Bridging the Ideological Divide:  
An Analysis of Views on Tobacco Policy  
Across the Political Spectrum

A Study by the American Council on Science and Health (ACSH)  
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“Bridging the Ideological Divide: An Analysis of Views on Tobacco Policy Across the Political Spectrum,” was conceptualized and spearheaded by the American Council on Science and Health (ACSH). ACSH’s president, Elizabeth M. Whelan, Sc.D., M.P.H., its medical director, Gilbert L. Ross, M.D., and its Assistant Director of Public Health, Alicia M. Lukachko, M.P.H., contributed to the research, writing, and editing of the report.

ACSH has been committed for over 20 years to reducing, through responsible public policy and education, the morbidity and mortality caused by cigarette smoking. ACSH has published numerous reports and studies on the hazards of cigarette smoking, the laxity of the media in reporting these risks, and the delinquency of the tobacco industry in disclosing fully the dangers of cigarette smoking. ACSH strives to promote a focused, pragmatic approach to reducing the human toll of cigarette smoking in the United States. ACSH’s production of this analysis arises out of its commitment to promoting effective tobacco policy, and with this report it hopes to identify potential bridges that might span the differences between opposing ideological camps on the “left” and “right.”

Clifford E. Douglas

The principal author of this study is Clifford E. Douglas, an attorney and independent consultant who has specialized in tobacco issues since 1988. Mr. Douglas has held a number of leadership positions in the effort to reduce the health consequences of tobacco, serving as a national public policy advocate on behalf of major national public health organizations, as tobacco policy director for the Advocacy Institute in Washington, DC, and as special counsel to Congressman Martin T. Meehan, the co-chair of the Congressional Task Force on Tobacco and Health. He has represented injured smokers in several landmark lawsuits against the tobacco industry and is the most recent recipient of the Joseph W. Cullen Award for “outstanding courage and commitment in leading the effort to eliminate tobacco-related diseases,” which was presented at the Eighth World Conference on Lung Cancer in Dublin, Ireland. Mr. Douglas’ tobacco-related contributions are chronicled in the book Civil Warriors: The Legal Siege on the Tobacco Industry, by investigative reporter Dan Zegart, published recently by Random House.

In addition to this report, Mr. Douglas has written a 1994 ACSH special report, entitled “The Tobacco Industry’s Use of Nicotine as a Drug.”
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Executive Summary

Introduction

Strategies proposed to address smoking-related health consequences in the United States have spurred heated political debate. *Bridging the Ideological Divide: An Analysis of Views on Tobacco Policy Across the Political Spectrum* examines attitudes on the issue of tobacco as found in published statements by columnists, publications, organizations, and politicians from ideological camps on the political left and political right.

This paper is the first major effort to present the views of both sides of the political spectrum on the issue of tobacco policy. While the report itself avoids taking a stand on specific tobacco policy issues, it attempts to be a catalyst for generating constructive dialogue between the differing ideological groups.

This report is organized so that “left” (liberal) and “right” (conservative and libertarian) perspectives are presented in contrast to one another on issues concerning cigarette smoking as a public health priority and policy options to reduce cigarette-related disease and death. Barriers to collaboration on tobacco policy are also discussed. The study presents evidence that while some of the arguments offered by members of both left and right are based on valid premises and/or scientific data, others—both on the left and right—have flaws.

Cigarette Smoking as a Public Health Priority: “Left” and “Right” Perspectives on Seven Cigarette-Related Issues

1) Active Smoking as a Cause of Illness and Death

The left and right disagree on scientific findings about the health effects of active smoking. For example, there is debate concerning whether the estimate of 400,000 premature deaths each year in the United States attributed to cigarette smoking is accurate. While the left generally accepts and often cites smoking-related health statistics such as this, the right tends to be suspicious of these numbers, blaming biased or imprecise data analysis.

2) The Health Effects of Environmental Tobacco Smoke (ETS)

Considerable debate exists between the left and right concerning the scientific and medical facts regarding environmental tobacco smoke and its effects on health. Some on the left equate the risks from passive (secondhand) smoking with the risks from active smoking. In contrast, the right is skeptical regarding the cited statistics and the reported health effects, and generally dismisses ETS as a public health concern.

3) Is Nicotine Addiction a Scientific Reality?

There is controversy between the left and right on whether tobacco products containing nicotine are dependency forming. To most all on the left, nicotine is viewed as an addictive drug and tobacco products as drug-delivery devices. The right, however, tends to challenge the notion that smoking is “addictive,” stressing that the term “addictive” implies a physical dependence and mental impairment associated with the use of illicit drugs, but absent in tobacco products.

4) Protecting Children’s Health as a Primary Rationale for Tobacco Policy

There is general agreement that stronger efforts are needed to prevent children from smoking. There is disagreement, however, in how the left and right assess the severity of the problem and what the underlying motives are behind their anti-tobacco efforts. The left blames the tobacco industry for targeting and manipulating children through advertising, thus, leading to children’s addiction to smoking. The right, in contrast, often see the left’s anti-tobacco efforts for children as a way of infringing on the rights of adult smokers.

5) Public Knowledge of the Risks of Smoking

The left focuses on the fact that the tobacco industry not only knew of the health effects and the addictive properties of tobacco and kept this information from the public, but also manipulated delivery to addicted smokers. The left, as a result, places blame above all on the industry. In contrast, the right contends that the public was well informed on the dangers of smoking, and it therefore places responsibility on the individual smoker rather than on the tobacco industry.

6) The Economic Costs of Tobacco-Related Disease

The left typically argues that the economic costs associated with tobacco-related illnesses in the United States runs into the billions of dollars. The right rejects this argument, claiming that smokers do not cost society money because smokers die prematurely, thus balancing out their cost of care.
Policy Options to Reduce Cigarette-Related Disease and Death: “Left” and “Right” Perspectives on Ten Topics in Tobacco Policy

1) Individual Versus Corporate Responsibility: Who is to Blame for the Consequences of Smoking?
Most on the left blame the tobacco industry for manipulating and lying to the adult public about the dangers of cigarette smoking. The right basically points the finger at the individual smoker as the responsible party, asserting that smokers know the risks of smoking and still chose to smoke. The relevant questions include: Are minors capable of “choosing” to smoke? How detailed should the information about risks be to be considered sufficient? How addictive is nicotine? Can an addicted smoker exert a free choice?

2) The Role of Federal and State Governments in Addressing Cigarette-Related Morbidity and Mortality
While the left generally wants government intervention and supports legislative action to combat the tobacco problem, the right tends to oppose almost all government intervention. Right opposition is grounded in the fear that if the government starts to regulate one area, it will eventually expand into other areas. Although the left often emphasizes that the tobacco issue is unique and that government regulation can be contained, the right believes that the issue of tobacco is no exception, claiming government programs regarding tobacco still threaten individual liberties.

2a) Taxation to Discourage Smoking
The left tends to support an increase in taxation of tobacco products as a means of reducing tobacco use, especially among minors. In contrast, the right generally opposes increases in tobacco excise taxes, arguing that they are regressive, requiring poor smokers to pay a higher percentage of their income.

