

Grusendorf v  
oklahoma city, 816 f.  
2d 539 (u.s. court of  
appeals for the tenth  
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[Law](#)



Grusendorf v Oklahoma 816 F. 2d 539 (U. S. Court of Appeals for the Tenth Circuit, 1987) Affiliation Issue Greg Grusendorf took three puffs from a cigarette while on a lunch break from his job as a firefighter trainee with the Oklahoma City Fire Department on December 14, 1984. He was then fired as a result of his misdeeds by the supervisor. He took the matter to the court claiming his rights were violated. The Court has recognized a right of liberty or privacy in only a handful of circumstances. It can hardly be disputed that the Oklahoma City Fire Departments non-smoking regulation invades upon the liberty and privacy of the firefighter trainees (Ducat, 2009).

#### Rule

The Supreme Court observed that only personal rights that can be deemed important in the concept of ordered liberty are included in this guarantee of personal liberty( Ducat, 2009). The Court outlined the current reach of these freedoms as embracing personal decisions relating to marriage, procreation, contraception, family relationships, child rearing and education. The defendant argues out that the law used to judge him was not applicable and did not match with his case (The federal reporter, 1987).

#### Application

To resolve the issue of whether or not Grusendorf's rights of liberty or privacy were violated by the non-smoking regulation, it is instructive to study the Supreme Courts approach in Kelley v. Johnson. The case is similar as this one though the plaintiff there was a police officer rather than a firefighter and claimed a fourteenth amendment right to grow a beard rather than a right to smoke a cigarette (Bureau of National Affairs , 1995).

#### Conclusion

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A review of the record suggests that the district court found the defendants' disputes influential. The defendants moved for an award of attorneys' fees and submitted briefs in support of it, together with affidavits from their attorneys detailing their fees. *Bowers v. Hardwick* said that the federal courts should not take an expansive view of their authority to discover new fundamental rights.

#### Works Cited

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