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Huckabee, Smoking Polls At Odds

Column By Dennis Byrd

Donrey News Little Rock Bureau

There may be a clash of polling numbers on the horizon.

Gov. Mike Huckabee is as popular as ever; two recent polls show his job approval rating at 70 percent.

The most recent poll on banning smoking in Arkansas restaurants showed that 77 percent of Arkansans favor such a ban.

After a two-year study and numerous public hearings, the state Board of Health approved the ban on restaurant smoking. To become effective, it needed only the signature of the governor.

Huckabee, a nonsmoker who says he personally deplores tobacco use, refused to sign it.

Call me a cynic. You may as well, everyone else does. I'll even admit it ... but Huckabee's refusal to sign the regulation smacks of politics, not the public's well being.

It probably should be pointed out that big business and the tobacco lobby were very much opposed to this regulation. Big business and tobacco have always been Huckabee political allies.

Ron Fuller, the man who handled the financial end of Huckabee's 1998 election campaign (and holds the same job for next year's election) is -- you guessed it -- a tobacco lobbyist. OK, he represents the smokeless-tobacco industry, not the cigarette folk. It's difficult to separate the two; that's like saying you like milkshakes but don't care for ice cream. Or milk.

Fuller is not Huckabee's only association with tobacco companies. J.J. Vigneault, adviser and consultant to the governor, was a lobbyist until 1999 for the R.J. Reynolds Tobacco Co., the second-largest tobacco company in the world.

Vigneault also lobbies for the Arkansas Hospitality Association, the big-business restaurant owners' group that opposes the smoking ban. (Fuller also holds a membership in the AHA.)

In Huckabee's letter to the board on his decision not to sign the regulation, he cited property rights as a major issue, saying government shouldn't be telling a business owner what he can and can't do.

That argument holds no water; we're all subject to government regulations, even related to our homes. Ask the governor's friend and gubernatorial suit-provider Jennings Osborne if you can do whatever

you want with your property. Osborne, king of Christmas lights, fireworks and good deeds, took his property-rights issue (millions of lights at his home) to the state Supreme Court and lost.

Restaurants already adhere to all kinds of Health Department regulations; they even have to undergo regular inspections that determine whether they can continue to do business. Restaurants have to cook meat to certain temperatures under government regulations and they can seat only so many people per square foot. There is a long list of regulations they must follow, so to say that government shouldn't interfere with their right to run their restaurants however they want rings rather hollow.

The governor makes the argument that the state would be besieged by lawsuits. Yes, it's true that the state would, in all likelihood, be sued. Anyone can sue over anything. However, if potential litigants consider the success of lawsuits in states that have banned smoking in restaurants, they probably would think twice about it.

Restaurants, on the other hand, stand a good chance of being sued by people who suffer health consequences from exposure to smoke.

McDonald's, for example, banned smoking in all its company-owned-and-operated restaurants in hope of settling a lawsuit filed on behalf of two children with asthma and a person suffering from lupus.

To ban smoking in restaurants is a radical change, but it's a change that eventually is coming to Arkansas. It already has come to several states, including California. All the rhetoric about potential loss of business were unfounded there, and would be here.

Kudos to the state Board of Health for all the work that went into the final recommendation. The board and Health Department personnel studied every angle, including legal implications, before the decision.

The final vote was 15-4, or in round numbers, 77 percent. Funny how that follows the poll.

You have to wonder if Huckabee's numbers will hold after his quick decision to defy the will of the masses.