2b) Regulatory Control of Tobacco Products by the Food and Drug Administration
Congress has exempted tobacco products from coverage under federal health and safety laws. The left, however, argues that tobacco products should be regulated for health and safety (e.g., restricting tobacco advertising and product labeling, disclosing and controlling product ingredients, and restricting sale and distribution). The right tends to oppose such government regulation over the concern that if the FDA regulates tobacco it will lead to further unnecessary and restrictive regulation of consumer products.

2c) Cigarette Advertising Restrictions
The left supports the placement of restrictions and bans on tobacco advertisements as a means towards reducing smoking among youth. In contrast, the right opposes such methods, on the basis of its general belief that tobacco advertisements do not entice youth to smoke and that, therefore, bans and restrictions of tobacco advertisements are unnecessary. Also argued by some on the right is that such actions violate free speech protections of the First Amendment.

2d) Restrictions on Smoking in Public Places
Considering studies that indicate environmental tobacco smoke is harmful to nonsmokers’ health, many on the left support restriction and elimination of smoking in both private and public places where nonsmokers are potentially exposed. The right’s argument is that there is a lack of scientific evidence concerning the adverse health effects associated with environmental tobacco smoke, and that, therefore, such regulations are unduly restrictive of adult smokers’ freedom.

2e) Public Education about the Dangers of Smoking
Those on the left generally agree that education concerning the adverse health effects of tobacco use is necessary and that educational efforts should be supported. For the most part, the right agrees. But the right is not fully convinced that the proposed strategies will be effective and believes that they might even promote smoking among minors.

2f) Prohibition of Tobacco
Many on the right believe that the left’s underlying goal is the prohibition of tobacco. The left continues to deny the right’s accusation and emphasizes that it seeks regulation, education, and public health benefits, not prohibition.
2g) Litigation Against Tobacco Companies

Many on the left state that because the tobacco industry is largely to blame for tobacco-related illnesses, legal action against the industry is justified. They also believe that such action will help force the tobacco industry to behave more responsibly. Many on the right, however, contend that the public has been well informed of the dangers of smoking, and therefore, litigation against the tobacco companies is not justified, and amounts to a “wealth grab” by plaintiff attorneys and government.

2h) Use of “Tobacco Money”

Most on the left support the use of tobacco tax revenues and tobacco settlement proceeds for smoking prevention and education. Many on the left feel that too much of the “tobacco money” is spent on other non-tobacco projects, such as improving infrastructure. Some on the left encourage use of tobacco settlement funds for a spectrum of non–tobacco-related causes, such as children’s health and welfare. The right looks at tobacco settlement funds as just another form of general taxation to be “hijacked” at will for any cause.

Barriers to Collaboration on Tobacco Policy

Passion and Priorities

Many on the left express passion and concern over the devastating health effects from tobacco use and are outraged over the manipulation and deceit used by the tobacco companies that led to these consequences. In contrast, the right appears almost apathetic on the issue and its public health impact. They appear to believe that other public health threats warrant our attention over tobacco.

Attribution of Motive

Both the left and right tend to believe that the other side has underlying agendas, motives, and goals. The left generally accuses some on the right of being influenced by tobacco financial contributions. The right, on the other hand, suspects that left-oriented tobacco policy is motivated more by a general contempt for corporate profits than it is by a desire to promote public health. As a result, the two sides are extremely wary of each other’s programs. Viable, productive dialogue leading to significant public health improvement is all but impossible in an atmosphere where basic underlying motivations are in question.

Conclusion

The left and right often disagree on issues related to tobacco. This study reveals that it is generally those on the left who are concerned with the health consequences of cigarette smoking and who propose strategies to deal with it. In contrast, those on the right tend to reject or remain silent on these issues.

Apparent from this analysis is that there are many on both sides of the tobacco issue who have stereotyped views of the other. For example, both appear to think that each has underlying motives, and as a result, feelings of distrust, disrespect, and ad hominem attacks resonate. When the time comes for discussion, there is more name-calling and anger rather than insightful and constructive interaction. Such an atmosphere makes it difficult to make progress.

The right typically considers the tobacco debate a war between the ideological camps. This creates an “us against them” mentality with the right lumping all left-sided organizations together as having an anti-tobacco stance. Several left-leaning organizations, however, do not have a strong or consistent anti-tobacco agenda. This diversity of opinions on the left has sometimes led to tension and division among themselves.

While this study appears to focus on the extremes of left and right, it does note the importance of those who dissent from their political affiliations on tobacco related issues. These individuals are critical for facilitating collaboration and demonstrating that agreement on effective tobacco policy can be a shared left and right goal. It is essential that policy makers from all shades of the political spectrum become educated about the health consequences related to cigarette smoking. This knowledge might then help to bridge the gap between them and lay the foundation for dialogue that is grounded in fact rather than in ideology. The hope is that those on both sides of the political spectrum will engage in a productive discourse, whose eventual outcome will be a reduction in the deadly toll of smoking in America.
Tobacco is at the core of American history, culture and identity—so much so that the Marlboro Man has taken his place alongside the Statue of Liberty as a national icon, representing in a sense the American ideals of freedom and individuality. These ennobling images, however, belie that cigarette smoking is estimated to claim more lives in the United States each year than the 365,000 killed in the Civil War.

As early as 1938, reports of the harmful effects of cigarette smoking were beginning to surface in medical journals. Yet it was not until 1964 that U.S. Surgeon General Luther L. Terry issued the first comprehensive government report on the hazardous effects of cigarette smoking. The report implicated cigarette smoking as a primary cause of lung cancer and other diseases. Since that time, medical authorities, including subsequent surgeons general, have established smoking as a cause of numerous illnesses—including heart disease, stroke, and cancers of the esophagus, mouth, and larynx and of other sites.

Cigarette smoking has been identified by the Centers for Disease Control and Prevention (CDC) and other health authorities as the leading preventable cause of death in the United States. Of course, a number of activities and conditions contribute heavily to premature death in this country, including lifestyle factors such as the misuse and abuse of alcoholic beverages, illicit drug use, and the failure to use proven safety technology such as seat belts and bicycle helmets. However, unlike other “risky” products such as alcohol and automobiles, cigarettes do not have to be abused or misused to cause disease and death.

Over the past decade it has become increasingly evident that major American cigarette manufacturers took calculated steps to suppress research on smoking and health and to mislead the public about the dangers of cigarette use. In a landmark lawsuit brought against the cigarette industry by the State of Minnesota in 1994 and settled in 1998, Judge Kenneth Fitzpatrick found that the major cigarette companies had used their lawyers to conceal research into the health effects of tobacco and had engaged in “abuse and disregard for the judicial process.”

Finding that “[t]he court’s own review of the documents reveal[ed] a conspiracy of silence and suppression of scientific research,” Judge Fitzpatrick ordered the cigarette companies to disclose thousands of internal industry documents. The documents showed, for example, that 25 years before then-Surgeon General C. Everett Koop made an official determination in 1988 that nicotine in tobacco was a dependency-forming substance, the general counsel for the Brown and Williamson Tobacco Company (“B&W”) concluded in a memorandum to colleagues: “Moreover, nicotine is addictive. We are, then, in the business of selling nicotine, an addictive drug effective in the release of stress mechanisms.” Cigarette manufacturers also put to use their knowledge of the pharmacologic effects of nicotine by developing a wide variety of means for controlling its delivery with great precision. This was occurring while the tobacco industry was denying publicly that cigarettes were addictive or unsafe.

