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ADVERTISING

Sen. Hatch	The Wall Street Journal 2/27/98	Testifying before Sen. McCain's committee: "I want to work with the members of this committee to craft bipartisan, comprehensive anti-tobacco legislation which can be enacted this year."
	The New York Times 2/11/98	Tobacco companies would have to be given considerable protection against lawsuits if their advertising practices were to be restricted. Congress' most important goal should be reduced smoking by teenagers and strict limits on tobacco advertising are essential to attaining that goal. If Congress tried to limit advertising without the approval of the companies, it would lead to years of costly litigation that would delay implementation of the law.

DOCUMENT DISCLOSURE

Rep. Bliley	AP Online 1/29/98	"The recent disclosures in documents subpoenaed by this committee and released by (Rep. Henry) Waxman have shaken my confidence that you companies care about the truth."
	The New York Times 2/20/98	"Congress and the American people deserve to know what's in the documents so we can make informed decisions about tobacco policy."
	The Washington Post 2/20/98	Bliley said the documents [he subpoenaed] had been identified by Minnesota court officials as "possibly containing evidence of crime or fraud" and thus "must see the light of day."
	The Washington Times 2/20/98	"This should come as no surprise. I've said all along that if more documents were identified ... as possibly containing evidence of crime or fraud that I would request them."
Sen. Hatch	The Wall Street Journal 3/2/98	"There is no question that the tobacco companies have known their products were addictive and have deliberately marketed them as such. My focus is more on future opportunities than on past misconduct."

Rep. Meehan	The Wall Street Journal 2/27/98	"It's important not only to have internal documents that show potential criminal behavior, but to have a live witness who can corroborate events and testify before a grand jury."
	The LA Times 2/26/98	"If Liggett is turning state's evidence, this could break the entire investigation wide open. From a prosecutor's perspective, it's important not only to have documents that indicate potential criminal behavior, but it is equally, if not more, important to have a witness who can confirm the information on the documents, particularly people from upper management."

FARMERS

Rep. Bliley	The Herald Sun (Durham, NC) 1/30/98	Rep. Bliley pledged "not to forget about the thousands and thousands of hardworking men and women who toil on the farms, in union plants and on the assembly lines. Their lives and livelihood matter. Their futures are important."
Sen. Faircloth	The Herald-Sun 2/7/98 The News and Observer (Raleigh, NC) 2/12/98	Sen Faircloth and Rep. Etheridge asked President Clinton to consider an assistance program to help "ensure a safe and stable future for farmers and their communities." "The tobacco settlement was fat for lawyers and thin for farmers. While the Conrad bill falls short of what is needed, we have helped to shift the debate to the point where almost everyone is paying attention to the farmers."

FEDERAL SHARE OF MEDICAID (CHILD CARE/CLASS SIZE)

Rep. Bliley	AP 2/3/98	"The president is putting the cart before the horse. So far he's negotiated ... and promoted it. He's even spent the proceeds. The one thing he hasn't done is send Congress a tobacco bill."
Sen. Hatch	The Deseret News 2/24/98	Sen. Hatch is opposed to using any money from a tobacco settlement, or a separate tobacco tax, for child care.
Sen. Hollings	The Post and Courier (Charleston, SC)	With a lucrative settlement with tobacco manufacturers now in jeopardy, Hollings is highly skeptical that money can be found to finance either the Clinton or GOP agendas.

Sen. McCain	AP Online 2/2/98	"The president has not exercised his leadership responsibility to propose specific tobacco legislation detailing how the money he would spend will be raised."
	The Boston Globe 2/3/98	The president cannot truly claim his budget is in balance "because it includes \$65 billion in nonexistent revenue from prospective tobacco legislation" that Congress may not adopt.
	Evans and Novak 2/21/98	Novak: Some House Republican leaders would like to use the revenue from the \$1.50 tax on cigarettes to fund a tax cut for general taxpayers. What's your preference on that? McCain: "My first priority would obviously be campaigns to stop children from smoking. Second of all, I think the states do deserve some reimbursement for their Medicaid expenses, and I then think that perhaps a tax cut would be more appropriate. But I think there's going to be a big fight about that. But the most important thing is to have us coalesce and work together to at least address the issue of kids smoking."

INTERNATIONAL

Rep. Doggett	Press Release 2/26/98	<p>"Around the world, U.S. tobacco companies are using the methods they perfected on our children to addict the children of other nations to nicotine."</p> <p>"We should seize this unique opportunity to be a leader in promoting global public health by acting responsibly ourselves. The code of conduct we propose requires such responsible action from U.S. tobacco companies around the world. All we say to them is comply with a common, uniform standard: don't market to children anywhere; warn consumers of the deadly effects of your products anywhere."</p>
Sen. Durbin	Press Release 2/26/98	<p>"It will be a shameful legacy if our tobacco control efforts end up protecting America's kids at the expense of children in other countries. Products labeled 'MADE IN THE USA' should make us proud. Tobacco products which addict and kill fail that test."</p> <p>"Tobacco use in developing countries threatens to turn back the clock on public health advances in those nations. As the world's leading exporter of tobacco products, the United States has a moral responsibility to address the health devastation tobacco is causing in other countries. If we don't, people will equate our country with the tobacco epidemic they suffer."</p>
Sen. Lautenberg	Press Release 2/26/98	"On the run in America, tobacco companies are aggressively seeking to peddle their poison to children overseas. Our war against teen smoking should not stop at our nation's borders."

Sen. Wellstone	Press Release 2/26/98	<p>“Comprehensive tobacco control legislation would be incomplete without strong international tobacco controls. Unless we include strong international controls as part of tobacco control legislation, this outlaw industry will continue to exploit the overseas market, preying disproportionately on people in developing countries. Tobacco control legislation must protect children and protect public health at home and abroad while conceding no special protections to the tobacco industry.”</p> <p>“Children all over the world must be protected from the manipulations of this outlaw industry. It is a matter of fairness.”</p>
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LIABILITY

Rep. Bliley	The Washington Post 2/20/98	While Bliley has not made his position clear on legal protections, he has said that Congress needs to know if the industry engaged in “criminal or fraudulent activities” before it considers granting the industry “unprecedented immunity from future lawsuits.” (SEE DOCUMENT DISCLOSURE)
Sen. McCain	The LA Times 2/18/98	McCain has not yet taken a position on whether the companies should get limited liability in future lawsuits. “Sen McCain welcomes the input from these health advocacy groups and was pleased to see them working together,” said spokeswoman Nancy Ives. “He feels it streamlines the debate and on an issue like this it is very important, perhaps even crucial, to the process.”
	The New York Times 2/25/98	McCain, a former smoker, said he knew from personal experience that tobacco was addictive and asked tobacco company executives if they agreed.
	The LA Times 2/25/98	“Disappointed,” was the way McCain described industry executives’ answers to his litmus-test question on whether they consider nicotine to be addictive. McCain said that the executives’ refusal to acknowledge that cigarettes are addictive has “become symbolic of the skepticism that exists about their trustworthiness.”
	Dallas Morning News 2/27/98	“The whole settlement hinges on that single issue [liability]. How much do we give away and what are we getting in exchange? This is make or break. On this issue alone, if there is a divergence of views with the president [sic], we are going to have a problem passing a comprehensive deal.”

Rep. Meehan	The New York Times 2/6/98	Protection from lawsuits "is and certainly should be dead."
	Good Morning America 2/26/98	<p>"There is no question that [tobacco company executives] could be looking at potential criminal liability, which could include jail time, sure."</p> <p>"I would think members of Congress would be very, very careful about granting any kind of civil immunity to an industry that may be on the verge of being implicated in the highest level of culpability, which is criminal culpability. I think it would make Congress back off and wait to see what happens and wait until the full truth comes out about what the tobacco executives knew and when they knew it."</p>
Rep. Waxman	The Herald Sun (Durham, NC) 1/30/98	Liberals like Rep Waxman want more concession from the tobacco industry before Congress grants it what he called "virtual immunity from liability."
	The News and Observer (Raleigh, NC) 1/30/98	<p>"We face an enormous challenge. Can we put the public interest ahead of the special interests of the tobacco industry? Our goal and our only goal should be to pass legislation that protects our children. We don't need the tobacco industry's blessing to do this. We don't even need their agreement. All we need is the political will to do what's right."</p>
	The News and Observer 2/12/98	"Unlike the tobacco settlement announced last year, [Sen Conrad's] legislation isn't a sweetheart deal for the tobacco industry."

MINORITIES

Rep. Bliley	The News and Observer (Raleigh, NC) 1/30/98	"The documents suggest that tobacco companies targeted children. These documents suggest racial stereotypes were used in part of your marketing plans. These documents suggest possible manipulation of scientific research by industry attorneys. If these things are true, you should know that this kind of behavior is unacceptable and will not be allowed."
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PRICE PER PACK

Sen. McCain	Evans and Novak 2/21/98	"I believe that the American people want us to address the issue of children smoking and the fact that 3,000 young children everyday start smoking. And if the \$1.50 a pack tax on cigarettes will help in that effort, I think the American people will support it. And I believe that they expect us to enact a lot of other measures in order to address this issue."
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MEMORANDUM

TO: TOM FREEDMAN
ELENA KAGAN
BRUCE REED
CYNTHIA RICE
MARY SMITH

FROM: AMY BLOCK

RE: TOBACCO COMMENTS

DATE: MARCH 14, 1998

EW

This list includes comments on tobacco from:

1. Senator Baucus (D-MT)
2. Representative Bliley (R-VA)
3. Senator Burns (R-MT)
4. Representative Burr (R-NC)
5. Senator Cochran (R-MS)
6. Senator Collins (R-ME)
7. Senator Conrad (D-ND)
8. Representative DeLay (R-TX)
9. Representative Dingell (D-MI)
10. Representative Doggett (D-TX)
11. Senator Domenici (R-NM)
12. Senator Durbin (D-IL)
13. Senator Faircloth (R-NC)
14. Representative Fazio (D-CA)
15. Senator Ford (D-KY)
16. Speaker Gingrich (R-GA)
17. Senator Gregg (R-NH)
18. Senator Harkin (D-IA)
19. Senator Hatch (R-UT)
20. Senator Hollings (D-SC)
21. Senator Jeffords (R-VT)
22. Representative Kasich (R-OH)
23. Senator Kennedy (D-MA)
24. Senator Lautenberg (D-NJ)
25. Senator Lott (R-MS)
26. Senator Lugar (R-IN)
27. Senator Mack (R-FL)
28. Senator McCain (R-AZ)
29. Senator McConnell (R-KY)
30. Representative Meehan (D-MA)
31. Senator Nickles (R-OK)
32. Senator Robb (D-VA)
33. Representative Waxman (D-CA)
34. Senator Wellstone (D-MN)
35. Senator Wyden (D-OR)

ADVERTISING

Sen. Conrad	The Washington Post 3/3/98	Those willing to concede liability limits to the industry should recognize that even if cigarette makers agree to ad restrictions, others, such as the advertising industry, could challenge them in court.
Sen. Durbin	Senate Judiciary Hearing 2/10/98	<p>"I believe we can legislate tobacco advertising restrictions without violating the free speech rights enshrined in the Constitution."</p> <p>"We should [legislate tobacco advertising restrictions] on public health grounds, independent of other issues in the legislation -- not in exchange for the grant of immunity that buys the industry support."</p>
Sen. Hatch	<p>Senate Commerce, Science and Transportation Hearing 2/26/98 (and at Senate Judiciary Hearing 2/10/98)</p> <p>The New York Times 2/11/98</p> <p>Senate Commerce, Science and Transportation Hearing 3/11/98</p>	<p>"If tobacco advertising restrictions are a necessary ingredient in reducing youth smoking, then a constitutional way must be found to accomplish that goal. It is for this reason that in my bill, S.1530, the advertising restrictions are placed in a binding contract -- termed a Protocol -- whereby the tobacco companies waive any First Amendment rights they possess in exchange, in part, for the civil liability limitations."</p> <p>Tobacco companies would have to be given considerable protection against lawsuits if their advertising practices were to be restricted.</p> <p>Congress' most important goal should be reduced smoking by teenagers and strict limits on tobacco advertising are essential to attaining that goal.</p> <p>If Congress tried to limit advertising without the approval of the companies, it would lead to years of costly litigation that would delay implementation of the law.</p> <p>A comprehensive bill should include "broad, constitutionally-permissible mechanisms to limit advertising."</p>
Sen. Lugar	Senate Commerce, Science and Transportation Hearing 3/11/98	"Advertising may be curtailed, but I suspect that enough will remain -- even if not targeted at young people, along with a continuous assertion of First Amendment rights, peer pressure, and rebellion against parental or adult guidance -- that creative anti-smoking programs for the young will have limited success."

