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THE LEGACY OF PRESIDENT CLINTON

"... to know that even one life has breathed easier because you have lived, this is to have succeeded ..."
Ralph Waldo Emerson, an author and an asthmatic.

* Executive order to make the White House smoke-free, early in Presidency.

* Executive order to make inside of federal buildings under executive control smoke-free, 1997.

* Backing of Food and Drug Administration to regulate nicotine as a drug, 1996.

ACTION Requested, Still Waiting for all Americans to have the same rights as federal employees
** No action from the President regarding the proposed OSHA regulation to prohibit smoking in the workplace, despite polls indicating this would be a popular as well as healthy and economically helpful thing to do. People are reminding the President that everyone deserves the same right to smoke-free air now enjoyed by the federal employees.

THE TOBACCO INDUSTRY BAILOUT - The Road Not Taken
** Since there are so many factors to be considered, the President would be wise to delay any decision until the Minnesota papers have been subpoenaed by the federal government (Congress, Justice Department, other) and examined by the public health community, scientists, and attorneys. The facts must be known, and in the public domain before any decision is made.

** With the settling of the suits between Mississippi and tobacco companies, and between Florida and tobacco companies, it is obvious that individual suits can be settled, without losing civil rights, and without infringing on FDA, FTC, OSHA, or other regulatory authorities, and without preemption of state authority. Therefore the public would find it difficult to believe that a national "settlement" is necessary.

** The public is already concerned that the President and the Congress are too much concerned about getting tobacco industry approval before regulating them. No other industry has such a stranglehold on the government. The President should consider whether the proposed deal would grant the tobacco industry an even stronger hold on federal, state, and local governments, and on the very lives of the people themselves.

** The President should carefully consider the advice and writings of Minnesota Attorney General Hubert Humphrey as he urges the President to realize the many shortcomings, pitfalls, and dangers of this agreement.

** There has been speculation that a constitutional challenge could be raised if the legal rights of victims were curtailed. This should seriously be considered.

** John Garrison of the American Lung Association has said that if the President approves this tobacco industry-attorney agreement, there will be a "backlash". This is not a threat. It is a fact of life.

** People are already outraged at the fact that the industry had a special $50 billion loophole granted to them in the budget.

** People were outraged when they thought that President Clinton would go back on his word to support Dr. David Kessler and the authority of the FDA over nicotine.

** People are outraged to think that it is the taxpayers who would have to foot the bill for the wrongs that tobacco created, the health care and death care costs caused by tobacco products, and the increased smoke in public places including the workplace and schools, and that the legal rights of victims would be eliminated to satisfy an industry that has lied to everyone, and created an addictive product that kills users and bystanders.

**** As Sheila Pratt, North Carolina GASP, noted, "Any arrangement that sets up industry funded limits or exempts the tobacco industry from any future lawsuits for the death and destruction they are bringing will be the biggest shame this nation has to live with since slavery and the oppression of our Native Americans."**

GRASS ROOTS GROUPS OPPOSE THE PROPOSED TOBACCO BAILOUT - OVERVIEW

* **Why the rush?** This is a very important matter, and deserves careful consideration. Minnesota Attorney General Hubert Humphrey III has pointed this out.

* **Where are the facts?** Although Mississippi Attorney General Michael Moore continues to tell the press that we have enough information "to nail them to the wall", no one is nailing them to the wall. And we don't have the facts of how this industry has lied to the Congress, to the public, to their employees, to the tobacco farmers, and to the nonsmokers who have been forced to breathe the smoke. Grass roots groups want the Congress and the President to have the secret documents in the Minnesota case subpoenaed. The people have a right to know the truth.

* **Who is doing the rushing?** Mississippi Attorney General Michael Moore is predicting a bill will be signed approving the deal by the end of 1997. He has been financed in his state suit, and in his lobbying of the President and of Congress and the press by a Mississippi law firm led by Richard Scruggs. Scruggs is the brother-in-law of U.S. Senate Majority Leader Trent Lott. Lott has said he will not vote on the issue, but there are many ways to influence legislation besides with a vote.

* **Who gets paid if a deal is signed by the President?** Richard Scruggs and Ron Motley are assisting at least 30 of the 41 state attorneys general. They and the Castano attorneys would receive an undisclosed amount of money. The language of the deal promises much money for health campaigns, and it would be handled by a nonprofit group fitting the description of the Campaign for Tobacco Free Kids. Their officers, Matthew Myers and William Novelli, actively negotiated with the tobacco industry for this deal, and have held secret meetings with some health and civic groups, lobbying them to accept the deal apparently with promises of money for their groups.

* **IMMUNITY - Locking the Courthouse door against the people.** Mississippi and Florida have settled their current state suits against the tobacco industry. They did not give up anything except the current suit. Anyone in their state could initiate class action suits tomorrow. The national bailout would bar the courthouse door against the people in exchange for promises.

Ron Motley and others have said it is difficult to get class actions certified, so we are not giving up much.

A civil right is a very sacred thing. Those who came before us worked very hard to provide us with civil rights. We should not be a big hurry to eliminate these just because attorneys who stand to gain millions of dollars if the bailout is signed have told us that we are not giving up much.

We see this as a dangerous attempt to protect the tobacco industry from accountability, and to grant them a glowing future. In fact, the attorneys general said they did not want to bankrupt tobacco, or they couldn't get the money.
This granting of a pardon and of immunity would set a dangerous precedent. Other industries would certainly want the same treatment as the tobacco industry.

The deal language says: *"The legislation reaffirms individuals' right of access to the courts, to civil trial by jury and to full compensatory damages."* But in reality, <u>all class actions regarding tobacco and health would be banned.</u> No one could join a class action suit. Judges could not combine individual suits into one large suit.

That means that if a group of parents want to sue tobacco for continuing to market to kids, they can't.
Nonsmokers could not sue tobacco for making a product that kills them through ETS.
Burn victims could not band together to sue, even though the tobacco industry has refused to make cigarette papers that would be self-extinguishing. Former Philip Morris researchers have said that research on this was stopped.

If Philip Morris employees or shareholders want to sue because they suddenly realized they've been lied to, they can't. Consumers could not sue the industry. Unions could not sue. Tobacco farmers could not sue. Hospitals and private insurance companies could not sue to recover costs.

The only way to sue the tobacco industry would be (1) by one person going up against the industry [Guess how many people and lawyers have that kind of money?]; and (2) if the industry gives their permission. "Dear Philip Morris, Several of us want to sue you. Please?"

* **PREEMPTION** - The deal would preempt state authority. Some state laws on prohibiting smoking in public and the workplace are far stronger than any federal laws and stronger than any proposed in the bailout language.

* **This proposal would legitimize the industry**, by allowing them to pay protection money to continue manufacturing a product which addicts and kills, and a product which when smoked kills children and adults who breathe the smoke. This industry has been trying to buy legitimacy for years, through charitable donations and political donations, called economic blackmail. This deal would be like winning the lottery for the tobacco industry.

* **The proposed deal does not address other tobacco products such as cigars and pipes, and only touches on spit tobacco.**

* **It does not address the refusal of the industry to manufacture fire safe cigarettes, decreasing fire potential.**

* **Nowhere is there any admission** from the tobacco industry that they have created an addictive product, a product that causes disease, and that they targeted kids. Liggett had to admit to this. The recent and carefully orchestrated comments by Geoffrey Bible and Steven Goldstone are a far cry from any admission of fault.

* **Nowhere is there any apology.**

* **Nowhere is there any agreement that they will no longer manufacture a product that addicts and kills.**

* **Nowhere is there any agreement to no longer produce a product that causes lung disease and cancer and heart disease in nonsmoking adults and children and fetuses who breathe the smoke.**

* **Nowhere is there any agreement that they will remove even one group of carcinogens, such as nitrosamines. The boards and the shareholders of both Philip Morris and RJR defeated shareholder resolutions to this effect.**

* **Nowhere is there any suggestion that the profits from the non-tobacco line should be tapped. The tobacco industry used tobacco money to purchase other industries: food, liquor, real estate, etc.**

* **The taxpayers would be expected to help the industry pay their penalties, through tax deductions. The consumers would help pay through an increase in product prices.**

* **The children of the world lose as they become the primary target of tobacco.**

* **Tobacco wins immunity, the FDA off their backs, keeps their dirty secrets, earns extra money from no lawsuits (several million), extra money from less advertising, millions in stock options and stock increases for tobacco CEOs, a pardon, & a license to kill forever.**

* **The taxpayers lose, as they have to foot the bill for the wrongs that tobacco created, the health care and death care costs caused by tobacco products, and the increased smoke in public places including the workplace and schools.**

GRASS ROOTS GROUPS ARE THE PULSE OF THE PEOPLE

Grass roots groups are the pulse of the people. We have constituencies, memberships that let us know what they think, and who volunteer their time to help us accomplish our goals.

Grass roots groups, unlike the American Cancer Society, the American Heart Association, and the National Campaign for Tobacco Free Kids, are usually working on very limited budgets, frequently without paid staff, and often holding down additional work inside and outside the home. A very few have succeeded in making their leadership both an avocation and a vocation.

Because of the extremely low budget of so many grass roots groups, it would be to their advantage to work for a "deal" which promises much money for campaigns, and that would permit them to retire and go on to other crises in their lives. That these groups are not willing to be bought off with promises of money and pie in the sky is indicative of the serious problems within this bailout.

The leaders and members of grass roots groups are courageous folks who have worked hard because they believe in what they are doing. Some have been called "liar" by tobacco lobbyists in the public press, but voted "Person You Would Most Like To Pat On The Back" by the local populace in a magazine poll. Some grass roots leaders have received death threats for their work in bringing regulations to protect children and adults from environmental tobacco smoke.

Poll after poll after poll, even ones conducted by the tobacco industry, has concluded the people want protection from environmental tobacco smoke. When the grass roots groups worked hard to help then Representative Durbin pass the ban on short airline flights, even testifying to Congress about it, the Tobacco Institute lobbied to kill it. But the people demanded it be extended and expanded.

So once again, the people themselves are ahead of the politicians and even ahead of the state attorneys general. The blueprint presented by the Koop - Kessler Advisory Panel is closer to what the people want than is the bailout being pushed by the tobacco industry, Michael Moore, and Matt Myers.

Although Mississippi Attorney General Michael Moore, Castano attorney John Coales, and Campaign for Tobacco Free Kids officers Matthew Myers and William Novelli have said that nothing has been done in the field of tobacco vs. health for 40 years, the grass roots groups know this is not true. It is in fact, a very unkind and unnecessary blow that Moore and the others continue to rain down upon these groups. Grass roots groups praised the litigants, and offered help along the way, and have said over and over that each state and private attorney is free to settle each individual suit. The dispute has arisen over the formation of questionable public health policy in secret smoky back rooms.

Grass roots groups have decades of experience in dealing with the tobacco industry tactics. We understand their power and how they work. We know they cannot be trusted. How often we have heard a legislator say in amazement as reality dawned when the fine print was revealed, "But that's not the way THEY explained it to me."

It is because these groups have accomplished much in legislation, consciousness raising, in the refusal to accept smoke in the face of a child as a status quo (on or off the screen), the fact that they have provided a support group for nonsmokers all these years, and their success in obtaining legislation to protect people from environmental tobacco smoke, because of this climate that they have helped to create along with the increasing scientific knowledge, that the state attorneys general were able to place litigation against that backdrop and succeed.

Time and again, these grass roots groups have gone boldly forward where some others refused to go. The laws which exist in many of our states would not be there if it had not been for the activists in these grass roots groups. They led the way, often working hard to convince the major health organizations to follow. United together, the teamwork can achieve much. Grass roots groups, unlike some of the major health organizations, do not solicit nor knowingly accept tobacco industry funds. They are therefore freer to be the voice of the people, and not of special interests.

Additional points regarding the proposed tobacco bailout are considered in the attached papers.
Prepared by Anne Morrow Donley, Virginia Group to Alleviate Smoking in Public, Inc., August, 1997.

Center for Tobacco & Health Cost Information, Inc.
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Bowie MD 20718-0638
301-464-5664; wealli@erols.com

FOR IMMEDIATE RELEASE
Thursday, August 28, 1997

Contact: William Alli
301-262-4604

THE PROPOSED TOBACCO "SETTLEMENT" IS UNACCEPTABLY DEFECTIVE

The proposal negotiated by tobacco industry representatives and State attorneys general, with the active involvement of the National Center for Tobacco-free Kids, is grossly defective. It works against the interests of most of those Americans who have born the health care costs imposed by the use of tobacco. The Center for Tobacco & Health Cost Information calls upon the President, Congress, and the American public to reject it.