Following a careful analysis, the Minnesota court ruled that the documents showed evidence of the commission of crime and fraud. The court also determined that, since the 1950s, the industry had engaged in a systematic effort to keep the public ignorant of the truth. Until recently, the tobacco industry has largely avoided responsibility for its deceptive practices.

Campaigns to discourage smoking have long been a central focus of the medical and public health community. In a country plagued largely by chronic rather than acute illness, decreasing cigarette use is an obvious target in trying to achieve major improvements in the health and longevity of Americans. As the spectrum of health consequences of cigarette smoking and the irresponsible actions of major tobacco companies have become manifest, the issue of tobacco has commanded unprecedented media and political attention.

Project Origins

Efforts to address the public health consequences of cigarette smoking in the United States have spawned an intense political debate, tapping into fundamental and polarizing ideological beliefs. Tobacco policy is largely perceived as a “left” or “liberal” issue, ostensibly associated with such politically left-of-center groups as the progressive movement, the environmental movement, consumer advocacy organizations, and others who generally support government intervention to assure public safety and health.

Members of the “right”—a decidedly diverse group including neoconservatives, free market conservatives and libertarians, religious and theological conservatives, and natural law conservatives—generally oppose government intervention to combat social and public health problems, and are less apt to voice concern about the grave public health impact of cigarette smoking.

As one of us, Dr. Elizabeth M. Whelan, noted in a 1994 article, “Editors, commentators and contributors associated
with the conservative segment of the national media appear to have a blind spot on the subject of cigarettes and what we as a society should be doing to address our nation’s pandemic of smoking-related disease.”

To many on the right, tobacco policy represents a Trojan horse, offered innocently under the guise of public health but packed with a threatening “big government” agenda. Jacob Sullum, senior editor of Reason magazine, sees “an effort to pretend that the 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.”

To the left, the right’s opposition to many tobacco reduction policies is often seen as apologetically pro-industry or, perhaps worse, as conduct that has been purchased with tobacco industry largesse. This sentiment was expressed by New York Times columnist Frank Rich in a 1996 column: “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.” The Nation’s columnist Alexander Cockburn expresses a similar and more generic belief: “It’s not news that the Republican Party is a wholly owned subsidiary of the tobacco cartel.” Conversely, some on the right perceive the Democratic Party as being influenced by the campaign contributions of trial lawyers, some of whom have represented plaintiffs in litigation against the tobacco industry.

Reactions from the left and the right to dissenting opinions on tobacco policy are suffused at times with ideological stereotyping. Cogent observations from those on both sides of the ideological divide are sometimes met with reflexive accusations and dismissals rather than thoughtful and rational consideration.

To edify members of the right as to the potential for a nonpartisan anti-smoking agenda, a group of 42 nationally recognized Republican physicians and scientists, led by one of us (EMW), sent an open letter to then Speaker of the House of Representatives Newt Gingrich. The group called on the leadership of the Republican party “to take a firm stand against the grave public health danger caused by tobacco” (see Appendix A).

The letter was denounced as a “health Nazi” stratagem by a spokesman for Mr. Gingrich, but it nonetheless conveyed the paramount message that reducing smoking-related morbidity and mortality should be, and can be, an explicit public policy goal, compatible with all ideological movements.

Other efforts have been made to bridge the left/right gap on tobacco policy. For instance, a Republican representative in the Florida legislature, Virginia Brown-Waite, cast a crucial anti-tobacco vote while citing her own family’s experience with the harm caused by cigarettes. For several years, Utah’s Republican Congressman James V. Hansen has served as co-chair of the Congressional Task Force on Tobacco and Health, working with his colleagues on both sides of the aisle in a cooperative effort to identify and support policy changes aimed at curtailing the debilitating health effects of tobacco in our society.

Of course, exceptions to the rule occur on both sides of the political fence, as there are some Democrats who, for reasons of ideology or money, object to the adoption of measures that would, for example, regulate tobacco products, prohibit smoking in public places or increase tobacco excise taxes.

This report examines the dominant themes and perceptions that drive tobacco politics and sometimes obscure tobacco use as a legitimate public health issue for all Americans. While the study’s time frame, of approximately four years, is 1995 to 1999, many, if not all, of the overriding issues are topical today.

The goal of this report is not to act as arbiter or to resolve such hot-button policy issues as tobacco taxation, product liability litigation, or government regulation of tobacco products. Rather, the report aims to identify the positions taken and the chief concerns voiced by opinion leaders on both sides of the fence. It aims, moreover, to identify obstacles to successful communication that too often have impeded collaboration and progress on this serious issue. As authors of the report, we encourage advocates on the right and the left to eschew ad hominem attacks, approach opponents’ views as sincerely held, and whenever possible to refrain from rejecting those views out of hand.

While efforts periodically have been made to open a meaningful dialogue between ideological adversaries in the tobacco debate, we believe that this is the first comprehensive attempt to identify their positions and attempt to systematically evaluate and compare them. Using this report as a building block, we seek to engender the construction of bridges across which traditionally opposed ideological interests can work cooperatively to reduce the human toll of tobacco use in the United States.
This study analyzed public statements on tobacco-related issues made by 85 prominent columnists, politicians, organizations and publications between January 1, 1995, and June 1, 1999. The composition of this sample is intended to represent the range of published opinions expressed by members of the left and the right, but the survey was not intended to be exhaustive and, in a strict statistical/methodological sense, cannot claim to be completely representative of the subject of interest.

A. Selection of Subjects

Subjects (i.e., columnists, publications, organizations, and politicians) were selected according to their perceived political influence and national prominence.

Based on information and definitions drawn from *The Right Guide*, *The Left Guide* and the *News Media Yellow Book*, and on the composition of Congressional and national leadership during the study period, ACSH researchers compiled a list of subjects who are active on topics of national importance and were thus likely to have commented on tobacco-related issues during the study period. This initial list was then reviewed by selected members of the ACSH Advisory Board, a diverse group of scientists and policy advisors who occupy leadership positions and whose politics and opinions traverse a broad ideological spectrum. The final selection of subjects followed from the recommendations of the advisors.

Subjects were categorized as adherents of the “left” or “right” according to their general political orientation. Some subjective assessment on the part of ACSH was used in classifying the subjects. For the purposes of this analysis, those who tend to oppose government regulation were classified as members of the right, while those who tend to favor government involvement were classified as members of the left. In practice, this division is often expressed as an affiliation with either Republican or Democratic political parties and ideology. Although libertarianism is a distinct political ideology—one that advocates individual freedom and minimal government intervention—libertarian subjects were assigned to the general category of the right.

In certain cases, a subject appears in more than one organizational category. For example, a subject might be a columnist as well as the editor of a selected publication. In such cases, the subject is cross-referenced according to his or her affiliations.

1. Columnists

Forty columnists who broadly represent right and left political opinions were included in the study. As stated above, a degree of subjectivity was used in classifying the columnists as politically left or right. Several are nationally syndicated newspaper columnists.

