Appendix B

Data Presentation

The presentation of data includes 634 tobacco-related citations collected from 566 articles, transcripts, and other information published between January 1, 1995 and June 1, 1999. The data are separated into four major sources: columnists, organizations, politicians, and publications. Each of these subject types is then divided by political orientation: “left” and “right.”

Columnists

Left

Alexander Cockburn

Alexander Cockburn is a columnist for The Nation and Creators Syndicate.

1. “It’s not news that the Republican Party is a wholly owned subsidiary of the tobacco cartel,” he said in the New Statesman on July 12, 1996.1

2. “[Gore] offered successful amendments to the Waxman bill that kept the words death and ‘addiction’ from appearing in any warnings,” said Mr. Cockburn, also in the July 12, 1996, New Statesman.2

3. “Bill Clinton has proclaimed himself the first anti-smoking president of the Republic . . . But the relationship between Clinton and the tobacco industry is a little more complicated than this simple citation would suggest . . . . Arkansas has never been a big tobacco-growing state, but this didn’t stop Governor Bill from raking in enormous contributions from the tobacco lobby,” he said in a commentary published in the New Statesman on July 26, 1996.3

4. “An Oregon initiative raising cigarette taxes 30 cents per pack to pay for the state’s health plan for the uninsured won easily despite billows of cartel cash,” said Mr. Cockburn in an article in The Nation on Nov. 25, 1996.4

Richard Cohen

Richard Cohen is a columnist at the Washington Post.

1. “We all know what addictive is. It means getting up in the middle of the night and searching the house for a cigarette. It means scrounging butts, looking through the garbage for the remnant of a cigarette and, as one person described to me, ransacking the house for a match and then sitting on the floor, cigarette pressed up against the radiator, sucking in air but not, dammit, smoke. If that is not addiction then what, pray tell, is?” said Mr. Cohen in a Mar. 21, 1996 Washington Post column.5

2. “[R]uin is precisely what they deserve. For many years now, they have lied to their customers—not to mention the government—by saying that cigarettes are not addictive when, as we now know, their own research strongly suggested otherwise,” said Mr. Cohen in an April 22, 1997 Washington Post article.6

3. “Where is their remorse? There is none. Instead, this foul business will, after paying a fine and abiding by some rules, be allowed to continue doing what it has always done,” said Mr. Cohen in his column in the Washington Post on June 24, 1997.7

4. “After all, are tobacco farmers so stupid that they did not see the day coming when tobacco would no longer be such a rich cash crop? Had they never heard of the Surgeon General, cancer, heart attacks and other good stuff?” said Mr. Cohen in the Washington Post, April 14, 1998.8

5. “If smoking is addictive, then cigarettes ought to be highly regulated and steeply priced. If it’s not, then raising the price won’t matter much. People can just walk away,” said Mr. Cohen in a Washington Post column on May 21, 1998.9
6. “It was the trial lawyers, spurred on by greed and, no doubt, a throbbing desire to see justice done, who figured out how to take on the cigarette companies, jabbing at them incessantly until, finally, the blows started to have their effect. . . . The trial lawyers ventured where the states would not,” said Mr. Cohen in a June 16, 1998 Washington Post commentary.

Linda Ellerbee

Linda Ellerbee is a television journalist who also writes a column distributed by Hearst/King Features Syndicate. She often cites her experiences as a former smoker in her commentaries.

1. “We know how harmful smoking is—according to the Centers for Disease Control, tobacco addiction kills more than 418,000 Americans each year,” said Ms. Ellerbee in a column published in the Rocky Mountain News on Feb. 4, 1995.11 A similar comment appeared in a column published on June 10, 1995 in the Des Moines Register.12

2. “Both my grown children smoke. Wonder where they learned that?” said Ms. Ellerbee in the Rocky Mountain News column.13

3. “OK, I’m ranting, or so my cousin Bill would say. But I don’t think I’ll stop. Not as long as the tobacco companies run those cute little ads with those cute little camels and whatnot to tell our kids that smoking is cute, too,” wrote Ms. Ellerbee in the Houston Chronicle, July 23, 1995.14

Ellen Goodman

Ellen Goodman is a columnist at the Boston Globe.

1. “The real endgame now is to push the companies into a corner from every direction. . . . This means plain packaging, a ban on marketing, higher prices, and keeping kids’ hands off the cigarette packages. It also means getting the message across,” said Ms. Goodman in the Boston Globe, March 30, 1997.15

2. “It is startling to see that, while the health spotlight has been on cigarettes, the Havana craze has gone on unabated. It’s been ignored largely because cigarettes are considered worse for your health, more addictive and more adult,” said Ms. Goodman the Houston Chronicle, July 20, 1997.16

3. “Sooner or later, the folks who believed RJR, Philip Morris and the boys when they talked about taxes will remember how they lied about cancer,” said Ms. Goodman in a Houston Chronicle article on June 28, 1998.17

4. “The beauty of this tactic [federal lawsuit] is that the president doesn’t need the approval of Congress to sue. And the industry really can’t risk bringing such a huge case to a jury,” said Ms. Goodman in her Feb. 7, 1999 Boston Globe column.18

5. “[W]e also need to empower the FDA to regulate, to curb even my favorite ads and punish companies if they keep addicting the young,” said Ms. Goodman, also in her Feb. 7, 1999 Boston Globe column.19

Nat Hentoff

Nat Hentoff is a columnist at the Village Voice and Washington Post.

1. “We now know that Al Gore, having held the hand of his dying sister, went on to protect our children from the dangers of smoking by continuing, for several years, to grow tobacco on his family farm in Tennessee,” said Mr. Hentoff in an Oct. 8, 1996 Village Voice article.20

Bob Herbert

Bob Herbert is a New York Times columnist.

1. “When your product kills more than 400,000 of your customers each year (and that’s just in the United States), you have to replace them with somebody. And since there are few people over the age of 21 who are willing to take up
smoking, the tobacco companies inevitably set their sights on the young,” said Mr. Herbert in a Jan. 1, 1996, column in the New York Times.21

2. “When you go to work for the tobacco industry, you leave your humanity far behind. Dead customers have to be replaced. So do those who quit the habit after losing various portions of their bodies to the surgeon’s knife or undergoing the tortures of radiation or chemotherapy or both,” said Mr. Herbert in a May 5, 1996 Cleveland Plain Dealer column.22

3. “Senator Jesse Helms was upset by Clinton’s action and the tobacco companies were being bombarded with lawsuits. That’s good news for the lungs of young people,” said Mr. Herbert in the Charleston Gazette, Aug. 26, 1996.23

4. “For the 11 or 12 airheads who still are not sure that smoking causes lung cancer, we now have a direct scientific link between a toxic chemical in cigarette smoke and the malignant tumors that have causes such agonizing deaths for so many,” said Mr. Herbert in the Sun-Sentinel on Oct. 23, 1996.24

5. “Politicians from both parties continue to take big bucks from—and do big favors for—a sinister and well-organized network that has conspired to distribute a powerfully addictive drug that prematurely ages the human face, is known to contribute to blindness, deafness, impotence and infertility, that delays the healing of wounds and broken bones, that causes strokes, impairs the immune system and in the past 100 years has killed more than 100 million people worldwide,” said Mr. Herbert in an Oct. 26, 1996, article published in the Chattanooga Times.25

6. “The cigarettes are awfully cute. They’re called Jumbos and there is an elephant on the front and back of the box. On the side is a man in the moon blowing smoke rings. And on each individual cigarette, where the brand name usually goes, is a tiny drawing of an elephant. I wondered which demographic group Jumbos were aimed at. Could it possibly be children?” said Mr. Herbert in the Chattanooga Times on Nov. 21, 1996.26

7. “We all know that it’s the intensely addictive quality of nicotine that puts such a stranglehold on smokers. That’s how the money is made,” said Mr. Herbert in the Dallas Morning News on April 23, 1997.27

8. “The tobacco companies kill me. Suddenly they want me to atone for their sins. They are going to stop their lying and stop trying to lure whole new generations of children into the deadly smoking habit. . . . The one little thing they want in return is for the Congress of the United States to pass a law granting them immunity for all their evil deeds—past, present and future. . . . We should make a deal with this crowd? A deal that drives their stock prices up?” said Mr. Herbert in the Dallas Morning News on April 23, 1997.28

9. “Ms. Connor, a faithful R.J. Reynolds customer, died six weeks after the video was made, the victim of a product that was no more dangerous to her health than applesauce, and no more addictive than your average carrot,” said Mr. Herbert in an April 25, 1997 New York Times article commenting on statements by tobacco executives.29

10. “The strategy across the industry is remarkably simple: Rope the youngsters in however you can, and then wait for the addiction to hold,” said Mr. Herbert in the Tampa Tribune on May 7, 1997.30

11. “In fact, most smokers find themselves trapped by the following insidious combination: Smoking is extremely pleasurable for large numbers of people. Nicotine, despite the bizarre testimony of tobacco executives, is highly addictive,” said Mr. Herbert in a May 15, 1997, column published in the Times-Picayune.31

12. “What the tobacco companies fear more than anything is that their carefully concealed account of their own sins, their internal record of their deliberate and sinister corporate deeds, will somehow be dragged into the light of day,” said Mr. Herbert in an Aug. 17, 1997 article in the Denver Post.32

13. “I am as opposed to smoking as anyone, but this is nuts. Putting kids under police surveillance in the hopes of catching them with a lighted Marlboro is out of line,” said Mr. Herbert in a Dec. 14, 1997 article in the Des Moines Register.33

14. “Smoking is a massive public health problem, a suicidal habit that for many decades has been deliberately foisted on the young by adults,” said Mr. Herbert, also in the Dec. 14, 1997 Des Moines Register.34

15. “There are many ways to cut down the number of kids who smoke, the simplest being to drastically raise the price of cigarettes,” said Mr. Herbert in the same Des Moines Register article.35
“The tobacco industry is finally being seen for what it really is. Even longtime friends are recoiling in disgust as internal documents, many of them kept carefully hidden for decades, detail the loathsome tactics used by the industry to lure children and others into the lethal habit of smoking,” said Mr. Herbert in a Feb. 13, 1998 Arizona Republic column.

Christopher Hitchens
Christopher Hitchens is a columnist at The Nation.

1. “[W]hy should they force me to be healthy? I only have to walk a few blocks to buy any drug I want. I don’t want, so I don’t buy. If you don’t want to smoke, don’t come in this bar. There are lots of non-smoking places. But this commonsensical approach doesn’t fit with the zealotry of those who want a Disneyland society, squeaky clean and conformist and wholesome,” said Mr. Hitchens in an article in the London Evening Standard, Dec. 30, 1997.

2. “[I]sn’t there something un-American about the sheer level of intrusion, not just into the fabled free-enterprise system, but into the private sphere, that results from this bizarre national obsession?” said Mr. Hitchens in Newsweek, June 30, 1997.

3. “I rather want to give up on the habit myself, but at a certain point, self respect kicks in. I don’t like being pushed around, or being lectured by nannies, or being told incessantly what is best for me,” said Mr. Hitchens, also in the June 30, 1997, Newsweek column.

Jesse Jackson
Jesse Jackson is a CNN talk show host and former presidential candidate.

1. “We are spending about $100 billion a year on cancer treatment and funerals. Cancer almost as common as the common cold, much of it driven by cigarettes. The Republicans have killed the tobacco bill,” said Mr. Jackson on his television show on June 21, 1998.

2. “Cigarettes are drugs,” said Mr. Jackson, in the same show.

3. “I do not sense that there is a war, as it were, between the American Cancer Society and the tobacco industry,” said Mr. Jackson in a CNN broadcast on Oct. 25, 1998.

Anthony Lewis
Anthony Lewis is a New York Times columnist.

1. “A civilized community has just as much interest in keeping cigarettes away from children as it does in preventing underage driving and drinking. For what is at issue is not just a private ‘lifestyle.’ It is an addiction that imposes terrible costs on the community, killing more people than alcohol or road accidents,” said Mr. Lewis in a column published in the Cleveland Plain Dealer, Oct. 21, 1995.

2. “It kills 425,000 Americans a year. But we have wisely chosen to deal with it by regulation and education, not prohibition. And those methods are working,” said Mr. Lewis in a New York Times column on Feb. 12, 1996.


4. “Tobacco companies . . . are determined to keep the FDA from regulating cigarettes as carriers of an addictive drug, nicotine,” said Mr. Lewis in the New York Times on Aug. 16, 1996.

5. “[I]s it an accident that recipients of big money from tobacco interests, for example, tend to favor the tobacco companies’ positions?” said Mr. Lewis in a column published in the Charleston Gazette, Nov. 5, 1996.

Mary McGrory
Mary McGrory is a columnist at the Washington Post.
1. “His signature cigarette holder has been taken from him in deference to tobacco-haters. . . . Of course FDR shouldn’t have smoked. But he did. He also drank excellent martinis of his own making. At the time, his countrymen did not begrudge him his small if dangerous pleasures,” said Ms. McGrory in the Washington Post, May 1, 1997.  

2. “Usually politicians—particularly members of a party that is vociferously pro-family—pretend to care about the coming generation. But this is an election year, and more serious questions like campaign contributions are in consideration,” said Ms. McGrory in the Washington Post, June 24, 1998.

Ralph Nader
Consumer advocate Ralph Nader founded the organization Public Citizen in 1971.

1. “The marketing restrictions are laughably weak and loophole-ridden. R.J. Reynolds will be forbidden from using Joe Camel, a campaign it already canceled, while Philip Morris can continue to use the Marlboro Man,” said Mr. Nader in a Houston Chronicle article on June 9, 1997.

2. “Nothing condemns these negotiations more completely than the exclusion of the tobacco companies’ overseas victims and operations. It is immoral to discuss a ‘global settlement’ that covers only Americans—especially when tobacco takes a much bigger toll overseas than domestically,” said Mr. Nader in a Los Angeles Times article published on Nov. 24, 1998.

Clarence Page
Clarence Page is a columnist at the Chicago Tribune.

1. “I find it amusing that the same social conservatives who want government to get into our lives on issues like drugs, abortion or pornography suddenly claim government intrusion doesn’t do any good at all in curbing teen smoking of tobacco,” said Mr. Page in an Aug. 25, 1996, Chicago Tribune article.

2. “Civil suits cannot remove all risk from life, nor should they try. Judges and juries should distinguish between products that reasonably can be expected to make you sick and die and those that become dangerous only through misuse,” said Mr. Page in a column referring to tobacco and gun liability lawsuits published on Feb. 7, 1999 in the Chicago Tribune.

Deb Price
Deb Price is a columnist at the Detroit News who also covers politics and lifestyle for the Los Angeles Times Syndicate.

1. “Researchers found the 2.5 percent of students who said they aren’t heterosexual are more likely to engage in a given risky behavior, to do it earlier and more often, and to combine it with many other risks,” said Ms. Price in the Detroit News, May 21, 1998.

2. “Tobacco is a leftover prop from the gay community’s self-hating days. . . . We gay adults have a responsibility to start treating tobacco as a serious threat to our community. It’s not some minor concern to be ignored while we focus on AIDS and breast cancer,” said Ms. Price in the Detroit News, Nov. 23, 1998.

Frank Rich
Frank Rich is a columnist at the New York Times.

1. “If bottomless corporate coffers can both buy off elected officials and scare off news organizations as huge as CBS, who will defend the public interest?” asked Mr. Rich in a Nov. 18, 1995 article in the Cleveland Plain-Dealer.

2. “To stand up to Big Tobacco about tobacco itself takes a courage that is in short supply almost everywhere,” said Mr. Rich in a column in the Phoenix Gazette on Dec. 12, 1995.
3. “Big Tobacco’s efforts to intimidate journalists are also likely to persist, given how effective they’ve been,” said Mr. Rich in a Feb. 3, 1996 New York Times column.58

4. “The party of tobacco is now the GOP, whose ‘96 convention is being underwritten by Philip Morris and whose presidential candidate has been a principal Congressional Mr. Fixit for tobacco for a decade,” said Mr. Rich in the Chattanooga Times, Mar. 25, 1996.59

5. “The money Big Tobacco is lavishing on its political friends could be money very well spent,” said Mr. Rich in the Memphis Commercial Appeal on April 9, 1996.60

6. “No scientist unassociated with the tobacco industry has challenged nicotine’s addictive nature for years; even the industry’s own internal documents concur,” said Mr. Rich in the Chattanooga Times, July 17, 1996.61

7. “Big tobacco has gotten away with murder for years—and may yet again if we don’t scrutinize every term of its latest “surrender”—but what’s more appalling is that its executives get away with lying under oath,” said Mr. Rich in the Tulsa World, April 27, 1997.62

8. “The red-hot evidence Mr. Starr was trying to shield with attorney-client privilege and other legal red herrings was not of perjury about an alleged sex act but of a possibly criminal conspiracy to destroy the health of millions of Americans,” Mr. Rich said in a June 6, 1998 New York Times column.63

Calvin Trillin
Calvin Trillin is a columnist at Time Magazine. He also publishes satirical poems weekly in The Nation.

1. “Whatever these ads say about who should not be involved in the decision on whether children smoke, it’s clear whom the cigarette companies believe should be the principal decision-maker: Joe Camel,” said Mr. Trillin in a Nov. 12, 1995 column published in the Houston Chronicle.64

2. In a Time column on Dec. 30, 1996, Mr. Trillin suggested the industry would approve a warning that said: “Some people sort of think that cigarette smoking may not be the absolute best thing you can do for your health, although some others may disagree.”65

3. “They said the proposal would cause a reduction in smokers . . . and would therefore be financially damaging to the states,” said Mr. Trillin in a Time article on June 2,1997.66

4. “For lobbying Congress and such/You hire a mover and shaker. /If money’s no object, get three/Like Richards and Mitchell and Baker/Tobacco has money to spare. /So pols who may want to be rich’ll /Forget all the people it kills? /Ask Baker and Richards and Mitchell,” wrote Mr. Trillin in The Nation on Jan. 5, 1998.67

Right

L Brent Bozell III
Conservative commentator Brent Bozell is founder of the Media Research Center, a watchdog organization based in Virginia.

1. “Is tobacco a newsworthy issue? Sure—but only if handled objectively. That’s (surprise!) not what we’re getting from the so-called news networks, which like to use the issue as a weapon to attack (surprise!) Newt Gingrich,” said Mr. Bozell in an April 24, 1997 syndicated column.68

2. “Tobacco-bashers have long believed that Joe Camel’s message was directly aimed at youngsters in the hope of hooking them early. And they may be right,” said Mr. Bozell in a July 16, 1997 syndicated column.69

3. “[N]ot one of them found the time even to mention the argument that the proposed new taxes on a pack of smokes—the liberals are pushing $1.50 a pack—unquestionably would hit the poor the hardest,” said Mr. Bozell in a May 21, 1998 syndicated column.70
Former Republican Pat Buchanan was a co-host of the Cable News Network program “Crossfire.”

1. “Here we have the states, in effect, when you call these companies killers, they put out products that kill young people, that are cancerous, that are addictive and now we have the states in the settlement saying we get 25 percent of your pre-tax profits. How hypocritical can you folks get? The states are now partners with them except they rake off 25 percent of the profits without doing anything. . . . Poor folks, working folks are going to buy the cigarettes, pay more and the states, all these guys are going to profit from what you call a killer industry,” said Mr. Buchanan in a March 20, 1997 Crossfire broadcast.71

2. “The tobacco companies will stick it to the smokers and you politicians will wind up sharing the dough with the big tobacco companies. That’s why the stock soared and I’ll bet the liberals are happy. Look at all the money you’re going to get,” said Mr. Buchanan in an April 18, 1997 broadcast.

3. “Now, I think the government does a good job. It lays out the role, what smoking can do to you. You say it kills 400,000, whatever. We can all make judgements on that. But when you start to tell people they can’t even smoke outside a federal building, it seems to me you’re getting into behavior control and you’re not treating citizens as citizens but as children. . . .” said Mr. Buchanan in an August 1997 program.72

4. “They’re adults, they’re over 21 years old, and not Ralph Sirianni’s decision. They’ve chosen to smoke and they’ve made that decision knowing what you and I know and what they know. Why are you imposing your ideas and values on them?” asked Mr. Buchanan of tobacco ban proponent Ralph Sirianni during an Oct. 17, 1997 broadcast.73

5. “I used to smoke and I don’t smoke anymore and I don’t like to go to where there’s a lot of smoke around, but why not leave this up to the patrons of the bar, to the bartenders themselves and to people who come in and go out whether they want to go into that bar or not?” said Mr. Buchanan in a January 1998 broadcast.74

6. “What bothers me, Senator, is that you move off from helping kids or keeping kids from smoking to this enormous wealth grab from the public for the government, and we’re Republicans, we’re supposed to reduce the size of government,” said Mr. Buchanan to Sen. John Chaffee in a March 1998 CNN broadcast.75

7. “[T]his is a $508 billion tax increase. The tax on a single pack of cigarettes . . . is up a dollar, $1.10 a pack. You know for a working class guy, 40 years old on an assembly line who smokes two packs and his wife one pack—that is $1,200 a year out of his take-home pay. How do you stop 14 and 15-year-olds from smoking by stealing $1,200 of that guy’s income?” asked Mr. Buchanan in a CNN commentary on April 9, 1998.76

8. “Can’t we get together and find legislation which will target these kids to make sure we can do everything to keep cigarettes away from them, convince them not to smoke them, at the same time we don’t hammer that working couple. . . .” Asked Mr. Buchanan in the April 10, 1998 edition of Crossfire.77

9. “First, if they’re adults, why is it A, any business of yours if they smoke and B, have you asked them whether they would like to have your $1.50 a pack price increase imposed on them for a habit which many of them can’t give up, I agree, and some of them like?” Mr. Buchanan asked a senator during a May 19, 1998 Crossfire broadcast.78

10. “Government more and more is profiting off the vices of people, and it has a vested interest in people smoking, in people drinking, in people betting, in people gambling. And is that healthy when government is encouraging people to do things we all used to think were a little bit off? . . . [I]f this is an evil industry, why is big government now the principal participant in taking the profits out of it?” asked Mr. Buchanan in a Crossfire broadcast on February 22, 1999.79

William F. Buckley, Jr.

See also “National Review” under “Right Publications.”

William F. Buckley Jr. is founder of the National Review magazine.

1. “It is a legitimate enterprise of an agency charged by the law to oversee the consumption of drugs and to inquire into the merchandising of them. . . . The concept, pediatric disease, qualifies as an epiphany, given the acknowledged authority of society over a minor. He/she has to go to school, has to wait until a certain age before being allowed to
drive, to vote, to drink beer. It yields no substantial libertarian ground to add to the list enforcement mechanisms designed to dissuade the 15-year-old from taking up a habit that brings on premature and painful death. Fifteen-year-olds would undoubtedly resist such acts of paternalism, if reminded of them. Thirteen-year-olds at the deathbed of one or another parent would weep with frustration that the pressures hadn’t been brought to bear early enough to affect the habits of their mother or father,” wrote Mr. Buckley in the Bergen, N.J. Record on March 20, 1995.  

2. “It is in the interests of the tobacco companies to permit Clinton his intervention. He is, after all, asking nothing much more than that existing state laws should be federally enforced. The part of his program that calls for banning advertising especially designed to attract teen lust might be challenged on constitutional grounds, but again, this is not a judicial contest the tobacco industry should want to be seen as winning. The other side can come up with 300,000 corpses every year, dispatched by Philip Morris,” wrote Mr. Buckley in an August 1995 Buffalo News column.  

3. “To prove that you can find some people who smoke cigarettes lackadaisically and quit as they might quit eating soft-shell crabs at the end of the season sheds zero light on what tobacco does for most users. You can find in mysterious India the fakir who can walk on burning coals, which wouldn’t justify the indignant assertion that hot coals aren’t necessarily hot,” wrote Mr. Buckley in July 1996 in The Arizona Republic.  

3. “The right to smoke can be modified by imposing the true cost of smoking on the consumer. But the right of the consumer to smoke, after accepting this burden, should not be impinged upon,” said Mr. Buckley in the April 21, 1997 National Review.  

4. “Why shouldn’t a smoker be required to read the text of a document outlining the ravages of tobacco smoking? Having read the document, he signs a waiver of any future claim against the tobacco company. The applicant picks up the form at City Hall or the motor vehicle office, reads and executes it, and is issued a plastic card the size of a driving license. To buy cigarettes, he has to pull out his card, like at Blockbuster. Maybe every five years he will have to get a new card, after reading the latest text, which will give the most up-to-date findings of medical science on what happens to so many smokers. Now the hot point: No cigarette card will be issued to a minor,” suggested Mr. Buckley in a column published in the Chattanooga Free Press, May 27, 1997.  

5. “What does Philip Morris expect in return for its $4 million distributed one-fifth to Democrats, four-fifths to Republicans? It’s not much money. Philip Morris probably spends more than that per year advertising in Playboy. It wants congressmen who will listen to their pleadings. This is fair enough, though in an ideal world you wouldn’t need to contribute to a congressman’s campaign in order to get a hearing,” wrote Mr. Buckley in a Dec. 1, 1997 column in the Bergen, NJ Record.  

6. “If the tobacco companies were to succeed in abolishing teenage smoking, they would wake up one day without enough money to pay their annual $5 billion in damages. What they very much fear is what such as Jacob Sullum resent for philosophical reasons: namely, a $1.50 increase per pack. I have been brought up on the neat little formula that a 4 percent rise in cigarette prices means a 1 percent reduction in cigarette use. This transcribes to a 25 percent reduction in smoking if the proposed bill went into law. That’s a lot fewer cigarettes sold, an objective in which every one can find pleasure and pain,” said Mr. Buckley in a March 1998 New York Post column.  

7. “If the tobacco industries were really to succeed in abolishing teenage smoking, they would wake up one day without enough money to pay their annual five billion dollars in damages,” said Mr. Buckley in an April 20, 1998 National Review commentary endorsing higher prices as a tactic to deter smoking.  

8. “One problem with the tobacco fight is that to tackle it objectively ends you up accused of indifference to people dying of lung cancer. Anyone who smokes has discounted the risk of cancer and doesn’t really want to be deprived of cigarettes by pricing policies directed by Congress,” said Mr. Buckley in the May 4, 1998, National Review.  

9. “The utter frivolity of Mr. Clinton in his approach to the tobacco problem is enough to estrange Monica Lewinsky. If the states want young people to stop smoking, which presumably they want them to do, since they have passed laws to that effect, they could act quickly and directly. Pass a law that anyone under 18 caught with cigarettes will lose his/her driver’s license for six months,” proposed Mr. Buckley in the July 20, 1998 National Review.  

Stephen Chapman  

Stephen Chapman is a Chicago Tribune columnist whose articles are syndicated to about 60 newspapers. He is a
former associate editor of the New Republic.

“[T]he freedom of adults to decide for themselves what petty vices to enjoy should not be the exclusive concern of tobacco fiends. The measures to restrict and harass cigarette companies and their customers will no doubt someday be used against other people with other unpopular preferences,” said Mr. Chapman in the Chicago Tribune, April 9, 1995.90

“For a drug whose dangers are far less than those of such legal drugs as alcohol and tobacco, marijuana has a peculiar capacity to infuriate supposedly sober drug-policy officials in the federal government,” said Mr. Chapman in the Post and Courier, Jan. 5, 1997.91

“What does all this have to do with keeping cigarettes away from children? We already have ample laws on the books barring the sale of tobacco to minors, and they are finally being enforced with some vigor. . . . The idea that billboards and magazine ads serve to hook kids on nicotine is a stretch. Who advertises marijuana?” said Mr. Chapman in the Post and Courier, March 10, 1997.92

“We seem determined to reduce ourselves to a nation of children, prevented from making adult decisions about our own health and welfare and expecting someone else to bear responsibility anytime we make foolish mistakes,” said Mr. Chapman, also in the April 25, 1997 Las Vegas Review-Journal column.93

“Cigarettes are dangerous products, causing a great deal of disease and death every year. In that, though, they are not unusual. Plenty of companies make money selling goods and services that carry serious risks, including 130-proof whiskey, trips and Mount Everest and cars that can travel three times the legal speed limit,” said Mr. Chapman in the Las Vegas Review-Journal, April 25, 1997.94

“The assumption in most discussions is that smokers are helpless slaves to their addiction. True, smoking does create physical dependence, but 1.2 million Americans manage to quit every year—and two-thirds of the people who have smoked no longer do. Tossing the word ‘addiction’ around doesn’t change the basic fact that people smoke of their own free will,” said Mr. Chapman in an April 25, 1997 Las Vegas Review-Journal column.95

“Every smoker who makes his exit at age 60 instead of 80 reduces spending on Social Security and other pension payments,” said Mr. Chapman in his April 25, 1997 column in the Las Vegas Review-Journal.96

“Let cigarette companies sell their products to willing adults, and pass a law barring them from having to pay damages to individuals or states for the normal, foreseeable health consequences of smoking,” said Mr. Chapman, also in the April 25, 1997 Las Vegas Review-Journal.97

“The war on the tobacco industry is also a war on the right of individuals to make their own choices—and their obligation to take responsibility for the consequences. And the movement, you can be sure, won’t stop with tobacco,” said Mr. Chapman in a column published in the Las Vegas Review-Journal, April 25, 1997.98

“The war movie Thirty Seconds Over Tokyo, made in 1944, features dialogue referring to cigarettes as ‘coffin nails.’ You would have trouble finding a smoker who took up the habit in the expectation that it would build strong bones and sound teeth,” said Mr. Chapman in the Orlando Sentinel, August 12, 1997.99

“No one is infected with a smoking habit against his will, and anyone who acquires one is free to abandon it,” said Mr. Chapman in an Aug. 12, 1997 Orlando Sentinel article.100

“[Cigarettes] are not offered or purchased as a remedy for anything except the desire to smoke. Tobacco no more warrants FDA regulation than beer, which also contains a dangerous, addictive drug that is not a medicine. The only reason to concede the agency authority over cigarettes is to let it enact slow-motion Prohibition,” in the Orlando Sentinel, August 12, 1997.101

“Although anti-smoking activists trumpet the supposed link between environmental tobacco smoke (ETS) and lung disease, the scientific evidence is not exactly the stuff of slam dunks. There appears to be an increased risk, but one so small we may never know for sure if it is real,” in an Oct. 20, 1997 article in the Richmond Times-Dispatch.102

“Everyone seems to have forgotten that, for decades, cigarette makers had the right to [market to minors]. In many states, adolescents were legally permitted to buy cigarettes at the age of 16 or 17,” said Mr. Chapman in an Orlando Sentinel article on April 28, 1998.103
1. “When I called the White House press office to find his source for this estimate, I was directed to the Centers for Disease Control, which sent me a 1989 study from the *Journal of the American Medical Association*. But the study said nothing about children. The 3,000-a-day figure referred to 20-year-olds,” said Mr. Chapman, in the same article.\(^{104}\)

2. “[L]ung cancer doesn’t come from smoking defective cigarettes—it comes from smoking ordinary cigarettes,” said Mr. Chapman in an *Orlando Sentinel* column April 28, 1998.\(^{105}\)

**Mona Charen**

Columnist Mona Charen was a speech writer for President Reagan and has appeared frequently on CNN. She often cites her own experiences as a former smoker in her commentaries.

