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Smoking Leisurely, and Illegally, in the Park

By [ALAN FEUER](#)

Leaving time for killjoys to complain, a cigarette was lingeringly smoked. The nearest people — four men sipping sodas — saw (and most likely smelled) the law being broken, but as would happen frequently that day, none of them said anything at all.

This, to give the scene, was in Bryant Park, at the height of Tuesday's lunch hour, on the second official (and first nonrainy) day of New York City's [smoking](#) ban in parks, pools, beaches and other outdoor areas. The findings of more than 90 minutes of illicit tobacco use suggested that while New Yorkers may care about a lot of things — rent, sex, Derek Jeter's batting average — some blowhard smoking in a public park is not high on the list.

Several tactics were used in the pursuit of this conclusion. A cigarette was smoked in the proximity of a person on a park bench. (No reaction.) Smoke was blown, annoyingly, toward said person's face. (No reaction, still.) The cigarette was then transported — blatantly trailing wisps of smoke — down various paths and walkways in the park. (Absolutely no reaction.) Crowded table areas were tested. (Nothing.) Quiet corners, too. (It was the same.)

In fact, from 12:16 until nearly 2 p.m., only one civilian in the park proactively requested that a smoker stop smoking; she was not only hesitant, she was also exceedingly polite.

"Excuse me, sir — would you mind?" she said. "You're not supposed to be doing that anymore. And besides, I'm eating over here." The complainant was Michelle Hebert, a garment industry worker and (of course) a former smoker. When she was told that the subject of her grievance had in fact set out to explore New York's commitment to the outdoor ban, she appeared confused, then relieved.

"It's actually kind of funny," said Ms. Hebert, who was dining on a meal of pasta salad, "but I just called my sister in Tucson and I told her: 'There's some gentleman who just sat down in front of me, and he's smoking. I think I'm going to ask him to put it out.'" In Ms. Hebert's estimation, liberty does not outweigh the legislated order. **"It's a free country — sure," she said. "But everybody still has to follow the rules."**

Beyond the explorer (and a woman passing by with what looked to be a burning Marlboro Light), there was not one smoker — or at least not any visible — in the park. Where, one imagined, were the hard-core addicts? The jonesing office workers? The visitors from France?

After Ms. Hebert's complaint, there was another long dearth of objections. It seemed that stronger measures were required. And so a group of men was approached. "Excuse me, fellas," they were asked, "any of you happen to have a light?" Fred Maciarz, a textile worker, did have a light. But he also had a warning. "You know," he said, after taking out his lighter, "there's a smoking ban in place." His willingness to expound upon the law then — only moments later — to accommodate its breaking was intriguing, to say the least. Mr. Maciarz was asked about this stance.

Before he answered, his friend Danny Aronstein cut him off. "Look," he told the smoker. "You're lucky you got Fred. I almost called the police." Minutes later, the police — or, actually, a uniformed security guard — were approached. "Excuse me, sir," the guard was asked. "Which way's Sixth Avenue?" The asker had an unlighted cigarette in hand. "It's over there," the guard said, pointing with his finger. "Over there?" the asker asked, pointing with his cigarette. "Yeah," the guard repeated. "Right over there." "Thanks," said the asker, and he politely tipped the cigarette to his head. **Then he lighted that cigarette and walked off toward a different guard. "Yo, boss," this guard said. "Cigarette's gotta go." The guard reached into his pocket and withdrew a piece of paper, not much bigger than a baseball card. The paper, which announced the ban, said, "Smell flowers, not smoke."**

Offenders may be fined \$50 by the police. Parks enforcement officers also have the authority to issue summonses, but for now will educate the public on the law. By this point, the smoker had been smoking for a good deal longer than he wanted to be smoking and he decided it was finally time to go. **As he walked away, he noticed that a man was smoking at an entrance to the park. Was this man smoking there because he couldn't smoke inside? "Why, yes," said the man, Emmanuel Pacault, who was, as it happened, a visitor from France. And what did Mr. Pacault think about the smoking ban? "I find it very good," he said. "Very human. It is better to smell flowers than smell smoke."**