(a) Columnists on the Political Right

L. Brent Bozell III  
Stephen Chapman  
Don Feder  
Maggie Gallagher  
Rush Limbaugh  
Paul Craig Roberts  
Thomas Sowell  
Ben Wattenberg  
Walter Williams  
Pat Buchanan  
Mona Charen  
Suzanne Fields  
Paul Greenberg  
William Murchison  
William A. Rusher  
Jacob Sullum  
George F. Will  
William F. Buckley, Jr.  
Linda Chavez  
Michael Fumento  
Arianna Huffington  
Walter Olson  
Tony Snow  
Cal Thomas  
Armstrong Williams

(b) Columnists on the Political Left

Alexander Cockburn  
Ellen Goodman  
Christopher Hitchens  
Mary McGrory  
Deb Price  
Richard Cohen  
Nat Hentoff  
Jesse Jackson  
Ralph Nader  
Frank Rich  
Linda Ellerbee  
Bob Herbert  
Anthony Lewis  
Clarence Page  
Calvin Trillin
2. Organizations

Fourteen think tanks, interest groups, and grassroots organizations, all active on national socioeconomic issues, were selected from *The Right Guide* and *The Left Guide*. In this case, the assignment of political orientation was predeetermined by the guides from which the organizations were selected. In general, right-oriented organizations tend to disseminate their views in analytic economic and social studies targeted at lobbyists, policy makers, and like-minded sectors of the media. Many left-oriented organizations, in contrast, are more involved in coalition building and grassroots organizing, although analytic policy studies are used as well.

*(a) Organizations on the Political Right*

American Enterprise Institute  Cato Institute  Christian Coalition
Competitive Enterprise Institute  Empower America  Heritage Foundation
Media Research Center  Reason Foundation

*(b) Organizations on the Political Left*

American Civil Liberties Union  Brookings Institution  Children’s Defense Fund
Common Cause  Consumers Union  Public Citizen

3. Politicians

Fourteen politicians were selected based on their positions in Congress as majority or minority leaders, or as ranking members of relevant committees or task forces. Politicians who are or were (during the study period) registered as Democrats were classified as politically left and those who are or were registered as Republicans were classified as politically right. Democratic President Bill Clinton and Republican former Senator and presidential candidate Bob Dole were included because of their statements on tobacco issues during the 1996 presidential campaign. Due to the extensive media coverage politicians receive, this study considered only statements made by the selected politicians that appeared in *The Washington Post*.

*(a) Politicians on the Political Right*

Representative Thomas Biley (R-VA)  Former Senator Robert Dole (R-KS)
Former Representative Newt Gingrich (R-GA)  Senator Orrin Hatch (R-UT)
Senator Trent Lott (R-MS)  Senator John McCain (R-AZ)
Senator Donald Nickles (R-OK)

*(b) Politicians on the Political Left*

President William J. Clinton  Senator Kent Conrad (D-ND)
Senator Thomas Daschle (D-SD)  Senator Wendell Ford (D-KY)
Representative Richard Gephardt (D-MO)  Vice President Albert Gore
Representative Henry Waxman (D-CA)

4. Publications

Seventeen publications were chosen from the *News Media Yellow Book* and categorized as right or left based on their editorial positions on national political issues. As with other subject categories, some subjective assessment on the part of ACSH was used in classifying the publications as politically left or right. The demographics of readership (i.e., percentage of readers involved in politics or policy making) and the strength of circulation were also important criteria in the selection.

*(a) Publications on the Political Right*

American Spectator  Commentary  National Review
Reason  Regulation  Wall Street Journal
Washington Times  Weekly Standard
(b) Publications on the Political Left

In These Times  Los Angeles Times  Mother Jones
The Nation  New York Times  The Progressive
USA Today  Washington Monthly  Washington Post

B. Selection of Public Statements

Once subjects were selected, their public statements and positions on tobacco policy and other smoking-related issues were identified through searches of the Lexis-Nexis database. Statements appeared primarily in newspaper and magazine articles, commentaries, and editorials, each of which was evaluated and documented in terms of relevance to the study. Supplementary information on subjects was gathered from sources on the Internet, including websites of selected organizations and their publications, as well as the electronic biographical database of the United States Congress.

A total of 634 citations, gathered from articles, transcripts, and other published information, were reviewed and documented for inclusion in the study. The sources may be found in the citations of the Data Presentation of this report (see Appendix B).

The number of statements selected is large enough to yield a representative sampling of different viewpoints on tobacco-related issues. As with our selection of subjects, however, the public statements and number of articles reviewed in this analysis are not assumed to comprise an exhaustive survey of all published views on tobacco policy across the ideological spectrum or even all opinions of the selected subjects.

The following table provides an overview of the total number of subjects (by subject type) included in our study, the total number of citations per subject type, and the average number of citations per subject type.

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C. Data Analysis and Peer Review

The articles and commentaries were reviewed, and ideologically significant statements about cigarette smoking and tobacco policy were selected. The content of the selected statements was then analyzed to identify salient themes and assumptions and to assess the extent to which political ideology defines debates about tobacco policy.

The analysis identifies major differences and barriers to collaboration between members of the right and the left on the issue of smoking. To meet the public health goal of reducing smoking-related morbidity and mortality, it explores the possibility of finding a common ground between traditional political opponents through a series of key questions and recommendations.

No one, including the authors of this report, is without judgment or opinions about smoking and tobacco-related issues. A careful effort was made, however, to avoid inflecting the analytical section of this paper with the personal political views of the authors. The authors attempted to give the viewpoints of both the right and the left a thoughtful review and to avoid stereotypical portrayals of differing political groups and their opinions.

Following completion of the analysis, a preliminary peer review process was initiated. Six reviewers participated in the first round of peer review for the report. The reviewers were selected on the basis of their expertise in tobacco-related health and policy issues. After considering and responding to the issues and criticisms raised by the reviewers, this interim final report was issued. A second, more extensive round of peer review will follow.

ACSH considers this publication a work in progress. Thus, we welcome any criticism, commentary, or other feedback from readers—all of which will be considered in the preparation of the second edition of this report.
III. Analysis

The collected documents that form the body of the data presented in this report were assembled and organized by the American Council on Science and Health. This material was carefully reviewed and analyzed to identify salient themes, assumptions, barriers, and common ground among the various subjects and the ideological interests they represent.

This report avoids taking stands on specific tobacco policy issues. Indeed, it may generate as many questions as it answers. Of course, where facts are undisputed, such as those concerning the adverse health effects of cigarette smoking, the report assumes those facts as givens, not subject to legitimate controversy. Indeed, there exists a substantial body of hard facts that are not fodder for legitimate speculation.7

In the following pages, we identify the major themes that animate the disagreements between left and right in the tobacco policy arena.