Sen. McCain	<p>National Journal Congress Daily 3/3/90</p> <p>Senate Commerce, Science and Transportation Hearing 3/3/98</p>	<p>McCain said it would be difficult to write ad restrictions which would require such distinctions as whether to regulate tobacco use shown on billboards or in films.</p> <p>McCain called FTC Chairman Robert Pitofsky's recommendation that the FTC share its regulation authority with the FDA on tobacco issues "a very interesting and attractive proposal."</p> <p>"Personally, I think little will be achieved if we pass legislation that will be held up for years in the courts and then struck down. Given how many children start smoking every day, we must know we are on solid footing when we act."</p>
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DOCUMENT DISCLOSURE

Rep. Bliley	<p>AP Online 1/29/98 and The Boston Globe 1/30/98</p> <p>The Los Angeles Times and The New York Times 2/20/98</p> <p>The Washington Post 2/20/98</p> <p>The Washington Times 2/20/98</p> <p>The Wall Street Journal 3/13/98</p>	<p>"The recent disclosures in documents subpoenaed by this committee and released by (Rep. Henry) Waxman have shaken my confidence that you companies care about the truth."</p> <p>"Congress and the American people deserve to know what's in the documents so we can make informed decisions about tobacco policy."</p> <p>Rep. Bliley said the documents [he subpoenaed] had been identified by Minnesota court officials as "possibly containing evidence of crime or fraud" and thus "must see the light of day."</p> <p>"This should come as no surprise. I've said all along that if more documents were identified ... as possibly containing evidence of crime or fraud that I would request them."</p> <p>Tobacco companies failed to produce by the deadline [3/12/98] documents subpoenaed by Rep. Bliley. Bliley said he wouldn't act on his subpoena until a Minnesota court rules on the challenge by the industry over whether to release the same documents to Minnesota lawyers.</p>
Sen. Durbin	The Chicago Tribune 3/12/98	"We can't believe a word they [tobacco firms] say."
Sen. Hatch	The Wall Street Journal 3/2/98	"There is no question that the tobacco companies have known their products were addictive and have deliberately marketed them as such. My focus is more on future opportunities than on past misconduct."

Rep. Meehan	The Wall Street Journal 2/27/98	"It's important not only to have internal documents that show potential criminal behavior, but to have a live witness who can corroborate events and testify before a grand jury."
	The Los Angeles Times 2/26/98	"If Liggett is turning state's evidence, this could break the entire investigation wide open. From a prosecutor's perspective, it's important not only to have documents that indicate potential criminal behavior, but it is equally, if not more, important to have a witness who can confirm the information on the documents, particularly people from upper management."
	The Los Angeles Times 3/10/98	"Many of the documents in the master's report will bolster the contentions I made in a memo to Attorney General Reno in December 1994 that the major tobacco companies were acting in concert" to hide damaging information about the hazards of their products.
Sen. Waxman	The NewsHour with Jim Lehrer 1/15/98	"These documents we're releasing today show that at least one major tobacco company consciously and skillfully targeted our children in a campaign to get them to smoke at an age as young as 14. These documents literally bring us into the boardrooms of RJR. They show that RJR's most senior executives developed and implemented a sophisticated plan to market their cigarettes to our children."
	The Courier-Journal (Louisville, KY) 1/30/98	"It seems to me we've got to get a lot more documents. And what we revealed to day is just a part of what we need to know. There are other companies involved, other documents. We ought to have it all before we start even considering giving them the special treatment."
	The Los Angeles Times 3/10/98	"What we have is [sic] words said in public, but deeds done in private that are very, very different."
Sen. Wyden	The Los Angeles Times 3/10/98	"The documents [the 39,000 the MN judge ordered the tobacco industry to turn over] suggest that there was a criminal conspiracy to suppress information that could have saved millions of lives."
	The New York Times 2/25/98	Wyden is skeptical that "it is actually a new day with respect to this subject [tobacco]. I think that the words are more artful than they were four years ago. But a little bit of this is like Yogi Berra -- it's deja vu all over again."

FARMERS

Rep. Bliley	The Herald Sun (Durham, NC) 1/30/98	Rep. Bliley pledged "not to forget about the thousands and thousands of hardworking men and women who toil on the farms, in union plants and on the assembly lines. Their lives and livelihoods matter. Their futures are important."
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Rep. Burr	The Herald Sun (Durham, NC) 1/30/98	<p>"My constituents depend on tobacco for their livelihoods. We need to know what the future holds for the people whose lives depend on farming tobacco."</p> <p>"Members of Congress have said if we don't take care of those affected who are not at the table, then there is no agreement. I think the farmers are the most prominent of those. Their needs are probably driving a lot of the process."</p> <p>"If the tools are there, we need to look at some type of repurchase of quotas and a redesign of what the agricultural community will look like in the future."</p>
Sen. Faircloth	The Herald-Sun (Durham, NC) 2/7/98 The News and Observer (Raleigh, NC) 2/12/98	<p>Sen. Faircloth and Rep. Etheridge asked President Clinton to consider an assistance program to help "ensure a safe and stable future for farmers and their communities."</p> <p>"The tobacco settlement was fat for lawyers and thin for farmers. While the Conrad bill falls short of what is needed, we have helped to shift the debate to the point where almost everyone is paying attention to the farmers."</p>
Sen. Ford	The Courier-Journal (Louisville, KY) 1/29/98 The Courier Journal (Louisville, KY) 2/14/98 The Houston Chronicle 3/12/98	<p>Sen. Ford and Rep. Baesler agreed it was good that the president recognized farmers in his speech, but both criticized his proposed \$1.50 increase in cigarette taxes. "At some point, Washington has to realize that we simply cannot pay for every new initiative on the backs of hard-working tobacco farmers and their families."</p> <p>Ford's spokesman said Sen. Ford pledged to "fight to represent the tobacco farmers, their families and communities even if he had not received one penny in campaign contributions."</p> <p>Ford said that if the farm program ended, tobacco prices would plummet and make cigarettes more affordable for young people.</p>
Sen. Hollings	The Washington Post 3/12/98	<p>Lugar's farm ideas drew fire from Sens. Ford and Hollings. Hollings predicted that, "You folks are gonna go nowhere."</p>

Sen. Hatch	Senate Commerce, Science and Transportation Hearing 3/11/98	<p>“Although I believe that current legal authority for FDA regulation of tobacco products is at best murky, I would not be opposed to inclusion in a comprehensive bill of a provision allowing the agency jurisdiction in this area. I believe any FDA provision should be drafted as a new section to the Federal Food, Drug and Cosmetic Act, since it is hard to argue that tobacco products are in any way safe and effective, the critical tests for current-law regulation of drugs and medical devices.”</p> <p>“I would urge you to include the provisions from the Jeffords-Hatch bill as the FDA section of your bill should you choose to include a food and drug title.”</p>
Sen. Jeffords	Senate Labor and Human Resources Hearing 3/11/98 The Washington Post 3/11/98	<p>“We also should applaud the FDA’s effort to develop a national tobacco policy using the tools it had available under the Federal Food Drug and Cosmetic Act. FDA’s assertion of jurisdiction, a proper one, in my view, did much to encourage the tobacco settlement and sharpen our thinking about how to bring this unique product under FDA’s purview.”</p> <p>“Right now, FDA faces the challenge of trying to shoehorn tobacco regulation into a regulatory system designed for medical devices. It is forced to somehow reconcile the known effects of tobacco with the standard of safety and efficacy for medical products. Of course this makes no sense whatsoever... That is why I think it is essential that we create a new chapter to regulate tobacco products.”</p> <p>A spokesman for Jeffords said committee staff members were “still talking” with public health advocates yesterday on some issues, but FDA authority “is one he [Jeffords] is not going to yield on.”</p>

FEDERAL SHARE OF MEDICAID (CHILD CARE/CLASS SIZE)

Sen. Baucus	Senate Commerce, Science and Transportation Hearing 3/11/98	Payments from the tobacco industry should be dedicated toward children. “This includes programs to stop kids from smoking, child care, child health, and education. In my opinion, these goals are accomplished by the Healthy Kids Act, a bill crafted by Senator Conrad and the Senate Democratic Task Force on Tobacco.”
Rep. Bliley	AP 2/3/98	“The president is putting the cart before the horse. So far he’s negotiated ... and promoted it. He’s even spent the proceeds. The one thing he hasn’t done is send Congress a tobacco bill.”
Sen. Cochran	Gannett News Service 2/6/98	“It’s very unlikely there will be anything done in this Congress because there is no agreement, no consensus, as to what should be done. It’s not a realistic expectation that there will be any \$65.5 billion-worth-of-money coming to the federal treasury from the tobacco settlement. That’s the bottom line.”

Sen. Conrad	AFX News 2/3/98	"I think (Clinton) is right on to tie new programs, like education, to tobacco and I am hopeful this legislation can pass before the budget resolution."
Sen. Domenici	AP Online 2/7/98 and The New York Times 2/8/98 The National Journal 2/14/98	"We should save Medicare first. If there is tobacco money, it should go toward keeping the Medicare system solvent, not for new Washington spending" (comments in the GOP weekly radio address). Tobacco money should go toward Medicare and Medicaid because of the tobacco-related health costs to those programs. Lott has said he favors Domenici's idea.
Sen. Hatch	The Deseret News (Salt Lake City, UT) 2/24/98 Senate Commerce, Science and Transportation Hearing 3/11/98	Sen. Hatch is opposed to using any money from a tobacco settlement, or a separate tobacco tax, for child care. "The scope of the bill should be limited to tobacco-related activities. Any attempt to broaden use of the funds beyond tobacco will dilute the effectiveness of the program and squander the opportunity we have to stop youth smoking."
Sen. Hollings	The Post and Courier (Charleston, SC)	With a lucrative settlement with tobacco manufacturers now in jeopardy, Hollings is highly skeptical that money can be found to finance either the Clinton or GOP agendas.
Sen. Lott	AFX News 2/9/98 Health Line (American Political Network) 2/24/98	"A lot of costs of Medicare are driven by health-related problems that could be associated with smoking so rather than use it as a cookie jar to spend on the lollipop list the President came up with, I thought the idea of putting it aside for Medicare is something we should think about." Sen Lott said he opposes a tax increase on tobacco products and ruled out using tobacco settlement funds for a tax cut, saying they should be used for Medicare, medical research and a campaign to discourage teenagers from smoking. Lott said that the states should receive the majority of tobacco funds approved under any settlement.
Sen. McCain	AP Online 2/2/98 The Boston Globe 2/3/98	"The president has not exercised his leadership responsibility to propose specific tobacco legislation detailing how the money he would spend will be raised." The President cannot truly claim his budget is in balance "because it includes \$65 billion in nonexistent revenue from prospective tobacco legislation" that Congress may not adopt.
Sen. Nickles	The New York Times 2/2/98	"I'm not inclined to help [the President] fund a variety of social programs out of this deal."

INTERNATIONAL

Rep. Doggett	Press Release 2/26/98	<p>“Around the world, U.S. tobacco companies are using the methods they perfected on our children to addict the children of other nations to nicotine.”</p> <p>“We should seize this unique opportunity to be a leader in promoting global public health by acting responsibly ourselves. The code of conduct we propose requires such responsible action from U.S. tobacco companies around the world. All we say to them is comply with a common, uniform standard: don’t market to children anywhere; warn consumers of the deadly effects of your products anywhere.”</p>
Sen. Durbin	Press Release 2/26/98	<p>“It will be a shameful legacy if our tobacco control efforts end up protecting America’s kids at the expense of children in other countries. Products labeled ‘MADE IN THE USA’ should make us proud. Tobacco products which addict and kill fail that test.”</p> <p>“Tobacco use in developing countries threatens to turn back the clock on public health advances in those nations. As the world’s leading exporter of tobacco products, the United States has a moral responsibility to address the health devastation tobacco is causing in other countries. If we don’t, people will equate our country with the tobacco epidemic they suffer.”</p>
Sen. Lautenberg	Press Release 2/26/98	<p>“On the run in America, tobacco companies are aggressively seeking to peddle their poison to children overseas. Our war against teen smoking should not stop at our nation’s borders.”</p>
Sen. Wellstone	Press Release 2/26/98	<p>“Comprehensive tobacco control legislation would be incomplete without strong international tobacco controls. Unless we include strong international controls as part of tobacco control legislation, this outlaw industry will continue to exploit the overseas market, preying disproportionately on people in developing countries. Tobacco control legislation must protect children and protect public health at home and abroad while conceding no special protections to the tobacco industry.”</p> <p>“Children all over the world must be protected from the manipulations of this outlaw industry. It is a matter of fairness.”</p>

LIABILITY

Sen. Baucus	Senate Commerce, Science and Transportation Hearing 3/11/98	<p>“For quite some time, tobacco companies tried to get kids to smoke. And that is why I do not support broad liability protections for the tobacco industry. Furthermore, liability protections that are crafted too broadly will bargain away future protection for the American people.”</p>
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Rep. Bliley	The Washington Post 2/20/98	While Bliley has not made his position clear on legal protections, he has said that Congress needs to know if the industry engaged in “criminal or fraudulent activities” before it considers granting the industry “unprecedented immunity from future lawsuits.”
Sen. Burns	Senate Commerce, Science and Transportation Hearing 2/24/98	“The media has portrayed what tobacco companies want as ‘immunity.’ I personally don’t believe that agreeing to pay over \$350 billion dollars to settle a case is immunity. If someone rear ends a car and causes injuries to the driver of the car, and a settlement is reached for injuries, property damage, pain and suffering, the amount of money paid isn’t called immunity. It’s called a settlement. No one in this country has ever been awarded \$50 billion in punitive damages by a jury. Ever! The fact that tobacco companies are willing to pay that amount after never losing a jury trial is incredible. But it isn’t immunity.”
Sen. Conrad	Healthy Kids Act Press Conference 2/11/98 The Washington Times 2/20/98 The Chicago Tribune 3/12/98 The Washington Post 3/12/98	<p>“I think it would be inappropriate, more important than what I think, the American people think it is inappropriate to give special unprecedented protection to this industry, of all industries.”</p> <p>“There was a turning point, and it happened when those [RJR] documents were released. You look at those, which turn on its head the industry’s claims that it didn’t market to children, and you ask, ‘How can we give this industry legal protections going forward?’”</p> <p>Conrad said if courts should later invalidate special protection from lawsuits, “We would truly have egg on our face.”</p> <p>Conrad warned senators that granting the industry liability protections would be “foolish.”</p>
Rep. DeLay	The New York Times 2/2/98	While admitting that the tobacco companies are “big contributors of mine,” DeLay said that immunity “would be very difficult for me to support.”
Sen. Durbin	National Journal Congress Daily 3/3/98	<p>Durbin said he would consider supporting legislation [Chafee, Harkin and Graham’s bill] that places annual caps on cigarette makers’ liability. Chafee, Harkin and Graham’s bill “is an interesting approach. It gives people their day in court, while offering something to the tobacco companies. I’m open to it.”</p> <p>Nevertheless, Durbin said the Conrad bill is his favored approach.</p>