1. “The legal grounds for asserting the FDA’s authority to regulate tobacco are shaky. In order to classify nicotine as an addictive drug, the agency must show that the substance is mood-altering; that its use is regular and compulsive; that ingesting the drug leads to physical dependence characterized by withdrawal symptoms if the drug is suddenly withheld and tolerance, the tendency to require more and more of a substance to achieve the same effect. As a former smoker, I deny that cigarettes are mood-altering. Nor do I believe that quitting (which I did cold turkey) leads to withdrawal symptoms,” said Ms. Charen in the *Detroit News*, Aug. 17, 1995.\(^{106}\)

2. “Leaving aside the constitutional dimensions of the president’s plan (commercial speech is protected by the First Amendment), no one seems to have asked the more important question: Would it work? Would these niggling regulations make a dent in the number of kids who take up smoking every year?” asked Ms. Charen in an Aug. 31, 1996, *Dayton Daily News* column.\(^{107}\)

3. “The question is—can (President Clinton) simultaneously play stern daddy who will keep nasty cigarettes out of your children’s hands and cool hipster, who, wink wink, would now inhale?” said Ms. Charen in an Aug. 31, 1996 column in the *Dayton Daily News*.\(^{108}\)

4. “But, gee, now we know that cigarettes are evil. Attorneys general from a number of states are suing tobacco makers. President Clinton has declared war on smoking. Smokers themselves are known to be victims of irresistible advertising by tobacco companies. Surely, if FDA had only known, he wouldn’t have contributed to making cigarettes glamorous. Perhaps we should purge all photos of Roosevelt with cigarettes?” wrote Ms. Charen in an April 29, 1997 column in the *Fresno Bee* that decried efforts to remove a cigarette from a statue of FDR.\(^{109}\)

5. “We know it increases the risk of contracting about 25 diseases, and roughly one in three lifelong smokers gets lung cancer. But any smoker can quit anytime. Millions have,” said Ms. Charen in the *Fresno Bee*, July 24, 1997.\(^{110}\)

6. “Arguably, alcohol does as much or more damage to children and teen-agers as cigarettes. Why not sue Seagrams?” said Ms. Charen in the *Fresno Bee*, July 24, 1997.\(^{111}\)

7. “[T]his federal cash grab merely spreads money around to all of the politicians’ favorite projects. Not only do the usual federal nannies get a big chunk of this money but also the so-called public-interest groups,” said Ms. Charen in a June 4, 1998, column in the *Dayton Daily News*.\(^{112}\)

8. Proposed 1998 tobacco legislation was “a huge cash grab by the federal government, the creation of 17 new and permanent federal boards, and an enormous aggrandizement of federal power. All of this is done in the name of solving a problem the federal government cannot solve—teen smoking,” said Ms. Charen in the same *Dayton Daily News* column.\(^{113}\)

9. “There is no logical stopping point in the campaign to coerce people into healthy habits,” said Ms. Charen, also in her June 4, 1998 column.\(^{114}\)

10. “If states want to try anti-smoking measures, let them withhold drivers’ licenses from kids caught smoking. That would concentrate their minds,” said Ms. Charen in a June 4, 1998 column in the *Dayton Daily News*.\(^{115}\)

**Linda Chavez**

Syndicated columnist Linda Chavez was a civil rights official during the Reagan Administration.
1. “I have a problem with the federal government spending its—that is, my—resources trying to police the private habits of adults,” said Ms. Chavez in the *Chicago Tribune*, June 25, 1997.116

2. “It is going to take a lot more evidence than I’ve yet seen to convince me that a picture of Joe Camel on a billboard is as much a threat to me and my family as a real, live drug dealer hanging out right beneath,” said Ms. Chavez in the same column.117

**Don Feder**

Don Feder is a columnist at the *Boston Herald*.

1. “There isn’t the same public awareness of the addictive nature of gambling and the danger it poses, particularly in the young. But it’s coming,” said Mr. Feder in a June 22, 1998 *Boston Herald* column comparing concern about tobacco to lack of concern about gambling.118

2. “[L]iberals (when they aren’t pushing medical marijuana) seem not overly concerned about the narcotics contagion. Perhaps that’s why they get so agitated about cigarettes,” said Mr. Feder in a Nov. 18, 1998 *Boston Herald* column.119

3. “I know tobacco is harmful and believe government should take reasonable steps to keep kids from smoking. Still, one needn’t be an industry apologist to see something obsessive, bordering on the hysterical, in the liberal anti-smoking crusade,” said Mr. Feder in the same Nov. 18, 1998 column.120

**Suzanne Fields**

See also “*Washington Times*” under “Right Publications.”

Suzanne Fields is a columnist at the *Washington Times*.

1. “Al Gore used the death of his sister to rebuke cigarette manufacturers as propagandizers for Satan and peddlers of death. . . . But now there’s the revelation that Tipper Gore gave coffees at the vice president’s home in 1995 and 1996—and that one of her guests represented Philip Morris, which gave the Democratic National Committee $50,000 only a few days later,” said Ms. Fields in the *Tampa Tribune*, April 7, 1997.121

2. “The National Organization for Women has lots of reasons—459,779 to be exact—to stand by their man,” said Ms. Fields in a May 21, 1998 commentary in the *Washington Times* about a federal anti-smoking grant to NOW, which she said was a payoff to keep NOW from criticizing President Clinton.122

**Michael Fumento**

Michael Fumento is a Senior Fellow of the Hudson Institute whose articles have appeared in the *Washington Times*, *Investor’s Business Daily*, the *Wall Street Journal* and other publications.

1. “Personally, I like some of what they [FDA] propose. Society has traditionally given children less leeway to do stupid things than it has adults,” said Mr. Fumento in the *Pittsburgh Post-Gazette* on July 7, 1996.123

2. “Dole’s right in that cigarette regulation is best left to the states—and individuals and their parents. Federal Big Brother should—pun intended—butt out,” said Mr. Fumento in the July 7, 1996 *Pittsburgh Post-Gazette* column.124

3. “[I]f there is a risk, it is probably too small to be measured,” said Mr. Fumento in a 1997 commentary published on his Internet site.125

4. “Curiously, the EPA decided to use a 90 percent level, effectively doubling the likelihood of getting its result by sheer luck of the draw. Why would it do such a strange thing? Yup. Because its results weren’t significant at the 95 percent level. Essentially, it moved the goal post to the three-yard line because the football had fallen two yards short of a touchdown. There’s a technical scientific term for this kind of action—dishonesty,” wrote Mr. Fumento in a *Washington Times* commentary, July 22, 1998.126
Maggie Gallagher

Maggie Gallagher is a syndicated columnist based at Newsday.

1. “Unwed teen pregnancy has far more immediate and devastating consequences,” said Ms. Gallagher in the Baltimore Sun, Aug. 18, 1995.127

2. “Public health announcements are a good idea, but shouldn’t public health authorities pay for them with the revenues from cigarette taxes?” said Ms. Gallagher in the Baltimore Sun, Aug. 18, 1995.128

3. “Cigarettes are a bad habit, no question; an unhealthy, not to mention disgusting, but essentially minor vice,” said Ms. Gallagher, also in the Baltimore Sun on Aug. 18, 1995.129


5. “Clinton hopes to keep attention focused on tobacco (not illegal drugs),” said Ms. Gallagher in the St. Louis Post-Dispatch, Aug. 27, 1996.131

Paul Greenberg

Paul Greenberg, editorial page editor of the Arkansas Democrat-Gazette, is syndicated by the Los Angeles Times Syndicate.

1. “How refreshing to see Clinton come out for or against something without any if, ands, buts or Clinton clauses,” said Mr. Greenberg in the Dayton Daily News, Aug. 29, 1996.132

2. “It pays to advertise. Haven’t the tobacco companies proved it? So why not have a figure as cool as Joe Camel point out that smoking isn’t cool?” said Mr. Greenberg in the same Dayton Daily News article.133

3. “Let us be thankful that the president has taken a clear stand on one issue and salute him for it. As for the rest, it occurs that if this culture’s fashionable approach to social and moral issues weren’t so pathetic, it would be hilarious,” he said, also in The Dayton Daily News, Aug. 29, 1996.134

4. “The Democratic Party, too, may have been addicted to tobacco, but it was sneakier about it,” said Mr. Greenberg in the Arkansas Democrat-Gazette, May 7, 1997.135

Arianna Huffington

Arianna Huffington is a syndicated columnist whose articles have appeared in the Los Angeles Times, New York Post and Chicago Sun-Times.

1. “According to the documents in my pile, the tobacco industry went to great lengths to manufacture evidence of other causes of lung cancer,” said Ms. Huffington in a Chicago Sun-Times column, Oct. 28, 1998.136

2. “It is, of course, laughable that the same industry that costs taxpayers $77 million a year in tobacco subsidies, $1.6 billion a year in tax deductions for tobacco advertising and $50 billion a year in smoking-related health care now is appealing to the public on the basis of tax fairness and the plight of the smoking poor,” said Ms. Huffington, also in the Sun-Times, Oct. 28, 1998.137

3. “Through TV and newspaper ads, Bozell Sawyer Miller Group (BSMG Worldwide) will be spending millions of dollars defending the indefensible and building a case for big tobacco—and industry that tried, often successfully, to turn 14-year-olds into lifelong addicts,” said Ms. Huffington in a New York Post column, April 18, 1998.138

Rush Limbaugh

Broadcaster Rush Limbaugh has daily television and radio shows and is frequently interviewed. He often cites his own experiences as a former smoker in his commentaries.
1. “The caller, Collette, says kids that aren’t old enough to smoke shouldn’t wear tobacco company shirts. Limbaugh says they should because it’s a freedom of speech issue. He says if CBS were to broadcast something deemed not for kids, then kids wouldn’t be allowed to wear CBS caps. Limbaugh says a picture of the Marlboro logo isn’t purchasing the item; it’s a matter of degree. He says they are going after logos more stringently than they are going after the product,” said Mr. Limbaugh in a May 30, 1996 broadcast.139

2. “[I]t was not addictive to me. I—it couldn’t have been. I quit in a week. I smoked 16 years and just threw them away, never missed them. I mean, it was—it was one of the easiest things I’ve ever done,” said Mr. Limbaugh in a July 1996 broadcast.140

3. “I’m not defending cigarette smoking. Neither did Dole. . . . But in a sense of proportion, we’re out of whack here, people being so concerned about cigarettes and stuff,” said Mr. Limbaugh in the same broadcast.141

4. “Anthrax is far more dangerous that cigarette smoking and tobacco. And this administration still seems to be more focused on the dangers of tobacco and Joe Camel and so forth than they are facing this thing with Iraq,” said Mr. Limbaugh in a NBC-TV interview on Nov. 16, 1997.142

William Murchison

William Murchison is a columnist at the Dallas Morning News.

1. “The sort of people who wear earth shoes and sport double surnames figure prominently in the war against tobacco. This reminds us why few if any anti-tobacco crusaders have joined the battles against abortion and illegitimacy,” said Mr. Murchison in the Dallas Morning News, April 3, 1996.143

2. “The judge . . . found in favor of personal responsibility. . . . [T]he legal system must, should, will—has to, that’s all—stop empowering the excuse-makers at the expense of the responsibility-takers,” said Mr. Murchison in a Dallas Morning News column on a Pennsylvania judge dismissing a tobacco lawsuit, Oct. 22, 1997.144

3. “It enjoys no relationship to any legitimate political purpose. What is the purpose? Sticking it to the politically unpopular for fun and profit,” said Mr. Murchison in a Charleston Post and Courier column criticizing anti-tobacco legislation, April 15, 1998.145

4. “A basic point continues . . . to elude the Washington tobaccophobes. The federal government isn’t in business to oversee the personal habits of nearly 300 million Americans. To the extent that legislative power comes into the picture at all, state and local government are more plausible agents of concern. With their expertise in overseeing alcohol sales, they can easily tighten the screws on [tobacco] buyers and sellers,” said Mr. Murchison in the Charleston Post and Courier, June 24, 1998.146

5. “Yes, sharply higher prices for cancer sticks might discourage some 12-year-olds. Such prices could also strain the family budgets of unregenerate smokers, create black markets and spur outright theft and robbery—all this without necessarily reducing the smoking rate,” said Mr. Murchison in his June 24, 1998 article in the Post and Courier.147

Walter Olson

Walter Olson is a Senior Fellow at the Manhattan Institute, a think tank based in New York that focuses on economic and social issues.

1. “Bill Clinton seems to think the worst danger kids face today is seeing a Joe Camel ad. Under his pending proposal, magazines that have too many teenage readers . . . will have to stop running cigarette ads. . . . Just what we need—Big Brother amassing data on who’s reading what,” said Mr. Olson in a Nov. 14, 1996, Chicago Tribune article.148

2. “I believe in respecting the natural liberty of the parties to the transaction,” said Mr. Olson in a written interview in 1999.149

3. “I believe tobacco accounts for about 18% of all deaths—far higher than auto accidents—followed by breast cancer, AIDS and auto accidents,” said Mr. Olson, also in the written interview in 1999.150

4. “Until lately, a cigarette executive who visited a dozen lawyers at random would almost certainly have been assured
his trade was a lawful one,” said Mr. Olson in Reason, Aug. 1, 1997.151

5. “I myself refuse to donate to the American Lung Association and American Heart Association, given their willingness to undermine public liberties in quest of their mandatory health goals,” said Mr. Olson, also in Reason.152

6. “In recent years, discarding time-honored constraints on their power, state lawmakers and state courts have put forth one unprecedented assertion of authority after another. They’ve ditched old common law rules so as to charge deep-pocket defendants with harms that were once considered other people’s fault, thus making it thinkable [blame] automakers for the costs of drunk drivers’ crashes, tobacco companies for the costs of smokers’ indulgence in the weed, and now gun makers for the damage caused when their wares are used in crimes,” wrote Mr. Olson in Reason, May 1, 1999.153

**Paul Craig Roberts**

Paul Craig Roberts is President of the Institute for Political Economy and a Senior Research Fellow at the Hoover Institute. He is a syndicated columnist and economist based at the Washington Times and Business Week.

1. “The tax that is supposed to be restitution for harm done to smokers will end up as excess profits in the hands of tobacco companies,” said Mr. Roberts in the Washington Times, June 5, 1998.154

2. “It is the hallmark of a lawless nation that no voices are raised when government officials use their offices to destroy law. . . . Judges did not throw the phony tobacco and gun suits out of their courts. The attorneys general were not held accountable for their coercive actions that violated their oaths of office,” said Mr. Roberts in the Vero Beach Press Journal, Mar. 14, 1999.155

3. “Voters, seduced by the siren call of shifting the tax burden to shareholders of tobacco and gun companies, are not protesting the destruction of law that they are witnessing,” said Mr. Roberts, also in the Press Journal.156

**William A. Rusher**

William A. Rusher is a Senior Fellow at the Claremont Institute for the Study of Statesmanship and Political Philosophy and former publisher of National Review.

1. “As long ago as 1964 the Surgeon General reported that the frequency of Parkinson’s disease (a degenerative disorder of the nervous system) among smokers appears to be only half of that among non-smokers,” said Mr. Rusher in the Houston Post, Jan. 4, 1995. The article continued with four similar points.157

2. “It proclaims, first of all, that one is an individualist, not easily lured into the deadening conformity of cigarettes—or worse yet, into the smug self-righteousness of the health fascists of the anti-smoking brigade,” said Mr. Rusher in a National Review column praising cigar-smoking, August 14, 1995.158

3. “[T]he whole point of smoking a cigar is to savor its aroma and flavor, gentled by the air (and, of course to obtain the agreeable ‘nicotine fix’ that all tobacco provides),” said Mr. Rusher, also in the National Review article.159

4. “[A Congressional Research Service report] makes hash out of the whole ‘passive smoking’ scam, and reveals the true motive of those who are peddling to it: to feel morally superior to millions of their fellow citizens,” said Mr. Rusher in the San Diego Union-Tribune, Jan. 4, 1996.160

5. “If those who are hounding the tobacco companies were sincere in their protests, they would long since have called for the criminalization of tobacco. How else, after all, can we save even a fraction of the millions of lives allegedly sacrificed to the great god Tobacco? But they don’t—because they would rather keep the tobacco industry going and milk it for taxes, liability settlements and legal fees. It is simply a honey pot, and the flies are gathering,” wrote Mr. Rusher in the Chattanooga Free Press, July 23, 1997.161

6. “We are only a few steps away from a statute authorizing citizens to gun down on sight anyone caught smoking within the borders of [California,]” said Mr. Rusher in the Chattanooga Free Press, Sept. 16, 1997.162

7. “[The battle against smoking] began as a quite reasonable warning to smokers that they were running a risk to their own health,” said Mr. Rusher in the Chattanooga Free Press, Jan. 1, 1998.163
8. “[Raising tobacco taxes $1.10 per pack] would have amounted to a savagely regressive tax on the other 98 percent of smokers, most of whom are in the lower-income categories,” said Mr. Rusher in the Washington Times, June 26, 1998.164

9. “Tobacco’s harmful effects were recognized almost universally, yet nearly a quarter of adult Americans chose to smoke. By what right could they be ordered to stop?” said Mr. Rusher in the Las Vegas Review-Journal, March 17, 1998.165

10. “With California already making it unlawful even to open a restaurant or bar exclusively for smokers, and serviced by employees who smoke, we are past reasoned argument,” said Mr. Rusher, also in the Las Vegas Review-Journal article.166

Tony Snow

Tony Snow is a columnist at the Detroit News and USA Today.

1. “Ironically, the President has increased the prestige of smoking by making it look like a greater act of rebellion than before. . . . Nancy Reagan’s oft-maligned ‘Just Say No’ campaign worked because it encouraged youngsters to behave responsibly. Bill Clinton could adopt a similar approach: 1) Help young smokers appreciate how stupid they look and 2) Throw a few young scofflaws in jail. That may not be as much fun as beating up on Joe Camel—but at least it would stand some chance of success,” said Mr. Snow in USA Today, Aug. 14, 1995.167

2. “[I]n an age when clinics dispense syringes, FDA Commissioner and Lifestyle Czar David Kessler wants to stamp out cigarettes by decree rather than letting voters and/or consumers make the choice,” said Mr. Snow in USA Today, June 10, 1996.168

3. “If cigarettes are worth a half-trillion in health aid, what about red meat, which presumably causes an even higher number of deaths through heart disease and other maladies? What about dairy products? Coffee? Wine? Glue? These things could be worth trillions combined! The anti-tobacco squads already have proposed squelching the First Amendment in the name of longer life. They will not stop with Joe Camel,” said Mr. Snow in the Detroit News, April 23, 1998.169

4. “The pivotal issue in American politics is not whether one likes tobacco. It comes down to how can we best secure people’s rights to life, liberty and the pursuit of happiness. Do we beg Uncle Sam to protect us by means of laws that govern every aspect of our lives? Or do we take up the challenge ourselves, in a free and open competition to find the best and cheapest way to advance the common good?” said Mr. Snow in the Detroit News, April 23, 1998.170

5. “[E]very cigarette sale has the essential elements of an assisted suicide: You have competent customers—only an imbecile wouldn’t know the reported dangers of smoking. You have consensual use. You have the legal distribution of a product. The only difference is that a tobaccoist merely wishes to fulfill a consumer’s desire, while a physician in an assisted suicide wants to kill the client. So why can the administration wage full-scale war on cigarettes, which kill slowly, but not against physicians who want to kill quickly? What’s the key moral difference between the two events? The chief variance is this: Tobacco companies make a great target for lawsuits,” wrote Mr. Snow in a June 11, 1998 Detroit News column.171

Thomas Sowell

Thomas Sowell is a Senior Fellow at the Hoover Institute and an economist. He writes a column syndicated to 174 newspapers.

1. “[T]hose people who chose to smoke and government agencies which chose to pay those people’s medical bills for lung cancer cannot blame their decisions on the tobacco companies,” wrote Mr. Sowell in the Las Vegas-Review Journal, April 27, 1997.172

2. “If tobacco companies have broken some laws, they should be prosecuted for crimes or sued for civil damages. If not, they should be left alone,” wrote Mr. Sowell in the New York Post, May 15, 1998.173

3. “The megabucks tobacco settlements may not stop one teen-ager from smoking and a megabucks settlement by gun manufacturers may not save a single life—but such settlements can give politicians huge amounts of money to play
around with and a hypocritical halo to wear while doing it,” said Mr. Sowell in the Rocky Mountain News, July 1, 1998.174

4. “[A] government based on laws is not supposed to punish people just because they are bad—or because their badness happens to be in the public spotlight at the moment. They have to have violated some specific law,” wrote Mr. Sowell in the Washington Times, May 31, 1999.175

Jacob Sullum

See also “Reason Foundation” under “Right Organizations,” and “Reason” under “Right Publications.”

Jacob Sullum is Senior Editor of the Reason Foundation’s magazine, Reason.

1. “Having vanquished most true epidemics, [the public health establishment] has turned its attention to metaphorical ‘epidemics’ such as smoking, obesity and suicide. Along the way, the public health establishment has become the most influential lobby for ever-increasing government control over Americans’ personal choices,” wrote Mr. Sullum in Reason, January 1996.176

2. “[A] tobacco ban would mean additional spending on law enforcement. Federal, state and local governments already spend $20 billion to $30 billion a year to enforce drug laws. Adding tobacco to the list of proscribed substances would presumably require more cops, more prosecutors, more judges, and more prison cells. To the extent that taxpayers resisted additional expenditures, the cost would be felt in less attention to crimes against people and property, more-crowded courts, and more early releases of burglars, muggers, rapists and murderers,” said Mr. Sullum in Across the Board, a publication of the business organization, The Conference Board, in March 1996.177

3. “The anti-cigarette movement is far more influential today than it was in 1914, mainly because of scientific evidence that has emerged since then concerning the long-term health consequences of smoking. But today’s anti-smoking activists worry about lung cancer, heart disease, and emphysema, not laziness, crime and brain damage. When they claim that smoking hurts productivity, they are thinking of the habit’s effect on physical health, not its impact on ambition or intellect. Despite the continuing controversy over smoking, the concerns about mental decay and moral corruption voiced by opponents of cigarettes early in this century seem quaint and fanciful today,” said Mr. Sullum in Reason, May 1996.178

4. “When [FDA Commissioner David] Kessler says smoking is ‘a pediatric disease,’ he’s implying that smokers who take up the habit as teenagers should be treated like children for the rest of their lives. By calling behavior a disease, he obscures the fact that, whenever they start, smokers choose to continue smoking every day. They may be ambivalent about it, but they have implicitly decided that the costs of quitting exceed the benefits,” said Mr. Sullum in National Review, July 29, 1996.179

5. “With cigarettes . . . the psychoactive effects are mild, but the long-term physical effects are substantial. Given the difficulty of quitting and the serious health hazards involved, it is reasonable to put cigarette smoking in the same category as enlisting in the Army, getting married, and other risky decisions that are reserved for adults. The difference in maturity between a 16-year-old and an 18-year-old should not be exaggerated, but a person’s attitude toward the prospect of lung cancer at 65 is apt to change as he grows up,” said Mr. Sullum in Reason, November 1996.180

6. Referring to a 1970 memo by tobacco industry lawyer David Hardy, Sullum said, “It nicely summarizes the quandary of the cigarette companies, which developed largely because of their own dishonesty and continues to this day,” said Mr. Sullum in a December 1996 article in Reason. “Tobacco industry dishonesty is a cliché, not a revelation.”181

7. “Inevitably, the tobacco company’s capitulation will be cited as a precedent for every other business that offends the sensibilities of the professionally indignant: alcohol, pornography, firearms, fur, boxing, fast food—you name it,” said Mr. Sullum in the October 1997 Reason.182

8. “[W]hatever Congress ultimately decides, the crusade for a smoke-free society will continue, because it is aimed at the behavior of individuals, not the behavior of corporations. Even if tobacco’s opponents could achieve the chimerical goal of eliminating smoking by minors, they would not be satisfied,” said Mr. Sullum in the October 1997 Reason.183

9. “Blaming manufacturers lets consumers off the hook. The rejection of individual responsibility is even clearer in the
industry’s agreement to settle claims by smokers and their families. . . . Denying responsibility is a prelude to denying freedom,” said Mr. Sullum in the October 1997 Reason.184

10. “[T]he anti-smoking crusade is about protecting ‘kids’ from the Merchants of Death, when in reality it is about protecting adults from themselves. Saving the children has been offered as a rationale for higher cigarette taxes, restrictions on advertising and promotion, lawsuits against the tobacco companies, regulation of cigarettes by the Food and Drug Administration, and just about every other policy aimed at discouraging smoking,” wrote Mr. Sullum in the National Review, April 6, 1998.185

11. “[T]here is remarkably little evidence that people smoke because of messages from tobacco companies,” said Mr. Sullum in Reason, April 1998.186

12. “Surely a nation that proudly allows racist fulminations, communist propaganda, flag burning, nude dancing, pornography, and sacrilegious art can safely tolerate Marlboro caps and Joe Camel T-shirts,” wrote Mr. Sullum in the April 1998 Reason.187

13. “Of all the risk factors for disease and injury, it seems, freedom is the most pernicious. And you thought it was smoking,” said Mr. Sullum in Consumers’Research magazine, July 1998.188

14. “Denying responsibility is a prelude to denying freedom. If smokers are helpless victims, tricked into nicotine slavery by a conspiracy of deception, it is presumably the government’s duty to free them. They can be free only if they stop smoking, and many of them will not stop smoking on their own. So they must be scolded, prodded, fined, restricted, and ostracized. If they complain . . . it’s because they are suffering from a slave mentality, a sort of false consciousness,” said Mr. Sullum in Reason, October 1997.189

15. Federal tobacco lawsuit—and litigation to create policy in general—threatens the First and Second Amendments “as well as the democratic process,” writes Sullum in an April 1999 article in Reason.

16. “Long after the hazards of smoking received wide attention, the federal government continued to profit from the tobacco trade through taxes and to actively participate in it by distributing cigarettes to servicemen. For decades, it has forced taxpayers to subsidize other people’s health care, knowing that some of those people would smoke and get sick as a result. Now the administration wants to blame the tobacco companies for that policy. It wants to allocate the blame based on statistical models and market share, and it doesn’t want to be inconvenienced by the fact that people know smoking is risky but choose to do it anyway,” wrote Mr. Sullum in Reason, April 1, 1999.190

17. “Even if they do not value truth for its own sake, public-health officials should recognize that misleading comparisons between cigars and cigarettes have the potential to backfire. After seeing the California ad equating one cigar with 70 cigarettes, for example, a guy who smokes a couple of cigars a week might mistakenly conclude that he would be no worse off smoking a pack of cigarettes a day. And anyone who realizes how deceptive the ad is will probably be more inclined to dismiss other warnings from public-health agencies,” said Mr. Sullum in the National Review, May 3, 1999.191

Cal Thomas

See also “Washington Times” under “Right Publications.”

Cal Thomas is a columnist at the Washington Times and a Moral Majority activist who emerged as a public figure during the Reagan administration.

1. “I have no sympathy for the tobacco companies. Their products are unhealthful, their advertising misleading, their shame nonexistent. Their denial that nicotine is addictive is preposterous,” said Mr. Thomas in the Baltimore Sun, February 24, 1995.192

2. “But I do worry about government’s attempts to save us from ourselves. More people die of heart disease and alcohol abuse (including drunk driving) than die of lung cancer and tobacco-related diseases,” also in the Baltimore Sun.193

3. “After Florida finishes with the tobacco companies, will government go after fast-food chains and their greasy hamburgers? . . . What about the cattle ranchers who provide the beef or those who produce the food the cows eat? The litigation possibilities are endless and the profits for lawyers gargantuan,” said Mr. Thomas, also in the Baltimore
4. “I only wish that, having rediscovered a standard of morality in one area, that [the attorneys general] would broaden that standard and use it to begin conforming us to it in other areas,” said Mr. Thomas in the Chattanooga Free Press, April 6, 1997.

5. “Adults telling kids they don’t want them to smoke will likely encourage them to puff even more,” said Mr. Thomas, in the Times-Picayune, July 1, 1998.

**Ben Wattenberg**

See also “American Enterprise Institute for Public Policy Research” under “Right Organizations.”

Ben Wattenberg is a Senior Fellow at the American Enterprise Institute. His former wife died of tobacco-related cancer.

1. “The reason prohibition should be in the dialog is health. Cigarettes cause 450,000 preventable deaths each year, according to U.S. government estimates. That’s from intended use, as opposed to about 100,000 such deaths from abuse or misuse of alcohol,” said Mr. Wattenberg in a column published in the Memphis Commercial Appeal, July 6, 1997.

2. “Smoking-related deaths probably do not cost governments more money; smokers die early, likely saving money in age-related programs such as pensions,” said Mr. Wattenberg in a New York Post column, June 26, 1998.

3. “Addiction? Yes, but there are more ex-smokers than smokers,” said Mr. Wattenberg, also in the New York Post column.

4. “Smokers were not tricked; when I was growing up cigarettes were called ‘coffin nails’ and ‘cancer sticks,’ ” said Mr. Wattenberg in the same New York Post column.

**George F. Will**

George F. Will is a columnist and Sunday talk show commentator.

1. “[M]ore people are behaving reasonably, largely because of government’s most cost-effective activity, the dissemination of public health information,” said Mr. Will in the Des Moines Register, Mar. 22, 1996.

2. “FDR’s cigarette holder, seen in so many photographs, will not be in evidence. That holder, often clenched in a toothy smile illuminating FDR’s large, upturned head, was emblematic of the infectious jauntiness that was his greatest gift to a shaken country and a precis of his political philosophy. But the cigarette holder must be banished, lest sin flourish,” said Mr. Will in the Chicago Sun-Times, May 9, 1996.