A. Cigarette Smoking as a Public Health Priority: “Left” and “Right”
Perspectives on Seven Cigarette-Related Issues

1. Active Smoking as a Cause of Illness and Death
Cigarette smoking is responsible for well over 400,000 premature deaths each year in the United States and is indisputably the leading cause of premature death in this society.8 Leading epidemiologist Richard Peto and colleagues have estimated that approximately 40 percent of all regular cigarette smokers die prematurely due to their smoking.9

Within seconds after tobacco smoke is inhaled, more than 4,000 compounds are absorbed into the bloodstream and transported to every cell in the body. Cigarette smoking is known to harm nearly every system and function of the human body, even causing malignancies in and adverse effects on organs that have no direct contact with the smoke itself. Among numerous other things, for example, smoking increases the risk of cancers of the pancreas, the bladder, the colon, and the cervix and is a causative factor in impotence, infertility, blindness, hearing loss, and bone loss. Approximately 87 percent of lung cancers are caused by smoking. Cigarette smoking also accounts for nearly 200,000, or one fifth, of all deaths from heart disease, the leading cause of death in the United States.10

Considerable differences exist in the way opinion leaders on the left and the right approach and assess scientific findings about the health effects of active smoking.

Left:

The information cited above is widely accepted by public health experts and advocates and commentators on the left. For example, columnist Linda Ellerbee writes: “We know how harmful smoking is—according to the Centers for Disease Control, tobacco addiction kills more than 418,000 Americans each year.”11 Similarly, columnist Ellen Goodman, referring to a more recent estimate of the number of deaths caused by cigarette smoking, says, referring to tobacco manufacturers: “Imagine the very folks who produce the ‘nicotine delivery system’ that accounts for some 434,000 deaths a year whimpering about suicide notes.”12 Another of numerous examples comes from the editorial board of The New York Times, which writes: “Every year more than 400,000 Americans die from illnesses related to [then FDA Commissioner] Dr. [David] 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.”13

Those who are active in efforts to reduce the adverse health impact of tobacco focus on the fact that tobacco is unique, as noted above, and most therefore distinguish tobacco from all other harmful or potentially harmful legally sold consumer goods.14 As evidenced by their public statements, members of the left generally express outrage about the public health impact of cigarette smoking.

No commentator on the left questioned the seriousness of the threat of cigarette smoking to public health.

Right:

In contrast, many on the right appear to be suspicious of the finding that more than 400,000 Americans die annually from their tobacco use. The right likewise often distrusts other tobacco-related health statistics and argues that the research underlying such information is biased.

This dispute is highlighted by the following: In the Fall 1998 issue of Regulation (“The Cato Review of Business and Government”), the Cato Institute published an article by Robert Levy and Rosalind Marimont entitled “Lies, Damned Lies, & 400,000 Smoking-Related Deaths,” in which the authors contend that the U.S. government’s estimate
of annual premature deaths due to cigarette smoking is scientifically unsound and inflated. Levy and Marimont sought to challenge the epidemiology behind the estimates of smoking-related mortality. While acknowledging that the average smoker loses several years of life and that the “[e]vidence does suggest that cigarettes substantially increase the risk of lung cancer, bronchitis, and emphysema,” the authors also make such observations as the following:

- “The war on smoking … has grown into a monster of deceit and greed . . .”
- “Americans are indoctrinated by health ‘professionals’ bent on imposing their lifestyle choices on the rest of us and brainwashed by politicians eager to tap the deep pockets of a pariah industry.”
- “Do not expect consistency or even common sense from public officials.”
- “[T]he scare-mongering that has passed for science is appalling.”
- “[T]he government should stop lying and stop pretending that smoking-related deaths are anything but a statistical artifact.”

To many on the right, tobacco use is a mere vice, a moral issue rather than a legitimate public health concern. Chicago Tribune columnist Stephen Chapman says, for example: “[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.”

As noted, however, while those who are on the right generally agree that tobacco use can be harmful, they question just how serious a health hazard it really is. According to Chapman, “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 up Mount Everest and cars that can travel three times the legal speed limit.” Similarly, Washington Times columnist and Moral Majority activist Cal Thomas states: “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.”

Mr. Thomas’ comment is noteworthy for another reason. It suggests a relative lack of familiarity with certain basic scientific and medical facts. His observation that “[m]ore people die of heart disease … than die of lung cancer and tobacco-related diseases” overlooks that, as noted above, cigarette smoking itself accounts for nearly one fifth of all deaths from heart disease in the United States. Of course, like Cal Thomas, many members of the public are largely unaware of the vast spectrum of health risks associated with smoking.

One commentator on the right identified in our data presentation, however, accepts the mortality count due to cigarette smoking and recognizes the uniqueness of tobacco as compared to other dangerous products. Ben Wattenberg, a senior fellow at the American Enterprise Institute whose former wife died of tobacco-caused cancer, says: “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.”

Overall, in contrast to the left, statements made by the right do not convey the same sense of concern or urgency about the public health impact of cigarette smoking.

2. The Health Effects of Environmental Tobacco Smoke

Environmental tobacco smoke (ETS) consists of smoke released from the burning end of a cigarette and from smokers’ exhalation. It is a complex mixture of gases and particulates containing over 4,000 chemicals formed by incomplete burning of tobacco’s organic matter. Many of these chemicals have no known health effects or are present in extremely low concentrations. There are, however, quite a few known toxicants—chemical agents with the potential to cause harm—in ETS.

The dangers of exposure to environmental tobacco smoke have been reported in a number of prominent studies, including those produced by the U.S. Surgeon General (1986), the National Academy of Sciences (1986), the International Agency for Research on Cancer (1986), the U.S. Environmental Protection Agency (EPA) (1992), and the California Environmental Protection Agency (1997), as well as in peer-reviewed meta-analyses published in the late 1990s. In addition, the EPA’s 16-member external Science Advisory Board unanimously endorsed the EPA’s findings in 1992, including its determination that ETS causes approximately 3,000 lung cancer deaths each year, and the
National Cancer Institute endorsed and reprinted the EPA report. These and a number of other studies have determined that exposure to environmental tobacco smoke causes and exacerbates acute illnesses, particularly respiratory conditions, such as asthma and emphysema. Exposure to ETS has also been determined to be a risk factor for lung cancer and heart disease.

Issues surrounding exposure to environmental, or secondhand, tobacco smoke involve disagreements similar to those regarding active smoking. On this topic, however, the differences between left and right are even starker.

**Left:**

On the basis of the findings noted above, the left recognizes a medical and public health consensus that secondhand tobacco smoke is hazardous to otherwise healthy nonsmokers, as well as to those, such as asthmatics, who suffer from pre-existing conditions that are exacerbated by such exposure. It has been suggested that some of the early scientific claims concerning the adverse health effects of ETS made by the left, starting in the 1970s, were exaggerated with a policy agenda in mind. It was fortunate, though not inevitable, that medical science ultimately substantiated such claims.

For example, Consumer Reports stated the following as part of a lengthy defense of the Environmental Protection Agency’s classification of environmental tobacco smoke as a human carcinogen:

> When we reported on [environmental tobacco smoke] 10 years ago, we described the evidence [of harm] as ‘sparse and often conflicting.’ That’s no longer true. A number of studies make a consistent case that secondhand smoke, like firsthand 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.

The left also points to internal tobacco industry documents that show an awareness on the part of tobacco manufacturers that environmental tobacco smoke may be hazardous. In one of many examples, a once confidential document prepared by attorneys in 1988 for the Philip Morris tobacco company finds that “[c]hildren who have a mother who is a heavy smoker have a higher than average incidence of respiratory infections” and that “[t]here is small but significant positive evidence for an association of increased lung cancer among those exposed to passive smoking at home.”

