



A Statewide Smoking Ban: An attack on property rights, an attack on small businesses, an attack on liberty

Texas state legislators are faced with a very tough decision this session. Currently there is legislation pending that would ban owners of restaurants, bars, bowling alleys, bingo halls, and other businesses from allowing their patrons to smoke inside their establishments. To pass this law would be a serious event. It would strip property owners of their right to decide how best to conduct their business and it would place huge burdens on smokers, essentially banishing them to their streets or their homes in order to smoke. Organizations like Smoke Free Texas, which support the new law, argue that this is necessary because smokers are hurting the health of others who eat, work, and shop around them. This is a false assertion!

The true goal of organizations like Smoke Free Texas and other anti-smoking crusaders is to implement a complete ban on cigarette smoking. Of course they won't say this because it is antithetical to the spirit of freedom and liberty that we hold dear in this country. Americans rightly understand that people have a right to make their own decisions, their own choices, even if those choices might be harmful to their health.

Anti-Smoking crusaders know that Americans believe in freedom and private property rights. Because of that, they set out to convince us that smokers are hurting others. They create faulty studies and use junk science to argue that smokers are hurting everyone else every time they light up.

"The Right of property is the guardian of every other Right, and to deprive the people of this, is in fact to deprive them of their Liberty"
--Arthur Lee

"Next to the right of liberty, the right of property is the most important individual right guaranteed by the Constitution and the one which, united with that of personal liberty, has contributed more to the growth of civilization than any other institution established by the human race."

--William Howard Taft

If they are successful, they know that Americans will consent to laws that limit where and when smoking is permissible. And this will continue until, eventually, there won't be anywhere smokers can escape to. Right now they're trying to kick smokers out of bars and restaurants. But consider this quote by one of the leaders of the anti-smoker movement:

"The next two obvious steps, already in progress, are restricting smoking on beaches, parks, lines, doorways...and then restricting it in homes, particularly where there are sensitive children."

-- John Banzhaf, Founder, Action on Smoking and Health
CBS Good Morning, April 22, 2001

The anti-smoker movement doesn't care about freedom, or liberty, or private property. They don't respect the rights of homeowners in their own homes. Nor do they respect the rights of business owners to run their establishments as they wish.

Isn't Second Hand Smoke Proven to be Dangerous?

Despite all of the studies that have been done on the matter, no study has shown a statistically significant risk from second-hand smoking. While anti-smoking crusaders will quote studies like the 1998 World Health Organization study that seemingly showed a 16% increase in the risk of lung cancer for non-smoking spouses of smokers, they fail to acknowledge that the study had a confidence interval (CI) of .93 to 1.44. This means that the results are statistically insignificant. The conclusion that second hand smoke causes no health risks (1.0) was a valid conclusion of the study. ¹

Likewise, there have been other studies that show extremely insignificant effects of second hand smoke. A study that measured actual smoke exposure by having non-smokers who worked or lived in smoky environments wear monitors showed that these "passive smokers" were exposed to the equivalent of only 6 cigarettes per year. ²



What about assertions that smoking bans drastically cut down on heart attacks?

This insidious claim comes from what is dubbed the “Helena Study.” That study was produced by two anti-smoking zealots who attempted to assert that the smoking ban imposed on the City of Helena, Montana for six months in 2002 caused admissions to local hospitals for heart attacks to drop by 40%. This pathetic example of junk science is amazingly cited by Smoke Free Texas in their “fact sheet” entitled “Clean the Air: Make Texas Smoke Free.”³ Farzad Mostashari, Assistant Commissioner of the NYC Department of Health and Mental Hygiene said this about the study:

“The 40% decline in acute myocardial infarctions (AMIs) associated with a smoke-free ordinance in Montana is neither biologically nor epidemiologically plausible.”

The idea that a smoking ban would produce an immediate drop of 40% in heart attacks defies common sense. In reality, the reduction is completely consistent with random variation (a drop of one fewer hospital admittances per week would produce the same results seen in the Helena study.) The fact that anti-smoking advocates would produce such an unbelievable and ridiculous study and that their followers would believe the study and use it as “evidence” in promoting their agenda suggests that all of their data should be viewed in a very discriminating light.

But isn't a smoking ban good for business?

Proponents of the statewide smoking ban attempt to argue that the ban is actually good for business. Common sense shows this to be false. The hospitality industry is a very competitive one. If it were profitable to ban smoking, business owners would have figured this out by now and this entire debate would be moot.

No, the reality is that many small businesses are hurt when smoking bans are implemented. While the most popular examples are bars and restaurants, other types of businesses have been much harder hit. Recently a smoking ban was implemented in Pennsylvania. Lost Lanes, a bowling alley, lost 74 league bowlers from the previous season's total of 250. Why was the effect so severe? Bowling shoes. Bowlers were even more unwilling to “take it outside” than patrons of other businesses because doing so would require them to change their shoes twice. Even if they did go outside the games were held up with non-smoking bowlers awaiting their return.⁴

It would be impossible to account for the gains and losses that every business would experience were they to come under a smoking ban. But that's not the point. Only business owners and their customers know best how businesses operate and how they can be most profitable. When smoking bans are passed, the rights of owners to set their own rules and of customers to freely choose where they eat, drink, and indeed where they bowl are sacrificed to the good intentions of legislators.

For more information about Young Conservatives of Texas or their legislative Agenda, please visit www.YCT.org or contact Vice Chairman for Legislative Affairs, Tony McDonald. Mr. McDonald can be reached by email at tony.mcdonald@yahoo.com or by telephone at (512) 923 – 6893.

1 <http://www.ncbi.nlm.nih.gov/pubmed/9776409?dopt=Abstract>

2 <http://www.forces.org/evidence/files/passmok2.htm>

3 http://www.ornl.gov/info/press_releases/get_press_release.cfm?ReleaseNumber=mr20000203-00

4 <http://www.smokefreetexas.org/Fact%20sheet%20-%20Clear%20the%20Air%20-%20Make%20Texas%20Smoke-Free.pdf>

4 http://www.meadvilletribune.com/local/local_story_271223324.html