1. Although Medicaid costs of the States are addressed, Federal Medicaid costs (which match State costs) are left out. Medicaid paid out more than $7 billion (half of it Federally funded) to treat tobacco-caused illnesses and injuries in 1996.

2. Reimbursement to Medicare is missing. Medicare, for 1996, paid out almost $15 billion because of tobacco usage. Senior citizens contribute by paying premiums on Part B. Younger workers support Medicare thru the payroll tax. These groups were not represented in the negotiations.

3. Private insurance policy holders are neglected. In 1996 nearly $24 billion of their money was paid out by insurance companies because of tobacco-caused diseases, burns, miscarriages, etc. Neither company representatives, nor policy holders, nor consumer interest groups were represented in the negotiations.

4. Of the approximately 2,000 union health-and-benefit funds in the U.S., not one was represented in the talks for the "settlement," yet these funds cover some 30 million Americans (workers, retirees, and their families), *and they have begun to sue the tobacco industry for reimbursement.*

5. Missing is any reference to (a) out-of-pocket costs paid by those with no insurance coverage and (b) deductibles and copayments paid by the insured. Approximately $15 billion was paid by them in 1996, because of the harmful effects of tobacco on health.

6. Absent is any mention of reimbursement for costs of treating war veterans for tobacco disease, or the Indian Health service, for their losses in covering tobacco-induced morbidity.

7. Because the costs in the proposal are to be tax-deductible for the tobacco industry, the American taxpayer is to subsidize this "settlement." This is even more egregious in view of the other costs already paid by the nation to subsidize tobacco.

The Center recommends rejection of the proposal and calls for full public disclosure of the tobacco industry's documents. Only then can we fairly decide: (a) the amount and manner of the industry's reimbursements, (b) the industry's proper role in U.S. commerce, and (c) government's responsibilities.

ESTIMATED HEALTH EXPENDITURES CAUSED BY TOBACCO USE, 1996 (billions of dollars)

The Center for Tobacco and Health Cost Information, Inc. operates to inform the public about:

a. Health costs attributable to use of tobacco products;

b. Solutions for reducing health costs attributable to use of tobacco products;

c. Tobacco expenditures affecting public health costs and payments;

d. Options for a fairer system of paying public health costs attributable to use of tobacco products.

...nted upon to conduct the ...ight, but it puts a heavy ...ent. The public needs to be ...d that its inquiry has been ...y as, say, Mr. Smaltz's with ...punches pulled because of ...ble political fallout from his ...test, and it's a hard one.

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...g that Mr. Gilmore had ...h "personal attacks" on a ...lothing personal, said Mr. ...s over the split; after all, he ...ad been planning for some ...nment, and as governor he ...w secretary anyway.

...ated parting of the ways ...e two issues is welcome— ...l himself; he surely hasn't ...eyer, meanwhile, helped ...ont, winning the highly ... the 8,500-member Frater- ...major disappointment for ...aneuvering, thou... ...ne one that, in ou... ...election, and tha... ...dressed well.

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less of the physical condition of the driver.

The Arlington County Parking Task Force specifically has been addressing the rampant abuse of disabled placards and the methods by which meters might be made user-friendly to those who are disabled. We propose as follows:

- That all persons pay for parking at all public meters.
- That up to 4 percent of all county parking meters, in particular those at the end of each block, be set aside for use only by the disabled and that such meters be electronic in nature (no handle to turn), mounted on posts 30 inches high (accessible), and offer as much as four hours of parking.
- That payment methods other than

Arlington County
Arlington

Exploring the Digital

Public broadcasters are pledged to universal free access to educational and public service programming. Keeping public television free is no easy task. To do so requires the voluntary support of viewers, corporations, foundations and government as well as the best entrepreneurial spirit that can be brought to bear.

With digital television, public broadcasters see an enormous opportunity to extend education and public service. We seek to keep options open as regulation for the new technology is developed.

Smoke If You Got 'em

Veterans aren't entitled to VA benefits because they have unusual medical problems but because they have problems caused by their military service. That's a key distinction overlooked in The Post's Aug. 6 editorial "Smoking Gun" on the Department of Veterans Affairs and tobacco.

Veterans have a right to claim a service connection for tobacco-related problems because the U.S. military encouraged tobacco use as no other segment of our society. Free cigarettes in "C" rations, cut-rate tobacco products in PXs, the smoking break that was a feature of training—these are once-hallowed military traditions that contributed to widespread nicotine addiction among veterans.

A similarly strong claim upon the nation's resources can be made on behalf of Vietnam veterans suffering from prostate cancer. Studies at Columbia University, among other respected institutions, have linked prostate cancer to dioxin, the active ingredient in Agent Orange. That deadly chemical was sprayed in combat areas by their own government during the war. Granted, other American men have prostate cancer. But American civilians weren't soaked with dioxin by the Defense Department.

The pending congressional ratification of the tobacco deal opens up the possibility of new revenue streams. Some of that money should be diverted to underwrite the care of veterans who became addicted to nicotine through the deliberate policies of their government.

ROBERT W. SPANOGLE
National Adjutant
The American Legion
Washington

Washington Post 970828

20 years of hard work pays off for Bowie man

BY KATE HOLSCHUH
Staff Writer

A Bowie man has been honored with a prestigious award for his work in the field of substance abuse prevention and treatment.

William E. Alli, of Baker Lane, has been chosen for the 1995 Government Employees Insurance Company (GEICO) Public Service Award.

The $2,500 awards honored four federal employees and one retired federal employee for outstanding achievements, according to Awards Coordinator Vince Giampietro.

Alli was chosen for an award after a year-long selection process that includes federal workers nationwide and overseas.

"I was pleased and surprised when I found out," said Alli from his office at the U.S. Agency for International Development (USAID) in DC. "I knew there was an award and I knew I was nominated, but I didn't think I had a chance to win."

The selection committee thought otherwise. Alli has worked since 1976 on his own time to fight against the use of tobacco in the workplace. Long before government medical personnel realized the seriousness, of this substance abuse problem and its side effects, according to Giampietro, Alli was crusading for smoke-free federal buildings.

"I wanted to make non-smokers aware of the dangers of second-hand smoke and to create a climate (in the workplace) that was hostile to indiscriminate smoking," Alli said.

No specific event sparked Alli's interest in the dangers of smoking; he said he just "instinctively found smoking detestable."

"In 1964, the first surgeon general's report showed the dangers of smoking tobacco. Therefore, if a substance is harmful, the person holding the source of that substance is putting it into the air for everyone to breathe," Alli said. "I concluded that this was bad, and went to work on it."

In 1982, Alli was appointed to the USAID Occupational Safety and Health Advisory Committee, where he was able to continue to push for designated smoke-free areas.

Alli's first stop was at the State Department cafeteria, where smoking was allowed. He and the advisory committee took a survey of cafeteria patrons and found that a majority wanted separate smoking and non-smoking sections. But Alli worked to have it banned altogether.

"Even if you can't smell it, it's still there," said Alli, citing that 50,000 people die from second-hand smoke each year. "The leading cause of preventable death in the country is smoking because tobacco has had no regulation. It was exempted from the Food and Drug Act and thus skipped the process of legality that other substances (such as artificial sweeteners) had to go through."

Alli's anti-smoking campaign was welcomed by some, but frowned upon by many who attempted to rub it out. Alli remained persistent, getting in many verbal fights, he said, and continually put no smoking signs in front of where he sat.

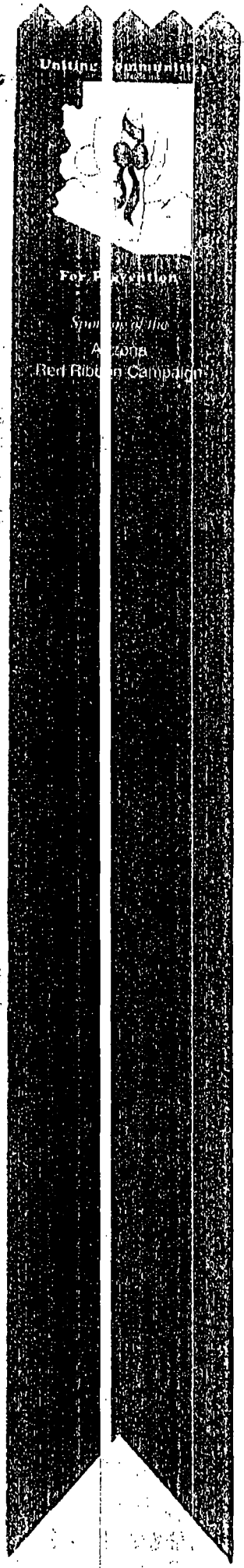
"They tried to fire me because the head of management was a chain smoker," said Alli, who had to appeal to the General Services Administration. "It was a real battle around here."

In 1976, Alli helped organize a group called the Federal Workers For Non-Smokers Rights(FENSR). During his lunch hours and time outside work, he read literature on the effects of smoking and put together pamphlets which he made available for others to read.

He became involved in the Great American Smoke-Out, the Thursday before every Thanksgiving, which encourages people to quit for good. Alli said he oriented the event not towards smokers, but for nonsmokers to become aware of the dangers they face from tobacco as well.

In 1977 Alli and FENSR sued the U.S. Government for allowing smoking in the work place. They lost, but so many newspapers picked up the story, he said, that federal employees from around the country sent letters to FENSR voicing their support for Alli's anti-smoking campaign.

Alli bought a computer, which was a rare sight in those times, he



Arizonans For Drug Free Youth And Communiti s, In c.

GARY L. SMITH
President

ALEX J. ROMERO
Executive Director

August 27, 1997

Dear President Clinton and White House Advisors,

We also wish we could be at the White House today to e xpress our deep concern in person. As it is not possible we are sending th is brief letter, entrusting it to our friends.

There is much confusion over the "tobacco settlement" s ome are trying to rush through Congress. We cannot in good conscience suppor this proposed federal settlement.

Why? Because it is inherently and hopelessly flawed. I w ould like to cite and quote the basic fault that has been framed so well by the ikes of Minnesota Attorney General "Skip" Humphary, "This deal could be ome another sad chapter in the tobacco industry's long history of deceptio n. For all good intentions it could become a Trojan camel.....because it nswers the wrong question."

Arizonans for Drug Free Youth and Communities, Inc. (A FDFY&C, Inc.) have for many years recognized tobacco as an addictive drug a nd a gateway drug that has been used and abused by our youth. I am attaching a osition statement that I authored for Drug Watch International that I think is ge rmane to the issue.

We hereby state our confidence in Bill Godshall and Ann e Donley, whom we have worked closely on this issue, to further state more s pecific concerns we share. This letter specifically represents the position of o ur officers and trustees.

Sincerely,

Alex J. Romero

Alex J. Romero, Executive Director and Founding Presid ent

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Drug Watch International

POSITION STATEMENT
ALCOHOL AND TOBACCO: TWO DANGEROUS GATEWAY DRUGS

The use of alcohol and tobacco has taken a great toll on youth and society and is a predictor of future alcohol abuse and addiction, as well as the use of other drugs. Therefore, Drug Watch International supports all efforts to prevent use of these drugs by youth and supports efforts to restrict advertising of them to the general public.

Background:
Alcohol and nicotine are legal drugs for adults in many countries. Even though these dangerous and addictive drugs are "socially acceptable" for adults, they are, to one degree or another, controlled substances for youth throughout the world. Many cultures try to limit their young from using alcohol or tobacco. Efforts to prevent the use of alcohol and tobacco by youth should not be confused with efforts to prohibit adult use of either of these drugs. However, it is time adults looked at their own alcohol and tobacco use, if they want to influence young people.

In North America and other countries, alcohol is the number one drug used by teens. It's use is also the number one contributing factor in youthful deaths. In the U.S., the use of alcohol is associated with at least one half of all car crashes, suicides, drownings, crimes of violence, unplanned sex, poor school performance, and other trauma among youth.

Alcohol and tobacco kill more people annually than all other drugs combined. Alcohol alone is associated with at least one-fourth of all hospital visits in the United States. Nicotine is one of the most addictive and harmful of all drugs.

There is a false perception that if a drug is legal it must cause less problems. In many countries and cultures, the use of alcohol and/or tobacco is so deeply woven into the cultural fabric of those countries that neither is acknowledged as a drug or even as a problem.

Rationale:
In July 1995, the U.S. Food and Drug Administration (FDA) concluded for the first time that nicotine is a drug and that it should be regulated as a controlled substance. Regulations were proposed restricting access to tobacco products and restricting attempts to make these products appealing to children and adolescents. Indeed, if alcohol and tobacco were new products seeking FDA clearance today, each would likely be rejected as hazardous and addictive.