Speaker Gingrich	Extel Examiner 2/12/98	Gingrich said Republicans are unlikely to support public policy that would benefit the industry. "I think what we learned about the tobacco companies planning, their awareness of addiction, and their efforts to target 14 year-olds is frankly reprehensible.
	The New York Times 2/18/98	"Their effort to target 14-year-olds is frankly reprehensible. I think that they are weaker than they have ever been in this city, and I think that there is virtually no sentiment for in any way listening favorably to the tobacco companies."
	The New York Times 2/28/98	Gingrich has told other GOP leaders in recent weeks that he favors legislation that would force the industry to pay the cost of treating sick smokers, but refuse to grant tobacco companies immunity from lawsuits, according to three senior Republican sources.
	The Chicago Tribune 3/12/98	Gingrich said he is "very skeptical if not hostile" to limiting the tobacco industry's liability to lawsuits. "I don't think we have to pay back the tobacco companies to tell them not to addict our kids."
Sen. Gregg	The Washington Post 3/12/98	Gregg criticized proposals to grant the industry protection from lawsuits and punitive damages. Gregg said it would be "a travesty of logic" to give the tobacco industry protection that has been denied other companies that cause far less harm to society."
Sen. Harkin	NPR Weekend Edition 2/28/98	Harkin's bill provides tobacco companies no immunity, but they would get a cap on the amount of damages they would have to pay out in any year. "We're gonna come up with a very bitter pill for the tobacco companies to swallow. But I think in the end, they're going to have to swallow that bitter pill."

Sen. Hatch	<p>Senate Commerce, Science and Transportation Hearing 2/26/98</p> <p>The Wall Street Journal 2/27/98</p> <p>NPR Weekend Edition 2/28/98</p> <p>The New York Times 3/11/98</p> <p>Senate Commerce, Science and Transportation Hearing 3/11/98</p>	<p>"The fact of the matter is that it is the limited liability provisions which brought the tobacco industry to the bargaining table with the attorneys general. They are what made any talk of the settlement possible ... And I believe it is possible for us to craft legislation built on the framework of that settlement which does not reward the industry for past ill deeds, but rather, which provides them with limited assurances of the financial predictability that will make a new national tobacco program possible."</p> <p>Testifying before the Senate Commerce, Science and Transportation Committee: "I want to work with the members of this committee to craft bipartisan, comprehensive anti-tobacco legislation which can be enacted this year."</p> <p>"You can't ignore the fact that there has to be some sort of benefit both ways in order to have a voluntary agreement. If there isn't, then I think it's all-too-easy for the tobacco companies to walk away from this. And if they do, then there just won't be the monies that we're talking about, there won't be the cooperation, there won't be the ban on advertising that would be constitutionally sound and upheld. And I think in the end, the farmers aren't gonna quit producing tobacco."</p> <p>Some prominent lawmakers, including Senator McCain and Senator Hatch, believe that Congress has little alternative but to accede. "Absent liability provisions, we will be unable to change materially the way in which these products are advertised and marketed."</p> <p>A comprehensive bill should include "well defined liability limitations, including settlement of the State and local suits" and "a strong mechanism to ensure continued oversight of the tobacco industry, such as the proposed "look-back" penalties."</p> <p>A comprehensive program, which can be implemented now, requires some measure of liability of reform, "the shape of which I am willing to discuss."</p>
Sen. Hollings	The Washington Times 3/12/98	Congress needs to find a "good CPA" to examine tobacco company records and determine just how much they can afford to pay to settle thousands of lawsuits filed against the industry. "I think it's a money thing with them and they're good business people and they're legitimate business people."

Sen. Kennedy	<p>Healthy Kids Act Press Conference 2/11/98</p> <p>The Washington Post 3/12/98</p>	<p>“Our proposal does not give tobacco companies immunity from private litigation. We’re committed to keeping the courthouse door open to those who suffer from tobacco induced illness.”</p> <p>Kennedy said that Jeffords’ bill “falls short of the mark set by the public health community ... and President Clinton.” The new scheme, he said, would create a regulatory and courtroom morass for years, and the penalties levied against the industry for failing to meet mandated reductions in youth smoking are too low.”</p>
Sen. Lautenberg	<p>St. Petersburg Times 1/16/98</p>	<p>“These revelations make it almost impossible for members of Congress to give the industry immunity and then go home to face the children in their districts.”</p>
Sen. Lugar	<p>Senate Commerce, Science and Transportation Hearing 3/11/98</p> <p>The Washington Post 3/12/98</p>	<p>“I oppose any limitation on the right of any individual or group to seek legal redress.”</p> <p>Sen Lugar testified [before the Commerce Committee] that he too opposes any lawsuit shield for the industry.</p>

Sen. McCain	<p>The NewsHour with Jim Lehrer 1/15/98</p> <p>The LA Times 2/18/98</p> <p>The New York Times 2/25/98</p> <p>The LA Times 2/25/98</p> <p>Dallas Morning News 2/27/98</p> <p>The New York Times 3/11/98</p>	<p>“In all due respect to my friend from California [Rep. Waxman], we have to have a vehicle [immunity]. We have to have a framework. The AG’s deserve to have that as the vehicle. Sure it’s going to be changed, but that’s still got to be the initial way that we approach this issue,”</p> <p>McCain has not yet taken a position on whether the companies should get limited liability in future lawsuits.</p> <p>McCain, a former smoker, said he knew from personal experience that tobacco was addictive and asked tobacco company executives if they agreed.</p> <p>“Disappointed,” was the way McCain described industry executives’ answers to his litmus-test question on whether they consider nicotine to be addictive. McCain said that the executives’ refusal to acknowledge that cigarettes are addictive has “become symbolic of the skepticism that exists about their trustworthiness.”</p> <p>“The whole settlement hinges on that single issue [liability]. How much do we give away and what are we getting in exchange? This is make or break. On this issue alone, if there is a divergence of views with the president [sic], we are going to have a problem passing a comprehensive deal.”</p> <p>Dr. Kessler and Dr. Koop’s public standing is so high that after meeting with them for more than an hour last week, Senator McCain said that no tobacco legislation could move forward without their stamp of approval.</p>
Rep. Meehan	<p>The New York Times 2/6/98</p> <p>Good Morning America 2/26/98</p>	<p>Protection from lawsuits “is and certainly should be dead.”</p> <p>“There is no question that [tobacco company executives] could be looking at potential criminal liability, which could include jail time, sure.”</p> <p>“I would think members of Congress would be very, very careful about granting any kind of civil immunity to an industry that may be on the verge of being implicated in the highest level of culpability, which is criminal culpability. I think it would make Congress back off and wait to see what happens and wait until the full truth comes out about what the tobacco executives knew and when they knew it.”</p>

Sen. Nickles	The New York Times 2/2/98	"I don't want to say the global settlement is dead, but it's getting more difficult to see a package that would have immunity."
	The New York Times 2/28/98	"Amongst the (Senate) leadership on the Republican side, there's not a lot of interest in granting immunity to tobacco. And if you don't have immunity, the tobacco boys aren't going to be willing to participate."
Rep. Waxman	The News Hour with Jim Lehrer 1/15/98	<p>"These documents today clearly illustrate one of the major tobacco companies was in a very cynical and clear way targeting and implementing a strategy to get kids as young as 14 years of age to smoke, so if we're going to deal with this problem, let's look at how we stopped the companies going after our kids. That should be the focus, not how to bail out the tobacco industry, how to solve their problems, but how to protect the public health."</p> <p>"It really is chutzpah for the tobacco companies to think that they can lie to the Congress, go after our children, deny that there are consequences from smoking, and then ask that they be forgiven for their actions."</p>
	Newsday 1/16/98 and St. Louis Post-Dispatch 1/16/98	"Let's pass legislation right now to stop tobacco companies from targeting children" and forget the controversial legal protections.
	The Herald Sun (Durham, NC) 1/30/98	Liberals like Rep. Waxman want more concessions from the tobacco industry before Congress grants it what he called "virtual immunity from liability."
	The News and Observer (Raleigh, NC) 1/30/98	"We face an enormous challenge. Can we put the public interest ahead of the special interests of the tobacco industry? Our goal and our only goal should be to pass legislation that protects our children. We don't need the tobacco industry's blessing to do this. We don't even need their agreement. All we need is the political will to do what's right."
	AP Newsfeed 1/31/98	Waxman has urged Congress to scrap the immunity provision and urged legislators to focus on laws protecting children.
	The News and Observer (Raleigh, NC) 2/12/98	"Unlike the tobacco settlement announced last year, [Sen Conrad's] legislation isn't a sweetheart deal for the tobacco industry."

Sen. Wellstone	Star Tribune (Minneapolis, MN) 2/6/98	Wellstone urged fellow senators to avoid giving cigarette makers immunity from civil suits in any tobacco legislation they pass this year. "We can and must pass legislation to crack down on this industry. To do so, we don't need their permission, and we certainly don't need to grant them any concessions."
Sen Wyden	The Chicago Tribune 3/12/98 The Washington Times 3/12/98	Wyden said that with recent disclosures in tobacco company documents about doctoring cigarettes with more nicotine, "there are grounds to be cautious" about excusing the firms from liability to individual suits. Wyden urged senators to reject any immunity, saying that some tobacco companies could face criminal indictments.

MINORITIES

Rep. Bliley	The News and Observer (Raleigh, NC) 1/30/98	"The documents suggest that tobacco companies targeted children. These documents suggest racial stereotypes were used in part of your marketing plans. These documents suggest possible manipulation of scientific research by industry attorneys. If these things are true, you should know that this kind of behavior is unacceptable and will not be allowed."
Rep. Fazio	Healthy Kids Act Press Conference 2/11/98	"This bill also hits big tobacco where it hurts, by taking on their shameful strategy of targeting minority communities. African-Americans, Hispanic-Americans, and Native Americans need redress and we intend to provide it in this legislation."

PAYMENTS TO STATES

Sen. Burns	Senate Commerce, Science and Transportation Hearing 2/24/98	"I don't want a handful of states to get huge settlements against big tobacco and the rest of the states to get little or nothing. I want kids in Montana to get the same deal that kids in Florida, Texas, and Mississippi get."
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PRICE PER PACK

Speaker Gingrich	The New York Times 2/12/98	Any money raised from a higher tobacco tax should be used for a tax cut elsewhere.
	The New York Times 2/16/98	Gingrich said that reducing teen-age smoking was important, that any tax increase on tobacco products should be offset by a tax cut elsewhere and that it was important not to make cigarettes so expensive that a black market developed.
	The Washington Times 3/6/98	Gingrich is making plans to use money raised from anti-smoking legislation to help pay for tax cuts. "I would be very surprised if we did not have tobacco money, whether it's in the form of a tax increase or the form of a settlement agreement, before the end of the year."
Sen. Hatch	Senate Commerce, Science and Transportation Hearing 2/26/98	"We have thrown away a giant opportunity to do a lot of public health good if we dilute the impact of these [cigarette tax] funds by using the revenues for non-tobacco related purposes."
Rep. Kasich	Extel Examiner 2/3/98	"I don't think the American people want any more taxes, any more fees ... and if there is a settlement, why should (we) give the money from one family to another" instead of cutting taxes.
Sen. Kennedy	AFX News 2/3/98	"We can pass a tobacco tax. It's the best way to reduce" teenage smoking.
Sen. Lautenberg	AFX News 2/3/98	Any new tax money could be used to pay for President Clinton's initiatives.
Sen. Lott	AFX News 2/9/98	"I do not like the idea of a tobacco tax. I have no problem with the price (of tobacco) going up, or the companies taking it from profits or however that would work. (But) a tax is a tax is a tax where I came [sic] from and I never met one I liked."
Sen. Lugar	Senate Commerce, Science and Transportation Hearing 3/11/98	<p>"I favor increasing the price of a pack of cigarettes by at least \$1.50."</p> <p>"I support a dramatic increase in the price of cigarettes because I am convinced that such a price change is the most promising program for reduction of cigarette smoking at all age levels."</p> <p>"Even while justice is served, Congress can make certain that a \$1.50 price per pack increase provides a strong price disincentive to smoke along with a certain cash flow to reimburse appropriate government health programs."</p>

Sen. McCain	Evans and Novak 2/21/98	<p>"I believe that the American people want us to address the issue of children smoking and the fact that 3,000 young children everyday start smoking. And if the \$1.50 a pack tax on cigarettes will help in that effort, I think the American people will support it. And I believe that they expect us to enact a lot of other measures in order to address this issue."</p> <p>Novak: Some House Republican leaders would like to use the revenue from the \$1.50 tax on cigarettes to fund a tax cut for general taxpayers. What's your preference on that?</p> <p>McCain: "My first priority would obviously be campaigns to stop children from smoking. Second of all, I think the states do deserve some reimbursement for their Medicaid expenses, and I then think that perhaps a tax cut would be more appropriate. But I think there's going to be a big fight about that. But the most important thing is to have us coalesce and work together to at least address the issue of kids smoking."</p>
Sen. Nickles	AFX News 2/3/98	"I don't know how a tobacco tax could pass."