3. “If smoking is as dreadful as is said by those who advocate stiff new tobacco taxes, the ideal revenue yield from the taxes would be zero,” said Mr. Will in the Des Moines Register, Feb. 17, 1998.

4. “The anti-tobacco crusade was a money grab by government which, had the grab succeeded, would have acquired a dependence on a continuous high level of smoking to fund programs paid for by exactations from a legal industry selling a legal product to free people making foolish choices,” said Mr. Will in the Chicago Sun-Times, Aug. 1, 1998.

**Armstrong Williams**

See also “Washington Times” under “Right Publications.”

Armstrong Williams is a columnist at the Washington Times.

1. “The Democrats’ treatment [of the tobacco issue] exposes the Democrats’ truly fascistic tendencies. They have no qualms about imposing their tastes and preferences on America through legislation or the regulatory force of the Food and Drug Administration,” said Mr. Williams in a Washington Times column, July 16, 1996.

2. “I don’t think smoking is good, and I would never smoke myself. But I don’t think David Kessler and the Food and
Drug Administration should make that decision for me. . . . [W]hat is really at issue is the freedom of individuals, businesses and localities to make decisions about their own habits and policies,” said Mr. Williams in the same column.206

Walter Williams
Walter Williams is an economist and syndicated columnist.

1. “Like a home, restaurants and airplanes are also private property. The owner has the right, at least in a free society, to decide whether smoking is allowed,” said Mr. Williams in the Cincinnati Enquirer, March 5, 1995.207

2. “America’s anti-smoking tyrants have little respect for private property rights, where it’s property owners who decide how they’ll use their property and customers and employees who decide whether they’ll enter on those conditions. The question for Americans is: Should we allow anti-smoking tactics and logic to become our general guide?” wrote Mr. Williams in the Cincinnati Enquirer, May 14, 1995.208

3. “While the news media devoted hours of air time to the fraudulent EPA study, it has been completely silent about the Congressional Research Service report about the study. Tobacco prohibitionists, their allies in Congress and ‘useful idiots’ among the public, as well as the news media, applaud the deceitful, dishonest use of science to achieve their objective. . . .” said Mr. Williams in the Cincinnati Enquirer, Jan. 21, 1996.209

4. “The fact of business is that smokeless tobacco is far safer than cigarettes,” said Mr. Williams in the Richmond Times-Dispatch, April 17, 1996.210

5. “For a Congressman to ask a tobacco company executive whether nicotine is addictive is just as intelligent as that Congressman asking an astrophysicist whether the Earth revolves around the sun. Tobacco executives fear liability suits and, therefore, deny addiction. By the way, what’s so bad about lying to Congress when a list of Congress’ lies could fill volumes? Nicotine is not cancer-causing and, all by itself, poses no greater harm than caffeine, which is also an addictive substance. The health risk is associated with the 2,999 other byproducts of tobacco smoke,” wrote Mr. Williams in the Richmond Times-Dispatch, April 17, 1996.211

6. “Somehow we must develop a set of rules that prevent democratic majorities from running roughshod over the liberties of others. The historical precedence for resistance to preference imposition is the use of violence. My own preference for most voluntary human activities is to live-and-let-live,” wrote Mr. Williams in a June 9, 1997 Chattanooga Free Press column.212

7. “What’s driving the latest round of political extortion of the tobacco industry is the fact that cigarette smoking has harmful health effects. Those health effects impose higher costs on the socialized components of our health-care system—Medicaid. Americans want to combat those costs by supporting government measures that trash private-property rights, peaceable voluntary exchange and limited government in an attempt to alter personal lifestyles. We are naive—perhaps stupid is a better word—enough to think that lifestyle tyrants will be finished once they bring the tobacco industry to its knees,” said Mr. Williams in the Chattanooga Free Press, July 27, 1997.213

8. “Overeating is just as avoidable as cigarette smoking,” said Mr. Williams in the Chattanooga Free Press, March 17, 1998.214

9. “Americans are making it easy for a future tyrant,” said Mr. Williams, in the Cincinnati Enquirer, April 19, 1998.215

10. “Our teenage anti-smoking agenda . . . is stupid. Our big problems with our youngsters are drugs, murder, rape, teenage pregnancy, gross disrespect for authority, and, scoring dead last, or nearly so, on international comparisons of academic achievement. Those problems threaten the nation’s future,” said Mr. Williams, also in the Cincinnati Enquirer column.216

11. “Americans who support private and government attacks on smokers should recognize that a lifestyle Nazi’s work is never done. They have more in store, and one day you’ll be the victim,” wrote Mr. Williams in the Chattanooga Free Press, May 17, 1998.217

12. “Why would Americans support cigarette control and not a general rule allowing Congress to ban or control consumption of other products deemed harmful to our health? Most of the answer is cigarettes are the other guy’s vice, and a majority has the power to be arbitrary,” said Mr. Williams in the Cincinnati Enquirer on June 14, 1998.218
13. “We have reached the point where we shouldn’t sheepishly obey the illegitimate acts of Congress,” said Mr. Williams in the Chattanooga Free Press, June 21, 1998.  

14. “The tactics of the cigarette Nazis are an excellent example of (tyrants’) methods. Like the Beverly Hills Consumers for Informed Choice, cigarette Nazis started out demanding laws requiring cigarette manufacturers to put warning labels on their product. Emboldened by that success, they successfully demanded no-smoking sections on airplanes. Then they demanded no smoking at all on airplanes, then airports, then restaurants, workplaces and bars. The rest of the story includes confiscatory cigarette taxes, lawsuits against tobacco companies, and even promoting and condoning violence against people smoking cigarettes,” wrote Mr. Williams in the Washington Times, Feb. 11, 1999.  

15. “We’re concerned about whether children smoke cigarettes. Education is going to rot. Children are making babies. They use foul language to and in the presence of adults. And every now and then kill one another. And the nation’s top concern is children smoking,” said Mr. Williams in the Deseret News, April 28, 1999.  

16. “I don’t know whether Americans want the EPA and Congress to be honest. . . . There are numerous laws, restrictions and regulations based upon the EPA’s fraudulent report on secondhand tobacco smoke. How many Americans do you think would say, ‘Hey, now that we know that EPA 1992 report was a fraud, let’s repeal all those laws and regulations based upon it?’ I’m guessing most would say, ‘I don’t like the smell of cigarettes and if it takes government fraud and duping the public to get rid of it, so be it,’” wrote Mr. Williams in a June 13, 1999 Washington Times commentary.  

Organizations

Left

American Civil Liberties Union (www.aclu.org)

The American Civil Liberties Union (ACLU) is a public interest legal organization that advocates on behalf of individual rights and other issues related to the Bill of Rights. As a nonpartisan defender of freedom of speech, it has not taken a strong position on either side of the tobacco debate, although the organization does oppose advertising restrictions.

1. “I think the court missed the conceptual point, which was that regulating what someone does in the privacy of their own home certainly should violate your constitutional right to privacy. They are giving government the right to make rules about your personal behavior,” said ACLU Florida Executive Director Robyn Blumner in an April 1995 Tampa Tribune article on the ACLU’s unsuccessful effort to stop Florida from banning the hiring of workers who smoked.  

2. “Most likely, the ACLU will not challenge Mesa’s controversial law that bans smoking in public places, including restaurants, bowling centers, pool halls and most bars. Here’s an agency that opposes sex-offender notification laws, but can’t find a legal basis, as it was asked to do, for overturning an ordinance that restricts the once wide-variety of smoking venues,” according to a column criticizing the ACLU in the Arizona Republic on Sept. 7, 1996.  

3. “[ACLU] spokeswoman Emily Whitfield acknowledged the ACLU has accepted $75,000 a year in total donations from Philip Morris and R.J. Reynolds for a decade, but the amount, which she acknowledged went into a specific fund, was less than 1 percent of the agency’s overall budget and did not affect its agenda. [Former ACLU employee John] Fahs, however, said the tobacco money provided 90 percent of the ACLU’s workplace privacy task force budget, which campaigned, among other things, for the rights of employees to smoke on company property,” reported an Associated Press article on Nov. 14, 1996.  

4. “The ACLU defends freedom of speech for tobacco advertising and the other sin industries, not to mention the Nazis and the KKK, which are hardly left-wing organizations,” said ACLU President Nadine Strossen in the Pittsburgh Post-Gazette, June 8, 1997.  

5. “The civil-liberties group agrees that tobacco presents genuine danger to public health, but believes that government measures to restrict truthful information about legal products are not an acceptable solution. The bill’s proposed restrictions on tobacco advertising would be unprecedented intrusions on the First Amendment’s guarantee of free speech and would be unlikely to withstand court scrutiny. No matter how well-meaning, government regulation may
not restrict free speech in order to control the behavior of the public,” said Solange Bitol, ACLU legislative counsel in a *New Orleans Times-Picayune* article on April 11, 1998.227

6. “We’re not on their side. We’re on the side of the right to free expression,” said ACLU Legislative Director Laura W. Murphy in the *Seattle Times*, April 20, 1998.228

7. “The First Amendment was written by people who didn’t differentiate between good speech and bad. It all must be free. You’ve got to remain pure on this issue,” said Jim Joy, executive director of Colorado’s ACLU office, according to an article about a proposed Denver tobacco advertising ban in the *Denver Post*, May 10, 1998.229

**The Brookings Institution (www.brookings.org)**

The Brookings Institution is a Washington-based think research and educational organization that attempts to link scholarship and public policy. It focuses on economic, foreign policy and governmental issues.

1. “Personal danger due to personal behavior—such as smoking—tends not to outrage the public. . . . [B]ecause smoking is both voluntary and common, tobacco use is not an [environmental justice] issue. The approximately 47,000 annual tobacco-related deaths in the African-American community elicit little outrage among [environmental justice] activists, partly because these deaths are perceived as proportionate. Even the remarkably high smoking rates among low-income and Native-American citizens provoke little activist concern,” wrote Brookings Senior Fellow Christopher H. Foreman Jr. in the Brookings publication *Priorities* in 1997.230

2. “Many such health conditions disproportionately affect minorities and the poor: AIDS, asthma, obesity (especially among African American women), hypertension, diabetes, and so on. Popular attention to these things, and to a short list of significant environmental hazards faced disproportionately by the black poor (such as residential lead paint), is now threatened by a national environmental justice agenda so utterly shapeless as to embrace almost any environment-related grievance or aspiration espoused by any claimant of color. I’ve attended many meetings devoted to environmental justice, and heard a fair amount about the possible hazards of environmental “endocrine disrupters.” I’ve never heard tobacco mentioned once,” wrote Mr. Foreman in a *Washington Times* article on Nov. 4, 1997.231

3. “Much of the disagreement to date stems from a confusion on the part of the antismoking forces over whether their goal is to harm the cigarette industry or to help consumers. The most sensible basis for policy is to foster rational and informed smoking decisions. As a practical matter, such an approach should lead policymakers to embrace rather than condemn technological improvements that enhance the safety of cigarettes. The smokeless cigarettes introduced by R.J. Reynolds—the Eclipse and the Premier—would have greatly diminished the cancer risk associated with smoking, yet leading public health officials attacked the new cigarettes as nicotine delivery devices rather than urging consumers to experiment with this clearly safer product,” wrote Harvard Law School professor of law and economics W. Kip Viscusi in the *Brookings Review*, Jan. 1, 1998.232

**Children’s Defense Fund (www.childrensdefense.org)**

The Children’s Defense Fund (CDF) is a nonprofit organization based in Washington whose motto is, *Leave No Child Behind*. It advocates on behalf of children on issues of health, education and family.

1. “The link between child care and tobacco should be obvious to all of us by now: the tobacco industry has for at least a generation jeopardized our children’s health while making billions of dollars in profits by targeting our children as ‘tomorrow’s cigarette business.’ Any tobacco legislation this year, with or without a settlement, ought to make sure that tobacco money is used to ensure the healthy development of future generations. Quality child care and after-school activities are cornerstones of our children’s healthy development,” said Children’s Defense Fund President Marian Wright Edelman in a news release issued on Feb. 3, 1998.233 Similar comments were made in a news conference the same day.234

2. “Advocates for children today praised the introduction of the Healthy Kids Act, which would dramatically reduce teen smoking and invest at least $14 billion in child care assistance for America’s low-income, working families. “Today marks another milestone in our national recognition that tobacco profits made at the expense of our children’s health for the last generation must now be invested in the healthy development of future generations,’ said Ms. Edelman,” according to a CDF news release on Feb. 11, 1998.235

3. “Poor children should get a share of any monetary settlements reached between states and tobacco companies. . . . We know that the tobacco companies have targeted children, so it’s time that they do something to help children. All that money shouldn’t go to highways, bridges and old people,” said Ms. Edelman in an article in the Memphis
4. “[A] major investment in child care and after-school programs is one of the most effective strategies we have for preventing teen-age smoking. Studies make clear that children left home alone after school are more likely to give in to negative peer pressure from industry and to engage in smoking and other risky behaviors. Also, children engaged in constructive after-school activities are less likely to smoke,” said Ms. Edelman in the New York Times, May 10, 1998.

5. “Since children have been targeted by cigarette companies, we think that $20 billion from any tobacco settlement or any tobacco tax should be funneled to the states for child care. Communities can best decide how to spend the funds, although we think there should be money targeted for infant and toddler care, since we now know the importance of brain development in the first years of life,” said Ms. Edelman in The Christian Century, July 15, 1998.

6. “We have room to go and grow and this is money that provides that opportunity. It would be a shame to bypass that now for the politics of the day,” said Jim Koppel, executive director of the Children’s Defense Fund-Minnesota, according to an Associated Press article on Oct. 15, 1998 about wrangling over Minnesota’s use of tobacco settlement funds.

7. “We feel to take this money [tobacco settlement money] and not focus it on prevention, education and access will continue to cause future expenses to the state,” said Jim Koppel in the January 1999 Business Dateline: Corporate Report Wisconsin.

8. “Mark Real, executive director of Children’s Defense Fund-Ohio, said that while many advocacy groups want states to control all the money, they also want to make sure good goals are set to reduce teen smoking and health-related smoking problems. Real suggested a national standard could be set for all states but monitored by a commission created by the states. He cited the example set by welfare reform, under which states are given the power to run programs as long as they meet certain standards. ‘States ought to have broad latitude in what they do, but they should have to show a reduction in overall and teen-smoking rates,’ Real said. ‘This was generated out of a public interest about reducing smoking. That is a legitimate national purpose,’” according to an article in the Columbus Dispatch, Jan. 18, 1999.

9. “Mark Real, director of Children’s Defense Fund-Ohio, said that while a case can be made for using some of the tobacco money for school-based community centers for children, ‘We’re concerned about wanting to keep the focus on health and children and smoking prevention,’” according to an article in the Columbus Dispatch, May 19, 1999.

Common Cause (www.commoncause.org)

Common Cause is a Washington-based lobbying organization that focuses on reform issues at federal and state levels. It is particularly concerned with advocating accountability in government, and publishes investigative studies on campaign finance and political contributions.

1. “Tobacco is harmful to health, but the tobacco industry is a major component of our economy. Generally, organizations once established tend to maintain themselves. The massive efforts of public interest organizations to develop a milieu of reduced usage of tobacco products are countered by financial contributions from the tobacco industry to those who make our laws! . . . And the contribution rate has increased sharply during the past year as the public’s increased awareness of the immense social cost of tobacco has produced larger efforts to stem tobacco usage. . . . There is a basic problem here—the problem is the manner in which we finance elections,” according to a statement on campaign financing released on March 14, 1996.

2. “Record-breaking tobacco industry soft money contributions are being given this election to ensure that Republicans will protect tobacco’s economic interest, regardless of the dangers that smoking poses to the health of the American people, and particularly our nation’s young people. The tobacco industry’s political contributions are a classic example of the corrupting influence of special-interest money in Washington, which is reaching mammoth and overwhelming proportions,” said Common Cause President Ann McBride in a July 29, 1996 press release.

3. “No industry in the country has been more discredited than the tobacco industry. For decades, Big Tobacco has been lying to the American people about the addictiveness and deadliness of its product and peddling cigarettes to children. . . . The power of the tobacco lobby illustrates why campaign reform is a life and death issue for the American people. . . . These unlimited and unregulated contributions amount to nothing less than protection money for the
tobacco industry. And now the industry is cashing in on its investment by trying to kill the tobacco legislation in the Senate,” according to a statement from Ms. McBride issued on June 15, 1998.245

4. “For decades, as the costs associated with smoking mounted in terms of dollars and lives, Big Tobacco’s political contributions played a key role in helping to block industry regulation. Now the game has changed. As comprehensive tobacco legislation moves to the top of the national agenda, the devil will be in the details. Tobacco companies will be working behind the scenes to get provisions in the legislation that will be more lenient to tobacco interests, and they will be using their political contributions as leverage,” said Ms. McBride in a Common Cause statement.246

Consumers Union (www.consumersunion.org)

Consumers Union, publisher of Consumer Reports, is an independent testing and information organization based in Washington, D.C., San Francisco, and Austin. It seeks to offer consumers unbiased advice about products, health and nutrition, and personal finances.

1. “When we reported on [secondhand smoke] 10 years ago, we described the evidence [of harm] as ‘sparse and often conflicting.’ That’s no longer true. A number of studies makes a consistent case that secondhand smoke, like first-hand smoke, causes lung cancer. Many reputable groups that have inspected the evidence have reached this conclusion, including the U.S. Surgeon General’s office, the National Research Council, the National Institute of Occupational Safety and Health, the International Agency for Research on Cancer, and the U.S. Occupational Safety and Health Administration (OSHA). Other studies have found strong links between passive smoking and a host of other ills, such as asthma and bronchitis in children,” said Consumer Reports in January 1995 as part of a lengthy defense of the Environmental Protection Agency’s declaration of secondhand smoke as a carcinogen.247

2. “We believe nonsmokers have a right to breathe smoke-free air, and we have long favored restrictions on where people may smoke. The medical evidence makes it imperative to impose such limits. In particular, we support measures to keep smoke out of the workplace—not just offices and factories but also restaurants, stores, and public transportation, because of the risk to the millions of Americans who work there, too,” said Consumer Reports in a January 1995 article.248

3. “Ideally, we’d like to see Congress ban all cigarette advertising and also all promotional uses of cigarette-brand logos. Many tobacco-control activists have sought such a ban for years, and it often gains majority support in public-opinion polls. A challenge on First Amendment grounds would be likely, but many legal scholars believe the Supreme Court would uphold such a restriction,” said Consumer Reports in a March 1995 article.249

4. “We support the President’s proposal. It could make a serious dent in the tobacco industry’s ability to recruit new young smokers. We especially support its requirement that retailers demand photo identification before selling cigarettes to young-looking customers. Vigorous enforcement of that requirement by state and local authorities would surely help end the plague of teen smoking,” said Consumer Reports in October 1995.250

5. “The tobacco companies may claim that their ads aren’t directed toward teens, but they’re just blowing smoke,” said Consumer Reports in June 1996.251

6. “Although the tobacco industry denies it, the fact is that its manipulative promotions knowingly entice kids into smoking. Kids overwhelmingly prefer the three most heavily advertised brands: Camel, Marlboro and Newport. And our society, while deeply concerned about substance abuse among the young, has tolerated Joe Camel and other marketing campaigns aimed at getting kids addicted. The companies combine generous campaign contributions, effective lobbying, sophisticated marketing techniques, strategic philanthropy, and aggressive public relations to keep their products on the market and to make sure that a steady flow of newly addicted youngsters replaces smokers who have quit or died,” wrote Consumers Union president Rhoda H. Karpatkin in a December 1996 article.252

7. “Household tobacco smoke is also a risk factor [for asthma],” said Consumer Reports in August 1997.253

8. “It’s too soon to know whether the increase in cigar-smoking translates into higher incidences of other diseases [besides cancer]. If someone you know loves cigars, you should know that secondhand cigar smoke is quite insidious—the smoke from one cigar produces the particle emissions of three cigarettes and 30 times the carbon monoxide of cigarette smoke,” said Consumer Reports in March 1997.254

9. “Anyone standing before the cigar case should know that daily cigar smoking raises the risk of heart disease and cancer—and that even occasional smoking is not risk free. Teenagers should realize that there is now strong evi-
dence that cigars can get people hooked on smoking. . . . [I]t only makes sense for the government to: require cigar ads to carry health-warning labels, limit kids’ access to cigars, reaffirm the FDA’s jurisdiction over all tobacco products,” said *Consumer Reports* in May 1998.255

**Public Citizen** (www.citizen.org)

Public Citizen is a Washington-based consumer advocacy group. Its major policy concerns include consumer health and safety, environmental issues, democratic accountability, and public interest law. Its Health Research Group has investigated the relationship between the tobacco industry and political party funding.

1. “As a result of disclosures contained in industry documents obtained through litigation and revelations by whistle-blowers, the truth is emerging, slowly but surely, in all its gruesome details. We now know far more than ever before about the tobacco industry’s efforts to promote addiction through manipulation of levels of nicotine and its campaigns to hook even pre-teenagers,” according to a Public Citizen statement released on May 23, 1997.256

2. “We question how the attorneys general can announce a deal in principle with those who have no principles. And taxpayer beware: You will be losing over $120 billion in tax revenues from this deal,” said Public Citizen President Joan Claybrook in a June 20, 1997 press release.257

3. “Civil liability—the ability to sue for damages—will be snuffed out under the proposed deal. Class actions and any consolidation of cases would be barred and punitive damages for past industry wrongs eliminated. In effect, these changes, in combination with a number of other pro-tobacco measures, would make it so prohibitively expensive for any individual to sue the tobacco industry that the companies are given virtual immunity from any future liability. . . . We are also concerned that the President failed to specifically state that document disclosure should occur before serious consideration is given to passing legislation. Keeping policy makers and the public ignorant of such critical information before legislating is tantamount to legal malpractice,” said Ms. Claybrook on Sept. 17, 1997 in response to President Clinton’s statement about the proposed tobacco deal.258

4. “It’s time for Senators and Representatives to stand up to Big Tobacco, and its high priced lobbyists, and oppose the industry’s misguided deal on this crucial public health issue. The tobacco manufacturers are buying their way out of responsibility for their reckless business practices and the harm caused by their dangerous products,” said Ms. Claybrook in a Dec. 22, 1997 press release.259

5. “It is now time for all senators and representatives, Republicans and Democrats, to break with Big Tobacco, to stand up to this deadly industry and reject its red hot ready cash. Is this ‘family friendly’ Congress really going to give immunity to companies who have targeted children with their deadly products?” said Ms. Claybrook in a Feb. 3, 1998 press release.260

6. “Supporters say such a cap ‘isn’t immunity’—but clearly it is. An annual cap is a special protection from liability that other industries in the U.S. don’t have. A cap would ‘immunize’ the industry from liability for any amounts that exceed the cap. The tobacco companies have said that, without some form of immunity, they will not support national legislation aimed at reducing tobacco use among adolescents and children. Congress should not be intimidated by Big Tobacco, and should not reward an industry that threatens to keep illegally marketing their products to underage youths,” according a statement released by Public Citizen on March 16, 1998.261

**Right**

**American Enterprise Institute for Public Policy Research** (www.aei.org)

See also “Ben Wattenberg” under “Right Columnists.”

The American Enterprise Institute for Public Policy Research is a Washington-based think tank whose research considers issues such as government taxation and regulation, domestic politics, private enterprise, and social welfare. The following commentaries appeared in its policy magazine, *The American Enterprise*.

1. “While state attorneys general have denounced such cost-benefit calculations as ‘ghoulish,’ they have not provided any evidence these calculations are inaccurate. If smokers pay for their health costs through existing taxes, Viscusi asks, why should state governments then demand hundreds of billions from tobacco companies for costs that smok-
2. “Whatever its legislative fate, the anti-smoking movement has certainly become a cultural juggernaut. But has anyone stopped to ponder the message it’s sending to teenagers? Cigarettes are dangerous. They’re for adults only. Teens are imperiled by their irresistible seductiveness. Authority figures of all kinds—politicians, teachers, editorial pages—agree they’re bad. Why not just come out and say it: Cigarettes are cool,” wrote James Taranto, deputy editorial page editor of the Wall Street Journal in American Enterprise on Sept. 1, 1998.

3. “Who didn’t know they wouldn’t stop with tobacco? And who didn’t know that Yale would be in the vanguard of the next wave of shaking down politically incorrect companies with deep pockets? Researchers at Yale are now advocating that junk foods be slapped with a ‘fat tax,’” wrote restaurant owner Ralph Reiland, also in the Sept. 1, 1998, American Enterprise.

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**Cato Institute (www.cato.org)**

See also “Paul Craig Roberts” under “Right Columnists.”

The Cato Institute, a Washington-based research organization, is “dedicated to the traditional principles of limited government, individual liberty, and peace.” It is widely considered to be the leading libertarian think tank. Its commentaries on tobacco policy were distributed through a variety of means, including as updates on Cato Institute website. The Cato Institute also publishes the journal *Regulation.*

1. “[T]he federal government cannot simply criminalize speech or imagery that takes issue with what it feels should be ‘acceptable in society.’ This is not Iran,” wrote Jerry Taylor, Cato’s Director of Natural Resources Studies, on Aug. 30, 1996.

2. “If we’re all paying everyone else’s medical bills, then each individual’s eating habits, exercise regimen, recreational pursuits and social preferences ultimately become everyone’s legitimate business,” said Mr. Taylor on Sept. 30, 1996.

3. “The Clinton administration’s stampede to save our kids from Joe Camel runs roughshod over our most basic civil liberties, will do nothing to reduce teen-age smoking and threatens to actually ban cigarettes as we know them,” wrote Mr. Taylor in a Feb. 14, 1997 commentary.

4. “We have many problems in the environment, some of which are of far greater biological impact than our potential exposure to the residual constituents of [environmental tobacco smoke]. The EPA is charged with addressing those problems critically, objectively, and honestly. Compromising the credibility of the EPA by adjusting science leaves us with an important resource substantially diminished. We need and we deserve better,” wrote scientists Gary L. Huber, Robert E. Brockie and Vijay K. Mahajan in a 1993 article in *Regulation* that was re-published by Cato in February 1997.

5. “These lawsuits retroactively eradicate settled doctrine and deny due process to an industry singled out for its deep pockets and public image, not its legal culpability. The mark of a free society is how it treats not its most but its least popular members. The rule of law must be steadfastly upheld today, or none of us will be secure tomorrow,” wrote Senior Fellow Robert Levy in a policy analysis published on June 20, 1997.

6. The tobacco settlement was the “shameful product of extortion by public officials who have retroactively altered the rule of law to tap the deep pockets of a feckless and friendless industry,” wrote Mr. Levy in another Cato policy analysis. This viewpoint in the same or similar words was repeated in three other publications also published in 1997.

7. “[President Clinton] used one of the two wedges emerging as the most efficient for the new extortion approach; he claimed that the war on tobacco is being waged to protect children, even though all states have laws against selling cigarettes to minors,” according to an article in the Cato publication *Regulation* dated Summer 1997.

8. “This settlement, which violates numerous common law and constitutional principles, requires federal statutory approval. For those with no special brief for the tobacco firms, this settlement represents a serious threat to the rule of law. . . . The major question that Congress should ask is what legal principle distinguishes tobacco from many other products and activities that are both pleasurable and somewhat risky; in other words, what’s next?” wrote Cato
chairman William Niskanen in a report dated September-October 1997.275

9. “Families with less than $30,000 a year in income earn only 16 percent of total income in the United States, but they pay about 47 percent of federal tobacco taxes,” wrote Peter Van Doren, Assistant Director of Environmental Studies at Cato, on Jan. 16, 1998.276

10. “Underage smoking is a real problem, one that parents and kids should discuss seriously. The Campaign for Tobacco-Free Kids, however, demonstrates the absurd lengths to which anti-smoking crusaders will go in the name of protecting children from cigarettes. Too often that means sacrificing other important values—free speech, the rule of law, and now sexual restraint. Parents can do without that kind of help,” wrote Cato analyst Aaron Lukas on Feb. 22, 1999.277

11. “We cannot in a free society condone private lawyers enforcing public law with an incentive kicker to increase the penalties,” wrote Mr. Levy in two commentaries, one in March 1998 and the other in May 1998.278

12. “The tobacco-makers are a convenient target, but that doesn’t justify states twisting their laws to grab cash to which they are not entitled. Nor does it warrant allowing entrepreneurial lawyers to loot literally everyone—consumer, industry and government—in the name of health,” wrote Cato Senior Fellow Doug Bandow on April 7, 1998.279 Similar comments were made in two other commentaries by Mr. Bandow in October 1997 and January 1998.280

13. “If a smoker is injured, our tort system permits him to seek recovery from those who caused the injury. . . . When a plaintiff is prevented from suing as a member of a class, when compensatory damages are subject to an upper limit, when those constraints minimize his chances of attracting skilled legal assistance to confront a well-financed and competently represented defendant, then that right has been fundamentally compromised,” wrote Mr. Levy in the National Review on May 4, 1998.281

14. “It now turns out that the influential 1993 EPA report ‘Respiratory Health Effects of Passive Smoking: Lung Cancer and Other Disorders’ was as phony as a three-dollar bill,” said Dominick Armentano, a Cato adjunct scholar on Sept. 28, 1998.282

15. “Even if it somehow squared with the rule of law, another ‘tax’ on cigarettes makes no sense. It’s not just the destructive effect of black markets, or the brutal regressivity of price hikes, or the inequity when 44 million adult smokers have to fork up because some retailers violate unenforced laws and sell cigarettes to 1 million minors. It’s also the judgment, by every scholar who has examined the data, that existing excise taxes more than cover the social costs of smoking,” said Mr. Levy in a Mar. 16, 1999 commentary.283

16. “To put this problem in perspective, fires caused by cigarettes kill 1,000 people yearly in the United States. By comparison, 99,000 die from alcohol-related injuries and 64,000 from other injuries. Of those 163,000 deaths, about 41,000 arise out of auto accidents. Are brewers and distillers next on the mayors’hit lists? How about car manufacturers? Indeed, what about motorcycles? Surely they could be made safer—say by adding two more wheels and a steel shell,” wrote Mr. Levy on Apr. 13, 1999.284

17. “[T]ax increases and price hikes are unlikely to be very effective at keeping cigarettes away from kids,” wrote Mr. Levy on Mar. 15, 1999.285

18. “Tobacco does not kill a single person below age 35 . . . . The truth is that smoking-related deaths, even under the generous definitions used by [the Centers for Disease Control and Prevention], are associated with old age. Nearly 60 percent of the deaths occur at age 70 or above; nearly 45 percent at age 75 or above; and almost 17 percent at the grand old age of 85 or above! Nevertheless . . . the public health community persists in characterizing those deaths as ‘premature.’ Regrettable, yes; premature, no,” wrote Mr. Levy and retired government mathematician Rosalind B. Marimont in an April 1999 analysis.286

19. “On balance . . . smokers save society $0.32 per pack. Those cost savings exclude the excise tax that smokers pay, which contributes an additional $0.53 per pack. Consequently, the national calculation is overwhelming. From a financial standpoint, cigarettes subsidize the country $0.85 per pack,” said Harvard law and economics professor W. Kip Viscusi in Regulation in 1997.287

20. “Smokers and nonsmokers may be charged common prices for health insurance, in contrast to the prevalence of differential pricing for life insurance, because there is no sound actuarial basis for seeking to place smokers and non-smokers into distinct categories,” wrote Clemson University economics professor Robert E. McCormick and col-
leagues in a 1997 issue of Regulation.288

Christian Coalition (www.cc.org)

The Christian Coalition was founded in 1989 by Pat Robertson. It aims to “encourage conservative people of faith to participate in the democratic process.” The following citations are taken from news articles in which Christian Coalition officials were quoted.