A recent study by Columbia University's Center on Addiction and Subst,ance Abuse, states that the earlier children use the gateway drugs tobacco or alcohol or marijuana, the more likely they are to move on to other drugs. Youth who drank alcohol were 50 times more likely to use cocaine, and those who smoked tobacco cigarettes were 19 times as likely to use cocaine. Nearly 90% of cocaine users had smoked tobacco or drank alcohol or used marijuana first. The study, based on 30,000 American households, established a clear progression that began with use of the gateway drugs of alcohol, tobacco or marijuana and led to use of other drugs.

Dr. John Slade reported at the 1989 National Conference on Nicotine Dependence in San Diego, California, that tobacco smoking teaches drug acquisition skills to the youth. He said "For the most part,

they're illegal for kids to buy. In addition, kids who smoke get firsthand experience in using a substance to adjust emotional states." Slade reports that tobacco use teaches drug-taking skills and that tobacco use promotes an attitude that fosters other drug taking behaviors.

Compounding the problem is the relative ease with which youth can access alcohol and tobacco. Both drugs are widely available, inexpensive and heavily marketed, making them especially attractive to youth, who are the most price-sensitive consumer age group.

The right of adults to consume either of these drugs is a notion heavily promoted by the alcohol and tobacco industries. This argument is meaningless for many young people who have reached the legal age for use with no real choice left, because they are already addicted. They have been seduced into use of both drugs by slick marketing targeted at youth long before they have had their first drink or used tobacco for the first time.

Youth are bombarded daily with alluring advertising and marketing techniques. Because new alcohol or tobacco users are rarely adults, images which imply sexual prowess, athletic ability, popularity, freedom and escape from problems are especially appealing to young people. Children grow up thinking that they cannot have a good time without alcohol or tobacco. They don't realize that many adults choose not to drink.

Alcohol can kill or cause serious problems any time a young person uses it. Yet, some youth are convinced that drinking alcohol or using tobacco does not cause immediate problems in their lives, and most are certain that they could quit at any time. The average teen smoker had his/her first whole cigarette by 13 and became a daily smoker by age 14.5.

Drug Watch International recognizes and supports the various efforts of many concerned drug prevention nists who are attempting to prevent the use of alcohol and tobacco by youth Many Drug Watch members are local and national leaders in this aspect of prevention. We must never retreat in our efforts to prevent drug use by youth.

Drug Watch International supports the many promising practices and strategies aimed at preventing youthful alcohol and tobacco use, including: changing social acceptance of use by youth, increasing law enforcement efforts for those who provide or procure these drugs for youth, increasing excise taxes, Eating more meaningful and effective consequences for those who provide alcohol or tobacco to adolescents, increasing prevention programs, restricting advertising and marketing, and supporting legislation and public policy that limits the lobbying practices of the alcohol and tobacco industries.

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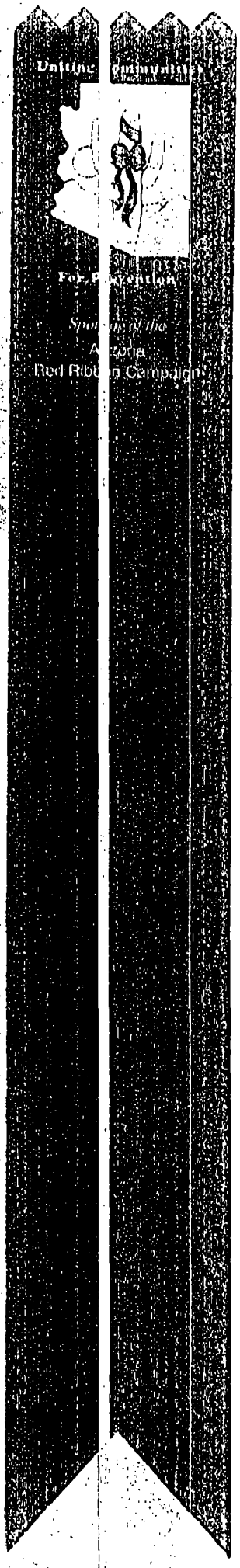
John Sla le, M.D., as reported at the National Conference on Nicotine Dependence, San Diego, CA, 1989.



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Sincerely,

Alex J. Romero, Executive Director and Founding Presid ent

2601 West Emile Zola Avenue • Phoenix, Arizona 85029
Phone: 1-602-942-6366 • FAX: 1-602-942-63 36
E-Mail Address: aromero930@aol.com

Drug Watch International

POSITION STATEMENT
ALCOHOL AND TOBACCO: TWO DANGEROUS GATEWAY DRUGS

The use of alcohol and tobacco has taken a great toll on youth and society and is a predictor of future alcohol abuse and addiction, as well as the use of other drugs. Therefore, Drug Watch International supports all efforts to prevent use of these drugs by youth and supports efforts to restrict advertising of them to the general public.

Background:
Alcohol and nicotine are legal drugs for adults in many countries. Even though these dangerous and addictive drugs are "socially acceptable" for adults, they are, to one degree or another, controlled substances for youth throughout the world. Many cultures try to limit their young from using alcohol or tobacco. Efforts to prevent the use of alcohol and tobacco by youth should not be confused with efforts to prohibit adult use of either of these drugs. However, it is time adults looked at their own alcohol and tobacco use, if they want to influence young people.

In North America and other countries, alcohol is the number one drug used by teens. It's use is also the number one contributing factor in youthful deaths. In the U.S., the use of alcohol is associated with at least one half of all car crashes, suicides, drownings, crimes of violence, unplanned sex, poor school performance, and other trauma among youth.

Alcohol and tobacco kill more people annually than all other drugs combined. Alcohol alone is associated with at least one-fourth of all hospital visits in the United States. Nicotine is one of the most addictive and harmful of all drugs.

There is a false perception that if a drug is legal it must cause less problems. In many countries and cultures, the use of alcohol and/or tobacco is so deeply woven into the cultural fabric of those countries that neither is acknowledged as a drug or even as a problem.

Rationale:
In July 1995, the U.S. Food and Drug Administration (FDA) concluded for the first time that nicotine is a drug and that it should be regulated as a controlled substance. Regulations were proposed restricting access to tobacco products and restricting attempts to make these products appealing to children and adolescents. Indeed, if alcohol and tobacco were new products seeking FDA clearance today, each would likely be rejected as hazardous and addictive.

A recent study by Columbia University's Center on Addiction and Subst,ance Abuse, states that the earlier children use the gateway drugs tobacco or alcohol or marijuana, the more likely they are to move on to other drugs. Youth who drank alcohol were 50 times more likely to use cocaine and those who smoked tobacco cigarettes were 19 times as likely to use cocaine. Nearly 90% of cocaine users had smoked tobacco or drank alcohol or used marijuana first. The study, based on 30,000 American households, established a clear progression that began with use of the gateway drugs of alcohol, tobacco or marijuana and led to use of other drugs.

Dr. John Slade reported at the 1989 National Conference on Nicotine Dependence in San Diego, California, that tobacco smoking teaches drug acquisition skills to the youth. He said "For the most part,

they're i legal for kids to buy. In addition, kids who smoke get firsthand experience i: using a substance to adjus emotional states." Slade reports that tobacco use teaches drug-taking skills nd that tobacco use promote an attitude that fosters other drug taking behaviors.

Compou ding the problem is the relative ease with which youth can access alcohol a nd tobacco. Both drugs ar widely available, inexpensive and heavily marketed, making them especial y attractive to youth, w 10 are the most price-sensitive consumer age group.

The righ of adults to consume either of these drugs is a notion heavily promoted by the alcohol and tobacco ndustries. This argument is meaningless for many young people who have r ached the legal age for u se with no real choice left, because they are already addicted. They have bee n seduced into use of both d rugs by slick marketing targeted at youth long before they have had their fir t drink or used tobacco or the first time.

Youth a e bombarded daily with alluring advertising and marketing techniques. Beca use new alcohol or tobacco sers are rarely adults, images which imply sexual prowess, athletic ability, popularity, freedom and esca e from problems are especially appealing to young people. Children grow u p thinking that they cannot h ve a good time without alcohol or tobacco. They don't realize that many adu lts choose not to drink.

Alcohol an kill or cause serious problems any time a young person uses it. Yet, som e youth are convinc d that drinking alcohol or using tobacco does not cause immediate problems in their lives, and most are certain that they could quit at any time. The average teen smoker had his/he first whole cigarette by 13 and became a daily smoker by age 14.5.

Drug W ch International recognizes and supports the various efforts of many concer ned drug preventi nists who are attempting to prevent the use of alcohol and tobacco by youth Many Drug Watch n embers are local and national leaders in this aspect of prevention. We must never retreat in our efforts t prevent drug use by youth.

Drug W ch International supports the many promising practices and strategies aime at preventing youthful lcohol and tobacco use, including: changing social acceptance of use by yo uth, increasing law enforcen ent efforts for those who provide or procure these drugs for youth, increasin excise taxes, Eating m ore meaningful and effective consequences for those who provide alcohol o tobacco to adolesce nts, increasing prevention programs, restricting advertising and marketing, a nd supporting legislati n and public policy that limits the lobbying practices of the alcohol and toba co industries.

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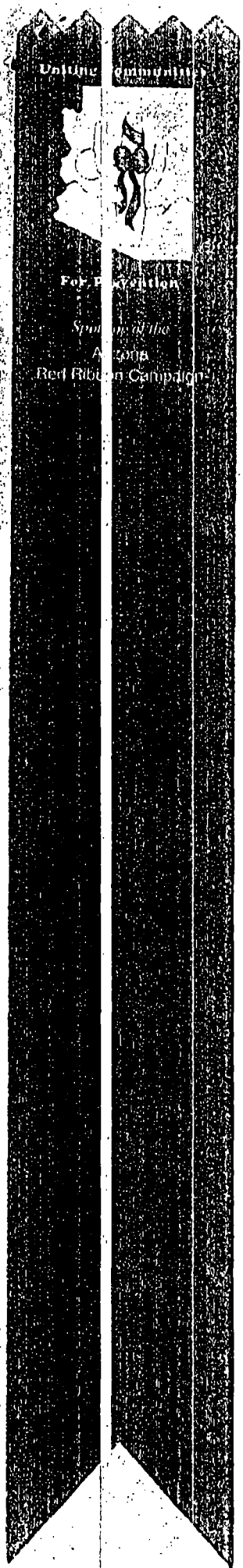

Arizonans For Drug Free Youth And Communiti s, In c.

GARY L. SMITH
President

ALEX J. ROMERO
Executive Director

August 27, 1997

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ARIZONANS CONCERNED ABOUT SMOKING, INC. P.O. B x 13355 - Scottsdale, AZ 85267-33 55
(602) 451-4C 16

Our Purpo Is
To Save L ves

August 27, 1997 (Faxed to be h and delivered, 8-28-97)

Dear President Clinton and White House Advisors,

We wish we could be at the White House today to express our leep concern in person. As it is not possible we are sending this brief letter, entrusting it to our friends and pro-health/anti-tobacco associates with whom we've worked for yea rs, dedicated leaders of state groups nearest Washington, DC who are able to be there on relatively short notice.

There is much confusion over the "tobacco settlement" some ar trying to rush through Congress. Though we owe a debt of gratitude to the various s ate Attorneys General, (our own Grant Woods included) for pressing the tobacco indus ry and helping to bring about a much greater public awareness of what we dedicated a tivists have known for many years, we cannot in good conscience support this proposed federal settlement.

Why? *Because it is inherently and hopelessly flawed.* Witho it reiterating the many flaws, we cite the basic fault, best expressed by Minnesota A.G. "Skip" Humphrey, many times (at our "Advocacy Talks" in Chicago/Rosemont at the invi ation of the AMA May 28, and more recently before the Senate Judiciary Committee, J ly 16, 1997: "...[T]his [deal] could become another sad chapter in the tobacco indi stry's long history of deception. For all its good intentions it could become a Tr jan camel...because it answers the wrong question." Instead of asking "What is acc eptable to the tobacco industry" we must ask "What is best for America" and its national health policy.

And evidence that the "deal" it is quite *acceptable* to the *indi stry* is apparent in the behavior of Wall Street analysts, savvy investors and tobacco stc ck prices, soaring 20% during negotiations. Tobacco CEO's among others will make mil ions on the deal!

To keep this communication to one page, we hereby state our confidence in Bill Godshall and Anne Donley, with whom we have worked closely on this issue, to further state more specific concerns we share. We also attach the five page transcript of A.G. Humphrey's testimony cited above from which we quoted and tw related prior letters.