Those on the left also have been made suspicious by the extensive efforts engaged in by tobacco interests to undermine studies of the health effects of environmental tobacco smoke conducted by independent scientists and agencies, while simultaneously seeking, often successfully, to influence public opinion by hiring consultants to produce contrary studies that are then promoted as independent findings. One example, an article coauthored by former tobacco industry consultant Gary L. Huber, M.D., is discussed in the following paragraphs. It has also been noted that while critics of the EPA report complain that the EPA misused statistics, the chief author of the report was a biostatistician who had previously taught at Yale University.

**Right:**

In marked contrast, some on the right view many of the scientific findings described above as nothing short of bogus and as a pretext to avoid what, for some individuals, is simply the annoying smell of smoke. As Michael Fumento, a senior fellow of the Hudson Institute, said in a commentary published on his Internet site, “[I]f there is a risk, it is probably too small to be measured,” adding in another column:

> 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.

Columnist Walter Williams writes:

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.”

The right justifies its position based, in part, on a judicial decision and a report issued by the Congressional Research Service. In July 1998, in a lawsuit filed by the tobacco industry, a U.S. district court judge in North Carolina vacated several chapters of the 1992 report of the Environmental Protection Agency, based on procedural concerns regarding technical aspects of EPA’s study involving the association between environmental tobacco smoke and lung cancer. That ruling currently is on appeal. At the same time, the court upheld the agency’s findings concerning many of the other debilitating effects of environmental tobacco smoke on health, including in children.

In 1995, the U.S. Congressional Research Service (CRS) instituted a review of the findings of the EPA report at the request of Senator Wendell Ford, a Kentucky Democrat. The CRS subsequently issued a report finding that the studies relied upon by the EPA were less conclusive than the EPA had claimed. The CRS report was issued even though it had failed a peer review conducted by invited independent experts.

The right also has published analyses that downplay the significance or credibility of the findings of the Environmental Protection Agency and others. For example, three scientists, in a 1993 article in Regulation that was re-published by the Cato Institute in 1997, write:

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.

Notably, the lead author, Gary L. Huber, was at the time of his coauthorship of that article a tobacco industry consultant on secondhand smoke, as he had been for over 25 years, although the article did not disclose this connection. At almost the exact time that the article was re-published by the Cato Institute, Dr. Huber was, ironically, coming forward as a whistle-blower against the tobacco industry.

In any case, while most commentators on the right have not been seen to argue that smoking should be allowed everywhere, notwithstanding their skepticism regarding the health effects of secondhand smoke, at least one has argued that owners of private establishments which accommodate the public should have free rein over the question of smoking on the premises. Walter Williams says: “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.”

3. Is Nicotine Addiction a Scientific Reality?

If ever there was a hot-button issue in the conflict over tobacco, it is that of nicotine addiction, including the tobacco industry’s knowledge and conduct concerning the pharmacologic effects of this substance. The 1988 Surgeon General’s report, which announced for the first time federal government health authorities’ official conclusion that tobacco products are addictive, led to a growing focus on this subject in the years since. This focus intensified in 1994 with government and media findings that tobacco companies had long been controlling nicotine levels in their products with the evident intent to cause and sustain dependency in consumers.

That tobacco products containing nicotine—as all mass-marketed cigarettes do—are dependency-forming has been a point of controversy between the left and the right and, of course, between health advocates and the tobacco industry. Among other things, the dispute has focused on semantic arguments concerning the definition of “addiction,” as well as differences of opinion over such concepts as freedom of choice. The dispute also seems to have arisen in part because of the feeling on the part of some observers that the adjective “addicted” is demeaning and connotes the status of illicit drug users. Indeed, medical authorities have long referred to “dependence,” or “dependency,” rather than to “addiction.”

The left relies upon the consensus of mainstream medical and scientific authorities, as well as a large body of internal tobacco industry documents, that nicotine is an addictive drug and that tobacco products are, therefore, drug-delivery devices. The 1988 Surgeon General’s report, alone, relied on a body of approximately 2,000 studies of the effects of nicotine.

As stated by columnist Bob Herbert, “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.” In an article published by The Nation magazine, reporter Dan Zegart writes:
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.\textsuperscript{45}

There also are those on the left who add personal observations on the subject in support of the same conclusion. \textit{Washington Post} columnist Richard Cohen offers this description:

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?\textsuperscript{46}

Thus, there is little, if any, doubt in the view of the left that nicotine causes a powerful drug dependency in cigarette smokers.

**Right:**

As noted, many on the right take the contrary position that smoking is not truly addictive. This is suggested by Stephen Chapman, who writes: “No one is infected with a smoking habit against his will, and anyone who acquires one is free to abandon it.”\textsuperscript{47} Syndicated columnist Walter Williams claims: “Overeating is just as avoidable as cigarette smoking.”\textsuperscript{48} Some also resist accepting the classification of nicotine as an addictive drug, for fear that it supports the rationale for government regulation of tobacco and perhaps even prohibition. And some commentators on the right rely on personal anecdotes to support their position that cigarette smoking is not addictive. For example, Rush Limbaugh asserted in a television broadcast: “[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.”\textsuperscript{49}

Yet, those on the right are not uniform in questioning the drug effects of nicotine. William F. Buckley, Jr., in what amounts to a rebuttal to Mr. Limbaugh, asserts:

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.\textsuperscript{50}

Similarly, while arguing that “smokers aren’t victims” in a commentary in the \textit{Weekly Standard}, psychiatrist Michael Reznicek nonetheless gives credence to the influential effects of nicotine on the consumer’s brain. He writes:

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.\textsuperscript{51}

Others on the right similarly acknowledge nicotine’s pharmacologic effects, but dismiss them as unimportant. As argued by Walter Williams,

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.\textsuperscript{52}

As mentioned previously, part of the disagreement over whether nicotine is addictive may stem from the fact that the term \textit{addiction} has taken on a pejorative slant in the minds of some. Some people think of the condition of addiction
as applying only to use of illicit drugs such as heroin and cocaine, to which nicotine’s dependency-causing power is, in fact, compared by the Surgeon General and other experts. Some observers believe that the comparison of illicit drugs to tobacco impugns the integrity of cigarette smokers. Along these lines, Stephen Chapman argues: “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.”

4. Protecting Children’s Health as a Primary Rationale for Tobacco Policy

The concept of protecting children from nicotine dependency and exposure to tobacco has, particularly in recent years, become a focus of anti-tobacco policy initiatives. Health advocates and government health officials, most notably the former commissioner of the Food and Drug Administration, Dr. David Kessler, have come to emphasize this approach as a focal point of their efforts. This focus resulted largely from two factors: (1) the growing understanding that most tobacco users begin using tobacco when they are minors; and (2) publication of evidence that tobacco companies have aimed their marketing efforts at children and teenagers.

Peer-reviewed research published in the *Journal of the American Medical Association* determined that, starting “in the early 1980s, approximately 1 million new young persons per year were recruited to the ranks of regular smokers,” a number that was extrapolated from survey data on 20-year-olds who were new smokers. The same study found that “[t]his is equivalent to about 3000 new smokers each day,” a statistic that is often cited by health advocates and those on the left. A more recent study published in the *Journal of Adolescent Health*, which examined smoking by adolescents 11–17 years of age, estimates that 4,800 adolescents (11–17-year-olds) and 5,500 youth (11–20-year-olds) experiment with cigarettes for the first time each day in the United States and that nearly 3,000 youth become established smokers daily.