PUBLIC HEALTH SPENDING

Sen. Collins	Press Release 2/12/98	One of the guiding principles of the PAST Act is that any settlement dollars be committed exclusively to anti-tobacco efforts, including public health programs and research.
Sen. Hatch	Senate Commerce, Science and Transportation Hearing 3/11/98	<p>A comprehensive bill should include "flexible, community-based funding for public health programs, such as tobacco use prevention and cessation and counter-advertising."</p> <p>A comprehensive bill should include "substantial new funding for biomedical research."</p>
Sen. Jeffords	Senate Labor and Human Resources Committee 3/11/98	"In my view, the critical issue of tobacco policy is not liability or lawyer's fees -- it is public health. The heart of a national policy on tobacco must be its public health provisions."
Sen. Lott	AFX News 2/9/98	Lott said he believed the odds are against Congress passing the comprehensive tobacco settlement, but a smaller teenage antismoking bill is likely to pass. Lott said a teenage bill would include an education program promoting antismoking habits to teenagers, but he would not specify how such legislation would be paid for. He said a tobacco tax would not be acceptable."
Sen. Lugar	Senate Commerce, Science and Transportation Hearing 3/11/98	"There is surely a reasonable conclusion that some of these public health costs should be identified in courts of law and that appropriate federal, state, and local governments should be reimbursed."

Sen. Mack	Senate Commerce, Science and Transportation Hearing 3/3/98	<p>“I am here to encourage my colleagues on this Committee to take this monumental opportunity to ‘get even’ in the most constructive way I know -- by forcing Big Tobacco to pick up the tab for finding cures to the very diseases they have caused. For there to be comprehensive tobacco legislation without significant medical research funding would be a tragedy.”</p> <p>“If our emphasis is limited to simply reducing smoking, without finding cures for disease, we will have abandoned those who are still addicted and accomplished only half of our mission.”</p> <p>“I also believe it is essential to remain firm in our long-standing policy that scientists, not Congress, should decide how these funds should be directed. Why? Because you never know where basic scientific research will lead.”</p> <p>“It is the right thing to do to make Big Tobacco pay for research into the addictive nature of tobacco, to pay for research into ways to enable smokers to end their addiction, and it is the right thing to do to provide NIH and CDC with the necessary resources to conduct research into the areas they believe will be successful.”</p>
Sen. Robb	The Richmond Times Dispatch 2/16/98	A Robb spokesperson said that Sen. Robb signed up with the Congressional Prevention Coalition because he has supported “forward-thinking, prevention-based health policy solutions, and this coalition can help advance such solutions.”

MEMORANDUM

TO: TOM FREEDMAN, MARY SMITH

FROM: AMY BLOCK

RE: SELECTED TOBACCO COMMENTS FROM HEARINGS

DATE: MARCH 13, 1998

DRAFT -- attached are selected comments from the Senate Labor and Human Resources Committee hearing (3/11/98) and the Senate Commerce, Science and Transportation Committee hearing (3/11/98)

ADVERTISING

Sen. Hatch	Senate Commerce Committee Hearing 3/11/98	A comprehensive bill should include "broad, constitutionally-permissible mechanisms to limit advertising."
Sen. Lugar	Senate Commerce Committee Hearing 3/11/98	"Advertising may be curtailed, but I suspect that enough will remain -- even if not targeted at young people, along with a continuous assertion of First Amendment rights, peer pressure, and rebellion against parental or adult guidance -- that creative anti-smoking programs for the young will have limited success."

FARMERS

Sen. Ford	The Houston Chronicle 3/12/98	Ford said that if the farm program ended, tobacco prices would plummet and make cigarettes more affordable for young people.
Sen. Hollings	The Washington Post 3/12/98	Lugar's farm ideas drew fire from Ford and Hollings. Hollings predicted that, "You folks are gonna go nowhere."

Sen. Lugar	Senate Commerce Committee Hearing 3/11/98	<p>"I believe that it is simply wrong for the federal government to support tobacco farming, marketing, and warehousing. So long as tobacco remains a legal cash crop, it should be governed purely by the market forces of supply and demand. I am hopeful that the federal tobacco program will be terminated in any comprehensive tobacco legislation which is enacted this year."</p> <p>"It would be blatantly inconsistent to enact the public policy measures I have advocated and then to continue a federal support system for the growing, marketing, and warehousing of tobacco. Last fall, I introduced S.1313 to require a buy out of tobacco quotas, transition payments to farmers who do not own quotas, assistance for local communities, and an end to the federal tobacco subsidy."</p> <p>"A bill that fails to end the tobacco price support program, while compensating farmers in a fair way, will be an imperfect bill at best. And it will not be in the long-term interest of the farmers who grow tobacco."</p>
	The Houston Chronicle 3/12/98	"Many Americans are unaware that the same government that tells you not to smoke... makes it lucrative to grow tobacco by guaranteeing a price and limiting supply."
	The Richmond Times Dispatch 3/12/98	Lugar supports doing away with the federal government's program that supports tobacco growing and marketing. He favors a free market approach and has sponsored a bill to eliminate the federal program.

FDA AUTHORITY

Sen. Hatch	Senate Commerce Committee Hearing 3/11/98	<p>"Although I believe that current legal authority for FDA regulation of tobacco products is at best murky, I would not be opposed to inclusion in a comprehensive bill of a provision allowing the agency jurisdiction in this area. I believe any FDA provision should be drafted as a new section to the Federal Food, Drug and Cosmetic Act, since it is hard to argue that tobacco products are in any way safe and effective, the critical tests for current-law regulation of drugs and medical devices."</p> <p>"I would urge you to include the provisions from the Jeffords-Hatch bill as the FDA section of your bill should you choose to include a food and drug title."</p>
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Sen. Jeffords	Senate Labor and Human Resources Hearing 3/11/98	<p>“We also should applaud the FDA’s effort to develop a national tobacco policy using the tools it had available under the Federal Food Drug and Cosmetic Act. FDA’s assertion of jurisdiction, a proper one, in my view, did much to encourage the tobacco settlement and sharpen our thinking about how to bring this unique product under FDA’s purview.”</p> <p>“Right now, FDA faces the challenge of trying to shoehorn tobacco regulation into a regulatory system designed for medical devices. It is forced to somehow reconcile the known effects of tobacco with the standard of safety and efficacy for medical products. Of course this makes no sense whatsoever... That is why I think it is essential that we create a new chapter to regulate tobacco products.”</p>
	The Washington Post 3/11/98	A spokesman for Jeffords said committee staff members were “still talking” with public health advocates yesterday on some issues, but FDA authority “is one he [Jeffords] is not going to yield on.”

FEDERAL SHARE OF MEDICAID (CHILD CARE/CLASS SIZE)

Sen. Baucus	Senate Commerce Committee Hearing 3/11/98	Payments from the tobacco industry should be dedicated toward children. “This includes programs to stop kids from smoking, child care, child health, and education. In my opinion, these goals are accomplished by the Healthy Kids Act, a bill crafted by Senator Conrad and the Senate Democratic Task Force on Tobacco.”
Sen. Hatch	Senate Commerce Committee Hearing 3/11/98	“The scope of the bill should be limited to tobacco-related activities. Any attempt to broaden use of the funds beyond tobacco will dilute the effectiveness of the program and squander the opportunity we have to stop youth smoking.”

LIABILITY

Sen. Baucus	Senate Commerce Committee Hearing 3/11/98	“For quite some time, tobacco companies tried to get kids to smoke. And that is why I do not support broad liability protections for the tobacco industry. Furthermore, liability protections that are crafted too broadly will bargain away future protection for the American people.”
Sen. Conrad	The Chicago Tribune 3/12/98	Conrad said if courts invalidate special protection from lawsuits, “We would truly have egg on our face.”
	The Washington Post 3/12/98	Conrad warned senators that granting the industry liability protections would be “foolish.”

Sen. Gregg	The Washington Post 3/12/98	Gregg criticized proposals to grant the industry protection from lawsuits and punitive damages. Gregg said it would be "a travesty of logic" to give the tobacco industry protection that has been denied other companies that cause far less harm to society."
Sen. Hatch	The New York Times 3/11/98 Senate Commerce Committee Hearing 3/11/98	Some prominent lawmakers, including Senator McCain and Senator Hatch, believe that Congress has little alternative but to accede. "Absent liability provisions, we will be unable to change materially the way in which these products are advertised and marketed." A comprehensive bill should include "well defined liability limitations, including settlement of the State and local suits" and "a strong mechanism to ensure continued oversight of the tobacco industry, such as the proposed "look-back" penalties." A comprehensive program which can be implemented now requires some measure of liability of reform, "the shape of which I am willing to discuss."
Sen. Hollings	The Washington Times 3/12/98	Congress needs to find a "good CPA" to examine tobacco company records and determine just how much they can afford to pay to settle thousands of lawsuits filed against the industry. "I think it's a money thing with them and they're good business people and they're legitimate business people."
Sen. Kennedy	The Washington Post 3/12/98	Kennedy said that Jeffords' bill "falls short of the mark set by the public health community ... and President Clinton." The new scheme, he said, would create a regulatory and courtroom morass for years, and the penalties levied against the industry for failing to meet mandated reductions in youth smoking are too low."
Sen. Lugar	Senate Commerce Committee Hearing 3/11/98 The Washington Post 3/12/98	"I oppose any limitation on the right of any individual or group to seek legal redress." Sen Lugar testified [before the Commerce Committee] that he too opposes any lawsuit shield for the industry.
Sen Wyden	The Chicago Tribune 3/12/98 The Washington Times 3/12/98	Wyden said that with recent disclosures in tobacco company documents about doctoring cigarettes with more nicotine, there are grounds to be cautious" about excusing the firms from liability to individual suits. Wyden urged senators to reject any immunity, saying that some tobacco companies could face criminal indictments.

PRICE PER PACK

Sen. Lugar	Senate Commerce Committee Hearing 3/11/98	<p>"I favor increasing the price of a pack of cigarettes by at least \$1.50."</p> <p>"I support a dramatic increase in the price of cigarettes because I am convinced that such a price change is the most promising program for reduction of cigarette smoking at all age levels."</p> <p>"Even while justice is served, Congress can make certain that a \$1.50 price per pack increase provides a strong price disincentive to smoke along with a certain cash flow to reimburse appropriate government health programs."</p>
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PUBLIC HEALTH SPENDING

Sen. Hatch	Senate Commerce Committee Hearing 3/11/98	<p>A comprehensive bill should include "flexible, community-based funding for public health programs, such as tobacco use prevention and cessation and counter-advertising."</p> <p>A comprehensive bill should include "substantial new funding for biomedical research."</p>
Sen. Jeffords	Senate Labor and Human Resources Committee 3/11/98	<p>"In my view, the critical issue of tobacco policy is not liability or lawyer's fees -- it is public health. The heart of a national policy on tobacco must be its public health provisions."</p>
Sen. Lugar	Senate Commerce Committee Hearing 3/11/98	<p>"There is surely a reasonable conclusion that some of these public health costs should be identified in courts of law and that appropriate federal, state, and local governments should be reimbursed."</p>

Attendance 10/20/97 1:15 p.m. OEOB

Workplace Release

Eric Benderson	SBA	205-6636
Michael Campitanga	SBA	205-6879
MARTY LEDERMAN	DOJ-OLC	514-3711
Dawn Johnson	DOJ-OLC	514-2051
Kit Zurney	Commerce	482-4772
→ Marvin Kristou	DOL - Sol's Office	219-7684
Ellen Vargyas	EEOC	663-4637
Todd Flournoy	DOH - OCTA	219-7692
→ Debi Mohile	WH - OPL	456-5157
→ MAUREEN STEA	WH - OPL	456-2721
KARL LAHRING	ED - OGC	401-6006
Tom Freeman	WH - OPL	456-5587
→ Bill Marshall	WH - Crrl	456-6219

EW add to my phone list

EW Can you
Create a phone
list of these folks?