1. “We agree with the president that smoking is harmful to your health and should be prohibited to young people. It is unconscionable that the tobacco companies have advertising that is directed at young people. That should be stopped. However, we have not endorsed the president’s proposal to have tobacco regulated as a drug,” Christian Coalition Executive Director Ralph Reed told the Charlotte, NC News & Observer in August 1995.289

2. “We don’t take any positions on the tobacco and smoking industry,’ says Christian Coalition spokesperson Monica Hildebrandt,” said Christian Coalition spokesperson Monica Hildebrandt in a May 15, 1996 article in Mother Jones.290

3. “Now, haunted by this record, the president has suddenly discovered tobacco. He’s called for banning vending machines and protecting our young people from tobacco. We agree with that objective,” said Mr. Reed, as quoted in a wire service article in September 1996.291

4. “Is that moral leadership? I say to you that it is not. Mr. President, before you tell us to get tobacco out of our house, you need to get illegal drugs out of the White House, and you’ve got to do it now,” said Mr. Reed, according to the Buffalo News in September 1996.292

5. “Tobacco is one of about three major issues that I would cite where we strenuously disagree with the national Republican party and have made it clear in public statements. We will be supporting legislation that will force this industry to be more responsible and that will protect children,” said Mr. Reed said in a panel discussion in October 1996.293

Competitive Enterprise Institute (www.cei.org)

The Competitive Enterprise Institute (CEI) is Washington-based think tank that researches regulatory issues and advocates free-market consumerism. The following comments are taken from news articles and press releases.

1. “In CEI’s view, the trigger for FDA control—tobacco’s alleged “pharmacological effect”—is not a valid basis for regulation. People do not smoke in order to treat some disease. Moreover, there are many foods that have a pharmacological effect, such as coffee, colas, and chocolate,” CEI said in a press release issued Apr. 25, 1997.294

2. “As a parent, I think these attacks on tobacco advertising are wrongheaded. Not because I have some warped view of smoking, but because I believe that weakening the First Amendment poses a far greater threat to my kids’ future than a smoke-filled room,” said CEI General Counsel Sam Kazman in a Washington Times commentary, May 1, 1997. He made nearly identical comments in USA Today on April 30, 1997.295

3. “Smoking is dangerous and hard to quit, but people do not smoke because they’re misinformed about this. Poll after poll demonstrates that both adults and adolescents view smoking as one of the riskiest activities of everyday life, and that they haven’t been misled by industry waffling on this issue,” said Mr. Kazman, also in the May 1, 1997 Washington Times and April 30, 1997 USA Today articles.296

4. “There are numerous reasons why the settlement is a terrible idea. For one, it codifies the silly idea that people are unaware of the risks of smoking, and that they are helpless to stop. Everyone has known about the risks of smoking for decades,” said CEI’s Julie DeFalco in an Oct. 1, 1997 CEI article.297

5. “Anti-smokers’encouragement of lawsuits against an industry selling a legal, if dangerous, product is nothing more than an intellectually dishonest attempt to ban cigarettes surreptitiously,” said Ms. DeFalco in an October 1997 CEI article.298

6. “Cigarettes are legal products. Consequently, restrictions on advertising arbitrarily single them out solely because they are politically unpopular,” said a Nov. 17, 1998 CEI press release.299
7. “Since 1995, CEI has opposed federal tobacco regulations as being harmful to individual choice, freedom of speech, and most ironically of all, public health itself,” said a CEI news release issued Jan. 19, 1999.300

8. “Regardless of the nonsense that the tobacco industry has issued in the past on the risks of smoking, polls demonstrate that people well understand the size of those risks,” said Mr. Kazman in a Feb. 1, 1999 CEI commentary.301

Empower America (www.empower.org)
Empower America is a Washington-based policy organization. Through interaction with the media, Congress and state governments, it seeks to promote free markets and individual responsibility. The organization did not specifically comment on tobacco issues during the study period.

Heritage Foundation (www.heritage.org)
The Heritage Foundation is a think tank based in Washington. In its mission statement, it claims to promote conservative public policies based on free enterprise, limited government, and individual freedom.

1. “Is the government supposed to protect us from everything that could possibly harm us? Or are there some areas where we should be responsible for taking care of ourselves?” said Edwin Feulner in a commentary on the FDA regulatory plan for tobacco published on Feb. 23, 1996.302

Media Research Center (www.mediaresearch.org)
See also “L. Brent Bozell III” under “Right Columnists.”
The Media Research Center is a conservative media watchdog organization founded by Mr. Bozell and based in Alexandria, VA. It focuses on political coverage in the news media and responsibility in the entertainment media.

The Reason Foundation (www.reason.org)
See also “Jacob Sullum” under “Right Columnists,” and citations from Reason under “Right Publications.”
The Reason Foundation is a Los Angeles-based research organization that sponsors economic research and policy development. It focuses on issues related to free market capitalism and individual liberty and responsibility.

Politicians

Left

President William Jefferson Clinton
President Clinton became the first president to take on the tobacco industry openly when he announced support of FDA tobacco regulations in 1995.

1. “Accusing the tobacco industry of seducing young people to smoke, President Clinton yesterday ordered a historic government-led crackdown on underage smoking that was immediately challenged in federal court. Hours after the Food and Drug Administration formally published a list of proposed limits on tobacco advertising, promotion and sales techniques, Clinton said in a White House news conference that his goal was to cut teen smoking in half by sharply curtailing ‘the deadly temptations of tobacco and its skillful marketing’ by the industry. ‘The evidence is overwhelming and the threat immediate,’ Clinton said. ‘Cigarettes and smokeless tobacco are harmful, highly addictive and aggressively marketed to our young people.’” said the Washington Post on August 11, 1995.303

2. “President Clinton called the decision [by a federal judge that FDA can regulate tobacco] ‘on balance, a great victory’ and said that the Justice Department would appeal to reinstate the advertising and promotional restrictions,” said the Washington Post on April 26, 1997.304

3. “Clinton said yesterday the purpose of increasing penalties is to give a much stronger incentive to the tobacco industry to meet targets calling for youth smoking to drop by 30 percent in five years and 60 percent in 10 years. ‘Reducing teen smoking has always been America’s bottom line,’ he said. ‘It must also be industry’s bottom line.’ In his Oval Office appearance, Clinton also called for unspecified measures to prevent tobacco farmers and rural communities from being ‘crippled and broken’ as demand for their crop subsides. And he said he wants more spent on public education and anti-smoking ad campaigns. A settlement, Clinton said, ‘is not about how much money we can
extract from the tobacco industry. . . . This is about changing the behavior of the United States, both the behavior of the tobacco companies, the behavior of the American people, the future behavior of our children,” reported the Washington Post on September 18, 1997.  

4. “‘The documents that came to light today show more than ever why it is absolutely imperative that Congress take action now to get tobacco companies out of the business of marketing cigarettes to children,’ he said,” said the Washington Post on Jan. 16, 1998.

5. “President Clinton yesterday said documents indicating a major tobacco company targeted children for cigarette sales confirmed his ‘worst suspicions,’ and he called on Congress to pass strong anti-tobacco legislation. ‘For years, one of our nation’s biggest tobacco companies appears to have singled out our children, carefully studying their habits, and pursuing a marketing strategy designed to prey on their insecurities in order to get them to smoke,’ Clinton said in his weekly radio address. He commented on the release of more than 80 documents of the R.J. Reynolds Tobacco Co. that indicate it made a concerted effort to sell cigarettes to youth despite repeated public denials of such practices. ‘For years, tobacco companies have sworn they do not market their deadly products to children, but this week disturbing documents came to light that confirm our worst suspicions,’ Clinton said of memoranda released by Rep. Henry A. Waxman (D-Calif.), according to a Jan. 18, 1998 Washington Post article.

6. “President Clinton led a Democratic barrage yesterday accusing House Speaker Newt Gingrich (R-Ga.) of being a mouthpiece for the cigarette industry in remarks that highlighted the White House’s readiness to sharpen partisan lines over tobacco,” said the Washington Post on April 22, 1998.

7. “‘In the days to come, the tobacco industry will doubtless raise objection after objection and will work behind closed doors to persuade Congress to pass half measures that will not reduce teen smoking,’ Clinton said. ‘But I believe the majority of the American people and, indeed, the majority of Congress, members of both parties in Congress, will see this for what it is—a tobacco industry smoke screen . . . . For decades, we now know from their own documents that tobacco companies targeted children; and for decades, the industry denied it. Now, the tobacco industry once again seeks to put its bottom line above what should be our bottom line, the health of our children,’ Clinton said,” according to the Washington Post on April 21, 1998.

8. “‘Smoking-related illnesses kill more people every year than AIDS, alcohol, car accidents, murder, suicides, drugs and fires combined,’ Clinton said. ‘And 90 percent of all smokers started before they were 18,’” reported the Washington Post on June 4, 1998.

9. “‘It’s reasonable, bipartisan and in the best interest of our children. But for weeks now, the Senate hasn’t acted,’ he said, because ‘a few members have done everything they could to protect big tobacco by putting off a vote. ‘Today I say to them the delay has gone on long enough. You’re not just trying to kill the tobacco bill. You’re standing in the way of saving 1 million children’s lives. The American people will not stand for it,’ Clinton said, demanding that the Senate pass the measure next week,” the Washington Post reported on June 07, 1998.

10. “President Clinton, who on Saturday accused the bill’s opponents of ‘standing in the way of saving one million children’s lives,’ yesterday hailed the ‘bipartisan spirit’ that had broken the stalemate. ‘We have another chance to save a million lives, reduce youth smoking, and make a massive contribution to the public health of America,’ Clinton said at a White House ceremony to sign the highway bill,” said the Washington Post on June 10, 1998.

11. Referring to tobacco industry ads against federal legislation, “Clinton said the tobacco ad attack is ‘not true but it sounds good. They basically say, ‘Forget about the fact that we didn’t tell the truth to the American people for years about our efforts to recruit teenagers. . . . Forget about the fact that we covered up for years the fact that we knew that tobacco was addictive. Just channel your well-known hatred of government and taxes against this bill.’ “ according to the Washington Post on June 16, 1998.

12. “President Clinton plans to announce today that the federal government will begin conducting annual surveys to determine cigarette brand share in the market for underage smokers, a defiant gesture aimed at tobacco companies and their congressional allies. Recoiling from the demise of comprehensive anti-smoking legislation in the Senate last week, Clinton will issue an executive order today directing the Department of Health and Human Services to begin documenting which brands enjoy favor among smokers age 12 through 17, as part of the yearly National Household Survey on Drug Abuse, senior administration officials said yesterday,” said the Washington Post on June 22, 1998.

13. “President Clinton vowed yesterday that his administration would ‘lift the veil of secrecy on the tobacco industry’ by
helping disseminate millions of documents compiled by cigarette companies and turning them into a weapon in the campaign against smoking. Acknowledging that his anti-tobacco agenda is stymied on Capitol Hill, Clinton said he was turning to executive powers in his bid to further stigmatize smoking. Before a delegation from the youth group Girls Nation, he said he was directing Health and Human Services Secretary Donna E. Shalala to devise a plan for indexing the massive trove of documents that became public in various state lawsuits against the tobacco industry and give them wider circulation on the Internet and elsewhere. ‘We must lift the veil of secrecy on the tobacco industry so that all Americans understand that there is an epidemic of teen smoking and how it came about,’ Clinton said. ‘Let us use the darkest secrets of the industry to save a new generation of children from this habit and to help us fight and win,’” the Washington Post reported on July 18, 1998.315

14. “The administration is taking its appeal to all the judges of the 4th Circuit Court of Appeals. ‘I am firmly committed to the FDA’s rule and its role in protecting our children from tobacco,’ President Clinton said in a statement. ‘If the leadership in Congress would act responsibly, it would enact bipartisan comprehensive tobacco legislation to confirm the FDA’s authority and take this matter out of the courtroom,’” the Washington Post reported after a federal appeals court struck down FDA tobacco rules in August 1998.316

15. “‘Today is a milestone in the long struggle to protect our children from tobacco,’ Clinton said, adding that the proposal ‘reflects the first time tobacco companies will be held financially accountable for the damage their product does to our nation’s health,’” the Washington Post reported as more states endorsed the revised settlement between states and the tobacco companies in November 1998.317

16. “As everyone knows, our children are targets of a massive media campaign to hook them on cigarettes. Now, I ask this Congress to resist the tobacco lobby, to reaffirm the FDA's authority to protect our children from tobacco and to hold tobacco companies accountable, while protecting tobacco farmers. Smoking has cost taxpayers hundreds of billions of dollars under Medicare and other programs. You know, the states have been right about this. Taxpayers shouldn’t pay for the cost of lung cancer, emphysema, and other smoking-related illnesses, the tobacco companies should. So tonight I announce that the Justice Department is preparing a litigation plan to take the tobacco companies to court and with the funds we recover to strengthen Medicare,” said Mr. Clinton in his 1999 State of the Union Address.318

17. “President Clinton plans to propose a new 55-cent cigarette tax in his budget next month, a prospect that elicited bitter opposition yesterday from the tobacco industry and congressional Republicans,” the Washington Post reported on Jan. 15, 1999.319

Senator Kent Conrad (D-ND)

Senator Kent Conrad has chaired the Democrat’s Tobacco Task Force since 1997, when it was established to advise Senate democrats in the proposed 1997 tobacco settlement. In 1998, he introduced the Healthy Kids Act aimed at reducing teen smoking.

1. “‘I think people are going to want . . . full disclosure,’ said Sen. Kent Conrad (N.D.), who heads a Democratic task force writing tobacco legislation. ‘They will want to know who knew what when and what were the consequences of the failure to disclose.’ Minnesota, for example, is asking a state court to unseal 250,000 documents to add to its 33 million-page collection,” the Washington Post reported on Dec. 19, 1997.320

2. “Sen. Kent Conrad (N.D.), who chairs the Senate Democratic task force on tobacco, said that the Minnesota settlement undermines the industry’s arguments that the $368 billion it agreed to pay last year is its upper limit. The Minnesota formula, if applied nationwide, would total nearly half a trillion dollars, he said. ‘There’s no senator or representative who can vote on a national basis for less than what Minnesota is getting,’ Conrad said. ‘They would look foolish,’” the Washington Post reported on May 9, 1998.321

Senator Thomas Daschle (D-SD)

Senator Thomas Daschle, Senate Minority Leader, coordinated Democrat efforts to enact tobacco legislation after the attorneys general settlement was reached in 1997.

1. “Even Senate Democratic leader Thomas A. Daschle (S.D.) expressed some doubts [about Clinton’s tobacco regulations], saying voluntary agreements with the industry would be ‘a much more plausible and viable option,’” said the Washington Post on Aug. 11, 1995.322
3. “GOP and Democratic leaders said they anticipate overwhelming votes for the two bills in both chambers, despite opposition from House Minority Leader Richard A. Gephardt (D-Mo.) and other liberals and from conservatives from tobacco producing districts opposed to a tobacco tax increase. ‘An overwhelming majority of Democrats will support this agreement,’ said Senate Minority Leader Thomas A. Daschle (D-S.D.),” the Washington Post reported on July 30, 1997.323

4. “I think the Republican leadership has to make a decision—whether they’re for Joe Camel or whether they’re for the kids of the United States of America who are looking to us for leadership on tobacco policy,” said Senate Minority Leader Thomas A. Daschle (D-S.D.). ‘Newt Gingrich seems to be hinting now that he’s more on Joe Camel’s side,’” reported the Washington Post on Apr. 22, 1998.324

5. “Yesterday, partisan charges flew. Minority Leader Thomas A. Daschle (D-S.D.) said the Republicans were trying to defeat the bill through delay and obfuscation. A handful of GOP conservatives have talked for hours, in what Democrats label an undeclared filibuster. ‘I think the tobacco companies’ investment in the Senate is paying off,’ Daschle told reporters. He later put in play a legislative maneuver designed to force a vote next week,” reported the Washington Post on June 5, 1998.325

Former Senator Wendell Ford (D-KY)

Senator Wendell Ford was a senior member of the Congressional tobacco caucus and led opposition to tobacco control efforts on several occasions. From 1991 until the beginning of 1999, he served as Democratic Whip. He did not seek re-election in 1998.

1. “Friends of the tobacco industry, a powerful force in Congress both because of its campaign contributions and the jobs generated in several states, reacted with outrage. Sen. Wendell H. Ford (D-Ky.) complained bitterly on the Senate floor minutes after Clinton’s announcement that ‘my farmers lost out to the zealots,’” reported the Washington Post on Aug. 11, 1995, the day after President Clinton announced plans to regulate tobacco.326

2. “As the debate moves to Capitol Hill, and a myriad of committees, the challenge will be fending off the special interests and politicians who want to insert their own special pleadings. “This idea of continuing to add onto the agreement will cause it to fall of its own weight,” said Sen. Wendell Ford (D-Ky.), who nevertheless wants to add protections for tobacco farmers,” said the Washington Post on September 21, 1997.327

3. “Sen. Wendell Ford (D-Ky.), who has sponsored a competing plan to keep the [tobacco price support] program alive, has threatened to swamp the tobacco bill with 70 amendments if the Senate does not go along with him,” reported the Washington Post on June 13, 1998.328

Representative Richard Gephardt (D-MO)

Representative Richard Gephardt, House Minority Leader, did not take an active role on tobacco issues.

1. “House Minority Leader Dick Gephardt has taken a rain check on a $1,000-a-head New York fund-raiser that Philip Morris was to host for him next Monday. ‘A scheduling conflict,’ said his spokesman Dan Sallick, noting that Gephardt will be in Connecticut stumping for a House candidate. The postponement is unrelated to the current tobacco wars, Sallick said. Gephardt has quite the checkered record on tobacco, a crop that doesn’t grow in his Missouri district. Back in 1990, when the Dems ran Congress, Gephardt—temporarily wielding the speaker’s gavel—reiterated that there would be no smoking in the House chamber. Last May, he pitched a fit when Rep. John Boehner (R-Ohio) gave tobacco industry checks to GOP members on the House floor. But Gephardt quickly zipped his lip when asked if Democrats had ever passed out campaign largess on the floor. In October, Gephardt joined 10 other Democrats to oppose White House moves to declare tobacco a drug. And he ranks No. 5 in the 435-member House for tobacco money receipts since 1986. The yet-to-be-rescheduled Philip Morris event will benefit Gephardt’s Effective Government Committee, which will give up to $600,000 to fellow Democrats this year,” reported the Washington Post on September 12, 1996.329

2. “GOP and Democratic leaders said they anticipate overwhelming votes for the two bills in both chambers, despite opposition from House Minority Leader Richard A. Gephardt (D-Mo.) and other liberals and from conservatives from tobacco producing districts opposed to a tobacco tax increase. ‘An overwhelming majority of Democrats will support this agreement,’ said Senate Minority Leader Thomas A. Daschle (D-S.D.),” said the Washington Post on July 30, 1997.330

3. Referring to a $50 billion tax credit Congress enacted for the tobacco industry: “House Minority Leader Richard A. Gephardt (D-Mo.) called the amendment ‘an absolute outrage’ and charged it was put in the bill ‘by the Republican
leadership in the dead of night.’ Appearing on NBC’s ‘Meet the Press,’ he said President Clinton should excise it with a line-item veto,” reported the Washington Post on Aug. 4, 1997.331

Vice President Albert Gore
Vice President Albert Gore has been one of the leading voices in the Clinton White House urging the president to take action against tobacco. He has taken an active role in lobbying for tobacco legislation in Congress.

1. “The Republican presidential candidate’s positions on tobacco have come under fire from every angle: the science of it, the regulation of it and the money that flows from it. The sharpest attack came today from Vice President Gore, who criticized Dole and the Republican National Committee for accepting hundreds of thousands of dollars in contributions from the tobacco industry. After calling the GOP ‘just about a wholly owned subsidiary’ of tobacco interests, Gore urged Dole to stop taking industry money. ‘I’d like to say to Senator Dole: Cut it out!’ Gore told an anti-smoking rally of students in Washington. ‘Kick the tobacco money habit. And tell your friends to keep their hands off our kids,’” the Washington Post reported on June 29, 1996.332

2. “Vice President Gore said it was ‘emotional numbness’ that caused him to defend tobacco for years after his sister’s death from lung cancer and said the need to break through that same ‘numbness’ in society about the dangers of smoking caused him to tell the story of her illness in his speech at the Democratic National Convention Wednesday night. Gore denied there was any political motivation behind the Clinton administration’s new war against teenage smoking, just as he said there was no political calculation behind his defense of tobacco growers at a time he was campaigning in southern tobacco states during his 1988 presidential campaign. On Wednesday, Gore said that his sister’s death and statistics showing that 3,000 teenagers a day take up the habit had caused him to vow that, ‘Until I draw my last breath, I will pour my heart and soul into the cause of protecting our children from the dangers of smoking,’” reported the Washington Post on August 30, 1996.333

3. “In an Atlanta Constitution interview this morning, Gore said, ‘I grew up on a farm with tobacco. I raised it each summer when I was growing up. Didn’t think twice about it. It’s very important to the economy in my home state. When my sister contracted lung cancer, it intensified what I did on the health issue. I was a principal sponsor of the measure that toughened warning labels [on cigarette packages]. I don’t claim I didn’t benefit [from tobacco]. I did. It took me a few years after my sister’s death to grow into the deeper awareness of how strong I felt about what happened to my family and my sister,’” said the Washington Post on September 29, 1996.334

4. “In an interview, Vice President Gore said the decision ‘validates President Clinton’s efforts to protect children from this deadly and highly addictive product,’” said the Washington Post on April 26, after a federal judge affirmed the FDA’s authority over tobacco. 335

5. “Gore made a pitch for Clinton’s controversial price increase proposal, noting that cigarette prices overseas include a tax to help cover the medical costs of ‘people who make themselves sick smoking. . . . If the price goes up, then an awful lot of young people will say this just isn’t worth it anymore,’” the Washington Post reported on Sept. 19, 1997.336

6. “Today, joined by former surgeon general C. Everett Koop and former FDA chief David A. Kessler, Gore focused on one of the signature issues of the Clinton administration’s second term. Standing near a sign that read: ‘Al Gore rules. We think it’s cool you’re at our school,’ he peppered the youngsters with questions about why children smoke and how they might prevent it. Gore blamed Hollywood for glamorizing smoking and big tobacco companies for spending billions trying to find ‘new recruits.’ Still, he told the middle-schoolers, ‘Young people who smoke are suckers,’” the Washington Post reported on October 04, 1997.337

7. “Some moviemakers and television producers agreed yesterday that the entertainment industry needs to be more conscious of how it portrays cigarette smoking. Appearing with Vice President Gore at the White House, representatives of the Screen Actors Guild, Directors Guild and Writers Guild—along with Christy Turlington speaking for supermodels—pledged to use peer pressure to keep their colleagues from depicting cigarettes as cool. It would be a voluntary initiative with no new government regulations or censorship, Gore said. He cited a study that found 77 percent of all movies released last year showed tobacco use—often in scenes that glamorized smoking. That finding coincides with a recent rise in teen smoking. ‘The cause and effect relationship is very, very clear,’ Gore said. Regrettably, he added, impressionable moviegoers ‘don’t see the victim of lung cancer drowning in the fluid that builds up in their lungs,’” the Washington Post reported on Dec. 4, 1997.338

8. “Vice President Gore tried to generate movement in the tobacco debate yesterday, vigorously embracing tough Democratic legislation but leaving room to support a bipartisan approach to the highly charged issue. Gore’s lavish
praise of the Democratic bill that would impose a $1.50-per-pack tax on cigarettes came after several days of internal administration deliberations over how vigorously to back the bill that some worry is too partisan. ‘Let me leave no doubt . . . President Clinton strongly supports this bill and would gladly sign this bill if Congress puts it on his desk,’ Gore told a crowd of public health advocates and Democratic lawmakers,” the Washington Post reported on February 12, 1998.339

9. ‘‘I want to point out that the lay of the land is different now,’’ he said, surrounded by lawmakers and a black children’s choir imported for the photo opportunity. ‘‘Support for tough anti-tobacco measures crosses all lines of region, party and politics,’’ the Washington Post reported on Mar. 31, 1998.340

10. ‘‘This report gives us dramatic proof that we must continue to fight to protect our young people from the dangerous lure of tobacco,’’ said Vice President Gore, appearing at the kickoff of the national ‘‘Kick Butts Day’’ at Hine Junior High School in the District,” reported the Washington Post on April 03, 1998.341

11. ‘‘Clinton and his team have become increasingly blunt in calling Gingrich a tool of Big Tobacco. Gore said Gingrich soured on the McCain bill at precisely the moment the industry did. ‘Is it a coincidence,’’ he asked, ‘that immediately after the tobacco industry executives switched signals, called a new play and publicly announced their opposition to legislation, that right away the Republican leadership switched their signals, adopted the new play and announced their opposition to legislation?’’ said the Washington Post on Apr. 22, 1998.342

12. ‘‘Meanwhile, as the multi-state deal moved forward, Vice President Gore took the Clinton administration’s anti-smoking campaign to Lafayette Elementary School in Northwest Washington, where he made clear that the deal would not end the White House’s push to get Congress to pass a tough anti-smoking measure. ‘Last year, Congress failed to take up President Clinton’s challenge [to pass a national tobacco bill] and failed for all the wrong reasons,’’ Gore told an auditorium filled with hundreds of youngsters sitting cross-legged before him. ‘It’s important for them to take action when the new Congress returns,’” said the Washington Post on November 20, 1998.343

**Representative Henry Waxman (D-CA)**

Representative Henry Waxman was chairman of the Commerce Subcommittee on Health until 1996, when the Republicans won control of the Congress. As chairman, Waxman led the investigation into the tobacco industry and was its most outspoken critic in Congress.

1. “Rep. Henry A. Waxman (D-Calif.) said that the opposition to regulation was coordinated by the politically powerful tobacco industry. ‘When the industry tells them to jump, the only question is, how high?’ he said,” according to the Washington Post on July 14, 1995.344

2. “Philip Morris scientists . . . tracked some 60,000 schoolchildren, beginning with Virginia third-graders, to study connections between childhood hyperactivity and later teenage smoking, Rep. Henry A. Waxman (D-Calif.) told the House in a midday speech. Waxman read selections from a cache of what he identified as hundreds of internal documents from Philip Morris and submitted the documents for publication in the Congressional Record. The documents, apparently stolen from the company, detail more than a decade of research involving animal and human subjects that examined the pharmacology of nicotine, Waxman said. He acquired them in the course of his ongoing investigation into the tobacco industry. ‘These documents make a compelling case for regulation of tobacco to protect children,’’ Waxman said. Noting that smoking rates among teenagers continue to rise despite efforts at tobacco education and control, Waxman said, ‘This is a health crisis of huge dimensions,’” said the Washington Post on July 25, 1995.345

3. “‘There appears to be only one conclusion that can be drawn from this evidence,’’ Waxman said in a speech delivered on the House floor. ‘Philip Morris deliberately increased nicotine levels in commercially marketed cigarettes,’’ said the Washington Post on Aug. 1, 1995.346

4. “‘It’s dismaying that [the ad] would be pulled off the air simply because one of CBS’s largest affiliates was afraid of offending the tobacco industry,’’ said Rep. Henry A. Waxman (D-Calif.), an industry critic,’’ said the Post on Nov. 11, 1995, after a report that KCBS-TV had pulled an anti-smoking ad.347

5. “Rep. Henry A. Waxman (D-Calif.), who chaired that and other hearings investigating the tobacco industry, said that the new affidavits ‘clearly contradict the testimony we received from William Campbell under oath’ and raised questions of perjury. Campbell, now at Citicorp, was traveling yesterday and unavailable for comment, his office said,’’ reported the Washington Post on March 19, 1996 after the FDA released testimony of three former Philip Morris officials contradicting former CEO William Campbell.348
6. “Anti-tobacco Rep. Henry A. Waxman (D-Calif.) expressed skepticism that Congress would approve legislation that would fundamentally affect the powerful industry. ‘There’s never been a deal between the tobacco industry and Congress without the tobacco industry coming out the winner,’ Waxman said. ‘So I would want us to be very careful,’” reported the Washington Post on April 17, 1997.

7. “First, we must change the industry’s economic incentives. We need performance standards, combined with what the Koop-Kessler Committee called ‘predictable and severe’ penalties. The No Tobacco For Kids Act, which Sen. Richard J. Durbin (D-Ill.) and I introduced, would impose a $1-a-pack fee on the tobacco products of any company that fails to reduce the number of children using its products by 20 percent in two years, 60 percent in four years and 90 percent in six years. The so-called ‘look back’ provisions in the settlement will not work: The maximum noncompliance fee of 8 cents per pack is trivial, and applying the fee industry-wide eliminates the incentive for individual companies to comply. The FDA must also have full regulatory authority over cigarette manufacture and marketing, including the regulation of nicotine. In the 1970s, car manufacturers were required to reduce toxic auto emissions. In the '80s and '90s, oil companies were required to clean up gasoline. In the next decade, the tobacco manufacturers should be required to make less dangerous cigarettes,” said Rep. Waxman in a June 29, 1997 Washington Post column.

8. “Rep. Henry A. Waxman (D-Calif.), a vocal tobacco industry critic with whom Bliley has worked in the past on other issues, yesterday commended Bliley for his efforts to get the documents. ‘The industry should turn over the documents immediately,’ Waxman said through a spokesman,” the Washington Post reported on Dec. 5, 1997.