In addition to the studies that have estimated that roughly 3,000 young persons become regular smokers each day, other studies likewise detail the prevalence of smoking by children in the United States. For example, the 1994 surgeon general’s report, which summarizes numerous studies and surveys, reported that at least 3.1 million adolescents are current smokers. The same report found that the tobacco industry loses—and therefore must replace—some two million consumers each year, either because they quit smoking or because they die. The report also found that misleading tobacco marketing tactics influence adolescents to begin and continue to smoke.

The focus on children and young people also has resulted from the fact, as reported by the surgeon general, that the younger the age at which one begins to smoke, the more likely one is to develop a long-term dependence on nicotine, eventually leading to debilitating illness and premature death. The Surgeon General determined that the health problems associated with smoking correspond to the duration and the intensity of use—factors directly influenced by the age at which one begins to smoke, since the earlier one starts, the likelier one is to smoke as an adult.

The left and the right generally agree that steps should be taken to prevent children from smoking. The two sides, however, diverge in their assessments of the severity of the problem and the genuineness of the anti-smoking efforts allegedly aimed at children.

Left:

Based in part on the data cited above, for much of the left protecting the young has become a priority of tobacco-related health advocacy efforts. The left is deeply concerned about the targeting of youth in cigarette advertising and the manipulation of nicotine to addict young people. As described by the editorial board of *The New York Times*,

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 serving up an enhanced dose of nicotine—practically guarantees that new crops of cigarette addicts will continue to be raised.

The left focuses, in particular, on the responsibility of tobacco companies in causing and perpetuating the addiction of young people to smoking. “When your product kills more than 400,000 of your customers each year (and that’s just in the United States),” asserts *New York Times* commentator Bob Herbert in a column, “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.”
The Washington Post reported that Philip Morris scientists tracked some 60,000 schoolchildren, beginning with Virginia third-graders, to study connections between childhood hyperactivity and later teenage smoking, according to Rep. Henry A. Waxman (D-Calif.). On the floor of the House of Representatives, Rep. Waxman read selections from a cache of hundreds of internal documents from Philip Morris and submitted the documents for publication in the Congressional Record. The documents detailed more than a decade of research involving animal and human subjects that examined the pharmacology of nicotine, Waxman said. “These documents,” he was quoted as saying, “make a compelling case for regulation of tobacco to protect children.” Noting that smoking rates among teenagers were continuing to rise despite efforts at tobacco education and control, he added: “This is a health crisis of huge dimensions.”

Those on the left often cite the argument that 3,000 teenagers become regular smokers each day. The editorial board of USA Today notes, for example, that “50 million Americans—26% of the adult population—still smoke, and 3,000 teens a day start smoking.” While emphasizing the need to protect the young, however, the left does not generally place great emphasis on issues surrounding adult tobacco use, although there are notable exceptions. Only one of the columnists from the left identified in our survey focused on the need to discourage smoking among adults.

Right:

Those on the right agree that society should protect children as a general matter but assert that special care should be given to ensuring that actions targeted toward the protection of children do not impinge upon adult smokers. Patrick Buchanan asked, for example: “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 . . . ?”

Some are more skeptical of the emphasis on smoking as an urgent problem among young people, as suggested by this comment from columnist Walter Williams:

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.

In a similar vein, Cato analyst Aaron Lukas writes:

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.

Likewise, The Washington Post reported in 1997 that “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.”

Those on the right often assert that those on the left use children as a pretext to target adult tobacco use, which, they argue, should be kept off-limits. Jacob Sullum says tobacco’s opponents:

pretend that the 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.

An article in the Cato publication Regulation says: “[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.”

The right also challenges the assertion often heard on the left that 3,000 children or teenagers become regular users of tobacco each day. Stephen Chapman writes:

When I called the White House press office to find [President Clinton’s] 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
But the study said nothing about children. The 3,000-a-day figure referred to 20-year-olds.72

While Mr. Chapman raises a legitimate concern, a more recent study, based on data from young people aged 11–17, estimates (as noted above) that each day nearly 3,000 youth become established smokers.73

The right rarely focuses on whether tobacco advertising ought to be aimed at children, or whether it matters if it is. Some on the right have acknowledged the issue, however, such as columnist L. Brent Bozell III, founder of the Media Research Center: “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.”74 While objecting to the Clinton administration’s proposal for Food and Drug Administration regulation of tobacco products, the Christian Coalition’s then executive director criticized the tobacco industry’s advertising activities. Ralph Reed was quoted: “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.”75

Conservative columnist Michael Fumento also offers somewhat of a dissent to the right’s general skepticism about the focus on children, asserting: “Personally, I like some of what they [the FDA] propose. Society has traditionally given children less leeway to do stupid things than it has adults.”76

5. Public Knowledge of the Risks of Smoking

Discussion regarding the public’s level of understanding of the health impact and dependency-causing properties of tobacco has risen to a crescendo in recent years, particularly as previously confidential information from within the tobacco industry has become public because of investigative news stories and the process of legal discovery. Both the left and the right have recognized this issue to be of paramount importance in the social as well as legal battles over tobacco use, as has the tobacco industry itself, which has fought unsuccessfully to prevent disclosure of such information while suffering its first significant losses in the courtroom.

Left:

The left supports the finding that critical health information was withheld from the public, the media, and government health officials for 50 years and that, even today, most members of the public are not familiar with the full scope of information concerning the adverse health effects of tobacco use.77 In this vein, The New York Times notes:78

> Once the public—and prospective jurors—grasp the fact that nicotine levels in cigarettes can be pushed up or down so that they produce the most 'satisfaction,' the industry’s string of successes in the courtroom may come to an end. Where jurors once saw sick litigants as responsible for their own fates they may now see them as helpless victims of an industry that set out cynically to ensnare them.79

The organization Public Citizen says similarly:

> As a result of disclosures contained in industry documents obtained through litigation and revelations by whistleblowers, 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.80

And investigative reporter Dan Zegart, in an article in The Nation, observes: “The cigarette companies learned early that nicotine was addictive and left an extensive trail of internal memos that prove they knew. The American Tobacco Company did more than 90 studies on the pharmacologic and other effects of nicotine, beginning in 1940.”81

As articulated by The Washington Post a year after the first revelations of nicotine manipulation had surfaced,

> 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.82

Thus, the left focuses on industry culpability above all.
The perspective of many on the right appears to be that since, in their view, most people have long been acquainted with the effects of cigarette smoking, it is ludicrous to blame anyone other than tobacco users themselves for their illness and premature death.

Ben Wattenberg, the American Enterprise Institute fellow, while openly conflicted on tobacco policy, argues: “Smokers were not tricked; when I was growing up cigarettes were called ‘coffin nails’ and ‘cancer sticks.’” Columnist Stephen Chapman similarly dismisses the notion that smokers do not know better: “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.” And the American Spectator asserts: “Yes, smoking is bad for your health and yes, tobacco companies have long known about it. So have smokers….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.”

