

Anti-Smoking Laws Discriminate Against Blacks and Minorities.

OPINION

By James Hargrove

While making charges concerning health and well being, there are a number of anti-smoking ordinances being pushed in many parts of the country that will generally impact more heavily and negatively on minorities and the poor than on other Americans.

History has shown that these nuisance laws are very hard to enforce and that they also take police officers away from other police duties.

In addition, since they require "selective" enforcement, that is the enforcement against a certain group of people—smokers in this instance—these laws also tend to generate disrespect for police.

I am compelled to speak out on these matters as a 20 year veteran of the New York City Police Department, a former president of the Guardians Association and a former chairperson of the National Black Police Association.

Some of the most dramatic proof of the harm done by anti-smoking laws has come out of the experiences of the highly publicized and subsequently discredited "Smokers' Court" in Chicago.

While this court had ostensibly been set up to protect the general public by preventing riders on public conveyances from smoking, the police actually used the court as a pretext to make countless searches of citizens and to arrest persons they called "suspects" for a variety of crimes.

A survey of arrests during a one month period showed that blacks made up more than 90 percent of the persons arrested and brought before the Smokers' Court. The study showed that of the 279 persons arrested for smoking, 255 were black, 12 were white, 7 Latin Americans and 5 were listed as "others".

I refuse to believe that only blacks broke the law by smoking on public conveyances in Chicago.

The truth is obvious. It was mostly blacks who were arrested and brought before the judge.

A Chicago-based NAACP leader, Frank J. Williams, said at the time that the analysis of the ar-

rests showed there is "a lot of validity to the charge that blacks were picked on more by the police" when such a law exists.

And a Minneapolis newspaper columnist, Will Jones, wrote: "the suspicion is strong that Chicago's Smokers' Court has absolutely nothing to do with promoting clean public air. The enforcement campaign does provide the law-and-order boys, however, with a good excuse to arrest a suspect on an innocent smoking charge and then conduct a search for drugs, weapons, stolen goods, or whatever."

While the Smokers' Court, as such, has been abandoned, the problem it dramatized is still with us and has grown in seriousness.

Many well-intentioned community activists are now attempting to pass a plethora of anti-smoking ordinances and are insisting that the police be used to enforce them.

They are, apparently, not fully aware of the consequences and especially not aware that this kind of police activity tends to generate disrespect for law enforcement officers.

During recent years, police departments nationwide have put a considerable amount of time, money and effort into community relations, into winning friends and supporters for good, honest law enforcement. It seems a real shame that such efforts could be blunted by their selective enforcement of anti-smoking ordinances.

Many persons among the anti-smoking forces apparently believe that the police departments have an excess number of officers and each of these officers has a considerable amount of free time.

This is not the case.

Most departments are short-staffed and the individual police officer's time is quite valuable to the community he serves, whether he walks a beat or operates a computer. He or she has been duly authorized by the community to protect people and property from a variety of criminal offenses.

While the police officer is a public servant committed to enforcing the laws of his community, the police officer does not do his or her job blindly. He or she knows very well what amounts to a serious crime and what does not.

There are more than enough real offenses committed on any given day to keep the police busy. To take officers away from the real job of keeping the peace and force him or her to become, essentially, a dissident's advocate in a continuing debate, amounts to a monumental misuse of the time of some of our most valuable and highly motivated public servants.

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