9. “‘Not a single [document] is definitive in any single way,’” said Rep. Henry A. Waxman (D-Calif.), ‘but there’s a pattern of very sophisticated, long-term efforts by the tobacco industry to find scientists who will cast doubt on the idea that smoking is dangerous, and to mislead the public,’” the Washington Post reported on Dec. 19, 1997, after release of tobacco documents by Congress.

10. “‘The law has always accepted the idea that kids are not of a sufficient age—until they’re 18—to make a legally binding choice,’ said Rep. Henry A. Waxman (D-Calif.), one of the most vocal opponents of the industry in Congress and a longtime critic of tobacco advertising. Like age restrictions on drinking and driving, Waxman said, it’s appropriate to keep young people out of danger until they are capable of making an informed choice,” the Washington Post reported on Jan. 15, 1998.

11. “Waxman and other Democrats on the committee angrily took issue with the industry’s demand for liability protections—which is fast becoming one of the settlement’s most controversial elements. ‘We don’t need the tobacco industry’s blessing to do this,’ Waxman said at one point,” referring to an industry executive calling for immunity in exchange for regulation, according to the Washington Post on Jan. 30, 1998.

12. “‘All the action is over in the Senate, and the House is just flailing around doing nothing,’ Waxman said. ‘But it appears that Speaker Gingrich and the Republican leadership is more responsive to the tobacco industry contributors than to their own members and the American people,’” reported the Washington Post on April 30, 1998.

Right

**Representative Thomas Bliley (R-VA)**

Representative Thomas Bliley became chairman of the House Commerce Committee in January 1996 after Republicans won control of Congress. Many of his constituents are employees at the Philip Morris manufacturing headquarters near Richmond, VA.

1. Referring to President Clinton’s expected speech on tobacco regulation: “‘If he goes down there and makes that speech in Charlotte, I hope they’ve got a good security detail for him,’ said Bliley, a longtime tobacco industry ally,” said the Washington Post on Aug. 9, 1995.

2. “The delegation attended dinners or receptions sponsored by such businesses as United Airlines, Virginia Natural Gas and Circuit City, capped by a lavish final dinner at the plush Hotel del Coronado, courtesy of Philip Morris Cos., the tobacco giant with Richmond facilities. Its rival, R.J. Reynolds Tobacco Co., sponsored a reception for Rep. Thomas J. Bliley Jr. (R-Va.), who as the chairman of the House Commerce Committee has been a powerful ally of the embattled tobacco industry. Building on his newfound prominence, Bliley, of Richmond, also was the honoree at another reception during the week, sponsored by Time-Warner. No other Virginia member of Congress had even one such event while in San Diego, let alone two,” said an Aug. 22, 1996 article about the Virginia delegation to the Republican National Convention.
3. "Still, the public statements of the companies and their supporters were brief and tempered. Rep. Thomas J. Bliley Jr. (R-Va.) issued a two-sentence statement, saying it was ‘the beginning of a long and complicated process.’ And the companies pressed for ‘a legislative solution’ to the issues presented in the case," reported the Washington Post on April 26, 1997 after a North Carolina federal judge affirmed the FDA’s authority over tobacco but not tobacco advertising.358

4. "‘If the tobacco industry engaged in criminal or fraudulent activities, then Congress has a right . . . to know before legislation is enacted,’ Bliley told a standing-room-only crowd. In a letter to Philip Morris Cos., Bliley said that if the documents were not turned over voluntarily by Dec. 4, he would ‘consider issuing a subpoena’ the next day for their production," reported the Washington Post on Nov. 14, 1997.359

5. "‘I’m going to make sure these documents see the light of day,’ Rep. Thomas J. Bliley Jr. (R-Va.) said in a statement. ‘Congress must have these documents to do its job.’ He gave the industry until noon today to comply with the request for the documents,” the Washington Post reported on Dec. 5, 1997.360

6. "‘Today’s development will give Congress the information it needs to make more informed and responsible decisions’ on the proposed settlement, Bliley said yesterday,” the Washington Post reported on Dec. 6, 1997, after tobacco companies complied with his subpoena.361

7. "One of the stiffest challenges came from Commerce Committee Chairman Thomas J. Bliley Jr. (R-Va.), traditionally one of the industry’s staunchest defenders and a lawmaker considered crucial to approval of broad-based tobacco legislation. ‘Frankly I was shocked by what I read’ in the RJR documents about youth smoking, Bliley told the assembled executives. ‘These documents appear to contradict statements made by representatives of your company before this committee,’ he said, adding that the documents ‘have shaken my confidence that your companies care about the truth,’” reported the Washington Post in a story about tobacco executives testifying before the House Commerce Committee on Jan. 30, 1998.362

8. "House Commerce Committee Chairman Thomas J. Bliley Jr. (R-Va.) yesterday issued subpoenas demanding the tobacco industry turn over an additional 39,000 sensitive internal documents, the second time in recent months that Congress has moved to force the industry to reveal its secrets. Bliley said the documents had been identified by Minnesota court officials as ‘possibly containing evidence of crime or fraud’ and thus ‘must see the light of day.’ He gave cigarette makers until March 12 to comply,” reported the Washington Post on Feb. 20, 1998.363

9. "Bliley said the McCain bill was flawed because it raised First Amendment questions about the ‘free speech’ of tobacco advertising and unfairly held companies responsible for underage smoking. ‘How do you hold the companies responsible if an underaged person illegally purchases tobacco and consumes it?’ Bliley said,” according to the Washington Post on April 8, 1998.364

Former Senator Robert Dole (R-KS)
Former Senator Robert Dole served in Congress from 1969 until 1996. He was Senate Minority Leader from 1987-1995, and Majority Leader from 1995 until his resignation from the Senate in 1996.

1. “Dole responded to Gore’s broadside by calling Democrats hypocritical. Questioned about the issue here, he said that President Clinton accepted tobacco money in 1992 but is undergoing ‘an election-year conversion, I guess,’ Clinton’s presidential campaign four years ago accepted about $6,000 from tobacco interests. Dole campaign coffers this year have benefited from more than $350,000 in industry contributions, with much more going to the Republican Party,” reported the Washington Post on June 29, 1996.365

2. "‘I have said that my personal observations are that for some people it is addictive, and for others it may not be,’ Dole wrote [in a letter to former Surgeon General C. Everett Koop]. ‘As you are well aware, I am neither a scientist nor a medical professional. These judgments are best made by professionals in the field like yourself. I can only speak from my own experience and observations, and I can tell you that I personally learned many years ago that cigarettes are a terrible habit to break.’ The deadly effects of tobacco have ‘hit close to home,’ Dole said, noting his brother Kenny died of emphysema and his colleague Rep. Bill Emerson (R-Mo.) just died of lung cancer. But though he personally discouraged smoking and supported efforts to keep it away from children, he was against any federal efforts aimed at ‘regulating a legal product out of existence,’ said a Washington Post article on June 29, 1996.366

3. “Dole said he believes cigarettes are ‘harmful . . . . I don’t smoke. I don’t think people ought to smoke, Mr.
President, particularly children. . . . They shouldn’t smoke marijuana either, Mr. President,”” said the Washington Post on June 29, 1996.  

4. “I’d like to see no American smoke . . . . Cigarettes aren’t good for you. I voted for tougher smoking laws as far as giving it back to the states; states ought to handle it. I mean, I don’t have any quarrel with that—just cut out the advertising, do all the other things. But it is legal and we’re about to turn it over to the FDA. And maybe if they find it’s a drug, it’ll be restricted, regulated and that’ll be the end of it. But then what’s going to be next? Are we going to regulate everybody’s adult life?”” said Dole on the Rush Limbaugh TV show, July 2, 1996.  

Former House Speaker Newt Gingrich (R-GA)  

Former House Speaker Newt Gingrich presided over the House while it considered the 1997 proposed settlement between the tobacco industry and the states. He stepped down as House Speaker and resigned from Congress in 1998.  

1. “House Speaker Newt Gingrich (R-Ga.) said the FDA had ‘lost its mind’ for ‘picking a brand new fight when we haven’t won the far more serious fights about crack and cocaine and heroin,’” according to the Washington Post on July 14, 1995.  

2. “You guys have screwed us,’ the House speaker lectured the group of tobacco lobbyists aboard the plane, according to industry officials. ‘The Republican Party has been saddled with tobacco.’ This time, said Gingrich, he wouldn’t allow President Clinton to demagogue Republicans on the tobacco issue in the same way he had outmaneuvered GOP leaders on the budget in 1995. ‘I will not let Bill Clinton get to the left of me on this,” he said. And as for getting Congress to give them a break on the lawsuits that threaten to strangle the industry, Gingrich added: ‘We’re not going to support anything the industry’s for,’” said the Washington Post on March 29, 1998.  

3. “House Speaker Newt Gingrich (R-Ga.) thinks the Democrats are missing the point. When it comes to children, he says, drugs are the real problem in America today, not tobacco. So Gingrich and two of his deputies fired off a letter to Gore last week suggesting that the vice president’s regional forums on tobacco use be expanded to cover substance abuse too,” said the Washington Post on October 13, 1997.  

4. “Gingrich accused Clinton of hypocrisy for his occasional cigars, including the one he enjoyed last month after the Paula Jones lawsuit was thrown out. ‘I don’t smoke cigars when I’m celebrating,’ he said. ‘I don’t send the signal that smoking is okay when you’re winning,’” said the Washington Post on Apr. 22, 1998.  

5. “After the vote [to kill the McCain tobacco bill], House Speaker Newt Gingrich (R-Ga.) issued a statement saying House Republicans intend to ‘take up and pass’ more narrowly focused legislation intended to ‘reduce teen smoking, not increase taxes,’” said the Washington Post on June 18, 1998.  

6. “In the House, Gingrich moved quickly to get Republicans on the record as anti-tobacco. While offering few details on their proposed tobacco package, Republicans predicted it would center on a public awareness campaign and offer incentives to states that reduced smoking among teenagers. Gingrich said that it would give the Food and Drug Administration authority to enforce laws aimed at tobacco manufacturers, but no one said how the bill would be funded,” the Washington Post reported on June 19, 1998.  

7. “Gingrich virtually ordered House Commerce Committee Chairman Tom J. Bliley Jr. (R-Va.) to suspend negotiations on a tobacco bill with Rep. Henry A. Waxman (D-Calif.), because he did not like the shape their legislation was taking—and Bliley complied,” said the Washington Post on Nov. 8, 1998.  

Senator Orrin Hatch (R-UT)  

Senator Orrin Hatch former member of the Senate Labor and Health Committee, co-sponsored legislation in 1997 with Sen. Edward Kennedy, D-Mass., to raise cigarette taxes for the purpose of funding children’s health programs.  

1. “Sen. Orrin G. Hatch (R-Utah), co-sponsor with Kennedy of the [cigarette] tax hike, called the amendment [giving tobacco companies a $50 billion tax credit] ’stupid’ and said it would not result in any credit in the settlement. ‘I am sure that is what they were trying to do,’ he said. ‘But they did a very poor job,’” reported the Washington Post on August 4, 1997.  

2. “Hatch came out with his own bill. It calls for the industry to pay nearly $ 400 billion over 25 years, as well as huge penalties if it fails to meet goals to reduce underage smoking. Unlike the other bills, Hatch’s proposal creates a new mechanism for the Food and Drug Administration to regulate tobacco—one that public health advocates already are
criticizing privately because it does not track current FDA authority,” said the Washington Post on Dec. 8, 1997.\textsuperscript{377}

**Senator Trent Lott (R-MS)**

Senator Trent Lott, Majority Leader since 1996, presided over the Senate while it considered the settlement between states and the tobacco companies.

1. “Senate Majority Leader Trent Lott (R-Miss.) said yesterday that he had been briefed on the negotiations, and that ‘I know the parameters of what they’ve been talking about. I don’t know the status over the last couple of weeks.’ Lott has said he would work with a proposal were one brought to him,” reported the Washington Post on April 17, 1997.\textsuperscript{378}

2. “Though the bill had a majority of votes in its favor, it failed in two successive roll calls—by three votes and then by seven votes—to overcome the Senate’s standard parliamentary hurdle of 60 votes for contested bills. The end came after the central player in the debate, Majority Leader Trent Lott (R-Miss.), moved to end the marathon, arguing that the bill had strayed ‘far afield’ of its intent to curb teenage smoking and become a ‘cookie jar’ to fund other government programs,” the Washington Post reported on June 18, 1998.\textsuperscript{379}

3. “Majority Leader Trent Lott (R-Miss.) shot back that Democrats were overloading the bill with amendments. ‘It is going to collapse in a great big humongous pile of nothing,’ Lott predicted,” the Washington Post reported on June 5, 1998.\textsuperscript{380}

**Senator John McCain (R-AZ)**

Senator John McCain, R-Ariz., is currently chairman of the Senate Commerce Committee. In 1998, he sponsored legislation that would have implemented the massive agreement between states and the tobacco industry. The McCain Bill failed to win Congressional approval after months of debate.

1. “Sen. John McCain (R-Ariz.) called Wednesday’s documents ‘pretty damning’ and said they complicate the prospects for a comprehensive deal. ‘If the settlement is placed in jeopardy because of Wednesday’s revelations, we may have to just go after the issue of teen smoking in a narrower bill, McCain said,” in a Jan. 16, 1998 Washington Post story about R.J. Reynolds Tobacco Co. documents showing the development of Joe Camel.\textsuperscript{381}

2. “In a brief exchange at a town meeting here today, a farmer named George and a politician named McCain cut to one of the central tensions in the ongoing fight over tobacco laws in America. ‘Without the tobacco companies, we on the farms don’t have anything,’ the farmer, George Abbott, informed the out-of-town visitor. ‘I agree,’ replied Sen. John McCain (R-Ariz.), the architect of a far-reaching plan to reduce smoking drastically. ‘But we have a right to expect them to behave like responsible citizens,’” said the Washington Post on April 11, 1998.\textsuperscript{382}

3. “‘They not only have marketed to children, they have thrived on it,’ McCain said. ‘And I am entirely confident they will continue to do so unless we who are elected to protect the national interest stand up, at long last, to the tobacco interests,’” said the Washington Post on May 19, 1998.\textsuperscript{383}

4. “As it stands now, the McCain bill would: Impose a fee of $1.10 per pack over five years on cigarette makers, which they must pass on to consumers—the biggest government-imposed increase ever. Federal taxes are now 24 cents a pack, set to rise to 39 cents in 2002; Give the FDA broad authority over tobacco products, including controversial marketing restrictions that would ban tobacco billboards within 1,000 feet of schools and eliminate cartoon characters and color in cigarette ads; Settle multibillion-dollar lawsuits by more than 40 states and localities against the industry and limit the payment of industry damages in lawsuits to $6.5 billion a year; Impose huge penalties, known as ‘look-backs,’ on tobacco companies that fail to achieve targeted reductions in youth smoking; Curtail smoking in many workplaces, public buildings and fast-food restaurants to limit the effects of secondhand smoke,” said the Washington Post on May 18, 1998.\textsuperscript{384}

5. “‘I’m very, very, I guess, very . . . I take with great gravity this situation. I think it’s a grave situation. I thought I would do campaign finance reform, maybe pass a tobacco bill. I never thought I would be here,’” McCain said on the day President Clinton was impeached.\textsuperscript{385} (Washington Post Jan. 15, 1999)

**Senator Don Nickles (R-OK)**

Senator Don Nickles, Assistant Majority Leader since 1996, led the Republican leadership’s opposition to the 1998 tobacco bill.

1. “Sen. Don Nickles (R-Okla.) called the [Clinton tobacco] regulations ‘heavy-handed, big government’ and said
Congress should determine whether legislation is needed, rather than having government regulators make that decision," said the Washington Post on Aug. 11, 1995.\textsuperscript{386}

2. “After a closed-door luncheon session of the National Governors’ Association (NGA), Senate Majority Whip Don Nickles (R-Okla.) 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. Without that, the offer from the companies of $368.5 billion over 10 years to settle the issue will be pulled off the table,” said the Washington Post on Feb. 23, 1998.\textsuperscript{387}

3. “Republican leaders are committed to taking up a bill that fights underage tobacco use and addiction, but this analysis confirms my suspicions about the high cost of the Commerce Committee bill,’ said Sen. Don Nickles (R-Okla.), assistant majority leader, through a spokesman. ‘I don’t believe it is necessary to raise taxes and spending by hundreds of billions of dollars to have a good anti-tobacco bill,'” the Washington Post reported on May 11, 1998.\textsuperscript{388}

4. “Nickles, one of the fiercest opponents of the McCain bill, said yesterday, ‘Once we clear the air and say there will not be limited liability, maybe we can step back and come up with a bill that’s more responsible.’ Nickles added that he had cautioned Republicans earlier: ‘Don’t get hung out there and say you will give liability protection [to the tobacco industry] when you know the Democrats won’t,’” said the Washington Post on May 22, 1998.\textsuperscript{389}

5. “A small group of conservatives, including Majority Whip Don Nickles (R-Okla.), essentially Lott’s deputy, remain determined to derail the measure, despite the tax-cut and drug-prevention amendments that were attached at their urging. Asked yesterday whether the bill was going to live or die, Nickles raised his arms rifle-like and joked, ‘I’ll get my gun,’” reported the Washington Post on June 12, 1998.\textsuperscript{390}

6. “A powerful Republican senator is blocking the Clinton administration’s nominee to head the Food and Drug Administration because of concerns that she might take activist stands on issues such as abortion and tobacco. Senate Majority Whip Don Nickles (R-Okla.) is blocking full Senate consideration of Jane E. Henney because ‘several senators have some concerns about Doctor Henney—there’s a feeling that she has a propensity to legislate by regulation,’ said Nickles aide Brook Simmons,” said the Washington Post on Oct. 9, 1998.\textsuperscript{391}

Publications

Left

\textit{In These Times}

1. “Tobacco-related disease kills more than 400,000 Americans each year, constituting the single largest threat to public health. Thus we should affirm the Food and Drug Administration’s authority to regulate nicotine in cigarettes as a drug, and support the agency’s proposed efforts to curb the marketing of tobacco products to children,” said a commentary by John Canham-Clyne in the September 1996 \textit{In These Times}.\textsuperscript{392}

2. “Fewer people are giving more money to benefit a shrinking group of candidates. This pattern virtually ensures that a few select groups and fat-cat donors will enjoy special access to government officials, while the rest of the public is left to stand by and watch,” said an article by Colby College professor Anthony Corrado in November 1996.\textsuperscript{393}

3. “For the first time in eight years, Miss Kentucky declined to serve as her state’s honorary chair of the Great American Smokeout, the American Cancer Society’s annual anti-smoking drive. The reigning beauty queen, Veronica Marie Duka, 19, had other obligations, namely a contract with the state’s Agriculture Department to tour 130 schools and promote the state law against selling tobacco to minors. But as Duka told the Louisville Courier-Journal, state officials ‘don’t want me to talk about anti-smoking. That’s not my mission,’” said an item in December 1996.\textsuperscript{394}

4. “In Japan, meanwhile, things are looking a little brighter for nicotine addicts and their suppliers. More than half of Japanese adult men are smokers, and cigarette consumption among young women is skyrocketing. The Japanese government’s reaction to the dangers of smoking has been blasé, which may have something to do with the fact that it owns two-thirds of the stock in Japan Tobacco,” said the Appall-o-Meter column on Aug. 24, 1997.\textsuperscript{395}

5. “[Tobacco] farmers have also been ignored in the great tobacco debate. The proposed $368.5 billion settlement from tobacco companies, which awaits congressional approval, gives nothing to tobacco farmers to prepare them for a new way of life,” according to an article by Pat Arnow in Feb. 22, 1998.\textsuperscript{396}
6. “When evidence of smoking’s health dangers began surfacing . . . black newspapers were conspicuously silent. And as the tobacco industry came under increasing attack by anti-smoking activists, it found a safe haven in many black newspapers,” said Salim Muwakkil in a piece examining rising smoking rates among African-Americans. The June 14, 1998 article called on health activists to include language in tobacco measures that would bar the industry from targeting minority populations. It called nicotine selling “drug dealing of the most lethal kind” and referred to tobacco’s addictive properties.

7. “First they’ll come for our tobacco. Then, our guns. Next thing you know, the planet is in the hands of damned dirty apes. National Rifle Association President and all-around tough guy Charlton Heston is a pretty popular fellow on the gun-loving right. But his recent support of a California ballot initiative that raised taxes on tobacco to support childhood development programs has some former fans smoking mad . . . .” said an item in the Appall-o-Meter column, Jan. 10, 1999.

Los Angeles Times

“Clinton will certainly suffer political retribution from the tobacco-producing states, but his action is an acknowledgment of a truth: that the nation is in a pediatric health crisis caused by smoking. More than 1 million youngsters a year become addicted to cigarettes and chewing tobacco, setting the stage for disease and lost work—and burdening the wider public with huge medical bills,” according to an Aug. 11, 1995 editorial.

1. “Behind the gloss of advertising and promotion, the tobacco industry’s own documents held the ultimate dirty little secret: The companies knew that nicotine was addictive, though they argue to this day over the degree of addiction and whether in fact that is the proper term for whatever it is that keeps the customers coming back,” according to a Jan. 4, 1996 editorial.

2. “In making its offer to accept tighter restrictions, Philip Morris is not simply trying to head off regulations whose effects on its business would probably be far more severe. It is implicitly acknowledging the validity of key points that critics of the cigarette industry have long made. One is that young people are in fact a particular target of cigarette advertising, for the obvious reason that new smokers must constantly be recruited to replace those who each year win the struggle to quit smoking or who perhaps die from diseases caused or exacerbated by their addiction. Further, it is acknowledging that, yes, smoking is bad for the health of young people, which of course mean it’s bad for older people as well. If the industry felt otherwise, if it could refute the overwhelming evidence that smoking has devastating effects, it would fight to the last ditch all efforts to control sales and advertising of its products,” according to a May 17, 1996 editorial.

3. “For this is not [FDA regulation of tobacco], as some political apologists for cigarette companies claim, an unfair singling out of a particular industry for punitive measures. It is an overdue effort to protect public health by trying to insulate young people from a health-destroying addiction. Study after study has shown that most smokers begin as teenagers, as children. Break that link and hundreds of thousands of lives a year can be saved. That’s not a political option but a public policy imperative,” according to an Aug. 19, 1996 editorial.

4. The settlement negotiations provide an opportunity to commit tobacco companies to major policy changes to protect the nation’s health. The firms should be required to turn over internal documents on nicotine, and the industry should be required to disclose to consumers the amount of the addictive substance that is present in cigarettes. The tobacco companies also must embrace the tough anti-smoking programs the FDA announced last August, programs they have been aggressively fighting,” according to an April 18, 1997 editorial.

5. “By agreeing to cover the states’ costs for treating patients with tobacco-related diseases and to finance anti-smoking campaigns, the cigarette makers are implicitly conceding the toxicity of their product, and their liability for the consequences of that. The industry is simply in no position to insist on conditions limiting what the FDA can do. Neither, it goes without saying, can the state attorneys general commit the federal government to hamstringing one of its most important regulatory agencies,” according to a July 10, 1997 editorial.

6. “The FDA must move quickly and unconditionally to regulate nicotine and so deny cigarettes their addictive power. That is not a process that should take up to 12 years as the agreement would have it, or be contingent on the absurd, impossible requirement that the FDA show that regulation would not give rise to a black market,” according to the same July 10, 1997 editorial.

7. “The Florida deal [1997 tobacco settlement], significant though it is, is no substitute for strong federal control of
nicotine, the addictive substance in cigarettes. Congress has the power to give that control to the U.S. Food and Drug Administration, ending the special treatment that exempted cigarettes from FDA authority and allowed Big Tobacco to prosper. And only when nicotine is controlled will smokers have an easier time quitting and young people be less likely to get hooked. In this direction lie the most meaningful public health gains for individual states,” according to an Aug. 26, 1997 editorial.  

8. “Most likely, the high court [Supreme Court] will throw the issue [of FDA regulation of tobacco] back to Congress, where, for decades politicians have given the tobacco industry a shamefully free ride in the area of health and safety. What the lawmakers should do is explicitly empower the FDA or some other agency to regulate cigarettes . . . . Greater government control over the manufacturing, sale and advertising of cigarettes is long overdue. But controls alone won’t solve the problem. Ultimately, only the millions who light up every morning can do that,” according to a Dec. 3, 1999 editorial.  

Mother Jones  
“The addictive—and lethal—nature of cigarettes is a well-established medical fact, recognized by virtually everyone outside the tobacco industry,” according to a Mother Jones article in March 1996.  

1. “[T]he tobacco industry’s political strong-arming on the state level has gone largely unnoticed. Philip Morris’ February bash for Republican governors was not an isolated incident. The tobacco industry has gone all out to enlist governors—especially Republicans—in its fights . . . . The FDA received letters opposing tobacco regulation from governors or lieutenant governors in several states, including Kentucky, South Carolina, Connecticut, Montana, and Mississippi. Copies of the letters obtained by Mother Jones show marked similarities, in some cases using virtually identical language,” said an article in the May 1996 issue on tobacco.  

2. “While tobacco’s assault on the Food and Drug Administration has drawn more publicity, the industry has quietly won an equally important battle against the Occupational Safety and Health Administration. In 1994, OSHA proposed restrictions on smoking in the workplace. The proposal, intended to protect nonsmokers from the dangers of secondhand smoke, is in limbo due to a concerted attack by the tobacco companies. As in their war on the FDA, they orchestrated a massive letter-writing campaign in order to create the impression of an ‘anti-big government’ uprising against OSHA. That impression worked only too well: Insiders at OSHA report getting death threats, and U.S. marshals monitored packages delivered to the agency,” said an article in May 1996.  

3. “‘Grassroots’ coalitions have become a vital tool for tobacco’s survival because of the industry’s increasingly negative public image. By forming coalitions with business groups, conservative activist organizations and other industries, tobacco companies like RJR obtain useful cover and, in effect, go from being a ‘black hat’ to a ‘white hat’ in the political world,” said an article in May 1996.  

4. “For decades, Big Tobacco focused its political largesse on the U.S. Congress and the presidency. But by 1988, when California voters passed a tough anti-smoking law despite a $15 million campaign against it, the industry knew it needed a more sophisticated strategy. The solution: Fund front groups of consumers or retailers with no obvious ties to tobacco, and use them to push for state pre-emption laws. Tobacco backed pre-emption laws appear to be stringent anti-smoking measures. He catch is that these measures are weak and supersede any stronger local restrictions on tobacco . . . . The irony is that while the tobacco industry spouts ‘local control’ rhetoric, it is cynically using front groups and statewide pre-emption laws to snuff out genuine grassroots initiatives to control smoking,” said an article in May 1996.  

5. “[A]s Dole wages his campaign for the presidency, many of the tobacco industry’s biggest hitters are whispering in his ear. Lobbyists for business, trade groups, and other special interests often attach themselves to presidential campaigns, seeking future jobs and political chits. Tobacco operatives are no exception. But the sheer number of tobacco lobbyists, lawyers and pollsters working for the Dole team sets a new standard,” said a May 1996 article.  

6. “So where is the pressure to gut the FDA coming from? ‘If you look at the people who are pushing for reform of the FDA,’ says one FDA official, ‘behind the scenes you will see the tobacco industry,’” according to another May 1996 article.  

7. “[M]ost Americans don’t know our government helps push Marlboros on the Chinese, Japanese, and Vietnamese,” said an article posted to Mother Jones’ “MoJo Wire” Internet site.
“Tobacco kills about 420,000 Americans a year. In order to replace these customers, and the 1.3 million who quit each year, tobacco has to find new customers: kids. Seventy percent of smokers are hooked by the time they are 18, the age when they can legally buy cigarettes. . . . The tobacco industry has pacified the public as expertly as it has manipulated the nicotine kick in cigarettes. . . . The most effective anti-smoking campaigns expose Big Tobacco’s cynical manipulation of a public it deems gullible. Such ads had a considerable effect in California until they were yanked from the airwaves by one of tobacco’s stealth allies, Gov. Pete Wilson. He and the industry prefer finger-wagging ads that encourage adults to call an 800 number if they see youngsters buying cigarettes. The first type of campaign tells kids they’re suckers if they light up; the second subtly encourages them to rebel,” said Mother Jones Editor Jeffrey Klein in May 1996.

“[Q]uestions confront a growing number of conservative Christian clergy and political activists as they grapple with the contradiction between their beliefs about the sanctity of life and the Christian right’s conspicuous silence about the tobacco industry. Successive revelations about smoking-induced death and disease, the marketing of cigarettes to children, and the manipulation of nicotine to encourage addiction are gradually reducing cigarette purveyors from the status of honest businesspeople to that of pushers, pimps and pornographers. Yet the industry provides the Christian right with a vast grassroots base and a staunch Republican ally. Will religious conservatives continue to accept tobacco’s support in exchange for their silence? Or will they start making trouble?” asked William Saletan in a May 1996 article.

“Each region, in fact, had a genuine popular uprising made up of legislators, physicians, consumers, parents—all decrying the death and disease wrought by cigarettes. RJR’s response, far from merely providing information to a voluntary movement of smokers’ rights advocates, sounds more like conscription. Sometimes [the RJR field coordinator] had to contact hundreds of smokers to field a ragtag army of 20 or 30 people for a smokers’ rights meeting,” said an article in May 1996 documenting tobacco industry efforts to encourage grassroots lobbying.

“While tobacco companies are taking a beating on the national level, they’re quietly pressuring governors and state legislators to stop grassroots efforts to control tobacco,” said an article in September 1996.

“Tom Bliley is so tight with the tobacco industry he’s known as the ‘Congressman from Philip Morris.’ Upon becoming chairman of the House Commerce Committee in 1994, Bliley announced he would end congressional investigations into tobacco during his watch. And he’s kept his word: Despite numerous allegations of tobacco industry malfeasance, this Congress has held only one tobacco hearing—on smoking on airlines,” said an article in September 1996.

“While the United States government cracks down on Big Tobacco’s marketing tactics, tobacco companies have already begun to focus their considerable marketing know-how abroad, where restrictions are more relaxed, nicotine is just as addictive, and the U.S. government is happy to turn a blind eye,” stated an article by Matt Honan in July 21, 1998.

“And when Clinton asked for financial sacrifice—higher prices on cigarettes to deter youth smoking—the GOP helped rally angry smokers and killed the bill,” said an article in September 1, 1998.