This letter specifically represents the position of our officers and t ustees and is generally supported by the members of our advisory board listed on our etterhead! As for our advisory board, note that member Joe Garagiola shares our sp ecific concern that all tobacco products including spit/chew tobacco must be firmly de lt with and others are also very concerned with the impact of any such tobacco "deal" o health worldwide.

Sincerely,

Donald N. Morris

Donald N. Morris, Ed.D, ACAS Exec. Director, & member Toba co Use Prevention Advisory Committee to the Az. Dept. of Healt Services

A non-profit tax exempt corporation dedicated to achieving a tobacco-free envir ment.

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ARIZONANS CONCERNED ABOUT SMOKING, INC.
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(602) 451-4016

Our Purpose Is To Save Lives

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Our Purpose Is To Save Lives

August 6, 1997

The Honorable William Jefferson Clinton
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Fax 202-456-2461

Dear President Clinton:

Thank you for your continuing concern for the health of our government and civil employees and the public who visit and transact business at the various office building across the nation. We fully support your plan to ban smoking near all office building entrances because of concentrations of toxic environmental tobacco smoke (ETS).

Our organization was founded some 30 years ago by Betty Carnes, internationally known ornithologist and "First Lady of Non-Smokers Rights." Our efforts on behalf of nonsmokers and smokers (both victims of an industry that causes the death of nearly 1/2 million Americans yearly) for years led the way in Arizona and beyond in protecting the public from ETS. (Our claim as "the first to enact serious anti-smoking rules" is confirmed by Richard Klugar, Pulitzer Prize winning author of Ashes To Ashes.)

Thus we also want to commend the First Lady, Hillary Rodham Clinton, for speaking out against Julia Roberts' role in promoting Marlboro cigarettes in "My Best Friend's Wedding." We went to see the film today and were also offended by the way this lovely healthy appearing actress, many young females look up to, was used to violate the hotel's no-smoking regulations urging a hotel employee to do the same. We doubt the screenwriter originally included that, but if so he was paid off by Philip Morris just as was done in the movie Superman II where they paid to have Lois Lane smoke Marlboro.

Though our organization is non-partisan, we strongly support both of you and the FDA in your pro-health/anti-tobacco effort. Do not back down nor let Congress (heavily influenced by tobacco lobbyists and money given to allies in both parties) push through a "tobacco settlement" that gives the industry immunity from past crimes and license to kill *no matter how many billions they are willing to pay!* The public health community and the vast majority of the public are solidly behind you on this issue.

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GROUPS THAT HAVE PUBLICLY OPPOSED THE TOBACCO PROPOSAL

Action on Smoking and Health (ASH)
Alianza Dominicana, Inc.
Alum Rock Counseling Center, San Jose, California
American Association of Public Health Physicians
American Council on Science and Health
American Lung Association
American Thoracic Society
Americans for Nonsmokers Rights (ANR)
Arizona Addiction Treatment Programs, Inc.
Arizonans Concerned About Smoking (ACAS)
Arizonans for Drug-Free Youth & Communities
Association for Nonsmokers - Minnesota
Association for the Advancement of Mexican Americans
California Medical Society
Californians Against Death by Tobacco
Center for Tobacco and Health Cost Information
Citizens for A Tobacco-Free Society (CATS)
Coalition for Smoke Free Maryland Workplaces
Coalition for a Tobacco-Free Colorado
Coalition for a Tobacco Free Pennsylvania
Coalition for Workers' Health Care Funds
Colorado Medical Society
Committee for Hispanic Children and Families, Inc.
Delaware Valley Clean Air Council - Pennsylvania
Denver DOC (Doctors Ought to Care)
Essential Action
FANS, Fresh Air for Nonsmokers - Washington State
Foundation for SmokeFree America (Patrick Reynolds)
GASP of Colorado
GASP of Miami
Georgians Against Smoking Pollution
The Greater Cincinnati Coalition on Smoking and Health
Health Industry Resources Enterprises, Inc.
Hispanic AIDS Forum
INFACT
Iowa Healthy Kids Project
Kansas SmokeLess Kids Initiative

Kentucky ACTION (Alliance to Control Tobacco in Our Neighborhoods)
Little Havana Activities & Nutrition Centers of Dade County, Inc.
Maryknoll Fathers and Brothers
Maryland GASP (Group Against Smoking Pollution)
Medical and Chirurgical Faculty of Maryland
Minnesota Smoke Free 2000 Coalition
Minnesota, two localities by resolution
Missouri GASP (Group Against Smoking Pollution)
Multicultural Area Health Education Center
National Association of Public Health Physicians
National Coalition of Hispanic Health and Human Services Organizations (COSSMHO)
National Medical Association
New Jersey GASP (Group Against Smoking Pollution)
Nonsmokers, Inc. - Arizona
Northbay Health Resources Center - California
North Carolina GASP (Group to Alleviate Smoking Pollution)
Northeast Valley Health Corporation
Pasadena Tobacco Prevention Coalition - California
Praxis Project
Public Citizen
Smokescreen - Washington DC
Smoke-Free Marin Coalition - California
Smoke Free Maryland Coalition
Smokefree Action
SmokeFree Educational Services
SmokeFree Pennsylvania
Smoking and Tobacco Action Campaign (Texas)
Smokeless Nebraska
STAT (Stop Teenage Addiction to Tobacco)
TEACH (Tobacco Education and Action Coalition for Health), Philadelphia
Texas Association of Nonsmokers
Tobacco-Free Las Cruces Coalition
Tobacco-Free Michigan Action Coalition
Tobacco Free Wisconsin Coalition
U.S. Public Interest Research Group (U.S. PIRG)
Virginia GASP (Group to Alleviate Smoking in Public)
Washington DOC (Doctors Ought to Care)
Wisconsin Initiative on Smoking and Health

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Following are local, state and national initiatives organized by SmokeFree Pennsylvania and Bill Godshall. (8/97)

1987-97 Initiated and/or assisted implementating tens of thousands of smokefree policies in workplaces and public places.

1987 Successfully campaigned for enactment of Pittsburgh Smoking Pollution Control Ordinance.

1988 Successfully campaigned for enactment of Erie Smoking Pollution Control Ordinance.

1988 Successfully campaigned for enactment of PA School Tobacco Control Act.

1988 Campaigned to enact PA Clean Indoor Air Act, but after tobacco lobby amended bill to eliminate smokefree clauses and preempt local laws, our efforts failed to defeat bill or obtain veto.

1989 Protested and defeated a multimillion dollar Philip Morris test market campaign to promote smoking in Pittsburgh workplaces.

1990 Achieved first smokefree child custody case victory in PA.

1990 Successfully campaigned for Pittsburgh City Council Resolution divesting tobacco stocks, the first by any government body.

1990/91 Organized protests in PA, DE, MD, NJ, NC, GA, TN and VA at Philip Morris' 50 state Bill of Rights bicentenial tour.

1990 Defeated enactment of right-to-smoke bill in PA legislature.

1990 Exposed and opposed nationwide campaign by tobacco lobby to blame, criminalize and penalize youth addicted to nicotine.

1990/91 Successfully campaigned for enactment of ordinances in Pittsburgh and six other PA municipalities restricting cigarette vending machines in locations accessible to youth.

1989-93 Successfully mobilized campaign that exposed and repeatedly defeated tobacco product liability legislation in PA.

1991 Successfully campaigned for enactment of PA cigarette tax hike of $.13/pack, resulting in 100,000 fewer smokers in PA.

1992 Researched and exposed nearly $500,000 of political contributions to PA candidates from tobacco lobbyists and PACS.

1992 Researched and exposed 35 tobacco lobbyists in PA.

1992 Defeated PA legislation that would have preempted all local laws regulating cigarette vending machines.

1992 Defeated right-to-smoke bill on last day of PA legislature.

1992 Drafted and proposed language for federal Synar Act Rules (requiring states to reduce tobacco sales to youth), much of which DHHS incorporated into its proposed Rules.

1992-94 Protested Virginia Slims Tennis Tournaments in Philadelphia.

1993 Campaigned unsuccessfully to enact Pittsburgh ordinance to ban all tobacco and alcohol billboards.

1993 Drafted text and mobilized national campaign to enhance proposed DHHS Synar Act Rules during its public comment period.

1993 Exposed conflict of interest for lobbyists in PA who represent both tobacco industry and health organizations.

1993 Exposed tobacco stock investments by PA Blue Shield, PA Blue Cross & many PA hospitals, resulting in tobacco stock divestment by PA Blue Shield and PA Blue Cross.

1993 With local television station, conducted first compliance check exposing Pittsburgh retailers selling tobacco to youth.

1993-94 Defeated right-to-smoke bill in PA legislature.

1993-94 Campaigned for first ever law that would ban smoking in cars if children are present, but bill died in PA Legislature.

1993/94/95 Drafted PA Clean Indoor Air legislation, organized four Senate hearings, mobilized lobbying and publicity campaign throughout the state, but bill died in PA Legislature.

1994 Drafted PA youth access to tobacco bill, organized Senate hearing, mobilized lobbying and publicity campaign, but bill died in PA Legislature.

1994 Mobilized national campaign to enact Rep. Waxman's SmokeFree Environment Act to ban smoking in enclosed indoor workplaces, The bill passed subcommittee, but died in committee.

1994 Defeated tobacco industry drafted and sponsored bill to promote youth smoking in last days of PA legislative session.

1994 Initiated cross examination of National Smokers Alliance president and provided key documents resulting in Philip Morris and RJR withdrawing testimony from public hearings by US Dept. of Labor on proposed OSHA Indoor Air Quality Regulations.

1994/95 Mobilized national campaign urging protection of children as the offical intent for FDA Regulation of nicotine delivery devices, which was adopted and proposed by David Kessler.

1995/96 Helped mobilize nationwide campaign that defeated federal legislation to halt FDA and OSHA tobacco regulations.

1995/96 Helped mobilize nationwide campaign that defeated federal legislation to delay FDA and OSHA tobacco regulations.

1995/96 Helped mobilize national campaign that defeated federal Product Liability legislation to protect tobacco industry.

1995/96 Helped mobilize nationwide campaign to eliminate federal subsidies for tobacco, which failed on two House votes.

1995/96 Drafted youth access to tobacco legislation in PA Senate, mobilized 40 organization lobbying campaign, but then killed the same bill after tobacco lobbyists amended it to decimate health provisions and preempt municipal laws.

1995/96 Helped US Congressmen Henry Waxman and James Hansen attain the first ten Republican and first ten Democratic House of Representatives' signitures on the Commitment to Our Children in support of FDA tobacco regulations.

1995 Provided referral that attained legal representation for Jeffrey Wigand, the former tobacco industry executive, which allowed CBS 60 Minutes to air their cancelled segment on him.

1996/97 With local police, conducted first law enforcement stings in Western PA against retailers for selling tobacco to minors.

1996 Assisted in organizing and publicizing the first ever class action lawsuit in PA against the tobacco industry.

1996 Created Smokefree Action, which published first ever Tobacco Report Card on Congress, tracking and rating all members of Congress' tobacco votes and receipt of tobacco PAC money.

1996/97 Successfully urged PA Attorney General Mike Fisher to file Medicaid lawsuit against tobacco industry.

1996/97 Researched political contributions to PA legislators from tobacco PACs since 1985; to be published in fall of 1997.

1997 Successfully petitioned FDA to extend public comment period on proposed Tobacco Rule changes, and mobilized campaign to change FDA Rules on preemption of state laws. FDA decision pending.

1997 Assisted in drafting and campaigning for Philadelphia ordinance divesting city's tobacco stocks; enacted by City Council.

1997 Campaigning with PA Treasurer Barbara Hafer to divest state pension funds of tobacco stocks.

1997 Mobilizing national coalition campaign to defeat proposed federal tobacco liability immunity legislation.

Grass-Roots Activists Try to Derail Tobacco Settlement

By Laurie McGinley
And John Harwood
Staff Reporters of The Wall Street Journal

WASHINGTON – For most grass-roots antismoking activists, Big Tobacco is a greedy and murderous cross between Timothy McVeigh and Pol Pot – an ideal enemy. And they want to keep it that way.

That's why Anne Donley, an activist from the Richmond, Va., area, is scurrying through the halls of Congress, urging lawmakers to reject the proposed $368.5 billion tobacco settlement. "They'll pay the money, and end up being the good guys," she warns an aide to Virginia Democrat James Moran. "People will think the tobacco problem is solved."

