



ADVANCING LIBERTY
WITH RESPONSIBILITY
BY PROMOTING
MARKET SOLUTIONS
FOR MISSOURI
PUBLIC POLICY

TESTIMONY

MAY 12, 2009

TESTIMONY BEFORE THE CITY COUNCIL OF CLAYTON, MO.

By Dave Roland

Show-Me Institute policy analyst Dave Roland provided this written testimony to the Clayton City Council for a hearing held on May 12, 2009.

One of the reasons that America has long been known as the “land of opportunity” is that its citizens are understood to have the freedom to make decisions for themselves. Rather than having their lives dictated to them, as is the case in so many nations across the world, Americans engage in the pursuit of happiness by cultivating an extremely broad array of tastes and interests. We don’t have to enjoy the same kind of foods. We don’t have to listen to the same kind of music or watch the same television channels. We don’t have to have the same haircuts or wear the same types of clothing. We have the freedom to seek out the foods, music, TV channels, haircuts, and clothing that make us happy, and that is something to be celebrated!

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policy analyst for the
Show-Me Institute.***

This sort of freedom is particularly good for American entrepreneurs, as

it allows them to cater to the interests of different groups of people — and by serving the interests of their patrons, they end up serving their own interests through the profits they generate.

As you all are aware, businesses succeed or fail based on their ability to provide goods and services that people enjoy. In the context of restaurants, if they make visiting their restaurant enjoyable by offering quality food and the environment that their customers want, they will succeed. If people don’t like the food or the environment the restaurant offers, it will either have to change or it will fail. Because American businesses are so plentiful and because they are allowed to be so diverse, the competition for customers makes it very likely that the customers’ preferences will be identified and reflected in a community’s businesses.

Of course, a restaurant’s style of cuisine is only one factor that goes into people’s decisions about where to eat. Diners may also consider the expense of the menu or the ambiance

of the dining room, including whether the establishments permit smoking. For the one in five Americans who smoke cigarettes, this is a pretty big consideration — if a business doesn't allow smoking, it may well lose 20 percent of its potential customers. But this same question may also be a big consideration for a number of nonsmokers, and many may choose not to go to a restaurant if it allows smoking.

Currently, the businesses in Clayton have the ability to cater to each of these groups, and they make their decision about whether or not to permit smoking based on what they perceive to be their customers' preferences. As a result, there are a number of Clayton restaurants (such as Il Vicino, Café Manhattan, and Remy's, to name just a few) who believe that they can attract more customers by promoting a smoke-free environment — they actually see it as a competitive advantage that they can offer something that other nearby restaurants do not! Meanwhile, a number of other restaurants believe that refusing to allow smoking in their restaurants will cost them more customers than they would gain by making such a change. It's a balance that each establishment must evaluate for themselves. If these businesses choose wisely, they will prosper. If they choose poorly, they will suffer.

All of this having been said, I believe that there are really two issues at work with those who are promoting the proposed smoking ban. On the one hand, there are those who truly believe that secondhand smoke is so dangerous to the community's health that it must be restricted for everyone's good. I don't have time tonight to discuss why this ordinance insufficiently meets that concern, so I hope

you'll go to www.showmeinstitute.org to see my thoughts on that matter. But the second issue, and the one that I believe to be far more common in this community, is that while a great many of Clayton's nonsmoking diners are perfectly willing to tolerate smoking in restaurants, they do consider it an annoyance. They think they might enjoy their dining experience a little bit more if it were smoke-free — but, as of right now, the annoyance caused by smoking is not enough for them to give up the things they really like about their favorite Clayton restaurants. Keep in mind that no one is forced to patronize or work for restaurants that permit smoking. If people were seriously concerned about the health implications of others' smoking in the restaurants they patronize or work in, they would demonstrate their concern by taking their business or their labor elsewhere. And, gradually, more and more restaurants would go smoke-free in response. But, as of yet, the vast majority of diners in this area haven't done that. So, ultimately, I just can't believe that most of the public support for this ordinance is really so much about protecting the community's health as it is forcing all businesses in this town to conform to the preferences of only part of the population.

Forced conformity might make some people happy, but it is fundamentally un-American. It would be a poor decision for Clayton — or any city — to adopt such a policy based on this sort of thinking.

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