“As [Sen. John] Ashcroft advances in the presidential race, he will find a world more complicated than the one that embraced Reagan. In 1998, the evil empire is Philip Morris, industrial haze shrouds the shining cities on our hills, and Republican tax reformers have veered so far right they’ve run out of America,” said an article in November 1998.

“In a commentary on ties between Philip Morris CEO Geoffrey Bible and News Corp. chief Rupert Murdoch, Mother Jones noted in September 1998: ‘Murdoch’s papers rarely publish anti-smoking articles these days.’”

The Nation

1. “Despite the increased foreign competition, many growers remain reluctant to kick the habit. Addicted to high prices and a guaranteed market, most want to continue growing the crop even though it killed 434,000 Americans last year,” said an article on tobacco farmers in a February 1995 issue of The Nation.

2. “The tobacco executives’ recourse to denial, selective economics, and stress on the legality of their products truly do enable them to ‘live with themselves.’ This amounts to a defiance of the truth. The truth has a long fuse, however, and ultimately prevails,” said Scribner Editor Edward Chase on March 20, 1995.
3. “If ever a substance deserved the designation ‘inherently unsafe,’ it is nicotine, the psychoactive ingredient in tobacco, and the casus belli for Castano. This poisonous alkaloid has been studied since the late nineteenth century, when biologists used it to help define the modern concept of drug tolerance, a key criterion for judging addictiveness. Contemporary researchers have found that after just two hours without cigarettes, the brain wave activity of a heavy smoker is so badly disrupted that the brain’s ability to process information virtually shuts down. Such disruption is associated with extremely addictive drugs. The cigarette companies learned early that nicotine was addictive and left an extensive trail of internal memos that prove they knew,” said an article on the Castano class-action lawsuit against the tobacco industry by Dan Zegart in August 1995.

4. “Equally worrisome is the grumbling acquiescence of CBS reporters and others in the news business. When the martial-law government of Poland imposed state censorship a few years back, newspapers published empty spaces in protest. The 60 Minutes producers broadcast a milder story: Mike Wallace, with outrage muted to irritation, assuring viewers that the program’s integrity was not at issue. Not a single resignation, no leaking of the spiked interview,” said an editorial (December 1995) criticizing CBS for not running its interview with whistleblower Jeffrey Wigand.

5. “The tobacco companies had now broadened the fight over corporate control of information by enlisting Congress in its attempts to silence a leading critic. This marked an unprecedented political intrusion into medical research. Heretofore Congress had encouraged the National Institutes of Health to rely on peer review by scientists to determine which grant proposals deserved funding. Indeed, the same House subcommittee report had earlier declared support for allowing the N.I.H. to use its best scientific judgment . . . .” said a January 1996 article chronicling the role of University of California professor Stanton Glantz in the release of tobacco company documents and the industry’s response.

6. “The current barrage of attacks notwithstanding, few believe this wealthy cartel is in any economic jeopardy. But a dampening of tobacco’s public visibility through curbs on cigarette makers’ youth-oriented marketing remains possible, if the public demands it. Former industry insiders with hair-raising stories to tell, especially about the industry’s pandering to children, could help puncture the in-grained skepticism that smokers are victims of anything more sinister than weak wills,” said journalist Dan Zegart in a March 1996 article.

7. “One is fittingly titled The Cigarette Papers because it does for the tobacco war what the Pentagon Papers did (or ought to have done) for the Vietnam War. It confirms what every admirer of private enterprise should have surmised: that the tobacco manufacturers always, but always, knew more about their product than their critics did . . . . Talk about a smoking gun - here is a whole arsenal,” wrote John L. Hess in a book review on May 13, 1996.

8. The tobacco industry’s tactics are also more sophisticated than the [National Rifle Association’s]. Lobbyists come into state capitals with ‘model legislation’ to reduce sales of cigarettes to children, making the industry look like a good corporate citizen. But those proposals are weak and full of loopholes. Tacked on are pre-emption clauses that handcuff local officials who genuinely want to crack down on youth smoking,” said Barry Yeoman in February 1997.

9. “The Liggett settlement hardly signals the twilight of Big Tobacco. If public-interest advocates are not wary, ‘global settlement’ will mean pre-empting serious regulation and corporate accountability,” according to an editorial, April 14, 1997.

10. The tobacco lords promote cigarettes in the Third World and Eastern Europe through an array of slick marketing techniques that target children, especially girls, often in ways that would not now be tolerated in the United States: free samples, TV advertising, celebrity spokespersons, sponsorship of youth-oriented events like rock concerts and radio shows. Restrictions on sales practices in the United States, in the absence of global controls, may well spur the tobacco titans to intensify still further their marketing and corporate acquisition strategies abroad,” according to an editorial by Robert Weissman in July 1997.

11. “Around the world, this First Amendment tradition has been envied and emulated on the presumption that free speech fosters self-actualization and the exchange of ideas and insures a vibrant democracy. Now some of the most powerful actors in our society—largely corporations—are wielding the First Amendment in ways that often seem counter to these goals. They are using free speech claims to thwart progressive reforms such as caps on campaign spending, public access to the airwaves and regulation of cigarette advertising,” said the introduction to a forum on First Amendment issues in the July 21, 1997 issue.

12. “[T]he settlement, for all its limitations, embodies gains that seemed impossible even a year ago, including the
18. “The Speaker lashed out at the bill slowly coming together in the Senate, using all the old cliches, calling it a big-

19. “[T]he Associated Press surfaced a batch of internal memos from BAT Industries showing that the world’s second-

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21. “Language in the settlement suggests it ought to go toward strengthening enforcement of state laws against selling
tobacco to minors, expanding health insurance coverage for poor children and enhancing substance abuse programs
for adolescents. But less than twenty-four hours after the agreement was announced, Republican lawmakers were
clamoring for a huge chunk of the money—up to $3.3 billion—to fund school construction . . . . Money diverted from
antismoking programs and tough enforcement of laws governing tobacco sales to minors translates into more
smokers in the long run—and higher Medicaid bills for the State of Florida, which are what prompted the suit in the
first place,” said an article on Florida’s settlement with the tobacco industry by intern Philip Connors in November
1997.437

22. In an article in February 1988, The Nation published a “scorecard” of items that tobacco legislation should include:
“[1] A $ 1.50 or $ 2 per pack price increase speedily applied—within two years, if not sooner. [2] F.D.A. authority
to oversee tobacco products as it does other drugs. With such authority, the agency can regulate tobacco advertising
and promotion directed at kids and can begin to compel the reduction of tar and nicotine in cigarettes. [3] Massive
funds from excise tax increases or industry penalties allocated for effective advertising campaigns, managed by pub-
lic health advocates, designed to de glamorize tobacco use—with no restrictions on ads that attack the tobacco indus-
try and no political censorship. [4] Funding from taxes or penalties for grassroots advocacy groups to keep the spot-
light on tobacco-industry transgressions and to keep government regulators’ feet to the fire [5] Full disclosure of
internal industry documents. To create future regulations and develop antismoking public education campaigns, it is
crucial to reach a full understanding of how the industry has lied about the health effects of smoking and how tobac-
co companies have marketed to kids, women and minorities. [6] No limits on state and local actions. Unfettered
local—not just federal—control policies and enforcement are needed.”438

23. “[Minnesota Attorney General Hubert] Humphrey’s attorneys, from the Minneapolis firm of Robins, Kaplan, have
unearthed 33 million pages of internal industry documents. Each sheaf of papers will uncover more shocking details
of the industry’s deceitful record on the harmful effects of smoking. The papers promise to show, possibly in new
ways, that industry leaders lied when they said that nicotine was not addictive and that they did not intentionally
market their cigarettes to youth,” said an article by veteran tobacco journalist Peter Pringle in February 1998.439

24. “[T]he Senate should at least adopt the Harkin-Chafee alternative, which would raise the overall cap to $ 9 billion
and remove the ceiling on penalties for failing to meet youth smoking reduction targets” set in the McCain tobacco
bill, said former FTC chairman and long-time anti-tobacco activist Michael Pertschuk in an April 1998 article.440

25. “In many ways, the legislative package is disturbingly modest. But in the current political context, it represents a
bold tobacco control and corporate accountability initiative. Although it does not go far enough and contains some
potential loopholes, the code of conduct, if enacted, would constitute one of the most far-reaching legislative efforts
ever undertaken to curb U.S. multinationals’ activities overseas. It should also insure that the Marlboro Man truly
rides off into the sunset, and not to Beijing, Nairobi and Moscow,” said an April 1998 article by Robert Weissman
derossing a proposed “code of conduct” for tobacco business overseas.441

26. “The Speaker lashed out at the bill slowly coming together in the Senate, using all the old cliches, calling it a big-
government liberal measure. Gingrich’s blast from the past coincided with the return of Big Tobacco. After with-
drawing petulantly from the Congressional negotiations, the industry, like Gingrich, has returned to its old ways. The
tobacco lobby is taking out ads criticizing the legislation, inciting other corporate groups like the Chamber of
Commerce to oppose the bill. And the tobacco gang continues to dump money into campaign chests. As of April 1, it
had stuffed $ 4.4 million into the pockets of politicians for the current election cycle, 80 percent of it to Republicans.
Not only is Bad Newt back, he’s back in the arms of the tobacco cartel,” according to an editorial in May 1998.442

27. Calvin Trillin’s poem after the defeat of the tobacco legislation in 1998: “When big tobacco spoke, The Senate bill
was off. It shows that money talks, Though often with a cough.443

28. “[T]he Associated Press surfaced a batch of internal memos from BAT Industries showing that the world’s second-
largest cigarette producer bred tobacco with a nicotine content twice that of normal flue-cured tobacco. This
increased the addictiveness of its cigarettes. The memos contradicted the testimony given Congress—under oath—
by the chief executive officer of BAT’s US subsidiary, Brown & Williamson Tobacco Corp., while confirming gov-
ernment evidence of nicotine manipulation. As a 1979 memo noted, BAT scientists were ‘searching explicitly for a
socially acceptable addictive product involving a pattern of repeated consumption.’ The story appeared in some

21. “It has always been hard to fathom how Ken Starr could insist that his representation of Brown & Williamson, a leading tobacco firm, after he took over as special prosecutor did not raise at least the appearance of a grave conflict of interest. But it is too much for Starr now to suggest that he might rush in where Congress fears to tread and indict the declared enemy of the industry that has for so long retained his services. If government regulation is to be anything more than rank politics, longtime servants of highly regulated industries simply cannot be allowed to disregard appearances so blithely. There may well be a case for indicting Clinton, but Kenneth Starr should not be allowed to make the decision. If the nation goes down that route, the people of the United States are entitled to be sure that it is not in fact Tobacco Road,” said an article by University of Massachusetts professor and Nation contributing editor Thomas Ferguson on March 8, 1999.445

New York Times

1. “We are reluctant to ban advertising for legal products, but . . . we don’t want to expose readers to advertising that is harmful to health or safety,” New York Times spokeswoman Nancy Nielsen told the Wall Street Journal in April 1999.446

2. “Every year more than 400,000 Americans die from illnesses related to Dr. Kessler’s ‘pediatric disease.’ Surely a country that has erased so many other diseases associated with childhood will want to nip this one in the bud as well,” said a New York Times editorial on March 16, 1995.447

3. “The howling against the city’s new smoking restrictions was especially hearty from restaurateurs and those diners who believe that cigarettes complement cuisine. But in a remarkably brief time, the shouts have died to a whisper and the air in New York’s restaurants is, if not exactly Edenic, a lot fresher than it used to be,” said an editorial on May 29, 1995.448

4. “President Clinton has given the fight against smoking just the push it needed—the full backing of the White House for a regulatory campaign to curb the sale and promotion of cigarettes to young people. His proposals are aimed at the right target—saving youth before they become hooked for life—and would achieve that goal without limiting the free choice of adult smokers to use a lawful product. The only questionable element is restrictions on advertising that appear to infringe the commercial free-speech rights of the industry,” according to an Aug. 11, 1995 editorial.449

5. “While the tobacco industry denies that it targets teen-agers, new studies show that tobacco advertising is more powerful than peer pressure in getting young people to take up smoking, a habit that for many becomes a lifetime addiction. The likelihood of such addiction is enhanced by the fact that many companies add ammonia-based compounds to their cigarettes, thereby increasing the potency of the nicotine that a smoker inhales. This double whammy—appealing to vulnerable youngsters and setting up an enhanced dose of nicotine—practically guarantees that new crops of cigarette addicts will continue to be raised,” said an editorial on Oct. 24, 1995.450

6. “The emerging picture of what cigarette manufacturers have known and done or failed to do about the health hazards of tobacco is one of the biggest and most absorbing news stories of the year. Nevertheless, “60 Minutes” has decided to spike an interview with a tobacco-industry whistleblower out of fear of a lawsuit that the industry had not even threatened to file. This act of self-censorship by the country’s most powerful and aggressive television news program sends a chilling message to journalists investigating industry practices everywhere,” said an editorial on Nov. 12, 1995.451

7. “The challenge facing the Administration, as the new Supreme Court ruling underscores, is to refine its program to curb smoking by children without unduly trampling on free speech for adults,” according to an editorial on May 15, 1996.452

8. “Mr. Dole sounds disingenuous when he keeps expressing uncertainty about whether tobacco is addictive or not, and he has turned increasingly surly in defending his position . . . . If Mr. Dole needs to distinguish himself from President Clinton, he would be best advised to find another issue. When it comes to tobacco, Mr. Clinton holds the high cards,” according to a July 4, 1996 editorial.453
9. “The most worrisome element of the new plan is a crackdown on advertising that may infringe the commercial free-speech rights of the tobacco industry. Any such restrictions must be targeted as narrowly as possible. The Administration means to limit the marketing appeal of cigarettes by prohibiting billboard ads of tobacco products within 1,000 feet of schools and playgrounds. That seems reasonably and narrowly designed to protect children,” according to an Aug. 24, 1996 editorial.454

10. “New York City made a smart move this week when it filed suit against eight tobacco companies and two trade associations to recover billions of dollars spent on medical care for smoking-related illnesses. The lawsuit is justified on public health and fiscal grounds,” said an editorial on Oct. 19, 1996.455

11. “In an effort to cut down smoking among military personnel, the Pentagon wants to end discounted prices on tobacco products sold in military grocery stores. The tobacco lobby, and some members of Congress, complain that the Pentagon has not followed proper procedures. Whether it did or not, the Pentagon has the right idea,” said an editorial on Oct. 25, 1996.456

12. “The belated admissions by Liggett that it has lied in the past about the addictiveness of smoking can only bring added ridicule to all those industry executives who told Congress in solemn, straight-faced testimony that they did not believe tobacco is addictive. The sight of 22 attorneys general accusing the industry en masse can only reinforce growing perceptions that this is a predatory industry out of control. Such impressions could have a powerful effect on juries — and in the court of public opinion,” said an editorial on Mar. 22, 1997.457

13. “The final shape of any settlement is still not clear. Negotiators are said to be far apart on some key issues, including the sum to be paid by the industry, the extent to which the industry will be sheltered from liability suits, and the degree of regulation it will agree to endure. But the startling, heartening development is that the tobacco companies have now moved from the bunker to the surrender table. The anti-smoking forces have been relentless, even when the odds were against them. Now the corporate arrogance and tactical blunders of big tobacco have put victory within the crusaders’ grasp,” said an April 17, 1997 editorial about settlement discussions between the tobacco industry and states.458

14. “There is much to admire in the deal. But the nation should not relinquish the threat of state and class-action litigation without insuring that strong regulatory powers and stiff penalties for nonperformance are in place,” said an editorial commenting on the deal between the states and the tobacco companies on June 27, 1997.459 See the following reference for similar comments.460

15. “Exercising their diligently purchased Congressional influence, tobacco companies got Congress to insert a $50 billion giveaway into the tax-cut legislation enacted last month. The credit was specifically designed to offset the $368 billion the industry agreed to pay to settle anti-tobacco litigation in 40 states earlier this year. Even worse, it was tucked away in such an obscure corner of the legislation that many members of Congress say they were unaware it was there. Clearly, Congress must now wake up and repeal the tax credit as part of any tobacco settlement it approves,” said an editorial on Aug. 19, 1997.461

16. “It is probably unrealistic to expect that overseas considerations will be added to the proposed domestic tobacco settlement. But Washington can surely remove tobacco from the category of products that get aggressive support for opening foreign markets. It can also finance anti-smoking programs in health organizations overseas and put the Agency for International Development to work discouraging smoking. American companies and the American Government unleashed sophisticated marketing campaigns that increased smoking in many countries where people do not fully understand its danger. That gives Washington a responsibility to undo the damage,” according to an editorial on Sept. 10, 1997.462

17. “The tax break effectively undercut the proposed tobacco settlement reached between the industry and state attorneys general and perverted an otherwise laudatory effort by Congress to help needy children. When the budget and tax deal was first struck this summer, many members of Congress proudly announced that they had imposed a 15-cent-a-pack tax increase on cigarettes to help finance health insurance for children who currently lack it. The only trouble was, language quietly inserted without the knowledge of most members provided that if the proposed tobacco settlement was ultimately endorsed by Congress, the proceeds of this tax would be diverted from children’s health and used instead to help the industry pay the costs of the settlement,” said a Sept. 12, 1997 editorial commenting on a $50 billion tax break given the tobacco industry and then rescinded.463 See the following reference for similar comments.464

18. “A 1,000-foot buffer may make sense in many areas of the nation to prevent children playing in schoolyards from
being bombarded with messages glamorizing cigarettes. This page, in discussing a national campaign against smoking, once endorsed such a buffer as a way to focus on children without unduly inhibiting commercial speech aimed at adults. But in densely packed New York City, where 1,000 feet is the equivalent of four city blocks, and schools and playgrounds are scattered everywhere, the practical impact would be to forbid all outdoor cigarette advertising in about 90 percent of the city,” said a Dec. 20, 1997 editorial objecting to a New York City proposal to ban tobacco advertising.

19. “Some worthy events—from stock-car racing to jazz music festivals—may be hurt because they can no longer rely on tobacco sponsors. But it makes no sense to give them a guaranteed bailout just because they have grown accustomed to tobacco money. Groups and events that do not live by tobacco money—including those that have refused to seek it—would receive no benefit. If Congress believes music festivals and the like are worthy of public support, it should finance those events without tying the funding to past reliance on tobacco money,” said an editorial on Jan. 13, 1998.

20. “The latest trove of internal documents from the tobacco industry provides the strongest evidence yet that the industry was not only targeting very young smokers, it was doing so with the approval of high corporate officials. Even in a business renowned for its lack of social conscience, the cynicism is breathtaking. Congress will need to look skeptically at proposals to grant immunity to the industry for its reckless behavior as part of an overall tobacco settlement. The case may be getting stronger for a straightforward crackdown, with or without a negotiated deal,” said an editorial on Jan. 16, 1998.

21. “The courts have well-recognized authority to review the fairness of fees and awards and to revise the underlying contracts in order to protect the parties to the suit and the public interest. Our sense is that the Texas judge probably leaned too far in favor of the lawyers. Unanticipated multibillion-dollar fees in cases based on public suffering are bound to create a backlash. One lesson that is even clearer is that some attorneys general erred in not imposing a cap or a sliding scale that reduced the percentage on huge judgments. It is possible to guarantee that most of the money goes to the public and still leaves the lawyers plenty of room to get rich,” according to a Feb. 11, 1998 editorial commenting on a Texas court ruling giving lawyers 15 percent of the state’s $15 billion tobacco settlement.

22. “It would be foolish and unjust to grant the tobacco industry any legal immunity for past or future conduct given newly released industry documents showing that cigarette manufacturers targeted young smokers and very likely manipulated nicotine in cigarettes to provide a greater physiological ‘kick,’ said an editorial on Feb. 24, 1998. See the following references for similar comments.

23. “Any tobacco deal should not immunize the industry from lawsuits or bar the Government from regulating tobacco. Tobacco proceeds would also best be used for victims of diseases relating to smoking, as the Administration wants. This week the Senate Budget Committee called for the rest of the tobacco money to be set aside to prevent future cuts in Medicare. That proposal would be preferable to the push by House Republicans to use it for tax-cut schemes and highways. But the Medicare trust fund is not in any immediate danger of insolvent, and the White House’s idea of spending the money on education, job training and child care deserves consideration,” said an editorial on March 20, 1998. See also the following reference for similar comments.

24. “The industry, faced with damaging exposure about its past efforts to sell to teen-age smokers, is on the defensive. But it is by no means an impotent force in Congress. Its power to push through legislation is substantial, particularly since both the White House and the Republican leaders are eagerly eyeing money from any tobacco settlement to pay for their favorite programs. As the Senate takes on tobacco, it must remember that this issue is not about protecting the industry or plugging holes in the Federal budget. The aim here is improving public health, and any legislation has to be measured by that yardstick alone,” according to March 25, 1998 editorial.

25. “Under this bill, the industry would also have to pay penalties if teen-age smoking rates do not go down by 60 percent over the next 10 years. But the penalties are capped at $3.5 billion annually, an amount that is probably not enough to deter bad conduct from an industry that desperately needs to hook the next generation of smokers,” said an editorial on Apr. 1, 1998 commenting on Sen. John McCain’s proposed legislation.

26. “The industry’s decision to walk away from the legislation does not hamper Congress’s ability to go forward. Congress can force the price of cigarettes up through a new tobacco tax. It can give the Food and Drug Administration ample power to regulate tobacco and nicotine. It can write into law many of the advertising controls included in the attorneys general settlement, though the industry will fight those in court. That is a chance worth taking,” said an editorial on Apr. 9, 1998.
27. “Enforcement will not be easy, but restricting the behavior of American corporations abroad is not new. Federal law, for example, makes it illegal for American companies to bribe foreign governments. Tobacco legislation would be incomplete if the industry was allowed simply to redirect its pernicious practices to lucrative new foreign markets,” said an editorial on Apr. 20, 1998 commenting Senate legislation that would have restricted overseas tobacco marketing.

28. “It is hard not to fume about Attorney General Dennis Vacco’s starring role in anti-smoking ads now airing around New York State. The ads feature Mr. Vacco lecturing about the perils of teen-agers smoking. While they may be good for Mr. Vacco, who is running for re-election, most experts on teenage smoking believe that the last thing we need is some adult, particularly a politician, lecturing on why tobacco is bad,” said the an editorial on April 28, 1998.

29. “The players’ association and the major league owners need to launch an all-out campaign against chewing tobacco. That means accelerating the medical screening program and extending addiction counseling now available in the major leagues to the minor leagues. Baseball players are endangering not just their own lives, but the lives of the young fans who emulate them,” said an editorial on May 3, 1998.

30. “The Senate today debates amendments to a tobacco bill that can significantly reduce youth smoking if some critical provisions are strengthened. The bill, drafted by Senator John McCain and approved by the Senate Commerce Committee, would raise cigarette prices by $1.10 per pack over five years. That amount should be increased to at least $1.50 per pack, which most public health experts estimate is needed to cut youth smoking rates roughly in half. The higher tax was approved by the Senate Finance Committee last week,” according to a May 20, 1998 editorial. See also the following reference for similar comments.

31. “By killing tobacco control legislation that would have helped curb teen-age smoking, the Republicans in the Senate have shown that they simply cannot wean themselves from tobacco money. The bill that would have raised cigarette prices and increased Federal authority to regulate tobacco ads was approved by the Senate Commerce Committee 19 to 1. But during four weeks of debate Republicans demanded one amendment after another, threatening to kill the bill at every turn. They succeeded in larding it with unrelated elements such as a tax cut for married couples, new anti-drug programs and a cap on attorneys’ fees for lawyers who sue the tobacco industry,” said an editorial on June 18, 1998.

32. “A Federal appeals court ruling that the Food and Drug Administration does not have authority to regulate tobacco or prohibit tobacco sales to children inappropriately limits the power of the F.D.A. The decision, which reverses a Federal district judge in North Carolina, ignores the broad authority granted to the agency to protect the public from unsafe drugs and devices. A sensible reading of the law would put tobacco within the agency’s purview,” according to an editorial on Aug. 20, 1998.

33. “New data from the Centers for Disease Control and Prevention show that teen smoking rates are soaring. In 1988, 700,000 teen-agers under 18 became daily smokers. Less than a decade later, in 1996, the number of teens who became daily smokers had risen to 1.2 million. Two-thirds of the people who took up daily smoking that year were under the age of 18. These grim numbers show just how successful the tobacco industry has been in making its products attractive to the high school set. This disastrous trend will not reverse itself without strong curbs on tobacco marketing and sharp increases in cigarette prices, two strategies that health experts say are crucial to reducing youth consumption. But the Republican Congress, unwilling to break free of the well-financed tobacco lobby, refused to approve legislation this year that would have used these strategies,” said the an editorial on Oct. 11, 1998.

34. “Politicians will be tempted to siphon off the money for myriad uses that have nothing to do with tobacco control or health care. Senator-elect Charles Schumer has even suggested that half of the money be used for local property tax relief. That kind of mischief would make a settlement that is already weak on health measures even worse. The advertising restrictions have too many loopholes to prevent the industry from targeting the youth market. The new deal contains no ‘look-back’ penalties for the industry if teen-age smoking continues to soar. It is therefore imperative that states use a good share of the money to counter the industry’s marketing efforts,” said an editorial on Dec. 1, 1998 about the revised state settlement agreement.

35. “New evidence that has been unearthed in state lawsuits shows that the industry tried to conceal the health hazards of smoking and the addictive nature of nicotine. Juries that are faced with such information may be less apt than earlier juries to blame smokers for assuming the risks of smoking, and more eager to punish cigarette makers for fraud and deception. Even if big verdicts are reduced or overturned, simply defending hundreds of cases could be financially debilitating for the manufacturers,” according to a Feb. 12, 1999 editorial. See also the following reference
36. “Mr. Pataki has already shown poor instincts on how to use the tobacco money. He has proposed spending the bulk of it in the first five years on state debt reduction, leaving little for new health initiatives and anti-smoking programs that could help reduce future spending on tobacco-related disease. At the very least, he should strike a compromise that would get the funds flowing,” according to a May 15, 1999 editorial.489

The Progressive

1. “One [revelation about the relationship between the ACLU and the tobacco industry] was that the ACLU had never told its membership—not in its quarterly newsletter, not in fundraising letters—of its continued solicitation and acceptance of tobacco money. Nor had it revealed its sustained lobbying—alongside the tobacco industry—against proposed legislation barring tobacco advertising,” said Morton Mintz in the December 1998 Progressive.490

USA Today

1. “Tobacco companies got one thing right. Voluntary action by the industry is preferable to government regulation. But that opportunity has been blown. Kid smoking is getting worse. It will continue to do so as long as tobacco companies are left to police themselves,” according to a Jan. 3, 1996 USA Today editorial commenting on tobacco industry responses to the proposed FDA rules.491

2. “The key health need is to combat smoking’s spread. That means accepting no limits on regulation—federal, state or local. Tobacco companies want federal rules to pre-empt all others. But local and state jurisdictions were the first to require non-smoking areas in restaurants, ban smoking in public buildings and limit machine sales. Freeing the tobacco companies from such threats would be foolish,” said an editorial on May 14, 1997.492

3. “[T]he claim that a tobacco tax—especially one levied in the name of children’s health—should be rejected because it would cut state revenues and distort the [Consumer Price Index] is perverse. It’s like saying that the nation shouldn’t bother with tobacco controls because smokers die young and thus save the states money,” said an editorial on May 23, 1997.493

4. “Joe Camel is little more than a child molester for the tobacco industry—seductive, predatory, lethal. Here’s hoping the FTC hunts him to extinction. And soon,” according to a June 2, 1997 editorial.494

5. “Despite the evidence of 430,000 smoking-related deaths a year, the knowledge that smoking cuts the average smoker’s life by seven years and the movement by government and business to force smokers out of doors, 50 million Americans—26% of the adult population—still smoke, and 3,000 teens a day start smoking. Only the exposure of its lies about smoking’s addictiveness, and the fear of billions in damages, moved the industry to agree on measures to combat that addiction. Congress and Clinton say they’ll review every detail. They’d better. History says that when deals are made, tobacco wins,” said a June 23, 1997 editorial.495

6. “Last week, RJR Nabisco laid off its top cartoon salesman, Joe Camel, and he won’t be missed. In Joe’s nine-year run, Camel sales increased a bare 0.2 percentage points overall. But among the under-18 crowd, the character helped boost Camel to the second spot, jumping from 8% in 1989 to more than 13% by 1993. In Joe’s place, however, pictures of sultry, young, martini-sipping vamps now appear, and there’s little question about the appeal. Male hormones start hopping well before 18. The switch illustrates the ease with which the tobacco industry can retreat on one front while immediately advancing the same objective on another,” said an editorial on July 15, 1997.496

7. “Tobacco’s massive campaign contributions and lobbying paid off three times Wednesday and Thursday. Both houses of Congress voted to keep spending the taxpayers’ money—$34 million a year—to subsidize crop insurance for tobacco farmers. The Senate also voted to slash by 85% the administration’s budget request to enforce a crackdown on illegal purchases of cigarettes by teen-agers. The House had voted earlier this month to cut the program by a third. And this as the industry claims in the pending settlement to support efforts to deter teen smoking. The surprise was that the votes were even close,” said an editorial on July 25, 1997.497 See the following reference for similar comments.498

8. “After three decades of investigation and millions of dollars . . . no causal link between smoking and disease has been established”—Edward Horrigan, of The Tobacco Institute, in testimony before the House Energy and Commerce Committee, 1982. ‘Cigarettes kill people beyond a reasonable doubt.’—an unsigned memo from a 1981 meeting of tobacco industry lawyers that was released Wednesday by a Florida court. Once again the tobacco indus-
try has been caught blowing smoke. These are the same folk who want us to believe their $368 billion offer to settle 40 state suits against them is a good deal for the American public,” according to an editorial on Aug. 8, 1997.  

9. “A national settlement of tobacco litigation offers the potential of real benefits for long-term public health that a mix of state settlements can’t. But no settlement should risk tying FDA’s hands or treating recruitment of teen smokers less than seriously,” said the newspaper in an Aug. 27, 1997 editorial.  

10. “The aim of any tobacco settlement isn’t about making lawyers wealthy. It’s about improving health—especially by stopping kids from smoking. Until the settlements worked out by the states and their lawyers prove they’ll do that, the lawyer fees should be kept low. And $7,716 an hour won’t cut it,” said an editorial on Dec. 9, 1997.  