For tobacco-industry officials, the proposed settlement offers a measure of respectability and financial predictability – outcomes unthinkable for the activists. "The cigarette companies don't deserve peace," says Julia Carol, who is co-director of Americans for Nonsmokers' Rights, a grass-roots group that's based in Berkeley, Calif.

The upshot is that while some big public-health groups such as the American Heart Association and the American Cancer Society have sent mixed messages about the settlement, the grass-roots tobacco-control groups have been clear: Don't fix it, deep-six it.

A Landmark Lawsuit

Florida trial to recoup Medicaid costs from the tobacco industry is set to begin today and is expected to be closely watched. **Article on page B2.**

Fragile Consensus

The opening exists to do just that, despite the fragile consensus for the settlement among the industry, state attorneys general and antitobacco plaintiffs' lawyers. A new Wall Street Journal/NBC News poll shows decidedly mixed feelings over the deal: 37% of Americans are in favor while 34% are opposed, leaving a large chunk of undecided Americans to be influenced by public-relations appeals as Congress prepares to grapple with the proposed settlement.

At the same time, it's far from clear that those undecided Americans will warm to the activists' argument that the settlement is too soft. Some 53% of those surveyed, for example, describe the agreement as either "about right" or "too tough" on the industry. Nearly four in 10 Americans say smoking should remain an individual choice without government interference, while just one in seven Americans says the government should take every step possible, including an outright ban, to discourage smoking.

The poll shows clear support for some antitobacco steps envisioned in the agreement, particularly reinforcing the Food and Drug Administration's power to regulate nicotine as a drug. Still, "Americans take a much more libertarian stance toward smoking than might be expected from hearing the ranting of antismoking groups," say Democratic pollster Peter Hart and Republican Robert Teeter, who conducted the survey.

Through the Smoke

From what you have heard, do you favor or oppose the tobacco settlement?

Favor	37%
Oppose	34
No Opinion/Haven't heard	24

Do you think that cigarette companies purposely aim their advertising at young people?

Yes	59%
No	36

Which of the following methods do you think would work best to discourage smoking among young people?

Producing educational programs on the danger of smoking for young people	35%
Enforcing stricter FDA regulation of cigarette purchasing	30
Raising the prices of cigarettes an additional 75 cents a pack	15
Banning cigarette advertisements	6

THE WALL STREET JOURNAL/*NBC NEWS* POLL

Chamberlain and Hitler?

That sentiment doesn't deter the activists trying to stop the settlement. It isn't clear who they are madder at: the tobacco industry or national health organizations that haven't adopted their hard-line stand. The big heart and cancer groups, complains Bill Godshall of SmokeFree Pennsylvania, "have been flip-flopping for the past three to four months" on the settlement issue. Some activists have even compared Matthew Myers, the executive at the National Center for Tobacco-Free Kids who helped negotiate the deal, to Neville Chamberlain, the British prime minister marked by history as the man who appeased Adolf Hitler at Munich, Germany.

Behind the grass-roots effort – a blur of electronic-mail traffic, protest rallies, and low-budget public-relations initiatives – there's a network of local tobacco-control activists like Ms. Donley. With only the American Lung Association and Ralph Nader's Public Citizen as national allies, they struggle to make headway through such provocatively named groups as the Group to Alleviate Smoking in Public (GASP) of Virginia, Californians Against Death by Tobacco, and Georgians Against Smoking Pollution.

Many of these activists, who have scored notable victories on some issues, are blunt about their ultimate goal: the destruction of the tobacco industry. They say the settlement would grant the industry financial predictability by shielding it from future class-action suits and punitive damages. They also contend that they are winning the war against tobacco, and that it isn't time to settle. Finally, they want to make tobacco use socially unacceptable for all ages, not just kids. "You want smoking to go the way of the spittoon," says Ms. Carol of Americans for Nonsmokers' Rights. "You accomplish that by sweeping cultural change, not by passing a law."

On some of these counts, the activists appear to be in tune with public opinion. In the Journal/NBC poll, a 44% plurality says the tobacco industry would benefit the most from the deal because of the limits on its legal liability, compared with 32% who say the public would benefit the most through decreased smoking and lower health-care costs. In addition, Americans express deep skepticism that the deal will reduce smoking; just one in five says it is "very" or "fairly" likely to do so.

The White House remains inclined to support the deal, with some modifications. And despite flak from zealous local crusaders, administration officials are confident they'll ultimately win the backing of large, influential national groups such as the American Heart Association and the American Cancer Society, which are currently expressing qualms. Smarting from the activists' criticism, Mr. Myers of the National Center for Tobacco-Free Kids warns that killing the settlement might destroy a historic opportunity to reduce teen smoking and smoking-related disease, since tobacco companies might go on to win or settle some of the lawsuits that forced them to the negotiating table.

"It's an odd position to be in," adds spokesman Rich Hamburg of the heart association, which has taken on the tobacco industry for years. But he notes, "The grass-roots groups are more ideologically focused, and they haven't done that much on the federal level."

While the mainstream groups such as the heart association and the cancer society have enumerated several proposed changes to stiffen the settlement, the grass-roots activists fear the groups will ultimately settle for far less. Relations between the two camps, never entirely harmonious, have been particularly strained since the disclosure this spring that Mr. Myers was participating in settlement talks with the industry.

From World Smoking & Health
Vol. 18, No. 1, 1993

Exposing the Tobacco Lobby

by William Godshall

Tobacco industry executives and tobacco control advocates agree that legislation is one of the key factors that affects nicotine addiction rates. This explains why tobacco companies and their trade associations invest hundreds of millions of dollars every year in the USA lobbying elected officials and financing election campaigns.

In contrast, health agencies have often treated tobacco control legislation as a very low budget priority and most health activists have operated on shoestring budgets. This gross funding imbalance has resulted in outrageous legal protection for the tobacco industry and nearly 500,000 American deaths annually.

But with expanding knowledge, creativity and grassroots networks, dedicated tobacco control advocates have increasingly achieved major public policy advances at local, state and federal levels. Understanding how the tobacco lobby operates and exploiting its weaknesses have been crucial in organizing successful campaigns to enact tobacco control laws.

Besides flexing its muscle in Washington, DC, the tobacco lobby maintains a presence in all 50 states, most large cities, as well as any community considering tobacco control measures. Although the tobacco lobby's major players are the Tobacco Institute, Philip Morris, RJ Reynolds, and the Smokeless Tobacco Council, many other tobacco interests hire numerous lobbyists.

William Godshall, MPH, is executive director of SmokeFree Pennsylvania.

Ironically, many lobbyists representing the tobacco industry also work for healthcare providers, health agencies, universities, and government bodies.

From 1990 to 1992, more than 50 lobbyists in Pennsylvania worked for five tobacco companies, six tobacco industry trade associations, and an industry financed product liability task force. Another dozen lobbyists worked for tobacco advertisers, retailers, and farmers.

Although lobbying disclosure laws vary, most states require paid lobbyists to register with the clerks in the Senate or House. This information is usually available to the public and everyone involved in tobacco control legislation is urged to obtain these materials. Some states even require lobbyists to disclose how much they are paid, how much they spend on lobbying activities, and which pieces of legislation they are working on.

Ironically, many lobbyists representing the tobacco industry also work for healthcare providers, health insurers, health agencies, universities, and government bodies. In 1992, SR Wojdak & Associates contracted with four different tobacco companies as well as about 35 heath care providers, insurers, agencies, and professional associations. In Pennsylvania, these conflicts were recently exposed to the media, resulting in one tobacco lobbyist being fired by a hospital. Tobacco lobbyists could very well be isolated by such public shaming tactics.

Much of the tobacco lobby's influence is gained through campaign contributions by Political Action Committees (PACs). In 1991, the tobacco industry gave $2.7 million in contributions to politicians in California alone. The federal government and most states require PACs to report financial transactions with the election bureaus. Tobacco control advocates in every state are strongly urged to thoroughly review these public records and expose the findings through the media. A list of PACs is usually available also, making the homework easier.

In their attempt to remain obscure, tobacco lobbyists in Pennsylvania have

created PACs with nonrevealing names such as Public Policy Communication PAC and State PAC. Thus, even when available to the public, tobacco lobby documents can be difficult to uncover. Common Cause can provide helpful information to those searching for lobbyist and PAC reports.

Because the tobacco lobby has little credibility, it often remains behind the scenes while creating front groups or soliciting other organizations to represent its interests. To oppose smokefree legislation, tobacco companies have often worked closely with restaurant associations and labor unions. Groups appearing to represent tobacco farmers and taxpayers have been established by tobacco companies specifically to lobby against tobacco tax hike proposals.

Philip Morris and RJ Reynolds have also been funding and organizing so-called smokers' rights groups to oppose smokefree bills and tax hikes. The tobacco industry has also urged these folks, along with the American Civil Liberties Union and labor unions, to lobby for laws that elevate smoking to a legally protected right.

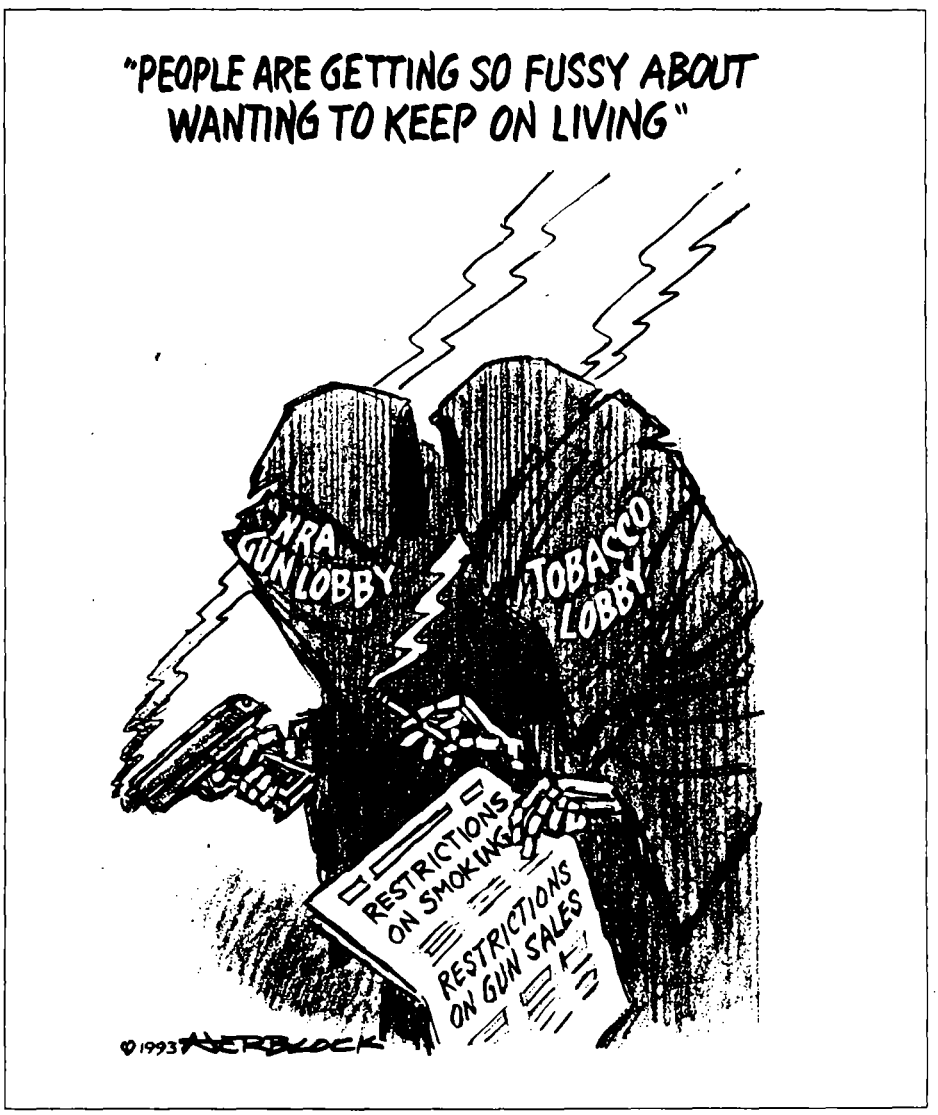
But while tobacco manufacturers claim to protect rights of smokers, they are lobbying in many states to take away rights of smokers. To immunize themselves from product liability lawsuits by smokers and other victims, tobacco companies have organized coalitions with pharmaceutical firms and manufacturing associations to enact what they call tort reform laws.

Joining with tobacco companies to oppose legislation that would protect children from illegal tobacco marketing practices have been tobacco retailers and vending machine companies, who also profit from tobacco sales to youth. Meanwhile, these same tobacco merchants have been promoting a massive propaganda campaign to reassure adults that children shouldn't smoke.

