local restaurant, lights a cigarette and begins to smoke after a long and stressful day at work. It is this smoke break that calms him down, brings him pleasure and *happiness* after a hard day. Then, a policeman walks up and forces him to put out his cigarette because he is violating the city's smoking restrictions. It is this act that not only terminates the happiness he obtains from smoking, but also ruins the remainder of his night. In this common situation, and in similar situations, it is the smoking ban that has thwarted the smoker's "pursuit of happiness." Therefore, as the government continues to instate these smoking bans, they violate our right to pursue happiness, conflicting with their role to protect this right as outlined in the Declaration of Independence.

Anti-tobacco groups claim that smokers, through the harmful effects of second-hand smoke, disregard the right of nonsmokers to pursue happiness. This is pure nonsense. In the government's attempt to defend the rights of nonsmokers, they have infringed upon the rights of smokers. This is ironic because, in reality, smokers are the ones who need protection. Nonsmokers have the option to sit in nonsmoking sections at restaurants and avoid places, like bars, where they know smoking will occur. Conversely, as smoking is banned in the majority of public places (like in Calabasas, California), smokers are left with virtually nowhere to pursue happiness through smoking. Thus, by leaving the smokers practically no smoking venues, the government erases this inalienable right.

These smoking bans violate not only the rights of smokers, but also the property rights of business owners (smokers and nonsmokers alike). The Fifth Amendment states that “no person [...] shall be [...] deprived of [...] property, without due process of law.” As the government establishes smoking bans, like those in Calabasas, California, they are doing exactly what the Fifth Amendment disallows. They are “depriving the owners of property” because restaurant and business proprietors alike have suffered from decreased revenue due to the smoking restrictions. Also, the property owner has the right to decide what to do with his property. When government officials enforce these restrictions, they steal this right from the landlord.

As a result of these infringing smoking bans, the government has begun to transgress our rights; one cigarette, one cigar, one pipe at a time. We must not allow this to continue. Things have already gone too far, as seen from the extremely radical smoking restrictions recently established in Calabasas, California. In an attempt to thwart this unconstitutional movement, to all smokers, I say, “Grab a light, keep your rights!”