

April 3, 2006

Letters to the Editor
Beaumont Enterprise

Dear Sir:

Unable to attend the City Council meeting on March 21st, I watched it on television. My first thought was, "What a great exercise in democracy!" I was very impressed with the presentations of those speaking before the Council, even those with whom I disagree. And, I was equally impressed with the efforts of the Council to make sure everyone had the opportunity to speak. I am sorry I missed it.

The arguments opposing the ban on smoking had a common theme – the rights of proprietors to decide for themselves whether or not they would allow smoking in their establishments. If I had closed my eyes, I could have imagined that I was listening to the Dixicrats in the 1940s and 50s arguing that restaurants and other public places had the right to exclude African Americans, Hispanics, or any group they wanted from the services of their "private" businesses. I am so proud that our society rejected those arguments. I am saddened that it took us so long to do it.

The same tired, empty and invalid arguments which were used in trying to preserve "separate but equal" schools and to preserve other vestiges of segregation were echoed in the City council meeting by those who, with their last breath – the pun for tobacco uses is not unintended -- argued that they should be allowed to continue to pollute the air in public places. It is not my intent to equate smokers with racists and bigots, but it is important that they recognize that we have heard all of their arguments before.

Another historical analogy was used in the Council meeting. It was argued that the proposed ban on smoking in public places was equivalent to the Volstead Act which ushered in "prohibition." Analogies are fraught with danger because few things are truly analogous, even the similarities between southern segregation and the smoking ban are offered only as a rhetorical similarity and not as an analogy.

There is no similarity between prohibition and the proposed ban on smoking. Tobacco is not being outlawed. There will be no "boot legging" of illegal cigarettes across the Canadian border. The "untouchables" will not be resurrected. "Speakeasies" will not pop-up where people secretly gather to "suck on their cigarettes" and blow smoke in one another's lungs.

Banning smoking in public places does not limit the freedom, liberties or rights of business owners. Few things are truly private. Physicians in "private" practice

know that better than anyone. The moment a person opens a business to the “public” and charges a fee for their services, that person’s business, whose ownership remains in “private” hands, becomes subject to numerous regulations, ordinances, statutes and obligations. If a business wishes to offer services for which it does not charge and which stems from a purely religious mission, it may be able to argue that it is not subject to these restrictions, but as long as it is open to the public and a fee is charged, the right to operate as a public business which is privately owned is governed by local, state and federal laws.

No one has the right to poison others, even if those being poisoned know they are being poisoned and agree. A person does not have the “right” to commit suicide in most places in the United States. And, no business has the “right,” nor should they have the right, to profit from the providing of an unhealthy, harmful and, indeed, poisonous environment such as that which is produced by tobacco usage in public places. Progress always displaces some and even can cause an entire industry to disappear. Survivors adapt; those who refuse to adapt fail. It is not up to City Council to preserve an outdated and dying practice – smoking in public places – in order to preserve the businesses of those who cry that their profits will be hurt. It is up to those businesses to adapt to current and changing realities.

City Council must reject all of the arguments against the ban on tobacco use in public. Council must move Beaumont into the 21st Century in preventive health. What a great statement it would be to our young people to say, “Smoking is harmful and it is so harmful you can’t do it in public.” When I was recently in New York, Boston and San Diego, I asked for restaurant seating not in the non-smoking section but in a section with no smoke. Each time, I received the following response, “You must be from Texas, there is no smoking anywhere in our restaurant.”

Charles Dickens put the following words in the mouth of David Copperfield, “Whether I shall turn out to be the hero of my own life, or whether that station will be held by anybody else, these pages must show.” We can paraphrase these words for the Beaumont City Council, “Whether you will be remembered as the heroes who moved this city forward, or whether that station will be held by those who will replace you, is for you to decide.”

When Miss Rosa Parks sat on a bus and refused to move, her act was an act of standing for right and righteousness. Few people are given the opportunity to act in such an historic and momentous way as Miss Parks. She did it at the risk of her life and future, which is the only way courage is exercised. It is hard to recognize when we face historic and momentous opportunities, but I believe Beaumont and the City council face such an opportunity. Will the Council stand as this courageous and noble lady, or will they accept the same arguments which demanded that Miss Parks move? City Council members can be the heroes of their tenure in city government. They could ask for no greater gift.

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