To oppose tobacco advertising restrictions, manufacturers have found lobbying allies in the advertising industry and the ACLU. This has occurred primarily at the federal level ever since warning labels were required on cigarette packs, as that law also preempted state and local governments from enacting many tobacco advertising laws.

The preemption strategy continues to be one of the most effective tools utilized by the tobacco lobby specifically because it prohibits many smaller jurisdictions from enacting laws. Yet it is local ordinances, followed by state statutes, which have proven to be the most effective tobacco control laws in the USA.

The tobacco industry has taught the tobacco control movement how to obtain power through the public policy process. We will do well to heed those lessons.



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Tobacco industry efforts hindering enforcement of the ban on tobacco sales to minors: actions speak louder than words

Joseph R DiFranza, William T Godshall

Abstract

***Objective* – The tobacco manufacturers state that they want to see laws that prohibit the sale of tobacco to minors enacted and enforced. Our purpose was to compare these public statements with the US tobacco industry's legislative agenda at the federal and state levels.**

***Design* – A review of the industry's comments to the US Department of Health and Human Services (DHHS) regarding proposed federal regulations, and an analysis of pro-tobacco state legislation concerning tobacco sales to minors.**

***Results* – The industry is strongly opposed to federal regulations requiring states to effectively enforce their laws prohibiting the sale of tobacco to minors. A food industry newsletter reports that the Tobacco Institute has circulated a model state bill concerning underage tobacco sales. Striking similarities between bills from several states would seem to confirm this report. These bills strip communities of enforcement authority while making effective enforcement by state officials virtually impossible.**

***Conclusion* – The evidence strongly suggests an industry strategy to undermine efforts to enforce laws prohibiting the sale of tobacco to minors. As has been the case in the past, the tobacco industry is publicly endorsing a socially responsible goal while apparently taking action behind the scenes to ensure that the goal is not achieved.**

(*Tobacco Control* 1996;5:127–131)

Keywords: Law compliance; tobacco industry; youth; minors

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Introduction

The US Food and Drug Administration's proposal to regulate tobacco has focused attention on the problem of the illegal sale of tobacco to minors.[1] Despite laws in every state prohibiting such sales, more often than not, tobacco retailers will make an illegal sale when given the opportunity.[2] Sustained reductions in illegal sales have not been achieved through merchant education programmes alone.[3-4] Only through regular compliance testing have officials been able to reduce and maintain the rate of illegal sales near zero.[5] Compliance testing is an active form of law enforcement that employs minors to make periodic supervised attempts to purchase tobacco. Experience reveals compliance testing to be simple, inexpensive, and very effective in reducing illegal sales.

Compliance testing may also be effective in reducing teenage smoking rates.[5-6] In Woodridge, Illinois, routine merchant compliance testing was associated with a 69% reduction (from 16% to 5%) in regular smoking among junior high school students (ages 12–13).[5] In Leominster, Massachusetts, smoking among this age group dropped by 44% (from 14% to 8%) after compliance testing was instituted.[6] These studies raise hopes that if compliance testing were to be instituted throughout the country, significant progress in reducing teenage addiction to nicotine could be achieved.

In 1992, Congress enacted legislation to encourage states to adopt restrictions on the sale of tobacco to minors and to enforce them by conducting compliance tests.[7] States are required to enact a law and enforce it "in a manner that can reasonably be expected to reduce the extent to which tobacco products are available to individuals under the age of 18".[7] States are required to conduct random inspections and to submit annual reports to the DHHS describing the degree to which tobacco is available to minors. Non-compliant states risk gradual reductions in federal block grant funds from the Substance Abuse and Mental Health Services Administration. This law is commonly referred to as the Synar Amendment, after the late Mike Synar, who, as a member of the US House of Representatives from Oklahoma, sponsored the law.

In August 1993, the DHHS proposed regulations for implementing this law and completed a period of public comment in October 1993.[8] The proposed regulations would have set uniform criteria by which the adequacy of state enforcement efforts could be judged.[8] Initially, states would have had to demonstrate through compliance tests that no more than 50% of their merchants are making illegal sales. Over the next three years, illegal sales rates would have had to be reduced to 40%, 30%, and 20% of attempted purchases. Illegal sales rates close to zero have already been achieved in several communities that routinely conduct compliance tests.[5-6] The final regulations, issued on 19 January 1996, allow states to set their own timetable for achieving a 20% illegal sales rate.[9]

MARYLAND COALITION TO STOP
ILLEGAL SALES OF TOBACCO TO MINORS, INC.
P. O. BOX 33, Cabin John, Maryland 20818-0033
301-229-6466 Fax: 301-320-3189

December 29, 1995

Commissioner David A. Kessler, M.D.
Food and Drug Administration
5600 Fishers Lane
Rockville, MD 20857

RE: Docket No. 95N-0253
Regulations Restriction the Sale and Distribution
of Tobacco Products to Protect Children & Adolescents

Dear Dr. Kessler,

Our organization supports the proposed regulations with the following changes. We thank the President and you for your efforts to regulate sales of tobacco to minors. Many of us have worked for15-20 years to get local legislation passed to provide smoke free places for non-smokers. We have observed, with horror, the increasing number of children smoking.

Prevention is the best method for protecting public health. Those who have worked with addicted populations know that the only safe way to protect children from addiction is to assure that they do not experiment with addictive products in the first place. Once addicted, the process of quitting takes many years and is extremely difficult and often impossible. We have taken children to testify at the State legislature. It was shocking to hear them say that they could quit, heroin, crack, cocaine, pcp, but could not stop smoking cigarettes.

Enclosed are many articles chronicling the process by which Montgomery County, Maryland became smokefree. The last legislation passed was in 1990 when the Council unanimously voted to remove tobacco vending machines from all places accessible to children. This law was overturned in the highest court of Maryland based on state preemption.

Furthermore, it has been impossible to get effective minors access laws passed on the State level. Even though it has been illegal to sell tobacco products to minors since 1886, the enforcement provisions were eliminated from the law. We have watched the tobacco industry bus smokers to our state legislature to influence legislation. The industry has a computerized network to have smokers call their legislators. Those who profit from tobacco sales have contributed hundred of thousands of dollars to legislators.

Efforts by tobacco interests were successful in passing legislation which makes it illegal for youth to purchase or possess tobacco. However, this ineffective law makes it difficult if not impossible to enforce a Maryland law which made it illegal to sell tobacco to minors since 1886. Experts on adolescent behavior know that such laws make tobacco that more attractive to adolescents.

Tobacco industry advertising has used every psychological tactic to appeal to young people. According to Dr. Richard Peto, Professor of Medical Statistics and Epidemiology, University of Oxford, England, there are now 50 million deaths per year worldwide from tobacco related illnesses. It is time to put a stop to this.

The only way to do this without making the product illegal is to follow the FDA recommendations and remove the attraction that makes the products so appealing to youth.

It is this context that the following recommendations are made.

CHANGES AND ADDITIONS RECOMMENDED:

(Additions are in bold capital letters and underlined).

§ 897.1 (a) It is our recommendation that this section be written ..nicotine containing tobacco products **INCLUDING, BUT NOT LIMITED TO CIGARETTES, CIGARS, SMOKELESS TOBACCO PRODUCTS, PIPES, AND ALL PRODUCTS THAT DELIVER NICOTINE**.

RATIONALE: The primary goal of the regulation is to regulate the substance nicotine which makes products addictive. With this in mind we recommend the above changes and additions to the proposed regulation. The focus must be on the substance nicotine being delivered, not the method of delivery.

Considering that federal regulations often take seven to ten years to enact and enforce, it is essential that regulation be written pro-actively to adequately address the problem at the outset. Based on our experience of over fifteen years, regulation must be adapted to accomplish the goal for which it is intended. It is well known that the industry with its plentiful resources can act quickly to make changes in their marketing approaches. It is therefore, important to write regulations to protect the public from all "nicotine delivery devices" that in the future, might be placed in something other than tobacco. Any product containing the addictive substance of nicotine has a future market because of its addictive nature. In other words, customer will by necessity continue to purchase an addictive product..

Enclosed are articles demonstrating that cigars, for example, have come into popular use by young people, and those in rebellion against societal strictures. Of particular concern is the fact that women are taking up the habit of cigars and smokeless tobacco, formerly the territory of males.

It is well documented that smoking mothers are at greatest risk for reproductive hazards. This includes low birth weight babies, who are at risk to extended, expensive hospitalizations, increased danger of life long learning disabilities and other health risks. Considering that over 50% of births are unplanned, and that people believe they can always quit smoking, it is too late to avoid damage by smoking mothers by the time they realize they are pregnant. This creates a tremendous public health crisis and cost to the economy.

§ 897.3 (i) Smokeless tobacco means any cut, ground, powdered, or leaf tobacco that contains or delivers nicotine and that is intended to be placed in **ANY BODY CAVITY OR IN/OR ON THE SKIN.**

RATIONALE: Looking at the past thinking of the future, a product could easily be devised to be placed in the ears or nose and have the same addictive features. While this may seem far fetched at present, several years ago, few people would have believed that youth of today would be piercing all part of their bodies to attach jewelry. Patches on the skin were unheard of several years ago. Now, many dermal applications such as nicotine patches, nitro-glycerin or estrogen patches are used daily.

§ 897.12 **Additional responsibilities of manufacturers.**

(b) THE MANUFACTURER SHALL PROVIDE FINANCIALLY FOR LOCAL COUNTIES, MUNICIPALITIES, OR STATE AGENCIES to visually inspect and ensure that the products are labeled, advertised, and distributed in accordance with this part.

RATIONALE: To expect those with a profit motive to do inspections that would harm their very profits is unrealistic. It is indeed asking the fox to guard the chicken coup. Providing the *funding* for government inspection would be most effective. We advocate local inspection for two reasons. First, local communities tend to be smaller communities and most concerned about its children. Secondly, the current trend is for less federal control. It is entirely appropriate to place the cost of enforcement on the industry which distributes the product.

§ 897.14 **Additional responsibilities of retailers.**

(a) The retailer shall verify by means of photographic identification containing the bearer's date of birth that no person purchasing or intending to purchase the product is younger than 18 years of age. **ACCEPTABLE PHOTO IDENTIFICATION SHALL BE LIMITED TO THOSE ISSUED BY A GOVERNMENTAL AGENCY, DRIVERS LICENSE OR NON-DRIVER IDENTIFICATION CARD ISSUED BY THE MOTOR VEHICLE ADMINISTRATION, THE FEDERAL GOVERNMENT, ANY UNITED STATES TERRITORY, COMMONWEALTH OR POSSESSION, THE DISTRICT OF COLUMBIA, A STATE GOVERNMENT WITH THE UNITED STATES, OR A PROVINCIAL GOVERNMENT OF THE DOMINION OF CANADA; A VALID PASSPORT ISSUED BY THE UNITED STATES GOVERNMENT OR ANY OTHER COUNTRY; A VALID IDENTIFICATION CARD ISSUED BY THE ARMED FORCES OF THE UNITED STATES.; OR NATURALIZATION PAPERS.**

RATIONALE: Those experienced working with teenagers know full well the number of fake identifications used. Therefore, any identification that can be easily reproduced will not be acceptable.

(b) Delivery of any tobacco product shall not be done by means of any electronic or mechanical device (such as a vending machine or remote-operated machine). This is an essential part of this regulation in that younger children make most of their purchases through tobacco vending machines. It is the rare child who can pass a vending machine without pulling the levers or pushing the buttons. The machines very existence is an advertisement that makes tobacco as attractive and harmless as candy, and both are often in the same machine.

Having spent over five years working on the legislative process trying to restrict placement of vending machines, we have heard almost every diversionary tactic attempted by the industry. Devices such as use of tokens or locking devices are just diversionary tactics used by the industry. They definitely will not prohibit sales to minors.

1. Tokens. This is a method recommended by certain tobacco sellers. A token is theoretically purchased by the customer in an over-the-counter sale. Theoretically, this would mean anyone under 18 could not make a purchase. First of all, children are making purchases over-the-counter without restrictions. Secondly, the tokens can easily be purchased by anyone and then distributed to minors. Third, the entire process is again asking the seller to enforce a provision that will cut into their own profits.The reality is that most vendors are themselves opposed to this process because it is expensive to convert vending machines to token systems. This is a diversionary tactic by marketers of tobacco products in order to delay legislation banning tobacco vending machines.