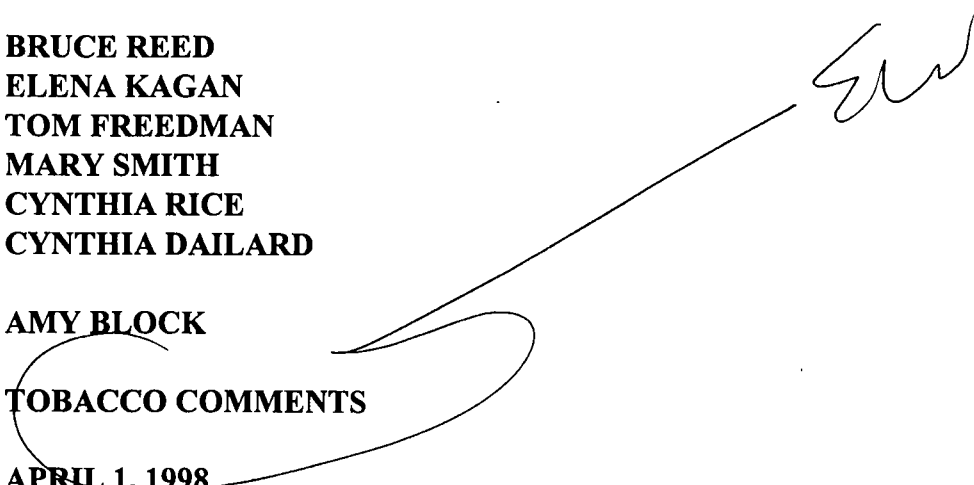
MEMORANDUM

TO: BRUCE REED
ELENA KAGAN
TOM FREEDMAN
MARY SMITH
CYNTHIA RICE
CYNTHIA DAILARD

FROM: AMY BLOCK

RE: TOBACCO COMMENTS

DATE: APRIL 1, 1998



This list includes comments on tobacco from:

1. Representative Archer (R-TX)
2. Representative Armey (R-TX)
3. Senator Ashcroft (R-MO)
4. Senator Baucus (D-MT)
5. Representative Bliley (R-VA)
6. Senator Breaux (D-LA)
7. Senator Burns (R-MT)
8. Representative Burr (R-NC)
9. Senator Cochran (R-MS)
10. Senator Collins (R-ME)
11. Senator Conrad (D-ND)
12. Representative DeLay (R-TX)
13. Representative Dingell (D-MI)
14. Representative Doggett (D-TX)
15. Senator Domenici (R-NM)
16. Senator Durbin (D-IL)
17. Senator Faircloth (R-NC)
18. Representative Fazio (D-CA)
19. Senator Ford (D-KY)
20. Speaker Gingrich (R-GA)
21. Senator Gramm (R-TX)
22. Senator Gregg (R-NH)
23. Senator Harkin (D-IA)
24. Senator Hatch (R-UT)
25. Senator Hollings (D-SC)
26. Senator Jeffords (R-VT)
27. Representative Kasich (R-OH)
28. Senator Kennedy (D-MA)
29. Senator Kerry (D-MA)
30. Senator Lautenberg (D-NJ)
31. Senator Leahy (D-VT)
32. Senator Lott (R-MS)
33. Senator Lugar (R-IN)
34. Senator Mack (R-FL)
35. Senator McCain (R-AZ)
36. Senator McConnell (R-KY)
37. Representative Meehan (D-MA)
38. Senator Nickles (R-OK)
39. Senator Robb (D-VA)
40. Representative Tauzin (R-LA)
41. Senator Thompson (R-TN)
42. Representative Waxman (D-CA)
43. Senator Wellstone (D-MN)
44. Senator Wyden (D-OR)

ADVERTISING

Sen. Breaux	Knight Ridder 3/4/98	"It's becoming more and more clear that in the absence of a settlement, restricting exposure of kids to ads is on very shaky ground."
Sen. Conrad	The Washington Post 3/3/98	Those willing to concede liability limits to the industry should recognize that even if cigarette makers agree to ad restrictions, others, such as the advertising industry, could challenge them in court.
Sen. Durbin	Senate Judiciary Hearing 2/10/98	<p>"I believe we can legislate tobacco advertising restrictions without violating the free speech rights enshrined in the Constitution."</p> <p>"We should [legislate tobacco advertising restrictions] on public health grounds, independent of other issues in the legislation -- not in exchange for the grant of immunity that buys the industry support."</p>
Sen. Hatch	<p>Senate Commerce, Science and Transportation Hearing 2/26/98 (and Senate Judiciary Hearing 2/10/98)</p> <p>The New York Times 2/11/98</p> <p>Senate Commerce, Science and Transportation Hearing 3/11/98</p>	<p>"If tobacco advertising restrictions are a necessary ingredient in reducing youth smoking, then a constitutional way must be found to accomplish that goal. It is for this reason that in my bill, S.1530, the advertising restrictions are placed in a binding contract -- termed a Protocol -- whereby the tobacco companies waive any First Amendment rights they possess in exchange, in part, for the civil liability limitations."</p> <p>Tobacco companies would have to be given considerable protection against lawsuits if their advertising practices were to be restricted.</p> <p>Congress' most important goal should be reduced smoking by teenagers and strict limits on tobacco advertising are essential to attaining that goal.</p> <p>If Congress tried to limit advertising without the approval of the companies, it would lead to years of costly litigation that would delay implementation of the law.</p> <p>A comprehensive bill should include "broad, constitutionally-permissible mechanisms to limit advertising."</p>
Sen. Lugar	Senate Commerce, Science and Transportation Hearing 3/11/98	"Advertising may be curtailed, but I suspect that enough will remain -- even if not targeted at young people, along with a continuous assertion of First Amendment rights, peer pressure, and rebellion against parental or adult guidance -- that creative anti-smoking programs for the young will have limited success."
Sen. Mack	Knight Ridder 3/4/98	"It's going to have to be consensual. The tobacco companies have to agree to restrict their advertising."

Sen. McCain	National Journal Congress Daily 3/3/90	McCain said it would be difficult to write ad restrictions which would require distinctions such as whether to regulate tobacco use shown on billboards or in films.
	Senate Commerce, Science and Transportation Hearing 3/3/98	McCain called FTC Chairman Robert Pitofsky's recommendation that the FTC share its regulation authority with the FDA on tobacco issues "a very interesting and attractive proposal."
	Knight Ridder 3/20/98	"Personally, I think little will be achieved if we pass legislation that will be held up for years in the courts and then struck down. Given how many children start smoking every day, we must know we are on solid footing when we act." "You can't dictate to studios that they can't put cigarettes in movies. Bu maybe we can do away with the obscene practice of compensation for placement of cigarettes in movies."

DOCUMENT DISCLOSURE

Rep. Bliley	AP Online 1/29/98 and The Boston Globe 1/30/98	"The recent disclosures in documents subpoenaed by this committee and released by (Rep. Henry) Waxman have shaken my confidence that you companies care about the truth."
	The Los Angeles Times and The New York Times 2/20/98	"Congress and the American people deserve to know what's in the documents so we can make informed decisions about tobacco policy."
	The Washington Post 2/20/98	Rep. Bliley said the documents [he subpoenaed] had been identified by Minnesota court officials as "possibly containing evidence of crime or fraud" and thus "must see the light of day."
	The Washington Times 2/20/98	"This should come as no surprise. I've said all along that if more documents were identified ... as possibly containing evidence of crime or fraud that I would request them."
	The Wall Street Journal 3/13/98	Tobacco companies failed to produce documents subpoenaed by Rep. Bliley (by the 3/12/98 deadline). Bliley said he wouldn't act on his subpoena until a Minnesota court rules on the challenge by the industry over whether to release the same documents to Minnesota lawyers.
Sen. Durbin	The Chicago Tribune 3/12/98	"We can't believe a word they [tobacco firms] say."
Sen. Hatch	The Wall Street Journal 3/2/98	"There is no question that the tobacco companies have known their products were addictive and have deliberately marketed them as such. My focus is more on future opportunities than on past misconduct."

Rep. Meehan	The Wall Street Journal 2/27/98	"It's important not only to have internal documents that show potential criminal behavior, but to have a live witness who can corroborate events and testify before a grand jury."
	The Los Angeles Times 2/26/98	"If Liggett is turning state's evidence, this could break the entire investigation wide open. From a prosecutor's perspective, it's important not only to have documents that indicate potential criminal behavior, but it is equally, if not more, important to have a witness who can confirm the information on the documents, particularly people from upper management."
	The Los Angeles Times 3/10/98	"Many of the documents in the master's report will bolster the contentions I made in a memo to Attorney General Reno in December 1994 that the major tobacco companies were acting in concert" to hide damaging information about the hazards of their products.
Sen. Waxman	The NewsHour with Jim Lehrer 1/15/98	"These documents we're releasing today show that at least one major tobacco company consciously and skillfully targeted our children in a campaign to get them to smoke at an age as young as 14. These documents literally bring us into the boardrooms of RJR. They show that RJR's most senior executives developed and implemented a sophisticated plan to market their cigarettes to our children."
	The Courier-Journal (Louisville, KY) 1/30/98	"It seems to me we've got to get a lot more documents. And what we revealed to day is just a part of what we need to know. There are other companies involved, other documents. We ought to have it all before we start even considering giving them the special treatment."
	The Los Angeles Times 3/10/98	"What we have is [sic] words said in public, but deeds done in private that are very, very different."
Sen. Wyden	The New York Times 2/25/98	"The documents [the 39,000 the MN judge ordered the tobacco industry to turn over] suggest that there was a criminal conspiracy to suppress information that could have saved millions of lives."
Sen. Wyden	The New York Times 2/25/98	Wyden is skeptical that "it is actually a new day with respect to this subject [tobacco]. I think that the words are more artful than they were four years ago. But a little bit of this is like Yogi Berra -- it's deja vu all over again."

FARMERS

Rep. Bliley	The Herald Sun (Durham, NC) 1/30/98	Rep. Bliley pledged "not to forget about the thousands and thousands of hardworking men and women who toil on the farms, in union plants and on the assembly lines. Their lives and livelihoods matter. Their futures are important."
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Rep. Burr	The Herald Sun (Durham, NC) 1/30/98	<p>“My constituents depend on tobacco for their livelihoods. We need to know what the future holds for the people whose lives depend on farming tobacco.”</p> <p>“Members of Congress have said if we don’t take care of those affected who are not at the table, then there is no agreement. I think the farmers are the most prominent of those. Their needs are probably driving a lot of the process.”</p> <p>“If the tools are there, we need to look at some type of repurchase of quotas and a redesign of what the agricultural community will look like in the future.”</p>
Sen. Faircloth	<p>The Herald-Sun (Durham, NC) 2/7/98</p> <p>The News and Observer (Raleigh, NC) 2/12/98</p>	<p>Sen. Faircloth and Rep. Etheridge asked President Clinton to consider an assistance program to help “ensure a safe and stable future for farmers and their communities.”</p> <p>“The tobacco settlement was fat for lawyers and thin for farmers. While the Conrad bill falls short of what is needed, we have helped to shift the debate to the point where almost everyone is paying attention to the farmers.”</p>
Sen. Ford	<p>The Courier-Journal (Louisville, KY) 1/29/98</p> <p>The Courier Journal (Louisville, KY) 2/14/98</p> <p>The Houston Chronicle 3/12/98</p>	<p>Sen. Ford and Rep. Baesler agreed it was good that the president recognized farmers in his speech, but both criticized his proposed \$1.50 increase in cigarette taxes. “At some point, Washington has to realize that we simply cannot pay for every new initiative on the backs of hard-working tobacco farmers and their families.”</p> <p>Ford’s spokesman said Sen. Ford pledged to “fight to represent the tobacco farmers, their families and communities even if he had not received one penny in campaign contributions.”</p> <p>Ford said that if the farm program ended, tobacco prices would plummet and make cigarettes more affordable for young people.</p>
Sen. Hollings	<p>The Washington Post 3/12/98</p> <p>Roll Call 3/23/98</p>	<p>Lugar’s farm ideas drew fire from Sens. Ford and Hollings. Hollings predicted that, “You folks are gonna go nowhere.”</p> <p>“Any tobacco settlement that ignores small farmers would devastate the economy of my region. In many Southern states, tobacco farmers are the backbone of the area’s agricultural economy. Over 51,000 acres of farmland in South Carolina yielded 117.8 million pounds of tobacco. Tobacco was the number-one cash crop in South Carolina in 1996. It provided over \$214 million in cash receipts and generated over more than 40,000 jobs on over 2,000 tobacco farms. The economic impact of tobacco producers on the Palmetto State was over \$1 billion last year alone.”</p> <p>“My state simply cannot afford to support any tobacco settlement that destroys this important component of the state’s economy without new programs and funding in place that will retrain the thousands of farmers and workers who will be displaced and will help these communities to survive.”</p>

Sen. Lugar	Senate Commerce, Science and Transportation Hearing 3/11/98	<p>"I believe that it is simply wrong for the federal government to support tobacco farming, marketing, and warehousing. So long as tobacco remains a legal cash crop, it should be governed purely by the market forces of supply and demand. I am hopeful that the federal tobacco program will be terminated in any comprehensive tobacco legislation which is enacted this year."</p> <p>"It would be blatantly inconsistent to enact the public policy measures I have advocated and then to continue a federal support system for the growing, marketing, and warehousing of tobacco. Last fall, I introduced S.1313 to require a buy out of tobacco quotas, transition payments to farmers who do not own quotas, assistance for local communities, and an end to the federal tobacco subsidy."</p> <p>"A bill that fails to end the tobacco price support program, while compensating farmers in a fair way, will be an imperfect bill at best. And it will not be in the long-term interest of the farmers who grow tobacco."</p> <p>"Many Americans are unaware that the same government that tells you not to smoke... makes it lucrative to grow tobacco by guaranteeing a price and limiting supply."</p> <p>Lugar supports doing away with the federal government's program that supports tobacco growing and marketing. He favors a free market approach and has sponsored a bill to eliminate the federal program.</p>
Sen. McCain	The Richmond Times Dispatch 3/19/98	On the question of how to break the fall for tobacco farmers, McCain said that would be left to negotiation among farm state senators. But he indicated he favored the approach of Sen. Lugar to phase out government subsidies.
Sen. McConnell	The Courier-Journal (Louisville, KY) 2/14/98	"Like all members of Congress from Kentucky, regardless of political affiliation, I fight hard to save the livelihood of our 60,000 tobacco growers. Consequently, it's not surprising that I enjoy campaign support from political action committees and individuals which represent tobacco interests."
Rep. Tauzin	The Times-Picayune 2/11/98	Historically, Louisiana lawmakers have supported tobacco farm subsidies in exchange for votes for price supports for the state's sugar crops. But lawmakers say approving a deal with tobacco companies is another matter. Tauzin said, "The Louisiana delegation has always been part of the farm community in Washington. This is totally different."