11. “This week, some of R.J. Reynolds’ documents came out, and they were damning. Despite RJR’s public, sworn denials to the contrary, the maker of Camel, Winston and Salem cigarettes directed marketing efforts at adolescents,” according to an editorial on Jan. 16, 1998.  

12. “That for the most part means keeping teens from taking up the habit. More than nine in 10 regular smokers started smoking before celebrating their 19th birthday. The Harkin proposal [to boost prices by $1.50 a pack, give FDA regulatory authority and punish firms for failing to reach teen smoking reduction targets] would give industry a strong push to help curb this trend despite the long-term consequences for the industry,” said a March 20, 1998 editorial.  

13. “Pushed aside are lawmakers with a clear focus on the proper goal of any tobacco bill: slowing the annual march of hundreds of thousands of kids to tobacco addiction. At a minimum, that will require hefty taxes to discourage teen smoking. It also will require tight regulation of the tobacco companies, who’ve been caught manipulating nicotine levels to increase addiction,” said an editorial on June 11, 1998.  

14. “While Congress dawdles over a plan to protect teen-agers from tobacco, at least the tots in San Francisco will be safe. And the squirrels. And the birds. And any other creature that happens onto playgrounds there. The San Francisco parks commission is set this week to ban smoking in the city’s 29 playgrounds and recreational centers, joining the growing trend toward bans on outdoor smoking despite any clear public health risk,” according to a June 15, 1998 editorial.  

15. “The core idea was a good one: Discourage smoking, particularly among teen-agers, with heavy tobacco taxes. Then tighten regulation of the tobacco industry so it would have a harder time attracting and addicts new users to its products. The idea was too good, in fact. It promised to raise so much money that it became a target for every pet scheme from boosting child care to fighting drugs and cutting the income tax. Ultimately, it died of its own weight,” said an editorial on June 18, 1998. See the following reference for similar comments.  

16. “Big Tobacco gave at least $4.2 million last year alone, and it wasn’t even an election year. That helped get tobacco a 25% reduction in the size of a proposed tax increase. Tobacco lobbyists also were able to dictate a backdoor addition to the 1997 budget deal that was worth $50 billion to the industry. Fortunately, it was spotted after the fact and repealed by suddenly embarrassed lawmakers,” according to an editorial on March 24, 1998. Similar comments were made on July 17, 1998.  

17. “Congress has the power to raise tobacco taxes enough to deter purchases by youth. A national tax doesn’t pose the problems with bootlegged cigarettes states face when they attempt to raise cigarette taxes on their own. In addition, Congress can expand FDA’s power to control cigarette makers’ manipulation of nicotine and punish those that peddle their deadly products to kids,” according to a Nov. 17, 1998 editorial.  

18. “Want to extract money from Big Tobacco? Just raise taxes. A 45-cents-a-pack hike would raise as much as the states did. That can be done today, not after years of costly litigation, and with appealing side effects. The tobacco industry’s own research found that higher prices are the best way to cut teen-age smoking. And that, not revenue raising, is the real goal since nearly all smokers start as teens,” according to a Jan. 28, 1999 after President Clinton announced plans for a federal anti-tobacco lawsuit. See the following references for similar comments.  

The Washington Monthly  

1. “The Supreme Court protects commercial speech because of the value in distributing true information about products to willing consumers. Ironically, most advertising, and most cigarette advertising in particular, is of a completely different character. Modern promotion of beer and cigarettes is primarily image advertising; it does not convey
information about a product but instead tries to associate it with something the consumer already desires, such as youth, sexual attractiveness, or popularity. Image advertising has brought us the Marlboro Man and the slogan, ‘You’ve come a long way, baby.’ Not surprisingly, image advertising is the most effective way to attract teenagers to smoking,” said J. M. Balkin in the Oct. 1995 Washington Monthly.514

2. “But the imprisoned mobster [John Gotti; ACLU Executive Director Ira Glasser claimed the ACLU would accept money from Gotti] is not at the center of a great debate over free speech in America. The tobacco companies are. And the ACLU isn’t just defending Joe Camel and the Marlboro Man. It is also turning a blind eye to the suppression of speech my cigarette makers,” said Balkin in the same article.515

3. “For the United States to follow the example of these countries [Denmark, Norway, the United Kingdom and Canada] by dramatically raising cigarette taxes would be to preserve the health and save the lives of huge numbers of Americans. . . . Higher taxes would be especially effective in deterring young potential smokers from getting hooked. And while producing sharp declines in cigarette consumption, higher taxes would yield greater revenues that could help state and federal taxpayers bear the costs of tobacco-related diseases,” said Morton Mintz in the May 1996 issue of the Washington Monthly.516

4. “AMPAC’s [American Medical Association’s political action committee] bankrolling of tobacco industry allies undermines many dedicated physicians at the AMA who hope to use the authority of the organization to further the public health. How seriously can elected officials take the health exhortations of an organization that gives out contributions based on support for physicians’ financial interests and not patients’ well being? . . . The AMA loses credibility as a public health organization every time its PAC conspires to keep the Marlboro Man’s friends in Congress. Yet if the nation’s largest physician organization led other health care PACs in divesting politically from pro-tobacco representatives, then the amount of campaign funding available to advance the public health would dwarf even cigarette manufacturers’ contributions,” said Joshua Sharfstein in the March 1, 1999 Washington Monthly.517

Washington Post

1. “The tobacco lobbyists are pressing legislators for what amounts to a let-em-eat-smoke measure that would exempt most restaurants, bars and hotels (where guests will be allowed to smoke in rooms anyway under the proposed law). So much for protecting any customers or employees from health hazards of smoke in the air,” according to a March 13, 1995 editorial about Maryland’s consideration of an indoor smoking ban.518

2. “Banning is considered unworkable in a nation with 40 million addicted smokers. FDA Commissioner David Kessler has lately been describing smoking as a ‘pediatric disease’; he is focusing on steps that might dissuade young people from that first puff. The JAMA editorial laid out a proposed 14-point plan to do so, up to and including banning tobacco exports, saying the United States should wipe out smoking at home to ‘set an example for the world.’ The JAMA contribution is to kick the level of evidence—and the need to do something—up from persuasive to overwhelming,” said an editorial July 17, 1995 about a Journal of the American Medical Association editorial calling for tobacco control.519

3. “The issue these days isn’t whether smoking is harmful—if anyone out there was still wondering. It’s the narrower question of whether the cigarette companies knew they were working with a body-altering chemical substance, nicotine, and whether they designed their cigarettes purposely in such a way that the one-time casual user would get hooked. The answer is looking more and more like yes. This is an important advance, because if tobacco can be correctly described as a drug, the FDA has the legal right to regulate it,” said an editorial on July 27, 1995.520

See the following reference for similar comments.521

4. “More problematic are the proposals to curb not just sales to minors (illegal, after all) but advertising aimed at minors, including the sponsoring of sports events by specific brand-names such as Virginia Slims. One regulation would ban billboards within 1,000 feet of a school building. Another would tightly restrict the nature of advertising in publications with more than 15 percent youth readership, limiting it to text and black-and-white images rather than the full-color Marlboro Man or Joe Camel ads that studies have suggested draw kids in,” said an editorial on Aug. 13, 1995.522

5. “The settlement comes at a moment when the question of tobacco companies’ motives—their culpability (or lack thereof) in the purposeful addicting of new customers—has become pivotal to what regulators and lawmakers decide to do about sales to minors. A vast cache of internal documents said to bear on this issue was delivered to ABC’s outside lawyers under discovery in this case, but no reporter was allowed to see the documents; other documents have been submitted as court exhibits under seal but must now, as part of the settlement, be returned,” said an Aug.
6. “The tobacco companies know a lot about peer pressure: It’s still their stock in trade in getting people to try that first cigarette, which, more research suggests, hooks them so quickly that their power of “choice” becomes moot. That’s why the new regulations focus specifically on kids under 18 and on enforcing those very laws—against distribution to minors—that the ad offers as evidence that ‘together, we can work it out,’” according to an Oct. 5, 1995 editorial criticizing R.J. Reynolds Tobacco Co. ads against federal regulation.

7. “Of these arguments, the most arresting is the assertion, by the nation’s five major tobacco companies, that the FDA regulations are illegal because the agency considered statements from internal tobacco company documents—including references to the daily “dose” of nicotine and the need to regard a cigarette as a “delivery vehicle” for that dose—in arriving at its judgment that nicotine is a drug and can therefore be regulated as one. The FDA, say the tobacco companies’ lawyers, was legally bound to consider only tobacco companies’ advertising and other public statements, not evidence of internal views. Not only, in other words, does the law of the land defend the tobacco industry’s right to say any nonsensical and outrageous thing it likes in defending its continued production, sale and promotion of a deadly product to minors; no, the law actually somehow mandates that the government believe this,” according to an editorial about comments by the tobacco industry against proposed FDA regulation of cigarettes published on Jan. 7, 1996.

8. “The drive for profits in a rough-and-tumble free market, as many philosophically minded observers have pointed out, brings wealth on the one hand and a certain disruption of traditional values and communities on the other. But few would have expected the tobacco companies’ customary way of doing business to fall victim to such ferment, or for the pressures unleashed by Wall Street to blow apart the coalition that has kept cigarette companies from facing up to the consequences of the use of their product,” said an editorial on March 20, 1996 after financier Bennett LeBow agreed to reform his tobacco business.

9. “There’s not much to attract in the idea of now bargaining away real regulation—the first ever—for yet another promise of compliance by companies whose financial fortunes depend on the absence of such compliance. Underage smoking is, FDA Commissioner David Kessler likes to say, a “pediatric disease.” It should be not only illegal but impossible,” said an editorial on May 19, 1996, in response to a Philip Morris proposal that would allow regulation of tobacco by agencies other than FDA.

10. “This decision does not necessarily preclude a different outcome in anticipated cases involving tobacco advertising, by the way, or cases where a restriction is directed at sales of a product to a minor. What the court does seem to be doing is moving in the general direction of expanding First Amendment protection of commercial speech that—importantly—is neither false nor misleading,” said a May 20, 1996 editorial after the Supreme Court ruled against Rhode Island’s efforts to restrict liquor advertising.

11. “Tobacco stocks may have gone up this week. The nicotine merchants may have been cheered (temporarily, we fervently hope) by the data on teenagers. But in the long run, the industry continues to face challenges in court, increasing intervention by the government and mounting evidence on the deadly nature of its product. Surely, the tide is running against it,” said an editorial on May 25, 1996 after new data showed an increase in teen smoking and a federal appeals court dismissed a massive class-action anti-tobacco lawsuit.

12. “When the FDA first considered classifying nicotine as a drug, drawing on a growing pile of internal industry documents that supported the classification, many tobacco foes observed that, once a demonstrably harmful substance is so classified, the only conscionable way for the FDA to regulate it would be to ban it. That idea has an appealing moral purity, but it’s not workable. Protecting kids from illegal sales is workable, and the effort to do so should go forward,” said an editorial on Aug. 25, 1996.

13. “It’s now necessary not only to ferret out what an innocuously or even admirably titled organization has on its agenda. One must look to the source of its funds, the donor’s objective in paying for this nonprofit (read, pure and wholesome) work to be done, and finally the patron’s reasons for keeping his involvement secret by disguising the whole operation as some kind of charity. Philip Morris in particular should avoid smoke screens, stop filtering its data through rightfully titled fronts and cough up any interesting information on its own letterhead,” said an Oct. 1, 1996 editorial after revealing that an organization called “Contributions Watch” was secretly funded by Philip Morris.

14. “If Congress were to adopt a tobacco settlement like the one negotiated between the companies and state attorneys general last summer, there would be more than a third of a trillion dollars to divide up over the next 25 years. You
might think such a prospect would produce at least a momentary spirit of generosity among the parties involved. The possible beneficiaries of the funds—but of course it has had the opposite effect. The line is already forming at the teller’s window, and there’s more than a little shoving involved,” said an editorial on Dec. 12, 1997.532

15. “There has been plenty of evidence for decades that accepting the word of tobacco companies is hazardous. But Chairman Bliley has put at least some welcome distance between his role and whatever response the tobacco companies may come up with. “We deserve to know the full extent of the industry’s knowledge of the health risks associated with tobacco use,” he said. “We need to know the full extent of the industry’s knowledge about marketing appeals to children. We need to know whether the tobacco industry engaged in activities to hide this information from the American people.” The tobacco companies have never come clean on these questions. The real surprise would be if they even begin to do so in response to Chairman Bliley’s pertinent demands,” according to an editorial published after House Commerce Committee Chairman Tom Bliley ordered tobacco companies to release documents from their files.533

16. “The Senate is scheduled to vote today on an amendment by Tom Harkin of Iowa to give the administration the entire, modest amount it seeks to enforce new rules meant to prevent the sale of cigarettes to minors. The amendment deserves to pass. This is a clear test of the instincts of the Senate on this issue, which over the years has inspired so many grandiloquent speeches and so little action. The request is for $34 million instead of the $4.9 million voted by the Senate Appropriations Committee and $24 million by the House. Most of the money would fund enforcement action by the states; no heavy federal hand there. The rest would be used by the Food and Drug Administration for an educational campaign aimed mainly at cigarette retailers,” said a Sept. 3, 1997 editorial.534

17. “Here’s a rule, which the president and Congress alike should keep in mind as they try in the weeks ahead to figure out what to do about the proposed master agreement: Almost by definition, any deal the tobacco companies find congenial is against the public interest. It’s a real temptation to sign off on a big peace pact such as has been proposed—a world-class photo op, and there are in fact some substantive features of the proposal that would be gains. Our own instinct is that the politicians should go carefully and slowly. Among other things, they need to see what a few more of the pending state suits, the one in Minnesota particularly, turn up by way of evidence that the companies knowingly put the many millions of people they hooked on their product at risk. Which politicians want to vote for a limit on future lawsuits and other liability in advance of that?” said an editorial on Sept. 2, 1997.535

18. “President Clinton’s executive order banning smoking in government buildings is important symbolically as well as practically. The message of firmness it sends to smokers and the reassurance it sends to nonsmokers was almost mandatory given the administration’s year-old campaign against youth smoking, its support for raising tobacco taxes and its efforts to toughen the proposed tobacco liability deal negotiated by the state attorneys general,” said an Aug. 18, 1997 editorial.536

19. “[F]ar more important—and less amenable to simple reversal of this kind—are the provisions being properly insisted on that would affirm Food and Drug Administration authority to regulate nicotine as a drug; disclosure requirements to offset the tendency of a global settlement to seal incriminating papers in the many pending court cases; and the array of restrictions on advertising and marketing that alone go beyond what has already been won in court, including the industry’s agreement to pay a kind of fine if smoking by young people fails to dip below certain levels. A clever fiddle of a word or phrase in these areas could be a lot harder to reverse than this piece of financial slick dealing. It underscores the perils of the exercise—and the sheer vastness of the field for possible mischief,” said an Aug. 10, 1997 editorial commenting on the administration’s declaration that the $50 billion tax benefit Congress approved for the tobacco industry must be reversed.537

20. “More than 4,000 claims for such smoking-related benefits already are pending. No one knows how many more would be filed if such payments became common practice, but millions of veterans smoked, and the horseback cost estimates are in the billions. The department would be covering the cost of a condition that is not peculiar to those who served in the military but can be found across the entire society,” according to an editorial on Aug. 6, 1997.538

21. “A cigarette tax increase is a good idea. If anything they ought to double this one and use all the proceeds for children’s health. Republicans are always saying, with regard to investment, that you shouldn’t tax behavior you want to encourage, only behavior you want to discourage. Why, except for some campaign contributions, is that not as true of smoking as of savings and investment?” said an editorial on July 7, 1997.539

22. “The regulatory aspects of the deal are more important than the money the industry is offering, more important also than the issues in either direction relating to liability. This is an industry that has pretended to accept constraint in the past, only to wriggle free. It kills people; it needs to be put down. A deal that, on examination, seems likely to
The tax would go to 67 cents a pack from the present 24 cents. An increase that sharp should help deter smoking, particularly among the young. A third of the revenue would be reserved for deficit reduction, and two-thirds would go to the [child health program] grants. The Republicans don’t like the tax increase, don’t like the implicit further assertion of federal control over an industry, even the tobacco industry, and don’t like the extension of what is already a major federal program; the grants would be separate from Medicaid but act as a kind of add-on to it. But that’s ideology talking, together perhaps with tobacco campaign contributions,” according to a May 20, 1997 editorial.

“[T]he government already has the power to impose the regulations—treat tobacco as the addictive and harmful substance it plainly is. So a court has lately ruled; the Food and Drug Administration can do its thing. For the first time the government also seems to have the necessary will to do what it long ago should have done. For that, this administration deserves enormous credit. What’s to negotiate? If the stuff is bad and within the jurisdiction of the agency, the agency has the duty to attempt to limit its potency and use,” said an editorial opposing negotiations with the tobacco industry on May 7, 1997.

“The Clinton administration has compiled an admirable record on the issue of cigarette smoking and the regulation of tobacco for the harmful and addictive substance it plainly is. It has been tough where other administrations mostly looked the other way—and the toughness has helped put the industry on the run. The last thing the president should do is jeopardize this accomplishment by entering prematurely into talks with the industry, which seeks a deal. But that is what the White House continues to give the impression it is doing,” according to a May 1, 1997 editorial.

“One important goal has to be prevention—keeping more people, especially children, from starting to smoke and from eventually dying of tobacco-related illness. Some of the industry’s opponents see an opportunity here to establish strict regulation over the marketing, promotion and sale of cigarettes that might really serve prevention. A confluence of events—the court cases coming up, the breaking of ranks by one small tobacco firm, the tenacity of anti-smoking strategists in the FDA and elsewhere, the presence of a somewhat anti-tobacco president—has created that opportunity,” said an editorial urging officials to go slow before reaching a settlement with tobacco companies, April 20, 1997.

“All of which means it is exactly the wrong time to make a deal with the purveyors of this deadly stuff. Previous deals have seemed Draconian too—on advertising, as in the 1964 ban on TV commercials—and have ended up giving the companies time to plan for, market to and hook another generation. What settlement under those circumstances can overcome the skepticism that attends any industry’s agreeing to crimp itself in a way that would truly reduce the number of smokers?” said the Post, commenting on rumors that the tobacco companies wanted to seek a settlement with the states and federal government, in an editorial on April 4, 1997.

“After all these years, it’s almost surreal to hear a tobacco company’s representatives come right out and admit that, yes, smoking is addictive, and yes, smoking causes cancer—and oh, by the way, we have been trying to market cigarettes to minors. These and other legally mandated concessions by the Liggett Group Inc., smallest of the nation’s five tobacco companies, were of course not spontaneous. They represent a settlement arrived at between Liggett and the attorneys general of 22 states, all of whom had lawsuits pending against the tobacco industry to recover the health care costs of people who got sick from smoking. But it’s still a grand moment, moral and tactical, in the long and continuing struggle to get the tobacco industry as a whole to tell the truth about the deadly product it produces and promotes,” said an editorial on March 23, 1997 on the settlement between the attorneys general and Liggett Corp. See the following reference for similar comments.

“The rules in question, designed by the Food and Drug Administration, do no more than put teeth into an existing, but lamentably flabby, legal prohibition on the sale of a dangerous product to children. The teeth consist—at least initially—of such straightforward measures as requiring convenience stores to card their youthful-looking customers and fining them if they fail to do so,” said an editorial on March 1, 1997. See the following reference for similar comments.

“There is a vast difference between opposing a part of the effort to regulate tobacco sales to young people—specifically, the part that would regulate how it is advertised and with what sort of words and pictures—and opposing the whole scheme on that basis. The core of the FDA’s effort is sound; more than that, given the rising rate of smoking among teens, the effort is long overdue,” said an editorial on Feb. 11, 1997.
31. “There are two fundamental things that any tobacco bill must do—if we are to have one. The first is to tax up the price of the product enough not just to discourage but to deter smoking, particularly on the part of kids who have not yet begun. The second is, at the very least, to affirm and preserve existing regulatory authority,” said a March 1998 editorial. See the following reference for similar comments.

32. “Congress should pass a tough bill. Tax up the price of tobacco enough to deter the habit. Reaffirm the Food and Drug Administration’s regulatory authority, including that over tobacco advertising and other marketing practices. Let the courts decide if protecting the health of children is a violation of the First Amendment. Leave the liability sword hanging where it is. The companies have said at every stage of this process that they have no more to give, and then they’ve given it. The problem is not that the legislative process has suddenly turned hostile and unfair. It’s that the law has been too tepid in the past. It’s a different world now. The companies say they don’t want to live in it. They threaten to resist; they’ll go to court, they say. What else is new?” said an editorial commenting on the tobacco industry’s “withdrawal” from settlement talks with Congress. See the following references for similar comments.

33. “The announcement last week that the Liggett Group Inc. would cooperate with the Justice Department’s criminal probe of the tobacco industry represents a real show of strength by prosecutors. The department offered no grant of immunity to Liggett, a fact that suggests that the evidence investigators have accumulated against the smallest of the five major cigarette manufacturers was compelling enough to give the department the upper hand in the negotiations. This in turn must indicate something about the volume and quality of the information the department has collected against Liggett’s still-unrepentant big brothers,” according to a May 1998 editorial.

34. “Republicans earlier in the year accused the president, with cause, of trying to use the tobacco bill to finance other parts of his budget unrelated to tobacco. The effect, they said, was to overload the bill and squander the opportunity to reduce smoking. They now threaten to do themselves what they earlier deplored,” said a June 1998 editorial.

35. “The danger is that Congress will pass—and the president, in his eagerness, will sign—a shell. This bill isn’t quite that yet, but the price of Senate action has been to move it pretty far along in that direction. It still would tax up the price of smoking, the theory being that the higher price will discourage kids from forming the habit. It would reaffirm the Food and Drug Administration’s regulatory power over tobacco, penalize the companies if smoking among young people fails to fall and give no major ground on the question of future liability. But it’s unclear that all these provisions can survive, and already the funding for important parts of the bill—the various smoking-prevention programs it envisions—has been put in jeopardy,” said a June 1998 editorial. See the following reference for similar comments.

36. “Thanks to Rep. Brian P. Bilbray, a Republican from California, children in the District of Columbia could be criminally prosecuted for succumbing to the sophisticated marketing techniques of the tobacco industry and retailers. You heard it right. The same House of Representatives which recently ducked the chance to pass national legislation toughening penalties against companies for targeting tobacco advertising at children has decided instead to penalize children in the District for being taken in by that advertising and doing what Big Tobacco spends billions annually trying to get them to do,” said an editorial in August 1998.

37. “A three-judge federal appeals panel has ruled 2 to 1 that the Food and Drug Administration lacks regulatory authority over tobacco. The Clinton administration says it will appeal, as it should. The decision is a stilted one that begs to be overturned. The opinion is based in part on the fact that for years the FDA’s own position was that it lacked authority over tobacco, a view with which the prevailing judges find that Congress concurred. But the dissenting judge, Kenneth K. Hall, observes that new evidence has caused the agency to change its mind, as well it should and as agencies do all the time when new information is uncovered. Here the evidence has to do with nicotine’s addictive properties, which it has become clear the companies did not merely understand but relied upon to keep up sales. That puts tobacco squarely within the statutory definition of what the FDA is supposed to control. The language of the statute is what should govern, Judge Hall said, making himself the strict constructionist,” according to an August 1998 editorial.

38. “A tax increase is the right thing to do, but it is likely again to meet congressional resistance. The prospect of a waiver for the states might help to offset that—sweeten the bill for members who would otherwise be opposed. That is the context in which the waiver issue should be dealt with. Federalism is not a one-way street, despite the states’ self-serving view of it. If the feds give up as much money as is at stake in this case, they should get something for it,” said a November 1998 editorial stating that the federal government deserves some of the state proceeds from tobacco litigation.
39. “Enactment of the tax is likely to push some sales into neighboring jurisdictions. That is not a good reason to hold back; it is all the more reason for other governments in this region to consider joining in an area-wide taxing effort that in turn could lead to uniform laws and enforcement,” said a December 1998 editorial endorsing a county tax on tobacco products as part of an anti-youth smoking program.563

40. “The president again this year will include a cigarette tax increase in his budget. He is right to do so. The companies have already had to raise the price of cigarettes 45 cents a pack to pay for last year’s settlement with the states, which had sued them to recover past Medicaid and other tobacco-related health care costs. The president would tack on 55 cents more. The two increases together might be deterrent enough to begin to reduce the teenage smoking rate, which ought to be the overriding goal of policy. Congress likewise ought to affirm the authority of the Food and Drug Administration to regulate tobacco. Then the government would have in place the undisputed weaponry it needs,” according to a January 1999 editorial.564

41. “If the threat of a federal lawsuit likewise inspired a settlement, so much the better. The president will again ask Congress this year to pass tobacco legislation. He proposes a tax increase to drive up the price, plus an affirmation of Food and Drug Administration authority to regulate tobacco marketing. Republicans last year killed such a bill as excessive, and they may have paid a price at the polls. Perhaps they will be a bit less inclined to resist this year; it’s not yet clear. A good political settlement might be a better outcome for both sides than a lawsuit. The “litigation plan” could in that sense become a bargaining chip,” said a January 1999 editorial.565 See the references 567 and 567 for similar comments.

42. “Supporters point out that tax increases on tobacco products should be viewed more as a health issue than a coffeefiller. If the taxes work as intended to discourage smoking and finance anti-smoking and health programs, the revenue raised would decrease over time anyway,” said an editorial in March 1999.568

43. “The Supreme Court on Monday agreed to review a decision by a federal appeals court holding that the Food and Drug Administration has no authority to regulate tobacco products. The case will either establish that the lower court was wrong—in which case the FDA moves one giant step closer to implementing the mostly common-sense regulations it prepared to keep tobacco companies from marketing cigarettes to children—or it will further highlight the need for Congress to bring the tobacco industry under regulatory control,” said an editorial on May 1, 1999.569

Right

The American Spectator

1. “Kessler is seeking to portray greatly increased restrictions over tobacco as an equivalent of a war to free the slaves. But his attack is based largely on a gross exaggeration of the power of cigarettes. Over 40 million adults have quit smoking in recent decades. There are now more ex-smokers than smokers in the U.S. . . . In fact, according to a study by Duke professor Kip Viscusi, smokers significantly overestimate their chances of dying from cigarettes: While almost half of the surveyed smokers said they expect to die from the lung, throat, or heart problems caused by smoking, the surgeon general in 1991 estimated that only 18-36% of smokers would die as a result of smoking,” said James Bovard in the January 1995 issue of the American Spectator.570

2. “The extravagant rhetoric hurled at the sale of tobacco by plastic pols such as Boy Clinton puts one in mind of the old line about university politics. University politics are so heated because so little is at issue. Not much is at issue in national politics today and so the Democrats, historically the party of reform, launch their campaigns against tobacco today, booze tomorrow, and down the road, McDonald’s hamburgers, caffeine, perfume, the list lengthens as the democrats desperation to stay in office intensifies,” said American Spectator editor R. Emmett Tyrell, Jr. in the June 1998 issue.571

3. “In recent months, the front pages have followed the amazing saga of the tobacco “settlement.” Tobacco companies have been willing to offer hundreds of billions of dollars to “settle” lawsuits for fear that the tort system will otherwise clobber them with worse. Yes, smoking is bad for your health and yes, tobacco companies have long known about it. So have smokers. No other country tried to settle this complex issue of public health and private freedom with tort claims. Even in America, no one really thinks that tobacco companies have—or could have—misled anyone about the dangers of smoking over the past thirty years. But we have a tort system that will go after any claim if the potential prize is big enough, and the prize here may be staggeringly huge for trial lawyers,” said Jeremy Rabkin in the August 1998 issue.572
Commentary

1. “But the granddaddy of Democratic issues in the late-Clinton era is undoubtedly tobacco. The legislation that was finally stopped by the Senate in June, as empty and vague as legislation gets, provided an opportunity for political demagoguery surpassing even Washington’s normal standards, with the President describing opponents of the bill as ‘standing in the way of saving one million children’s lives.’ For all the rhetorical heat generated by the issue, however, Democrats never adequately explained why the centerpiece of their bill was a $500-billion tax increase that represented the kind of regressive levy that Democrats have traditionally condemned because the burden would fall directly on lower-income households. Nor, in their insistence that the bill’s ban on advertising would reduce teen smoking, did they ever acknowledge the absence of any evidence linking advertising or promotion with increased levels of tobacco consumption. Once again, symbolism and name-calling were all,” said Daniel Casse in the August 1998 issue of Commentary.573

2. “As for smoking, tobacco lovers may not be able to justify their habit on grounds of self-defense, but many of them can sincerely testify to the pleasure they derive from it. As Peter L. Berger argued in these pages five years ago, anti-smoking zealotry subordinates individual choice and preference to collective wisdom and will, the kind of political choice that in any other context we would associate more with Big Brother than with Uncle Sam. When the zealotry grips Washington, it subordinates state choice to federal dictate,” wrote Peter W. Huber in the June 1999 Commentary.574

3. “Even when some facts are quite clear—cigarettes cause lung cancer—it is never clear what follows from this politically, and in particular what change in policy will make things better rather than worse,” wrote Mr. Huber in the same article.575

National Review

See also “William F. Buckley” and “Jacob Sullum” under “Right Columnists.”