2. Locking devices. This is a method in which a device would be applied to vending machines in which a clerk could lock the machine until turned on by a clerk. In theory this would allow only an adult customer to make a purchase. This again goes along with the belief that a busy clerk has enough time to unlock a machine as a patron standing in line, requests to make a purchase from a vending machine after his/her identification has been checked. This again does not face the reality of the fast pace of a busy check-out stand. Like the above use of tokens, this is an attempt by the industry to avoid regulation to remove tobacco vending machines.

Vending machines must not sell "nicotine delivery" products, just as they do not sell other addictive products.

ADD: **(d) THE FINAL RESPONSIBILITY FOR VIOLATION OF THE AGE INSPECTION, MUST BE ON THE OWNER OR MANAGER OF THE RETAIL ESTABLISHMENT.**

RATIONALE: The reason for this is that the clerks can be discharged, whereas, the responsibility for training and supervising employees must rely with the owner/manager.

§897.16 **Conditions of manufacture, sale, and distribution.**

ADD: (e) ANY NICOTINE DELIVERY DEVICE MUST CONTAIN UNDERNEATH THE CELLOPHANE OR OTHER PACKAGING, A COMPONENT THAT WILL BE SCANNED AND DEACTIVATED AT CHECK-OUT OR PURCHASING COUNTER. IF THIS COMPONENT IS NOT DEACTIVATED, AN ALARM WILL BE ACTIVATED UPON CUSTOMERS DEPARTURE FROM STORE OR OTHER FACILITY WHERE PURCHASE IS MADE. THESE SCANNING AND DETECTING DEVICES SHALL BE PROVIDED BY THE MANUFACTURER TO EACH RETAIL ESTABLISHMENT.

RATIONALE: The purpose of these devices will be to eliminate theft of "nicotine delivery devices", and to guarantee that all purchasers of such products will have demonstrated to the cashier that they are of legal age to make such purchases. The financing of these devices should be provided by the manufacturers. By eliminating the advertising stipend given to retailers by the manufacturers, the said manufacturers will have funds to provide for enforcement. The manufacturers have publicly advocated in national newspapers for enforcement of laws to stop sales to minors. An effective example of such components, scanning and deactivating devices are those used in many public libraries. Libraries were experiencing many thefts of books before these components were installed.

§897.29 Educational programs concerning cigarettes and smokeless tobacco products.

a) Each manufacturer shall **PROVIDE *FUNDING* FOR ESTABLISHING AND MAINTAINING** an effective national public educational program to discourage persons under 18 years of age from using cigarettes and **ALL NICOTINE DELIVERY PRODUCTS.**

RATIONALE: Again, it is essential that the manufacturers not be give the right to provide the educational programs. They should only be required to provide the *funding* for such programs. It would be absurd to expect manufacturers to actively educate against their own product when their fiduciary responsibility is to make money for their investors.

§897.30 **Scope of permissible forms of labelling and advertising.**

We are not making specific recommendations for the language of the regulation but would like to alert you to our opinions. Advertising is the major reason minors are attracted to nicotine delivery devices. In addition to the proposal, we see problems with indoor as well as outdoor advertising. We have seen minors exposed to advertising, not only on billboards within 1000 feet of schools, but near many other areas where youth congregate. These other exposures include buses, subways, streetcars, taxicabs, parks, recreational centers, restaurants, shopping centers, remedial classrooms (such as S.A.T. preparation courses to name a few).

Again, considering that regulations take many years to take full effect and enforce. regulations must be written to protect for future methods of industry promotion of its products. In the near future there

will certainly be many new techniques for advertising. A perfect example are the shopping channels on T-V, which presently and fortunately prohibit tobacco products.

§897.32 **Format and content requirements for labeling and advertising.**

COMMENTS: Again, we make no specific recommendations for language. However, we are concerned that any survey be done by a source **THAT DOES NOT IN ANY WAY PROFIT FROM NICOTINE DELIVERY DEVICES OR THEIR ADVERTISING.** It is our experience that many groups or associations hold out claims as experts, only to discover that they are funded by tobacco interests.

Furthermore, we would be very concerned about allowing advertising to occur in anything that is read by fewer than 2 million persons under age 18. The above statement applies here as well. Subscribers may be demarcated by age. However, a clear example of an adult subscription would be the T-V guides which are in almost every home. Adults may subscribe, but the guides are read by children, and they are filled with "nicotine delivery" advertisers.

Furthermore, we feel the commission should prohibit advertising as broadly as possible within constitutional limitations. Furthermore, all efforts must be made to protect children from advertising on any computer network, videos, and other types of cyberspace communication for the future.

If possible, please add regulation prohibiting use by actors of "nicotine delivery devices" on television shows, movies, computer or future cyberspace media. This is presently a comment practice which makes the youth believe this is an acceptable practice. The subliminal use of "nicotine delivery devices" is very appealing to youth. Furthermore, children have little cognizance of the fact that they are the subjects of sophisticated marketing procedures.

IN SUMMARY, we strongly support the need for the Food and Drug Administration to take action to protect youth from the major preventable cause of death. Sophisticated and ubiquitous marketing strategies by the tobacco industry make it very difficult for parents to protect their children, even in their own homes. With present day television and computers, marketing strategies reach children at a very early age.

We appreciate efforts by President Clinton and you Dr. Kessler in your efforts to protect the next generation of children from starting to use "nicotine delivery devices". Please feel free to contact us at the above address if we can be of further help.

Sincerely yours,

Marcia F. Marks, ACSW, LCSW
Chair

Enclosures:

CC: Dockets Management Branch (HFA-305)
President Bill Clinton
Representative Constance A. Morella
U. S. Senator Paul S. Sarbanes
U. S. Senator Barbara A. Mikulski

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LAWS IN MONTGOMERY COUNTY MARYLAND

MONTGOMERY COUNTY CODE CHAPTER 24,
HEALTH AND SANITATION, SECTION 24-9

1977 **Smoking in Public Places**

1981 Bill 53-81 **Prohibiting Smoking in Public Places**

1985 Bill 27-85 **County Government Workplaces** are made smokefree

1987 Bill 1-87 **Smoking in Eating and Drinking Establishments**
This bill took almost five years to get passed. 50% of a restaurant (without a bar) had to be no smoking.

1988 Bill 27-87 **Prohibiting Smoking in Public Places**

1988 School Board **Prohibits students from smoking in all schools**

1990 Bill 51-89 **Smoking in Private Workplaces** provided non-smoking workplaces

1992 Bill 5-91 **Banned tobacco vending machines everywhere except private clubs.** (It took two years to get this bill passed due to opposition from the tobacco industry - Bills 5-91 and 64-91 did not get to full vote). This law was taken to Court and **overturned** by the Maryland Court of Special Appeals (supreme court of Maryland).

1994 Bill 2-93 **Smoking in County Government Workplaces** strengthened prior bill and even extended coverage to cars.

STATE LAWS

1993 State School Board finally agreed to **prevent teachers and staff from smoking in schools.**

1995 Title .09 Department of Licensing and Regulations, Subtitle 12, Division of Labor and Industry, 09.12.23 **Prohibition on Smoking in Enclosed Workplace**. The tobacco industry was able to convince the Maryland legislators to pass House Bill 1368 to exempt the hospitality industry. Restaurants without a bar must be smokefree.) The bill did not preempt local governments from enacting stronger anti-smoking ordinances.

Weather

Today: Variably cloudy, showers. High 75. Low 43. Wind 15-30 mph.
Saturday: Sunny, windy, cool. High 54. Wind 12-25 mph.
Yesterday: AQI: 25. Temp. range: 42-52. Details on Page D2.

The Washington Post

Sections

A News/Editorials
B Style/Television
C Business/Classified
D Metro/Obituaries
E Metro 2/Comics
F Sports
Inside: Weekend
Detailed index on Page A2

113TH YEAR ··· No. 73 PAGE A 1 FRIDAY, FEBRUARY 16, 1990 PAGE A 15 Prices May Vary in Areas Outside Metropolitan Washington (See Box on A2) 25¢

Montgomery Curbs Smoking on the Job

Action 1st in Region to Restrict Private Firms

By Jo-Ann Armao
Washington Post Staff Writer

The Montgomery County Council approved a far-reaching bill yesterday requiring private businesses to provide smoke-free workplaces, a move members said was necessary to guard employees' health.

The legislation, the broadest smoking restrictions in the Washington region and among the toughest in the nation, would prohibit smoking in shared workplaces, employee restrooms and even company cars. It would not, however, ban smoking.

It was approved unanimously by the seven members of the all-Democratic council, but only after fierce lobbying tactics from opponents and failed attempts to delay and dilute it.

"This is a great victory," said council member Bruce T. Adams, proclaiming Montgomery to be at the forefront of protecting the health of people where they need it the most: on the job. Any private business employing three or more people would be affected by the proposal.

The law would take effect 91 days after its expected signing by County Executive Sidney Kramer.

Montgomery's action comes at a time of plummeting popularity of smoking. Smoking among U.S. adults has decreased from 40 percent in 1965 to 29 percent in 1987, according to the most recent surgeon general's report. About 300 counties and cities across the nation, mostly in the West, have enacted laws restricting smoking in the private workplace. Howard County, for instance, urges a smoke-free workplace, but Montgomery is the first county in the region to mandate compliance.

BRUCE T. ADAMS
... "this is a great victory"

The movement has become so strong that even in Virginia, where the interests of tobacco producers have ruled for three centuries, the General Assembly is virtually assured of passing that state's first

SMOKING, A15, Col. 1

Montgomery Votes to Curb Smoking In the Workplace in Private Business

SMOKING, From A1

anti-smoking law. The proposal in Virginia centers on smoking limits for state and local government buildings.

Members of Montgomery's business community, mobilized by the efforts of the Tobacco Institute and its top lobbyist, bitterly fought the bill, saying it was an unwarranted government intrusion into private concerns and practices.

Those lobbying efforts backfired as council members felt themselves the victims of a campaign intended to harass and intimidate them.

Tobacco lobbyist Bruce C. Bereano mailed 5,000 letters listing the home phone numbers of council members to business owners, real estate agents and lawyers. He tried to enlist local Chamber of Commerce officials, offering them cash to run a voluntary program on smoking in the workplace.

His most controversial move was his involvement in the introduction of state legislation that would have cut state funds to counties that support anti-smoking efforts. The measure was withdrawn Wednesday after it was repudiated by officials of the Tobacco Institute, who said they had not authorized or endorsed its introduction.

"I was for this bill and against smoking where it intrudes on other people right from the very beginning," said council member Michael L. Gudis. "But if nothing else, this whole business has reinforced my belief that we have to e sure people understand that we operate here as a democracy and what we do is based on public interest."

SIDNEY KRAMER
... expected to sign legislation

The smoking measure, which council members characterized as a natural progression in Montgomery's laws restricting smoking in restaurants, public places and county buildings, would not ban smoking completely in the workplace. Smoking would be allowed in designated, enclosed smoking areas and in private enclosed offices if all employees sharing the space agreed.

The Council Chamber was packed yesterday as members engaged in a long, sometimes testy debate over when the law should go into effect. Council President William E. Hanna Jr. argued that the private sector should be given the opportunity to deal with the problem voluntarily, and that the Montgomery County Chamber of Commerce had stepped forward with such a plan.

But that idea was shot down when council members learned that the proposal had not come from the chamber, but rather from a chamber representative who is also a lobbyist working on behalf of Bereano and the Tobacco Institute.

Victor Crawford, a former state senator and a representative for the Montgomery County Chamber of Commerce, admitted that the proposal he gave to Hanna was not from the chamber, but said he thought the chamber had approved the idea in concept.

The revelation, however, took much of the strength out of Hanna's pitch to persuade council members to go for a voluntary effort.

"I'm elated. I'm excited," said Marcia Marks, a volunteer with the American Lung Association.

James Goeden, director of government relations for the Bethesda-Chevy Chase Chamber of Commerce, said that the proposal will be especially hard on small businesses. He predicted that many businesses won't even try to comply with the law, and hope their employees won't turn them in.

County officials said they would be reasonable in giving businesses time to comply with the law. They said the county has never had a problem in compliance with anti-smoking laws and that there has been only in the 13 years the county has restricted smoking.

SMOKING BILL

Summary of Montgomery County's bill on smoking in the workplace:

- Prohibits smoking in shared workplace and employee restrooms in private businesses. Motor vehicles owned or leased by a company are included.
- Allows smoking in designated enclosed smoking rooms and private enclosed offices but prohibits smoking in shared offices unless all employees sharing the office consent.
- Exempts any business in which more than three persons work at any time.
- Requires employers to "provide a smoke-free work environment for nonsmoking employees to the maximum extent practical."
- Requires employers to establish written smoking policies and to protect employees from retaliation for taking any action under the smoking law.
- Penalities include civil f of up to $50.
- Law goes into effect 91 days after being signed into law by county executive.