FDA AUTHORITY

Sen. Conrad	Senate Commerce, Science and Transportation Hearing 3/11/98	<p>"We need unfettered FDA regulatory authority."</p> <p>"The FDA should have the same authority to protect our children from tobacco as it has to protect the public from prescription drugs. The polling data on this is unambiguous. Republicans, Independents, and Democrats all agree strongly. Give FDA the tools, all of the tools, needed to do the job."</p>
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Rep. Dingell	The News and Observer (Raleigh, NC) 1/30/98	Dingell said he would not tolerate any weakening of the FDA's authority to regulate tobacco.
Sen. Hatch	Senate Commerce, Science and Transportation Hearing 3/11/98	<p>"Although I believe that current legal authority for FDA regulation of tobacco products is at best murky, I would not be opposed to inclusion in a comprehensive bill of a provision allowing the agency jurisdiction in this area. I believe any FDA provision should be drafted as a new section to the Federal Food, Drug and Cosmetic Act, since it is hard to argue that tobacco products are in any way safe and effective, the critical tests for current-law regulation of drugs and medical devices."</p> <p>"I would urge you to include the provisions from the Jeffords-Hatch bill as the FDA section of your bill should you choose to include a food and drug title."</p>
Sen. Jeffords	Senate Labor and Human Resources Hearing 3/11/98	<p>"We also should applaud the FDA's effort to develop a national tobacco policy using the tools it had available under the Federal Food Drug and Cosmetic Act. FDA's assertion of jurisdiction, a proper one, in my view, did much to encourage the tobacco settlement and sharpen our thinking about how to bring this unique product under FDA's purview."</p> <p>"Right now, FDA faces the challenge of trying to shoehorn tobacco regulation into a regulatory system designed for medical devices. It is forced to somehow reconcile the known effects of tobacco with the standard of safety and efficacy for medical products. Of course this makes no sense whatsoever... That is why I think it is essential that we create a new chapter to regulate tobacco products."</p> <p>A spokesman for Jeffords said committee staff members were "still talking" with public health advocates yesterday on some issues, but FDA authority "is one he [Jeffords] is not going to yield on."</p>
Sen. McCain	The Washington Post 3/11/98	
Sen. McCain	The Wall Street Journal 3/27/98	McCain said that the dispute over FDA regulation is "philosophical," involving a disagreement between various committee members over how much power to give the agency

FEDERAL SHARE OF MEDICAID (CHILD CARE/CLASS SIZE)

Sen. Baucus	Senate Commerce, Science and Transportation Hearing 3/11/98	Payments from the tobacco industry should be dedicated toward children. "This includes programs to stop kids from smoking, child care, child health, and education. In my opinion, these goals are accomplished by the Healthy Kids Act, a bill crafted by Senator Conrad and the Senate Democratic Task Force on Tobacco."
Rep. Bliley	AP 2/3/98	"The President is putting the cart before the horse. So far he's negotiated... and promoted it. He's even spent the proceeds. The one thing he hasn't done is send Congress a tobacco bill."
Sen. Cochran	Gannett News Service 2/6/98	"It's very unlikely there will be anything done in this Congress because there is no agreement, no consensus, as to what should be done. It's not a realistic expectation that there will be any \$65.5 billion worth of money coming to the federal treasury from the tobacco settlement. That's the bottom line." Cochran and Rep. Parker said they don't believe the federal government should be spending any of the tobacco settlement money."

Sen. Conrad	<p>AFX News 2/3/98</p> <p>The Washington Post 3/19/98</p>	<p>"I think (Clinton) is right on to tie new programs, like education, to tobacco and I am hopeful this legislation can pass before the budget resolution."</p> <p>Conrad said that Domenici's approach to using the settlement proceeds was too narrow; that there wasn't enough money in other parts of the GOP budget plan to fully address tobacco-related problems, and that Republican insistence on hoarding the settlement for Medicare would undermine the already dim prospects for congressional approval of a tobacco deal this year. "The overarching priority is to protect the public health, and this is where the chairman's mark falls short... and undermines any potential settlement."</p>
Sen. Domenici	<p>AP Online 2/7/98 and The New York Times 2/8/98</p> <p>The National Journal 2/14/98</p> <p>The New York Times 3/19/98</p> <p>The Washington Post 3/19/98</p>	<p>"We should save Medicare first. If there is tobacco money, it should go toward keeping the Medicare system solvent, not for new Washington spending" (comments in the GOP weekly radio address).</p> <p>Tobacco money should go toward Medicare and Medicaid because of the tobacco-related health costs to those programs. Lott has said he favors Domenici's idea.</p> <p>"The President is way premature in his comments. We can't give the President \$124 billion and not get a nickel for Medicare. We're not going to just bow to him."</p> <p>Domenici said the White House was "turning its back on Medicare and reneging on its commitment to America's seniors." He said that without relying on any tobacco money his plan included an expansion of anti-smoking programs, increased funding for child care and a sharp rise in spending for the National Institutes of Health. And he said a tobacco deal should not become a new pool of money for Democrats to use to increase the size of the Federal Government. "We shouldn't be running around trying to invent things to spend money on from this giant piggy bank."</p> <p>"There are a lot of senators who don't want to vote for a cigarette settlement with a whole new litany of expenditures coming out of this piggy bank."</p>
Sen. Durbin	The Washington Post 3/19/98	Durbin criticized Domenici's budget plan. "The chairman's mark is like perfume: It's pleasant to the senses but lethal if swallowed."
Sen. Ford	The Dallas Morning News 2/25/98	The problem, according to Sen. Ford, is that President Clinton and many senators are already spending the money before they have it. "You're down and everybody wants to kick the hell out of you," Ford told tobacco executives. And every time they kick, the price tag goes up. Well, it's funny money and it's just not right."
Sen. Gramm	AP Online 3/18/98	"The threats to killing a settlement are coming from those who say, in essence, 'If you don't let us spend this money, there'll be no settlement.'"

Sen. Hatch	The Deseret News (Salt Lake City, UT) 2/24/98 Senate Commerce, Science and Transportation Hearing 3/11/98	Sen. Hatch is opposed to using any money from a tobacco settlement, or a separate tobacco tax, for child care. “The scope of the bill should be limited to tobacco-related activities. Any attempt to broaden use of the funds beyond tobacco will dilute the effectiveness of the program and squander the opportunity we have to stop youth smoking.”
Sen. Hollings	The Post and Courier (Charleston, SC)	With a lucrative settlement with tobacco manufacturers now in jeopardy, Hollings is highly skeptical that money can be found to finance either the Clinton or GOP agendas.
Sen. Lott	AFX News 2/9/98 Health Line (American Political Network) 2/24/98	“A lot of costs of Medicare are driven by health-related problems that could be associated with smoking so rather than use it as a cookie jar to spend on the lollipop list the President came up with, I thought the idea of putting it aside for Medicare is something we should think about.” Sen Lott said he opposes a tax increase on tobacco products and ruled out using tobacco settlement funds for a tax cut, saying they should be used for Medicare, medical research and a campaign to discourage teenagers from smoking. Lott said that the states should receive the majority of tobacco funds approved under any settlement.
Sen. McCain	AP 2/2/98 The Boston Globe 2/3/98	“The President has not exercised his leadership responsibility to propose specific tobacco legislation detailing how the money he would spend will be raised.” The President cannot truly claim his budget is in balance “because it includes \$65 billion in nonexistent revenue from prospective tobacco legislation” that Congress may not adopt.
Sen. Nickles	The New York Times 2/2/98	“I’m not inclined to help [the President] fund a variety of social programs out of this deal.”

INTERNATIONAL

Rep. Doggett	Press Release 2/26/98	“Around the world, U.S. tobacco companies are using the methods they perfected on our children to addict the children of other nations to nicotine.” “We should seize this unique opportunity to be a leader in promoting global public health by acting responsibly ourselves. The code of conduct we propose requires such responsible action from U.S. tobacco companies around the world. All we say to them is comply with a common, uniform standard: don’t market to children anywhere; warn consumers of the deadly effects of your products anywhere.”
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Sen. Durbin	Press Release 2/26/98	<p>"It will be a shameful legacy if our tobacco control efforts end up protecting America's kids at the expense of children in other countries. Products labeled 'MADE IN THE USA' should make us proud. Tobacco products which addict and kill fail that test."</p> <p>"Tobacco use in developing countries threatens to turn back the clock on public health advances in those nations. As the world's leading exporter of tobacco products, the United States has a moral responsibility to address the health devastation tobacco is causing in other countries. If we don't, people will equate our country with the tobacco epidemic they suffer."</p>
Sen. Hollings	The Richmond Times Dispatch 3/12/98	Hollings pummeled Lugar for his remark that the U.S. has a moral obligation not to export a product that's termed disease-causing and addictive. "When we landed, the Indians were smoking, Senator!" Sen. Hollings also mocked Sen. Wyden, who had warned against making concessions to tobacco companies when they may be subject to criminal indictments. "Let's quit treating this one in the extreme, or we're not going to get anywhere."
Sen. Lautenberg	Press Release 2/26/98	"On the run in America, tobacco companies are aggressively seeking to peddle their poison to children overseas. Our war against teen smoking should not stop at our nation's borders."
Sen. McCain	The Richmond Times Dispatch 3/19/98	McCain said that he had a "moral dilemma" about some aspects of the settlement, namely that it would allow companies to continue marketing of tobacco products overseas that are restricted at home and prices would be raised for low-income smokers.
Sen. Wellstone	Press Release 2/26/98	<p>"Comprehensive tobacco control legislation would be incomplete without strong international tobacco controls. Unless we include strong international controls as part of tobacco control legislation, this outlaw industry will continue to exploit the overseas market, preying disproportionately on people in developing countries. Tobacco control legislation must protect children and protect public health at home and abroad while conceding no special protections to the tobacco industry."</p> <p>"Children all over the world must be protected from the manipulations of this outlaw industry. It is a matter of fairness."</p>
Sen. Wyden	Senate Commerce, Science and Transportation Hearing 3/19/98	"My concern has long been that because the focus will be on the global markets that it will be possible for a multinational tobacco company to finance much of the cost of a settlement here by simply increasing costs increasing exports overseas."

LIABILITY

Sen. Ashcroft	The Wall Street Journal 3/30/98	Conservative Republicans on the committee, including John Ashcroft and Slade Gorton are insisting on legal relief as compensation for higher industry payments.
Sen. Baucus	Senate Commerce, Science and Transportation Hearing 3/11/98	"For quite some time, tobacco companies tried to get kids to smoke. And that is why I do not support broad liability protections for the tobacco industry. Furthermore, liability protections that are crafted too broadly will bargain away future protection for the American people."