1. There needs to be a balance between the government’s role of “safeguarding life and property and yet simultaneously constrain it from eviscerating civil society and expropriating property,” wrote John O. McGinnis in the National Review in December 1997.576

2. “Few Republicans are willing to defend smoking from the charges that it is immoral, irrational, and a public menace. It has been a while, in fact, since they have argued for freedom or limited government on any issue. Expect no serious challenge to the 17 new bureaucracies enshrined in the McCain bill,” said an editorial in May 1998.577

3. “Perfect justice should not have been expected of the campaign against smoking—a campaign that aims to rescue addicts by forcing them to pay more for their enslavement, and to punish an industry for lies that deceived no one. In a just world, the anti-tobacco campaign would collapse of its own hypocrisies,” wrote national reporter Ramesh Ponnuru in June 1998.578

4. “The sudden death of the $516-billion tobacco legislation is a tribute to the public’s good sense and antipathy to excessive government power. In April, well before the politicians saw through the smoke, the public decided that the bill’s sponsors were mainly interested in getting additional tax revenue for the government,” wrote columnist Kate O’Beirne in July 1998.579 In a Cable News Network broadcast, Ms. O’Beirne referred to anti-tobacco activists as “health Nazis.”580

5. In a July 1998 parody looking back from 2008 on “the Great Tobacco Wars of the 1990s,” John O’Sullivan wrote: “In retrospect, reformers can claim considerable success. The tobacco companies ceased manufacturing, distributing, and selling cigarettes. They became financial intermediaries between certain classes of their shareholders, plaintiffs, lawyers, and the government. Nor is tobacco a legal substance. . . . To . . . meet civil-rights concerns over the plight of the ‘coercively addicted,’ former Sen. Daniel Patrick Moynihan (now the Ambrose Bierce Professor for Social Policy at Chicago) drew on his early experience as ambassador to India where ‘dry’ states allowed visitors to register as alcoholics in order to consume alcohol. He proposed a similar humanitarian exception to American anti-nicotine laws—and today, and slightly over half the adult U.S. population consists of registered nicotine addicts. As well as relieving fiscal pressures, this had the unexpected but welcome effect of significantly reducing social discrimination against all classes of addicts (crack, cocaine, heroin, etc.) by removing any stigma from the concept of addiction. It is too early to say if this will produce other social changes over time. In only one respect must anti-tobacco reformers confess disappointment. The incidence of smoking has not declined . . . . Otherwise, the anti-tobacco campaign has been a model of beneficial government intervention. No Americans now benefit from this grisly trade in death except the government.”581
6. “Tobacco companies had a ready answer to the states’ claim that smoking costs taxpayers Medicaid money to pay for tobacco-related illnesses: when smokers get sick, they tend to die relatively quickly. While states must bear these health-care costs sooner (since smokers die younger than non-smokers), the expenses are offset by shorter illnesses—indeed, by smokers’ shorter lives. And once the long-term savings to state pension programs are taken into account, smoking actually saves states money. Tobacco companies were never comfortable with this morbid argument, and, in the couple of cases where it was raised, judges weren’t sympathetic to it. This permitted the attorneys general to make fantastic accounting arguments in which they cited the costs, but not the benefits, of smoking to state coffers,” explained University of Chicago law professor John R. Lott Jr. in an article about lawsuits against gun makers in December 1998.582

7. “Nor are we southerners immune to recognizing that the setback have been somewhat balanced by more sanguine cultural developments. Yes, in the days of our youth we could never have foreseen the war on smokes. At the same time, we would have been similarly incapable of imagining the day when a student could go to the school nurse and get a pack of rubbers ("condom" was not then in usage). In fact, as miracles go, the latter may be the greater of the two. We are left with the prospect that some of our children will enjoy all that easy sex members of our generation were supposed to have experienced, but which seems to have eluded most of us. We can only hope that at the completion of relations, our dear ones do not suggest lighting up and have the hell smacked out of them,” wrote Virginia writer Dave Shiflett in May 1999.583

Reason
See also “Jacob Sullum” under “Right Columnists.”

1. “These failures of the classical model illustrate how conventional wisdom over-simplifies the dynamics of cigarette smoking. This reductionist view is dangerous because it ignores the psychosocial factors that underlie addiction. In coming to terms with cigarette addiction as a psychosocial process rather than a simple pharmacological one, we need to distinguish between cigarette addiction and nicotine addiction. Certainly no one (except perhaps the tobacco companies) denies that cigarette smoking can be addictive, if by addiction one means the stubborn urge to keep smoking. But it is quite a different matter to say that nicotine accounts for the addictiveness of smoking. Nicotine withdrawal notwithstanding, nicotine alone is insufficient, and may even be unnecessary, to create cigarette addiction,” wrote Richard J. DeGranpre in the January 1997 issue of Reason.584

2. “Cigarette lore wrongly teaches smokers (and smokers-to-be) that they will suffer badly if they attempt to quit, while at the same time freeing them from responsibility for their drug use once they begin. Such beliefs also help romanticize cigarette smoking, elevating nicotine to sublime attraction. This not only reinforces the forbidden fruit effect, it helps transform the habit of smoking into a cult behavior. Smoking thus acquires the kind of meaning that youth of America are most in search of: social meaning,” wrote Mr. DeGranpre in the same article.585

3. “They [the anti-tobacco crusaders] could of course push Congress to pass a huge tax increase on cigarettes in an outright ban. But instead they cheerlead for lawyers seeking punitive damages against Philip Morris, RJR, Lorillard and Brown & Williamson, for having sold and advertised cigarettes in the past decades. And it seems to matter not a whit that in 1967, 1977, and 1987 the activity of selling and advertising cigarettes was thought by nearly all relevant authorities to be perfectly legal—or that to this day neither lawmakers nor courts have provided any clear sign that it’s still not so,” wrote Walter Olson in August 1997.586

4. “But whatever Congress ultimately decides, the crusade for a smoke-free society will continue because it is aimed at the behavior of individuals, not the behavior of corporations. Even if tobacco’s opponents could achieve the chimical goal of eliminating smoking by minors, they would not be satisfied,” wrote Jacob Sullum in October 1997.587

5. “The ready acceptance of this claim reflects a widespread view of advertising as a kind of magic that casts a spell on consumers and leads them astray . . . . More evidence is necessary to support the claim that tobacco advertising increases consumption. Broadly speaking, there are three ways of investigating the issue. You can look at the historical relationship between changes in advertising and changes in smoking. You can compare smoking trends in places with different levels of advertising. And you can ask people questions in the hope that their answers will suggest how advertising influences attitudes and behavior. None of these approaches has yielded consistent or definitive results. Each has limitations that leave plenty of room for interpretation,” wrote Mr. Sullum in April 1998.588

6. “Supporters of tobacco litigation like to pretend they are punishing evil corporations, but in fact it is smokers, the alleged victims of the cigarette companies, who pay for the lawsuits through higher prices. . . . This burden falls disproportionately on people of modest means, who are more likely to smoke and who spend a larger share of their income on cigarettes when they do,” said Mr. Sullum in April 1999.589
Regulation

See also “Cato Institute” under “Right Organizations.”

1. “Congress has thus far not acted to restrict cigarette use. Nor has the federal Food and Drug Administration been able to obtain clear recognition by courts of the legal authority that it claims over the tobacco industry. But President Clinton conducted a loud and demagogic campaign against the tobacco companies. He used one of the two wedges emerging as the most efficient for the new extortion approach; he claimed that the war on tobacco is being waged to protect children, even though all states have laws against selling cigarettes to minors. . . . State attorneys general have been carrying on the fight against cigarettes in tandem with Clinton. They have used the other wedge of the new extortion: suing manufacturers to recover the alleged public costs of cigarettes, in this case the smokers’ medical expenses under Medicaid,” said Regulation Editor Edward L. Hudgins in an editorial in the Summer 1997 issue.590

2. “As the old saying goes, figures never lie, but liars use figures. That is certainly true in the case of youth smoking data. Time series data vary for random reasons in the short run. Trends are defined only over the long run. Long term data about youth smoking data can be contrasted with the short trends used by smoking regulation advocates. That contrast shows that the actual trends are not those touted by the advocates,” said Cato Environmental Studies Assistant Director Peter van Doren in the Summer 1997 issue.

3. “If successful, the current “corrective tax” attack on tobacco will likely target other public policy debates, for example, concerning alcohol use, diet, or other forms of behavior said to have social costs. Thus, exposing the errors of the attack could head off similar attacks in the future,” said Robert McCormick, Robert Tollison and Richard Wagner in a jointly authored piece on smoking, insurance and associated social costs in the Summer 1997 issue.

4. “The implications of those Medicaid recovery suits are positively hair-raising. Under the new regimen, if a state sues for Medicaid reimbursement, tobacco companies can no longer point to the smokers’ personal responsibility. The same company selling the same product to the same smoker resulting in the same injury is, magically, liable not to the smoker but to the state. Liability thus hinges on a smoker’s Medicaid status—a mere happenstance totally unrelated to any misdeeds by the industry,” said Robert Levy, also in the Summer 1997 issue.

Wall Street Journal

1. “Alaskan officials had similar experience with their plan to tax cigarettes at a dollar a pack, the highest level in the nation, effective Oct. 1. Smokers struck back by buying an astounding 175 million more cigarettes than usual in the three months before the tax took effect. . . . As for Alaska’s Department of Revenue, it saw its revenue estimates go up in smoke: collections slowed 60% following the infamous increase date. The point is that local politicians who get too greedy are likely to be punished. When a tax gets too high, citizens find ways to resist and revenues fall, an age-old phenomenon we currently call the Laffer Curve,” said a Wall Street Journal editorial on Dec. 23, 1997.593

2. “In principle, Mr. Clinton has a point: Surely cigarette smoking is bad for you and for society, and public policy should seek to minimize it. Yet his specific proposals would be further government-imposed nuisances, whose chief direct effect will be to make millionaires of a few more lawyers. Only a small percentage of cigarette sales are through vending machines, for example, and the FBI is not going to stake out delis to see if they ID youthful-looking customers. The impact of these measures, like the ones before, would have to be through using the law to promote education and moral suasion . . . . If President Clinton really wants to curb smoking instead of merely making political points, he might call tobacco to the attention of the private groups dealing rather well, thank you, with drunken driving, TV violence and gangsta rap,” said an editorial on Aug. 25, 1995.594

3. “[New Jersey] Governor Whitman was confident that whacking tobacco companies with the ultimate ‘politically correct’ tax would fly. But her plan has been slowed down by economic and political roadblocks. First, raising cigarette taxes beyond a certain point will cost New Jersey jobs and revenue. The proposed tax would make New Jersey’s cigarette tax the third-highest in the nation at $6.50 a carton. The tax in nearby Pennsylvania and Delaware is less than half that. Even tax-central New York’s levy would be 30 cents below New Jersey’s. Only last year, Canada was forced to cut its cigarette taxes dramatically when smuggling and cross-border purchases actually reduced its revenue intake,” according to an editorial on Dec. 21, 1995.595

4. “In recent years, the class action has become the favorite device of opportunistic attorneys. A high-tech company’s stock falls? Airlines raise ticket prices at the same time? Women complain of mysterious maladies from breast implants? File a class action! No proof required. Because each class action threatens a company with a break-the-bank verdict, the defendant usually settles. And naturally the lawyers take the lion’s share of the loot, with the class
members often settling for discount coupons or such. But leading judges are finally starting to say, enough is enough,” said a May 24, 1996 editorial praising a court ruling dismissing a federal class-action suit against tobacco companies.596

5. “Remember all those tendentious attempts to suggest that Independent Counsel Ken Starr had a conflict of interest investigating Whitewater because he also represented tobacco companies, which are being targeted by the Clinton administration? Well, it turns out Bill Clinton may have a similar problem, in reverse. His brother-in-law, Hugh Rodham, is one of legions of lawyers suing the cigarette manufacturers in a state class action filed in Louisiana after the giant Castano case was thrown out of federal court,” said an editorial on June 24, 1996.597

6. “[B]y so readily sacrificing the principle of free speech—and by seeking to bind other companies to boot—Philip Morris undercuts its credibility as a champion of freedom. As long as tobacco remains a legal product, there’s no reason to make its advertising practically impossible,” said an editorial on June 24, 1996, criticizing Philip Morris for endorsing advertising restrictions.598

7. In an editorial commenting on Clinton adviser and political strategist Dick Morris’ ties to anti-tobacco lawyers and the hefty donations Clinton received from the plaintiff’s bar, the Wall Street Journal said on Aug. 21, 1996: “None of this is to suggest that financial considerations alone drive Mr. Clinton’s antitobacco crusade. Knowing this White House, public opinion polls are probably the primary motivation. But if Mr. Dole can get nailed for an alleged conflict of interest over the tobacco issue, Mr. Clinton is open to the same charge.”599

8. “[The Clinton Administration] is enthusiastically setting up a nationwide network of teenage spies to run sting operations to catch stores selling them tobacco. Don’t get us wrong; kids shouldn’t smoke. But we’re inclined to agree with Morris Reed, a former judge and Democrat who says he lost a race for New Orleans District Attorney due to vote fraud: the Feds should have more urgent priorities,” said an editorial on March 13, 1997.600

9. “We doubt there’s any clear-cut solution to the question of how to regulate nicotine, a long-term health menace with short-term pleasurable effects. While no doubt addictive in some sense of the word, it does not take over lives the way heroin and cocaine often do . . . . The problem with the so-called settlement is that it drips of hypocrisy by all hands. With the tobacco companies, this is obviously well understood. News of the impending agreement, which purports to relieve them of class-action suits and punitive damages, has been good for their stocks. . . . The plaintiff-lawyer negotiators are in this to become overnight millionaires, rolling the dice for compensation vastly exceeding that of any tobacco company executive. The state attorneys general—or, as we see them, governors-in-waiting—are along for the ride. . . . The last thing the so-called ‘settlement’ will do is settle anything. . . . Finally, yes, boost the tax on cigarettes. Boost it, indeed, until its revenues start to fall because of declining consumption,” said an editorial on June 23, 1997.601

10. “[W]e’ve never thought of the Germans . . . as great champions of personal liberty. But just to make the point clear, German Health Minister Seehofer asserted: ‘I oppose legal bans as long as wisdom and good judgment prevail. That is my understanding of a free society.’When the land of Bismarck starts questioning the nanny state, anything is possible in Europe,” said a Dec. 15, 1997 editorial on Germany’s opposition to a European Union tobacco advertising ban.602

11. “[S]mokers who patronize bars [in California] will have to content themselves with other healthful activities, such as drinking—or if they’re feeling a little low, they can light up some medical marijuana, which is perfectly legal,” said an editorial on Jan. 5, 1998.603

The Washington Times

1. The smoking ban creates more government restrictions on what private citizens may do with their own property and what private citizens may do with their own respiratory systems. Moreover, the whole concept is based on the seriously flawed scientific studies that claim that ‘passive smoke’ is harmful to non-smokers exposed to it. For the last couple of years, study after study has disputed those claims and the methods and assumptions built into them,” according to a Washington Times editorial on April 5, 1995.604

2. ‘Now aside from the obvious moral hazard in encouraging people to believe that it’s up to the government to take care of them, there are other problems with Dr. Kessler’s campaign. First, smoking per se is not a disease. It may contribute to disease. It may be impolite in certain circumstances. It may be disgusting to some people. But Dr. Kessler should not regulate what has become politically correct behavior in the guise of regulating a disease. To do so is to downplay the danger of real diseases,” according to a July 21, 1995 editorial.605
3. “Once the FDA claims jurisdiction to regulate cigarettes, the total ban that the administration at least publicly says it
does not want becomes almost inevitable. If some outside ‘public interest’ group doesn’t sue the agency to force it to
hold cigarettes to the same ‘safe and effective’ standard to which it holds other drugs—a standard cigarettes obviously
cannot meet—then some future administrator may try to impose the standard on his own,” according to an Aug.
14, 1995 editorial.606

4. “There was nothing wrong with the then-Sen. Gore playing upon his heritage as a legitimate farmer raising a legal
crop to support his family and the community and the values of rural life. What is so distressing is the utter
hypocrisy Vice President Gore, President Clinton and the Democratic party have displayed in their efforts to score
political points at the expense of Bob Dole for his acceptance of contributions from tobacco interests. So shameless
have they become in their zeal that no amount of evidence demonstrably linking Mr. Gore himself and his party to
the campaign-finance vehicles of the tobacco industry seems in any way to embarrass them,” according to a July 9,
1996 editorial.607

5. “Of course if advertising were the real problem, all one would have to do would be to run ads discouraging teen
smoking. The real problem here has always been peer pressure, and Mr. Kessler’s efforts in this regard have been at
best a diversion and at worst an excuse to ratchet up regulation of the industry with an eye toward prohibition,” said
a Dec. 6, 1996 editorial.608

6. Reducing the nicotine content may give regulators something to do, but if nicotine per se is all that attracts smokers,
why haven’t nicotine patches and gum provided an adequate ‘fix.’ Moreover, what is to prevent the creation of a
black market in cheap cigarettes full of nicotine after the feds prohibit them?. . . . Restrictions on exposure to so-
called second-hand smoke in the agreement are based on junk science. There is no evidence of any significant health
effects from it,” said an editorial on June 23, 1997.609

7. “But the whole premise of the tobacco legislation introduced by Senator John McCain and now being debated on the
Senate floor is that someone can ‘addict’ you. . . . No matter what pieties advocates utter in the name of tobacco
restrictions, the controversy has never been about protecting children, veterans or anyone else. It’s about money, the
kind you shake down from tobacco companies or the kind you deny to aging soldiers,” according to a May 21, 1998
editorial.610

8. “For one thing, what triggers FDA jurisdiction is the health claim that a manufacturer makes for his product—that it
would do away with the heartbreak of psoriasis, for example—a claim the agency can then test in clinical trials and
so on. But the tobacco firms not only don’t claim tobacco has health benefits, they put warnings on the labels about
the health problems tobacco may cause,” according to an April 20, 1998 editorial.611

The Weekly Standard

1. “That Philip Morris chose to craft and push an initiative designed to limit smoking, even if just by teenagers, unders-
cores the nation’s anti-tobacco climate. And the fact that it takes a tobacco company to alert Dole and his fellow
Republicans to the need for a tougher stance on tobacco is the best evidence of all that their political antennae are
badly out of whack,” said Matthew Reese in a July 1996 article in the Weekly Standard.612

2. Commenting on President Clinton’s claim that he didn’t inhale marijuana: “Of course, the president would never
joke about tobacco in this way; he recognizes the importance of exercising moral leadership on the issue of cigarette
use by kids. But when faced with criticism for the alarming increase in drug use among young people, the Clinton
administration and its defenders claim the drug problem is beyond even the President’s reach,” wrote John P. Walters
on Sept. 23, 1996.613

3. “We cannot escape the times we live in, and at the moment, the deal being discussed seems, amazingly, a good and
fair one. To pay for its offered “reparations,” the tobacco industry will raise cigarette prices by somewhere between
25 and 50 cents a pack. That will reduce nationwide demand for cigarettes by 6 to 11 percent. It will reduce demand
by young people, who are the most price-sensitive share of the tobacco market, most of all. And it will strike a blow
[to] adult responsibility that more than offsets any “victimization” nonsense implied by compensation. Cigarette
smoking, like any drug taking, spreads from user to user. It is the example of adult smokers, more than the encour-
agement of any cartoon camel, that makes new, youthful smokers possible. Why should smokers not pay more for
their vice? It does harm to others—not as immediately, but almost as surely. Fewer smokers. An end to a litigation
machine built on specious arguments that corrupt public discourse and damage public policy. When all is said and
done, such a deal on cigarettes might prove to be a pretty good deal for all of us,” said May 1997 editorial.614
4. “Gore, for years after his sister’s death, took money from tobacco companies, even bragged about being a tobacco farmer himself. Just 13 days after Nancy Gore Hunger died from tobacco in 1984, Gore received a $1,000 campaign contribution from the U.S. Tobacco Company PAC. There is a lot of competition, but Al Gore may be the biggest phony in the White House today,” wrote Tucker Carlson in May 1997.¹⁵

5. “In return for a global settlement of current and future anti-smoking litigation, the industry—Reynolds included—some time ago apparently offered to accept an even wider ban on Joe-like pictorial advertising. But now, suddenly, RJR cannot pull Joe from the market, a move which would automatically be interpreted as a confession to FTC charges. By attacking the dromedary, the government has kept him alive. A surer way for the government to reduce teen smoking would be to impose higher federal cigarette taxes. But cigarette taxes are now anathema to the Clinton/Gore administration. They’re controversial, you see—even if they might, in certain circumstances, be a good idea,” said a June 16, 1997 editorial.⁶¹⁶

6. “Agreements like the tobacco deal might suggest something else: the collapse of representative government. Congress lacks the political will to make cigarettes illegal, and yet lacks the will to just sit there in the face of clamoring activists. So its members acquiesce in the making of what is basically private justice through the courts. Law professors have long regarded the tort system as de facto regulation, yet this is the first instance where the tort system has been used to impose a comprehensive regulatory regime,” wrote the Christopher Caldwell in an August 1997 article.⁶¹⁷

7. “Although smoking appears to be an addiction, it is better understood to be what psychologists call contingent behavior. People smoke to obtain rewards. The most common reward is nicotine euphoria (positive reinforcement), but over time smoking brings other rewards, like the suppression of withdrawal and craving (negative reinforcement). Smokers have the ability to quit, but instead they pursue the immediate rewards of smoking at the price of its long-term costs,” said a commentary by psychiatrist Michael Reznicek on August 18, 1997.⁶¹⁸

8. “In the great tobacco wars of the 1990s— involving countless lawyers, tobacco executives, professional busybodies, and cynical politicians—the people on the sidewalk are the only ones who aren’t whores,” said an Aug. 18, 1997 Scrapbook column.⁶¹⁹

9. Referring to Lenin’s dictum that smokers would be restricted to second-class on trains, the Scrapbook column said: “Is there a smoker in America today who doesn’t feel as though he’s been issued a ‘second-class pass’? The harsh glare of Lenin’s example at last illuminates the shadowy motives of our anti-smoking zealots: Tomorrow tobacco—tomorrow the world!”⁶²⁰

10. “Why had I chosen to smoke roughly a pack a day for more than fifteen years? The answer is simple: smoking is very enjoyable. Dr. C. Everett Koop, Congressman Henry Waxman, and other enthusiasts of the anti-smoking movement don’t understand this, but it’s true. Smoking is relaxing. You can often do other things better and more pleasurably while smoking—read, watch a basketball game, drink beer, play cards, write. And it doesn’t cause immediate harm. After smoking for an entire evening, you can drive home without wrecking the car. I’m not sorry I quit, given the long-term health consequences, but I’d probably still be smoking were it not for my wife, Barbara. Once a two-pack-a-day smoker, she quit cold turkey after spilling an ash on the head of our first child (the kid wasn’t burned). She made me stop, too. My experience is similar to that of many, many people I know. But it clashes with the notion of smoking that has come to dominate public policy and has turned smokers—still 25 percent of all American adults—into outcasts. According to this view, smokers are stupid and weak, lured into smoking by clever advertising when they were teenagers. They are not well informed, even now, about how bad tobacco is for them. And they’ve been held hostage by tobacco companies through the addictive power of nicotine. All of these assumptions are false, but the facts haven’t slowed the anti-smoking movement one bit,” wrote Weekly Standard executive editor Fred Barnes in March 1998.⁶²¹

11. “In fact, as a behavior, smoking is a rational choice made by people who are fully aware of the consequences, just as a motorcyclist knows he is more likely to die in an accident than the driver of a Ford Explorer,” said James K. Glassman of the American Enterprise Institute on April 20, 1998.⁶²²

12. “When teachers criticize parents for cigarette smoking, says Kay Hymowitz, a contributing editor at the City Journal who is writing a book about the effect of politics on children, ‘what they’re saying is, ‘We are the more moral force in your lives, and your parents don’t even know how to keep you alive.’ It’s very, very intrusive into the parent-child relationship.’ Schools are allowed to get away with this, Hymowitz points out, because somewhere along the way, ‘smoking has been turned from a commonsense health issue into a question of moral superiority.’ As a television commercial created for the state of California’s anti-tobacco program puts it, smoking harms a person’s lungs,
‘but where it hurts most is in the soul.’ Smoking is now considered so sinful that even dying from it doesn’t erase the shame. In a 1994 paid obituary from the *Democrat-Gazette*, for instance, the grieving relatives of a 46-year-old man made certain to explain that he had died after ‘a long heroic non-smoker’s battle with lung cancer,’ wrote Tucker Carlson on April 20, 1998.623

13. “When the president jumped on Gingrich for declaring that teen smoking ‘has nothing to do with Joe Camel,’ reporters gleefully piled on. Not one questioned Clinton’s assertion that ‘teen smoking has everything to do with Joe Camel.’ They should have. The idea that the cartoon camel depicted in ads has lured kids into smoking is pure myth. Even the notion that 90 percent of kids recognize Joe Camel is a wild extrapolation. It’s based on interviews in 1991 with 23 preschoolers in Atlanta who suggested they were almost as aware of Joe Camel as they were of Mickey Mouse— a finding that couldn’t be replicated in other studies,” wrote the Scrapbook columnist in May 1998.624

14. “In early June, a Post reporter questioned people in St. Louis about tobacco legislation and found mostly indifference. And voters, in a survey by Kellyanne Fitzpatrick, said drugs (39 percent), gangs (16 percent), alcohol (9 percent), reckless driving (9 percent), and sex (7 percent) are bigger sources of worry about teenagers than smoking (2 percent). Four years ago, when Republicans, plus some Democrats, discovered that the Clinton health plan had lost favor with the public, they turned on it brutally, and it died. Now it’s time to do the same with the tobacco bill,” wrote Weekly Standard Executive Editor Fred Barnes on June 22, 1998.625

15. “If the trial lawyers are heroes, by all means let’s treat them as such. Let’s suppose for a moment they have bravely saved our children and therefore deserve to be held up right alongside Congressional Medal of Honor winners. Really big heroes. Do we normally give money to heroes? Aren’t heroes the ones who refuse rewards, saying they acted (to save the children in this case) because they thought it was for the good of the country? Money only cheapens a hero’s motivation and triumph. So, if the trial lawyers are heroes, they ought to be given full honors by Congress and the president. Maybe Dick Durbin could declare a ‘Trial Lawyer’s Day.’ Americans would then take time out to contemplate just how much we owe to those who sacrificed so much that our children might breathe free. Congress could commission a Trial Lawyer’s Memorial—perhaps something like the Iwo Jima Memorial, though in this case the heroes could be plating a stake in the heart of a tobacco executive,” said William S. Armistead of Citizens for a Sound Economy in a June 1998 article decrying the fees demands by anti-tobacco lawyers.626

16. “[T]he lesson from snuffing out the tobacco bill is that when Republicans are bold, confrontational, and conservative, they strengthen themselves politically. In other words, Republicans benefit when they act exactly the way the media, liberals, and the Washington establishment say they shouldn’t. And of course there was a bonus from acting this way in the tobacco fight: Republicans blocked the most egregious piece of liberal legislation in years,” said an editorial on June 29, 1998.627

17. Commenting on Senator John Kerry’s statement that new taxes on cigarettes are voluntary because only those who choose to smoke would have to pay, the Standard’s Scrapbook columnist wrote on June 29, 1998: “If the tax is ‘purely voluntary,’ to use the senator’s eloquent phrase, then that must mean that buying and smoking cigarettes is purely voluntary. And if this is the case, then smokers are responsible for their own habits and are neither in the grip of an addiction nor under the spell of advertising campaigns, billion-dollar or otherwise. The Scrapbook happens to believe this is true, but the tobacco bill the senator was defending had no room in it for the concepts of individual responsibility and voluntary action. Hypocrisy, thy name is Kerry.”628

18. “The truth is that tobacco doesn’t interfere with the soul, mind, conscience, or emotional growth of a smoker. As for the one trait cigarettes and drugs share— addictiveness— this tells us little. Human beings are addicted to a plethora of substances and activities. These include coffee, sugar, alcohol, gambling, sex, food, spending, and virtually every other human endeavor that brings immediate gratification and that people cannot, or choose not to, control. In the past, when the moral compass of our society functioned more accurately, we fought the addictions that lead to social breakdown far more vigorously than those that can lead to ill health. Today American society and government do the opposite: They fight health dangers—and actually encourage social dangers. For example, government now encourages gambling (by instituting lotteries and legalizing casinos, which advertise more freely than tobacco); government largely ignores alcohol, the addiction most associated with child abuse, spousal abuse, and violent crime; and it fails in its efforts to curb real drug addiction. All the while, it wages its most ubiquitous war against cigarette smokers, who pose no danger to society or family life,” wrote talk show host and columnist Dennis Prager in July 1998.629

19. “The time has come, then, for public policy toward tobacco to return to its roots. The only effective way of combating the harmful effects of smoking in the long run is to encourage an enduring sense of personal responsibility— among smokers, their families, and physicians. But that’s not all. Two decades of an absurd hostility to safer smoking and safer tobacco must end. We have forgotten that in the 1950s, the pronouncements of cancer researchers cre-
ated a demand for cigarettes with less tar and nicotine, and the cigarette manufacturers responded with a speed that in hindsight seems miraculous. Today, instead of talking about draconian taxes and sweeping infringements on commercial speech, we should let the competitive market again serve smokers—just as it does everyone else,” wrote advertising expert John E. Calfee of the American Enterprise Institute in July 1998.630

20. “The 3,000 figure on kids began life in 1989, when the of the American Medical Association published ‘Trends in Cigarette Smoking in the United States.’ The authors found that ‘One million new young persons per year are recruited to the ranks of regular smokers,’ the equivalent of ‘about 3,000 new smokers each day.’ But they were forthright as to the character of their sample: ‘For purposes of this analysis, only persons aged 20 years and older are included, as information was not collected on younger persons in any consistent fashion’ during the relevant period. Activists quickly seized on this study—construing broadly from the data—to trumpet an epidemic of underage smoking,” wrote Jay Nordlinger on Aug. 3, 1998.631

21. “There’s something offensive to common sense in legal arrangements that use the power of the state to generate private fees that could reach $100,000 per hour—even catapulting a handful of ambulance-chasers onto the Forbes 400 list of the richest men in America. Such arrangements offend legal tradition as well. Contingency fees, as legal scholar Walter Olson notes in Litigation Explosion, are banned in other countries—banned because they inevitably cause corruption. In litigation-mad America, contingency fees used to be considered a necessary evil, but they were hedged with safeguards in order to ensure they were used only for indigent clients. Even after the original reasoning broke down, and contingency-fee lawyers began taking clients, there was a consensus that such arrangements were unethical in government suits. Massachusetts broke that custom in the asbestos suits of the 1980s, and in little more than a decade, tort lawyers have revolutionized the legal system,” wrote Christopher Caldwell in January 1999.632

22. Commenting on Jan. 16, 1999 on an Alabama bill that would have limited tobacco industry defenses against lawsuits, the Cato Institute’s Robert Levy wrote, “If the legislature rejects that admonition, it will have bequeathed to Alabama’s children two messages more noxious than cigarettes: First, you may change the rules after the game has begun. Second, you may engage in risky behavior, then force someone else to bear the costs—even someone who has already paid to cover your bills and was not, when all is said and done, the real cause of your injury. A nation concerned about its future should not be teaching its children such lessons.”633

23. “Anti-tobacco activists insist that over the past two years more information has been uncovered demonstrating that the tobacco companies criminally withheld data on the health risks associated with smoking. They also insist that earlier, administration officials didn’t look seriously at pursuing a case, but over the last year, compelling new legal analyses affirming the right to sue have gained currency. The reality is much simpler: Politics trumped the law,” wrote Matthew Rees in August 1999.634

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