WASH POST 11-22-89

Montgomery Proposes Smoke-Free Workplace

Measure Would Be Broadest Ban in Area

By Jo-Ann Armao
Washington Post Staff Writer

Employees of private businesses in Montgomery County would be guaranteed the right to a smoke-free workplace under stringent anti-smoking legislation proposed yesterday by members of the County Council.

The legislation, which would prohibit smoking in shared workplaces and employee restrooms, would be the broadest smoking ban in the Washington region and would affect any private business employing three or more people, except if operated out of a home.

Montgomery already has laws restricting or prohibiting smoking in most public meeting areas and in county government offices. The proposal unveiled yesterday is the first affecting such private concerns as a legal practice, an insurance company or a printing plant.

County Council member Bruce T. Adams, who sponsored the bill with two other members, said the proposal is part of a growing national movement to protect people from the dangers of tobacco smoke where protection is considered most needed: on the job.

"Other than sleeping, this is where you spend most of your day," said Adams, who called smoke from colleagues on the job "an important health risk."

The seven-member council will hold a public hearing on the proposal by early next year, and most predicted it would be appr Council members Rose Crenca and Michael L. Gudis have signed on as sponsors, giving it three of the four votes needed for passage.

About 300 counties and cities across the nation have enacted laws restricting smoking in private workplaces, according to members of the American Lung Association who were on hand yesterday to praise the proposal.

Montgomery would be one of the few jurisdictions in the Washington metropolitan area to regulate smoking practices at private businesses. Howard County last year enacted a clean-air law that required private employers to try to provide non-smoking areas, but the Montgomery proposal goes further by giving non-smokers the absolute right to a work area free from smoke.

"It's very rigid, very far-reaching, very extreme," said Bruce C. Bereano, a tobacco industry lobbyist who started working against the bill—phoning reporters and writing council members—even before it was filed. He said the bill could restrict a firm's ability to attract clients who smoke and it gives employees who don't smoke unparalleled powers in setting office policy.

Montgomery's business community has also opposed the proposal, calling it unwarranted government intrusion into the private sector that could adversely affect businesses, particularly small concerns.

James Goeden, director of government relations for the Bethesda-Chevy Chase Chamber of Commerce, said smoking policies are best decided between employers

See SMOKING, B7, Col. 1

11-22-89 THE WASHINGTON POST

Diverse Groups Form to Lobby for Montgomery

By Jo-Ann Armao
Washington Post Staff Writer

Representatives from a broad range of Montgomery County groups—including some that rarely get along—announced yesterday the formation of a new organization whose main aim will be to lobby for county interests in Annapolis.

Composed of developers and civic activists, business officials and labor leaders, politicians and teachers, "This committee represents a unique opportunity for Montgomery County to speak with a unified voice on major issues critical to the county," Anthony M. Natelli, a Potomac developer, said at a news conference unveiling the committee.

Called the Committee for Montgomery, the group includes about 30 members from such groups as the Council of Chambers of Commerce, the Suburban Maryland Building Industry Association, Allied Civic Group, the League of Women Voters, Gray Panthers, the Community Ministry of Montgomery County and the Montgomery County Taxpayers League.

"I have never seen a group so diverse," said County Council member Bruce Adams, who with council member Michael L. Subin were credited with bringing the various county interests together.

The committee is loosely patterned after the Greater Baltimore Committee, which has been successful in watching out for that city's interests when state resources are allocated during General Assembly sessions.

Montgomery County, in comparison, has not had as much success, due partly to a less cohesive political organization.

Allen Bender, a longtime civic activist who helped form the committee, said that part of the problem has been that representatives of the community have not supported the county's delegation in Annapolis.

Natelli, who will serve as the committee's chairman, said it would focus for this year's session on school financing, corrections issues and transportation. Under the rules of the committee, at least 85 percent of the group must agree on a position. Natelli compared it to a family: individuals can disagree among themselves but still are able to present a united front to the outside.

Group members said the committe would also be a sounding board for government and would provide technical and research expertise.

Montgomery Businesses Upset Over New Anti-Smoking Bill

SMOKING, From B1

and employees. He noted that many businesses already have taken steps to restrict or prohibit smoking, and those are the "best solutions . . . not by government mandate."

Adams acknowledged those efforts in drafting his legislation. He pointed to Geico, which has a no-smoking policy for all company facilities on company grounds and in company-owned vehicles, and Fairchild Industries, which prohibits smoking except in designated areas.

"That's great," said Adams, referring to such corporate initiatives, "but I would hate to be a pregnant woman who had to work to pay my rtgage I was in with a bunch of smokers."

Adams stressed that the proposal would not ban smoking in the workplace completely. Smoking would be allowed in designated enclosed smoking areas and in private enclosed offices if all employees sharing the space agreed.

Employees who do exercise their right to a smoke-free space would be protected from retaliation by the employer and other employees. Employers who do not comply with the law could be fined, although county officials couldn't recall ever levying a fine under any of the county's anti-smoking laws. They said the stress in enforcement is on voluntary compliance.

Adams said that the proposal is virtually identical to the 1986 law affecting county offices and "that is generally viewed as working well."

MAJOR SMOKING LEGISLATION

- **1977**—The Montgomery County Council enacts a bill to prohibit smoking in elevators, most retail stores, health care facilities, public education facilities, public areas of government facilities and theaters and movie houses.
- **1980**—Hospital rooms are included in *non*-smoking ordinance.
- **1986**—Smoking in Montgomery County government offices is prohibited.
- **1987**—The County Council votes to require eating and drinking establishments to establish non-smoking areas.
- **1988**—Smoking in most public places, including public areas of p businesses, is prohibited. Businesses with two or fewer employees are exempted.
- **1989**—Legislation is proposed that would guarantee employees of most private businesses the right to a s free workplace.

MTG JKNL
4-19-94

Letters

Marks is champion in war against smoking

When community leaders battle special interests, tensions inevitably rise. For change to occur, these tensions must exist. The opposition is too influential and too well-financed.

Marcia Marks, who for the past 20 years, has been at the forefront of the conflict with the tobacco industry, knows this. Well before the general population accepted the health risk from smoking, Marcia was out in front, slowly cutting down Goliath. In fact, she was one of the dedicated few who educated us all.

Her tireless efforts have been felt on the national, state and local levels, and we in Montgomery County have much to thank her for. Without her leadership, this county would not have nonsmoking areas in restaurants. It would not have smoke-free work places or schools. It would not be trying to stop vendors from selling cigarettes to young people. Would that all of us could claim so many important accomplishments.

Her latest quests are equally significant to our health and well-being: to shift authority over tobacco regulations from the state level to the local level, and to stop children from smoking. Given what we now know about the effects of smoking and secondhand smoke, we sincerely hope that she is successful.

KAREN KALLA
Poolesville

NANCY GREENSPAN
Bethesda

FRANK VRATARIC
Wheaton

NEAL FITZPATRICK
Potomac

Virginia GASP

Group to Alleviate Smoking in Public

Anne Morrow Donley
Richmond, VA

GASP address:
4856 Haygood Rd.
Virginia Beach, VA 23455

GASP: 800-DR GASP 1
Donley: 804-795-1114
FAX: 804-795-2447

A Brief List of Some of the Accomplishments of Virginia Group to Alleviate Smoking in Public, Inc.

1985 - Virginia attendees to Action on Smoking and Health's World Conference on Nonsmoker's Rights established Virginia GASP in late 1985, issuing the first newsletter in early 1986.

1986 - Supported Senator Marye's successful Virginia bill to prohibit retailers from selling tobacco products to young people. Prior to this time, anyone who could toddle up to the counter could buy tobacco.

1986 - Held major press conference within the same building as the tobacco industry was holding an international event, Richmond, VA.

1986 - Surgeon General C. Everett Koop sent a telegram commending Virginia GASP for its efforts.

1987 - Supported Delegate Grayson's Virginia bill to provide no-smoking areas in hospitals; failed in House Health, Welfare and Institutions by two votes.

1988 - Supported Delegate Cohen's and Senator Michie's comprehensive bills which led ultimately in 1990 to the Virginia Indoor Clean Air Act.

1988 - Successfully urged that the historic joint public hearing of the Virginia House and Senate on the clean indoor air legislation be smoke-free. Philip Morris bused in 200 employees to protest the bills.

1988 - Virginia GASP was recognized by **Philip Morris** as a leader in this effort, when it published its first issue of the *Virginia Smoker.*

1989 - Virginia GASP was featured in Bill Adler's & Steve Allen's *The Passionate Nonsmoker's Bill of Rights*, beginning with a quotation from Anne Morrow Donley, "***Breathing is a very popular thing to do.***"

1989 - When Delegate Cohen and the tobacco industry arranged to have the tobacco industry and the health advocates meet over the summer to discuss legislation for 1990, Anne Morrow Donley invited the Virginia Farm Bureau and the Virginia Pediatric Society to participate. When ground rules were laid down at the first meeting, the tobacco industry insisted that there be no press at the meetings, and that no one discuss what was being said during the weeks when the meetings were being held. Anne Morrow Donley insisted that the meetings be smoke-free. Both sides agreed to these rules.

1990 - Helped to defeat Senator Goode's and Senator Macfarlane's bills to mandate smoking areas.

1990 - The Virginia Indoor Clean Air Act was passed.

1990 - Anne Morrow Donley, Arthur Crisp, Barbara Beville, Vivian Dorrough, and others were involved in several court cases since this was at that time the only way the Virginia Indoor Clean Air Act could be enforced in most localities.

1990 - Virginia GASP received a letter of commendation from Dr. Louis Sullivan.

1991 - GASP successfully supported Senator Joe Jack Kennedy, Jr. in his efforts to raise the age of minors from 16 to 18 before tobacco products could be sold to them, and to require posting of signs regarding this. The legislature, following the tobacco industry lead, refused to prohibit gifts of tobacco products to minors. An enforcement provision for the Virginia Indoor Clean Air Act was defeated in the Senate by one vote.

1991 - Organized a Grand Finale National Press Conference in Richmond as a focus on the Philip Morris Bill of Rights tour; the conference included grass roots groups from other states.

1992 - An enforcement provision was added to the Virginia Indoor Clean Air Act, providing that any law enforcement officer may enforce the provisions of the Act.

1993 - GASP successfully supported Delegate Van Yahres in his effort to remove the exemption of a minor buying tobacco products for a parent.

1993 - GASP successfully lobbied Governor L. Douglas Wilder to veto the so-called smoker's rights bill on the private workplace. Wilder said he could not in good conscience elevate smoking to a civil right.

1993 - GASP received a $20,000 grant from the U.S. Center for Disease Control and Prevention, the U.S. Office on Smoking and Health, to present a seminar on making the workplace smoke-free.

1994 - Delegate Van Yahres courageously approached the issue of a local option to require a license to sell tobacco products, as a means to reduce the illegal sale of tobacco products to minors. GASP supported this, but the House Courts of Justice committee gutted the bill; Van Yahres struck it.

1994 - Participated as one of only two grass roots health activist organizations to testify before the U.S. OSHA hearings on a smoke-free workplace. Anne Morrow Donley testified for VA GASP. Dr. John O'Hara testified for Maryland Group Against Smoking Pollution.

1994 - Received grant to write a legislative history of Virginia laws regarding tobacco and health.

1995 - With Hilton Oliver, helped rally people to lobby President Clinton to follow Dr. David Kessler's, FDA, recommendations on tobacco and youth; then to express support to the FDA.

1995 - Received two grants regarding the legislative history of Virginia and tobacco and health.

1996 - Received two grants, one to compare the local No-Smoking ordinances in Virginia; the other to update the voting records of the Virginia legislators through 1996.

1996 - Actions of GASP's Anne Donley made national headlines, when at the RJR shareholders meeting she asked the CEO about smoking around children, and he said that children could walk away if they don't like the smoke; when Donley said that babies can't walk, he replied they could crawl away. One magzine labeled it one of the public relations gaffs of the year.

1997 - Established a web site [www.gasp.org] to provide information about environmental tobacco smoke, the Virginia state law, the Virginia General Assembly, and related matters.

1997 - Attended meetings [with scholarship help] in Boston [Tobacco Product Liability Project], Chicago [sponsored by the American Medical Association], two of the three Koop-Kessler panel meetings.

1997 - Networked with other grass roots and national groups to study the proposed tobacco deal, and then to raise consciousness regarding the many public health problems in the bailout.