Rep. Bliley	The Washington Post 2/20/98	While Bliley has not made his position clear on legal protections, he has said that Congress needs to know if the industry engaged in "criminal or fraudulent activities" before it considers granting the industry "unprecedented immunity from future lawsuits."
Sen. Breaux	The Times-Picayune 2/11/98	"The guts of what the attorneys general negotiated will be there, but I doubt the limitations on liability will be. That kind of immunity doesn't sell politically."
Sen. Burns	Senate Commerce, Science and Transportation Hearing 2/24/98	"The media has portrayed what tobacco companies want as 'immunity.' I personally don't believe that agreeing to pay over \$350 billion dollars to settle a case is immunity. If someone rear ends a car and causes injuries to the driver of the car, and a settlement is reached for injuries, property damage, pain and suffering, the amount of money paid isn't called immunity. It's called a settlement. No one in this country has ever been awarded \$50 billion in punitive damages by a jury. Ever! The fact that tobacco companies are willing to pay that amount after never losing a jury trial is incredible. But it isn't immunity."
Sen. Conrad	<p>Healthy Kids Act Press Conference 2/11/98</p> <p>The Washington Times 2/20/98</p> <p>NBC Nightly News 3/7/98</p> <p>Senate Commerce, Science and Transportation Hearing 3/11/98</p> <p>AP 3/11/98</p> <p>The Chicago Tribune 3/12/98</p>	<p>"I think it would be inappropriate, more important than what I think, the American people think it is inappropriate to give special unprecedented protection to this industry, of all industries."</p> <p>"There was a turning point, and it happened when those [RJR] documents were released. You look at those, which turn on its head the industry's claims that it didn't market to children, and you ask, 'How can we give this industry legal protections going forward?'"</p> <p>"What this means is that this industry would be given special protection, not only for their past wrongdoing, but for any future wrongdoing. I can't think of a more profound mistake that we could make."</p> <p>"The June 20 lookback penalties are inadequate. They provide no disincentive to the industry. The Healthy Kids Act provides strong penalties (10 cents per pack to be paid by the industry, up to 40 cents per pack to be paid by companies who fall far short of the targets) to ensure that the industry changes its behavior."</p> <p>This industry should NOT receive unprecedented special protections... We do not need to give the tobacco industry special legal protection to protect our children from its advertising and marketing practices. Doing so would be a serious mistake.</p> <p>Conrad said that McCain should call the industry's bluff. A bill without legal protections still could be sweetened by the settlement of 40 state and local lawsuits pending against the industry. "I believe they would sign those (agreements) in a Philadelphia minute to get those things resolved. Now, they won't say that. Of course they won't, they're negotiating."</p> <p>Conrad said if courts should later invalidate special protection from lawsuits, "We would truly have egg on our face."</p>

Sen. Conrad	The Washington Post 3/12/98	Conrad warned senators that granting the industry liability protections would be "foolish."
Rep. DeLay	The New York Times 2/2/98	While admitting that the tobacco companies are "big contributors of mine," DeLay said that immunity "would be very difficult for me to support."
Sen. Durbin	National Journal's Congress Daily 3/3/98	Durbin said he would consider supporting legislation [Chafee, Harkin, Graham] that places annual caps on cigarette makers' liability. Chafee, Harkin and Graham's bill "is an interesting approach. It gives people their day in court, while offering something to the tobacco companies. I'm open to it." Nevertheless, Durbin said the Conrad bill is his favored approach.
Sen. Ford	The Courier-Journal (Louisville, KY) 3/12/98	Ford said legal protections were essential to gaining concessions from the industry to give up advertising and marketing of cigarettes to young people. "I want a deal," Ford said.
Rep. Frank	St. Petersburg Times 2/12/98	"If (legal protections) were the price of a deal, I'd go for it."
Speaker Gingrich	Extel Examiner 2/12/98 The New York Times 2/18/98 The New York Times 2/28/98 National Journal's Congress Daily 3/10/98 and The Chicago Tribune 3/12/98 AP 3/18/98	Gingrich said Republicans are unlikely to support public policy that would benefit the industry. "I think what we learned about the tobacco companies planning, their awareness of addiction, and their efforts to target 14 year-olds is frankly reprehensible. "Their effort to target 14-year-olds is frankly reprehensible. I think that they are weaker than they have ever been in this city, and I think that there is virtually no sentiment for in any way listening favorably to the tobacco companies." Gingrich has told other GOP leaders in recent weeks that he favors legislation that would force the industry to pay the cost of treating sick smokers, but refuse to grant tobacco companies immunity from lawsuits, according to three senior Republican sources. Gingrich said he is "very skeptical if not hostile" to limits on liability for the tobacco industry, noting that no other industry has that kind of protection, including companies that make lifesaving products such as heart valves. "I don't think we have to pay back the tobacco companies to tell them not to addict our kids." Gingrich wants his colleagues to look at punishing the industry for recently released documents that demonstrate a longtime effort by companies to attract teen-age customers. At a leadership meeting last week, Gingrich instructed several committee chairmen to find a way to slap the industry with a tax increase and strict Food and Drug Administration oversight without imperiling GOP candidates in Southern tobacco-producing states.

Sen. Gregg	The Washington Post 3/12/98	Gregg criticized proposals to grant the industry protection from lawsuits and punitive damages. Gregg said it would be "a travesty of logic" to give the tobacco industry protection that has been denied other companies that cause far less harm to society."
	CQ Monitor 3/16/98	Some senators, such as Judd Gregg, may offer amendments on issues outside of the [Senate Labor and Human Resources] committee's jurisdiction so that its opinion will be known to other senators involved in drafting a comprehensive bill. Gregg wants to limit the legal protections offered to tobacco companies in the agreement.
Sen. Harkin	NPR Weekend Edition 2/28/98	Harkin's bill provides tobacco companies no immunity, but they would get a cap on the amount of damages they would have to pay out in any year. "We're gonna come up with a very bitter pill for the tobacco companies to swallow. But I think in the end, they're going to have to swallow that bitter pill."
	CNNFN Before Hours 3/11/98	"We are going to leave it available for people to go ahead and sue on damages and class actions and everything else."
Sen. Hatch	The Washington Times 2/11/98	Hatch would grant protection against class-action lawsuits and punitive damages under the attorneys general settlement. Without such limits, the continuing onrush of anti-tobacco lawsuits could bankrupt the industry, he said. "The civil liability provisions are also needed to prevent a race to the courthouse for settling pending and future lawsuits for the relatively limited tobacco company assets."
	St. Petersburg Times 2/12/98	This "is a once-in-a-generation opportunity" to pass an anti-smoking bill. He said he was willing to accept legal guarantees for the tobacco companies to "assure an orderly and financially sound mechanism to fund payments... which will deter youth smoking."
	Senate Commerce, Science and Transportation Hearing 2/26/98	"The fact of the matter is that it is the limited liability provisions which brought the tobacco industry to the bargaining table with the attorneys general. They are what made any talk of the settlement possible ... And I believe it is possible for us to craft legislation built on the framework of that settlement which does not reward the industry for past ill deeds, but rather, which provides them with limited assurances of the financial predictability that will make a new national tobacco program possible."
	The Wall Street Journal 2/27/98	Testifying before the Senate Commerce, Science and Transportation Committee: "I want to work with the members of this committee to craft bipartisan, comprehensive anti-tobacco legislation which can be enacted this year."
	NPR Weekend Edition 2/28/98	"You can't ignore the fact that there has to be some sort of benefit both ways in order to have a voluntary agreement. If there isn't, then I think it's all-too-easy for the tobacco companies to walk away from this. And if they do, then there just won't be the monies that we're talking about, there won't be the cooperation, there won't be the ban on advertising that would be constitutionally sound and upheld. And I think in the end, the farmers aren't gonna quit producing tobacco."

Sen. Hatch	<p>The New York Times 3/11/98</p> <p>Senate Commerce, Science and Transportation Hearing 3/11/98</p>	<p>Some prominent lawmakers, including Senator McCain and Senator Hatch, believe that Congress has little alternative but to accede. "Absent liability provisions, we will be unable to change materially the way in which these products are advertised and marketed."</p> <p>A comprehensive bill should include "well defined liability limitations, including settlement of the State and local suits" and "a strong mechanism to ensure continued oversight of the tobacco industry, such as the proposed "look-back" penalties."</p> <p>A comprehensive program, which can be implemented now, requires some measure of liability of reform, "the shape of which I am willing to discuss."</p>
Sen. Hollings	<p>The Washington Times 3/12/98</p>	<p>Congress needs to find a "good CPA" to examine tobacco company records and determine just how much they can afford to pay to settle thousands of lawsuits filed against the industry. "I think it's a money thing with them and they're good business people and they're legitimate business people."</p>
Sen. Kennedy	<p>Healthy Kids Act Press Conference 2/11/98</p> <p>The Washington Post 3/12/98</p> <p>CQ Monitor 3/16/98</p>	<p>"Our proposal does not give tobacco companies immunity from private litigation. We're committed to keeping the courthouse door open to those who suffer from tobacco induced illness."</p> <p>Kennedy said that Jeffords' bill "falls short of the mark set by the public health community ... and President Clinton." The new scheme, he said, would create a regulatory and courtroom morass for years, and the penalties levied against the industry for failing to meet mandated reductions in youth smoking are too low."</p> <p>Kennedy wants to eliminate the rebate provision. Kennedy may offer up to 66 amendments, although aides were hopeful that several areas of debate could be resolved before the (3/18/98) markup.</p>
Sen. Kerry	<p>The Washington Post 3/30/98</p>	<p>Kerry said through a spokesman that he wants to preserve people's right to file mass lawsuits and seek punitive damages from the industry for its past conduct.</p>
Sen. Leahy	<p>Senate Commerce, Science and Transportation Hearing 3/11/98</p>	<p>"I believe common sense dictates that we must ignore the tobacco industry's siren song for unprecedented legal protections. In exchange for legal protections from punitive damages and class action lawsuits, the tobacco industry has offered restrictions on its future advertising. I reject this mirage of a deal because it will evaporate in a court of law."</p> <p>"In the end, Congress would have been duped again by the tobacco industry and given unprecedented legal protections in exchange for empty promises."</p> <p>"Congress will have lost all its common sense if it grants special immunity to this rogue industry."</p>
Sen. Lautenberg	<p>St. Petersburg Times 1/16/98</p>	<p>"These revelations make it almost impossible for members of Congress to give the industry immunity and then go home to face the children in their districts."</p>

<p>Sen. Lugar</p>	<p>Senate Commerce, Science and Transportation Hearing 3/11/98</p> <p>The Chicago Tribune 3/11/98</p> <p>The Washington Post 3/12/98</p>	<p>"I oppose any limitation on the right of any individual or group to seek legal redress."</p> <p>"It is a very muddled picture." Lugar said that he sees a reasonable change of a bill passing but is unclear on whether Congress will grant the industry any protection from suits in exchange for curbs on tobacco advertising to teens."</p> <p>Sen. Lugar testified [before the Commerce Committee] that he too opposes any lawsuit shield for the industry</p>
<p>Sen. McCain</p>	<p>The NewsHour with Jim Lehrer 1/15/98</p> <p>The LA Times 2/18/98</p> <p>USA Today 3/20/98</p> <p>The New York Times 2/25/98</p> <p>The LA Times 2/25/98</p> <p>Dallas Morning News 2/27/98</p> <p>The Wall Street Journal 3/4/98</p>	<p>"In all due respect to my friend from California [Rep. Waxman], we have to have a vehicle [immunity]. We have to have a framework. The AG's deserve to have that as the vehicle. Sure it's going to be changed, but that's still got to be the initial way that we approach this issue,"</p> <p>McCain has not yet taken a position on whether the companies should get limited liability in future lawsuits.</p> <p>On the reliability of using survey data of teenage smoking habits to assess lookback penalties. "We're going to have to get different ways of making that assessment. Maybe the number of arrests of people who sell to minors. Maybe estimates by school principals. Those kind of things."</p> <p>McCain, a former smoker, said he knew from personal experience that tobacco was addictive and asked tobacco company executives if they agreed.</p> <p>"Disappointed," was the way McCain described industry executives' answers to his litmus-test question on whether they consider nicotine to be addictive. McCain said that the executives' refusal to acknowledge that cigarettes are addictive has "become symbolic of the skepticism that exists about their trustworthiness."</p> <p>"The whole settlement hinges on that single issue [liability]. How much do we give away and what are we getting in exchange? This is make or break. On this issue alone, if there is a divergence of views with the President, we are going to have a problem passing a comprehensive deal."</p> <p>A ban on class action lawsuits is "one piece of the puzzle I haven't figured out yet. The issue of limiting liability is directly related to what you get in return."</p>

Sen. McCain	<p>The New York Times 3/11/98</p> <p>The Richmond Times Dispatch 3/19/98</p>	<p>Dr. Kessler and Dr. Koop's public standing is so high that after meeting with them for more than an hour last week, Senator McCain said that no tobacco legislation could move forward without their stamp of approval.</p> <p>McCain said if Congress doesn't come to an agreement, nobody will get anything. Repeating the argument cigarette companies are using in asking for a comprehensive legislation with broad liability protection, McCain noted that 40 states are suing the tobacco companies. "Then they would go into bankruptcy and nobody gets any money."</p>
Rep. Meehan	<p>The New York Times 2/6/98</p> <p>Good Morning America 2/26/98</p>	<p>Protection from lawsuits "is and certainly should be dead."</p> <p>"There is no question that [tobacco company executives] could be looking at potential criminal liability, which could include jail time, sure."</p> <p>"I would think members of Congress would be very, very careful about granting any kind of civil immunity to an industry that may be on the verge of being implicated in the highest level of culpability, which is criminal culpability. I think it would make Congress back off and wait to see what happens and wait until the full truth comes out about what the tobacco executives knew and when they knew it."</p>
Sen. Nickles	<p>The New York Times 2/2/98</p> <p>The Los Angeles Times 2/11/98</p> <p>AP 3/18/98</p> <p>The Washington Post 2/23/98</p> <p>The New York Times 2/28/98</p> <p>The Washington Post 3/29/98</p>	<p>"I don't want to say the global settlement is dead, but it's getting more difficult to see a package that would have immunity."</p> <p>"I haven't seen the votes for immunity."</p> <p>Skeptical about a national tobacco settlement's chances for passage, Nickles said he is considering "a more narrow approach" that could be implemented without the industry's consent."</p> <p>After a closed-door luncheon session of the National Governors' Association, Nickles said he had told the state executives that neither Democrats nor Republicans were inclined to give the tobacco companies immunity from future lawsuits for smoking-related costs.</p> <p>"Amongst the (Senate) leadership on the Republican side, there's not a lot of interest in granting immunity to tobacco. And if you don't have immunity, the tobacco boys aren't going to be willing to participate."</p> <p>"This isn't last June; this is February 1998 and things aren't going well for you [the tobacco industry]. You are not going to get what you are looking for here."</p>
Rep. Tauzin	<p>The Times-Picayune 2/11/98</p>	<p>"I have no problem with a trade-off between a settlement in dollars and some immunity from suits in the future, but we know that the industry aggressively marketed to kids. I have a problem with that. It has something to do with the integrity with which these products are sold."</p>

Rep. Waxman	<p>The News Hour with Jim Lehrer 1/15/98</p> <p>Newsday 1/16/98 and St. Louis Post-Dispatch 1/16/98</p> <p>The Herald Sun (Durham, NC) 1/30/98</p> <p>The News and Observer (Raleigh, NC) 1/30/98</p> <p>AP 1/31/98</p> <p>The News and Observer (Raleigh, NC) 2/12/98</p>	<p>“These documents today clearly illustrate one of the major tobacco companies was in a very cynical and clear way targeting and implementing a strategy to get kids as young as 14 years of age to smoke, so if we’re going to deal with this problem, let’s look at how we stopped the companies going after our kids. That should be the focus, not how to bail out the tobacco industry, how to solve their problems, but how to protect the public health.”</p> <p>“It really is chutzpah for the tobacco companies to think that they can lie to the Congress, go after our children, deny that there are consequences from smoking, and then ask that they be forgiven for their actions.”</p> <p>“Let’s pass legislation right now to stop tobacco companies from targeting children” and forget the controversial legal protections.</p> <p>Liberals like Rep. Waxman want more concessions from the tobacco industry before Congress grants it what he called “virtual immunity from liability.”</p> <p>“We face an enormous challenge. Can we put the public interest ahead of the special interests of the tobacco industry? Our goal and our only goal should be to pass legislation that protects our children. We don’t need the tobacco industry’s blessing to do this. We don’t even need their agreement. All we need is the political will to do what’s right.”</p> <p>Waxman has urged Congress to scrap the immunity provision and urged legislators to focus on laws protecting children.</p> <p>“Unlike the tobacco settlement announced last year, [Sen Conrad’s] legislation isn’t a sweetheart deal for the tobacco industry.”</p>
Sen. Wellstone	<p>Star Tribune (Minneapolis, MN) 2/6/98</p>	<p>Wellstone urged fellow senators to avoid giving cigarette makers immunity from civil suits in any tobacco legislation they pass this year. “We can and must pass legislation to crack down on this industry. To do so, we don’t need their permission, and we certainly don’t need to grant them any concessions.”</p>

Sen. Wyden	The Chicago Tribune 3/12/98	Wyden said that with recent disclosures in tobacco company documents about doctoring cigarettes with more nicotine, "there are grounds to be cautious" about excusing the firms from liability to individual suits.
	The Washington Times 3/12/98	Wyden urged senators to reject any immunity, saying that some tobacco companies could face criminal indictments.
	National Journal's Congress Daily 3/16/98	Wyden has indicated that he might support a grant of immunity from certain categories of civil litigation in exchange for cash and an industry vow to stop advertising to children, although he clearly finds the idea somewhat unsavory.
	The Washington Post 3/30/98	Wyden said he is hoping for "more progress" in terms of preserving people's right to file class action lawsuits and seek punitive damages for the tobacco industry's past conduct, as well as tougher provisions on secondhand smoke and targets on reduction of youth smoking.

MINORITIES

Rep. Bliley	The News and Observer (Raleigh, NC) 1/30/98	"The documents suggest that tobacco companies targeted children. These documents suggest racial stereotypes were used in part of your marketing plans. These documents suggest possible manipulation of scientific research by industry attorneys. If these things are true, you should know that this kind of behavior is unacceptable and will not be allowed."
Rep. Fazio	Healthy Kids Act Press Conference 2/11/98	"This bill also hits big tobacco where it hurts, by taking on their shameful strategy of targeting minority communities. African-Americans, Hispanic-Americans, and Native Americans need redress and we intend to provide it in this legislation."

PAYMENTS TO STATES

Sen. Breaux	The Times-Picayune 2/11/98	"They won't get 100 percent, but they will do very well."
Sen. Burns	Senate Commerce, Science and Transportation Hearing 2/24/98	"I don't want a handful of states to get huge settlements against big tobacco and the rest of the states to get little or nothing. I want kids in Montana to get the same deal that kids in Florida, Texas, and Mississippi get."
Sen. McCain	Senate Commerce, Science and Transportation Hearing 3/17/98	"A national settlement can only be concluded successfully if the states consent to extinguish their cases in return for billions in industry payments, marketing restrictions, and submission to vast regulation."
Sen. Nickles	The Dallas Morning News 2/25/98	Nickles told the nation's governors not to expect any money from a congressionally approved tobacco bill in 1998.

PRICE PER PACK

Sen. Burns	Senate Commerce, Science and Transportation Hearing 3/19/98	"Financial penalties on kids may not deter them from attempting to purchase tobacco products, but threaten to take away their driver's license if caught using tobacco products and I'll bet they'll think twice."
Sen. Conrad	Senate Commerce, Science and Transportation Hearing 3/11/98	"The price increase is necessary but not sufficient. It needs to be part of a comprehensive package including smoking cessation programs, State and Federal enforcement of youth access restrictions and strong lookback penalties."
Speaker Gingrich	The New York Times 2/12/98 The New York Times 2/16/98 The Washington Times 3/6/98 National Journal's Congress Daily 3/10/98 The Washington Post 3/29/98	Any money raised from a higher tobacco tax should be used for a tax cut elsewhere. Gingrich said that reducing teen-age smoking was important, that any tax increase on tobacco products should be offset by a tax cut elsewhere and that it was important not to make cigarettes so expensive that a black market developed. Gingrich is making plans to use money raised from anti-smoking legislation to help pay for tax cuts. "I would be very surprised if we did not have tobacco money, whether it's in the form of a tax increase or the form of a settlement agreement, before the end of the year." Gingrich said that money to prevent teen smoking could be raised by hiking the cost per pack to discourage teens from buying cigarettes. "We can just tax the hell out of them."
Sen. Hatch	Senate Commerce, Science and Transportation Hearing 2/26/98	"We have thrown away a giant opportunity to do a lot of public health good if we dilute the impact of these [cigarette tax] funds by using the revenues for non-tobacco related purposes."
Rep. Kasich	Extel Examiner 2/3/98	"I don't think the American people want any more taxes, any more fees... and if there is a settlement, why should (we) give the money from one family to another" instead of cutting taxes.
Sen. Kennedy	AFX News 2/3/98	"We can pass a tobacco tax. It's the best way to reduce" teenage smoking.
Sen. Lautenberg	AFX News 2/3/98	Any new tax money could be used to pay for President Clinton's initiatives.
Sen. Lott	AFX News 2/9/98	"I do not like the idea of a tobacco tax. I have no problem with the price (of tobacco) going up, or the companies taking it from profits or however that would work. (But) a tax is a tax is a tax where I came [sic] from and I never met one I liked."

Sen. Lugar	Senate Commerce, Science and Transportation Hearing 3/11/98	<p>"I favor increasing the price of a pack of cigarettes by at least \$1.50."</p> <p>"I support a dramatic increase in the price of cigarettes because I am convinced that such a price change is the most promising program for reduction of cigarette smoking at all age levels."</p> <p>"Even while justice is served, Congress can make certain that a \$1.50 price per pack increase provides a strong price disincentive to smoke along with a certain cash flow to reimburse appropriate government health programs."</p>
Sen. McCain	<p>Evans and Novak 2/21/98</p> <p>Senate Commerce, Science and Transportation Hearing 3/17/98</p> <p>USA Today 3/20/98</p>	<p>"I believe that the American people want us to address the issue of children smoking and the fact that 3,000 young children everyday start smoking. And if the \$1.50 a pack tax on cigarettes will help in that effort, I think the American people will support it. And I believe that they expect us to enact a lot of other measures in order to address this issue."</p> <p>Novak: Some House Republican leaders would like to use the revenue from the \$1.50 tax on cigarettes to fund a tax cut for general taxpayers. What's your preference on that?</p> <p>McCain: "My first priority would obviously be campaigns to stop children from smoking. Second of all, I think the states do deserve some reimbursement for their Medicaid expenses, and I then think that perhaps a tax cut would be more appropriate. But I think there's going to be a big fight about that. But the most important thing is to have us coalesce and work together to at least address the issue of kids smoking."</p> <p>"I agree with the President when he says it's not the "size of the prize" that counts but what tobacco legislation will do for public health. Experts tell us there is a point at which pricing fosters a black market that would constitute a public health concern. So, clearly, we must be cautious and fully understand the impact of our actions."</p> <p>"The administration wants a very high price on a pack of cigarettes so they'll have lots of money to spend on programs."</p>
Sen. Nickles	<p>AFX News 2/3/98</p> <p>The Washington Post 2/23/98</p> <p>Health Line American Political Network 3/18/98</p>	<p>"I don't know how a tobacco tax could pass."</p> <p>Both Sen. Nickles and Sen. Dorgan said Congress was more likely to raise tobacco taxes [than give tobacco companies immunity], but both said those proceeds probably would remain in Washington, rather than being shared directly with the states.</p> <p>In "the first indication that the Senate leadership would support a tobacco-tax increase in the absence of a comprehensive bill, Nickles said he would push for "a larger settlement package, the Wall Street Journal reports. "I'm going to try to be sure there's some money in the budget... to help pay for some ads to discourage teen smoking." Nickles also said that "there isn't any guarantee " that settlement legislation drafted by the Senate Commerce Committee "will make it to the Senate floor for a vote."</p>

Sen. Thompson	CNN Capital Gang 3/14/98	"We shouldn't use taxes in order to run people out of business. If we want to outlaw cigarettes, let's have an up-and-down vote on it."
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PUBLIC HEALTH SPENDING

Rep. Archer	The New York Times 3/30/98	"As Congress moves forward to prevent teen smoking, one of my top priorities will be to return the revenue raised to the American people for health-related tax relief."
Rep. Arney	American Political Network Health Line 2/4/98	Arney "laid down parameters for what congressional Republicans would accept" in tobacco legislation and as proper use of any settlement funds. He predicted that any congressional legislation on tobacco would "be action to use the money solely for teen smoking (cessation) and health care initiatives."
Sen. Breaux	The Advocate (Baton Rouge, LA) 2/15/98	Breaux says that his multiple cosponsorships are not meant to confuse and evade. Instead, they signal three things: he's committed to a tobacco settlement of some type; his real bottom line is that the final bill must send some money into health and child-protection programs, and he intends to be a player whenever the right bipartisan legislation comes along.
Sen. Collins	Press Release 2/12/98	One of the guiding principles of the PAST Act is that any settlement dollars be committed exclusively to anti-tobacco efforts, including public health programs and research.
Sen. Conrad	Health Line American Political Network 3/19/98	Criticizing Domenici's plan, Conrad said, "The overarching priority is to protect the public health, and this is where (Domenici's plan) falls short ... and undermines any potential settlement."
Sen. Hatch	Senate Commerce, Science and Transportation Hearing 3/11/98	A comprehensive bill should include "flexible, community-based funding for public health programs, such as tobacco use prevention and cessation and counter-advertising." A comprehensive bill should include "substantial new funding for biomedical research."
Sen. Jeffords	Senate Labor and Human Resources Committee 3/11/98	"In my view, the critical issue of tobacco policy is not liability or lawyer's fees -- it is public health. The heart of a national policy on tobacco must be its public health provisions."
Rep. Kasich	American Political Network Health Line 2/4/98	Kasich said that [settlement] funds "should be used to fund health programs directly related to problems caused by smoking."
Sen. Lautenberg	AP Online 3/18/98	"The Senate Budget Committee Republicans are offering a budget that would kill any chance of comprehensive tobacco legislation. How? Their budget would prohibit the use of tobacco revenues for tobacco-related activity."

Sen. Lott	AFX News 2/9/98	Lott said he believed the odds are against Congress passing the comprehensive tobacco settlement, but a smaller teenage antismoking bill is likely to pass. Lott said a teenage bill would include an education program promoting antismoking habits to teenagers, but he would not specify how such legislation would be funded. He said a tobacco tax would not be acceptable.
Sen. Lugar	Senate Commerce, Science and Transportation Hearing 3/11/98	"There is surely a reasonable conclusion that some of these public health costs should be identified in courts of law and that appropriate federal, state, and local governments should be reimbursed."
Sen. Mack	Senate Commerce, Science and Transportation Hearing 3/3/98	<p>"I am here to encourage my colleagues on this Committee to take this monumental opportunity to 'get even' in the most constructive way I know -- by forcing Big Tobacco to pick up the tab for finding cures to the very diseases they have caused. For there to be comprehensive tobacco legislation without significant medical research funding would be a tragedy."</p> <p>"If our emphasis is limited to simply reducing smoking, without finding cures for disease, we will have abandoned those who are still addicted and accomplished only half of our mission."</p> <p>"I also believe it is essential to remain firm in our long-standing policy that scientists, not Congress, should decide how these funds should be directed. Why? Because you never know where basic scientific research will lead."</p> <p>"It is the right thing to do to make Big Tobacco pay for research into the addictive nature of tobacco, to pay for research into ways to enable smokers to end their addiction, and it is the right thing to do to provide NIH and CDC with the necessary resources to conduct research into the areas they believe will be successful."</p>
Sen. Robb	The Richmond Times Dispatch 2/16/98	A Robb spokesperson said that Sen. Robb signed up with the Congressional Prevention Coalition because he has supported "forward-thinking, prevention-based health policy solutions, and this coalition can help advance such solutions."