Furthermore, the disclosures concerning tobacco companies’ long-hidden knowledge of the health effects of their products does not impress some on the right. Commentator Jacob Sullum writes of a 1970 memo by tobacco industry lawyer David Hardy cited in a book detailing the tobacco industry’s conspiracy: “It nicely summarizes the quandary of the cigarette companies, which developed largely because of their own dishonesty and continues to this day. . . . Tobacco industry dishonesty is a cliché, not a revelation.”

Some on the right believe that tobacco use is not as harmful as other public health threats, and they therefore question why the left gives it a high priority. For example, according to Boston Herald columnist Don Feder, “liberals (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.” Others argue that smokers actually overestimate their risk from tobacco use, although these observers confirm the significant risk of dying early from such use. An article published by the American Spectator magazine, for example, observes:

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.

Tobacco, in the right’s view, is no different from other “risky” products, such as motor vehicles. The right views the left as hypocritical for focusing on tobacco and “ignoring” illicit drugs, since smoking, they argue, does not cause imminent harm, while illicit drugs cause illness and disrupt society in immediate ways. As economist and syndicated columnist Walter Williams puts it,

Our teen-age anti-smoking agenda . . . is stupid. Our big problems with our youngsters are drugs, murder, rape, teen-age 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.

Partly because of the its dismissal of tobacco as a uniquely harmful product, the right puts the onus on individual smokers, not on the tobacco industry, for the epidemic of tobacco-related illness and death.

6. The Economic Costs of Tobacco-Related Disease

Another focus of the battle over tobacco is the economic impact of tobacco-related illness, including the costs associated with health care and lost productivity. This issue is enormously complex. In a nutshell, a number of studies demonstrate that the economic impact of tobacco use in the United States runs into the tens if not hundreds of billions of dollars annually in the U.S., and that such costs are borne both by private sector entities and by taxpayers in the form of government outlays through Medicare and other federal and state programs. On the other hand, the data also show that by dying prematurely, those who smoke reduce to some extent the costs associated with pensions and Social Security, their higher annual medical costs, and health care in old age. The left frequently cites the economic costs of tobacco use, while the right challenges such findings and argues that smokers cover such costs by paying taxes and dying early.
dent, Ann McBride, notes: “For decades . . . the costs associated with smoking mounted in terms of dollars and lives.”

This focus is reflected in the following editorial, in which The Washington Post exhorts the citizens of Maryland to lobby their legislators to support an increase in the state’s cigarette excise tax:

Marylanders who believe that their state ought to act forthrightly against the health hazards and public costs of smoking should focus today on the Senate Budget and Taxation Committee in Annapolis. Members are preparing to vote on the top issue of the session: a 50-cent-a-pack increase in the cigarette tax for each of the next two years.

The left rejects the argument made by some on the right that the economic costs imposed on society are in effect nullified because tobacco kills people early, thus reducing Social Security and pension payments. (It should be noted that the “early-death benefit” argument has likewise been put forward by tobacco companies in legal cases brought against them.) While the similarity in arguments does not mean that commentators or organizations on the right are necessarily in a collaborative relationship with tobacco interests, many on the left suspect that the similarity in arguments suggests that such collaboration exists.

Those on the left further assert that the tobacco industry cannot claim credit for killing its customers early, labeling that a morally indefensible position. In one editorial, USA Today mocks the notion that “the nation shouldn’t bother with tobacco controls because smokers die young and thus save the states money.” The left also asserts that the fact that tobacco companies pay taxes is irrelevant, since taxes are paid as an obligation of doing business, regardless of other issues. Moreover, since tobacco companies are increasingly being held liable in courts of law for having committed fraud, conspiracy and other legal violations, the left argues that one held liable for wrongdoing cannot avoid financial liability based on its otherwise obligatory payment of taxes.

Right:

Many on the right reject the economic arguments of the left. As articulated by Ben Wattenberg, “Smoking-related deaths probably do not cost governments more money; smokers die early, likely saving money in age-related programs such as pensions.” Stephen Chapman agrees: “Every smoker who makes his exit at age 60 instead of 80 reduces spending on Social Security and other pension payments.” University of Chicago law professor John R. Lott, Jr., elaborates in a National Review article:

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.

A similar argument is made by law and economics professor W. Kip Viscusi, who writes:

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.

In contrast, syndicated columnist Arianna Huffington departs from others on the right by giving credence to the arguments concerning the economic costs of tobacco use, as well as the tobacco industry’s receipt of federal tax deductions: “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.”

7. U.S. Involvement in the International Export and Promotion of Tobacco

This issue provides a particularly striking example of the gap between left and right. The left is vocal about the need to protect vulnerable peoples around the world, particularly in the developing world and especially children, from predicted increases in their rates of tobacco-related illness and death and the heightened marketing activities of transnational tobacco companies in poorer countries. In contrast, the right is essentially silent on this issue.
The left has been quite vocal for a number of years about its concerns with the marketing practices of the transnational tobacco companies—several of them U.S.-based—in other countries, particularly in developing nations. As noted in one editorial by The Washington Post, for example, “One casualty of the Senate’s failure to pass anti-tobacco legislation is the absence of any controls on Big Tobacco’s marketing overseas. The cigarette industry has been seeking a stable platform here from which to wage its foreign marketing campaign.” An article in Mother Jones magazine states: “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.”

This view is echoed by the comments of consumer activist and presidential candidate Ralph Nader, who writes in a newspaper editorial: “Nothing condemns these negotiations [over a proposed national tobacco settlement] 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.”

Our study identified no comments with regard to this topic.

B. Policy Options to Reduce Cigarette-Related Disease and Death: “Left” and “Right” Perspectives on Ten Topics in Tobacco Policy

1. Individual Versus Corporate Responsibility: Who Is Responsible for the Consequences of Smoking?

In considering policy options to combat the tobacco epidemic, the left and the right harbor fundamental disagreements over the question of who is to blame. Boiled down, the question goes something like this: Who is at fault—the smoker or the tobacco industry?

Most commentators on the left blame the tobacco industry for targeting young people, who then grow up already addicted from the time they were too young to make rational and mature, not to mention lawful, decisions about whether to use a product that is lethal for so many. The left also blames the industry for lying to and deceiving the adult public and asserts that severe punishment is warranted given the industry’s decades of harmful misconduct. Taking this perspective, the left openly expresses a deep contempt for cigarette makers.

For example, veteran tobacco journalist Peter Pringle, author of the book Cornered: Big Tobacco at the Bar of Justice, wrote in The Nation magazine:

[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.

Based on such evidence of tobacco companies’ misconduct, Richard Cohen wrote in a Washington Post column: “[R]uin is precisely what they [the tobacco companies] 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.”

Echoing similar sentiments, Bob Herbert of The New York Times wrote disparagingly of those who work for the tobacco industry:

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.
USA Today was no less biting in its criticism of cigarette companies, saying, “Joe Camel is little more than a child molester for the tobacco industry—seductive, predatory, lethal. Here’s hoping the [Federal Trade Commission] hunts him to extinction. And soon.”

The editorial board of The Washington Post focused on the perceived hypocrisy of a member of Congress who proposed criminally prosecuting children after Congress had failed to hold the tobacco industry accountable for targeting cigarette sales at youth:

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.

In short, the left reserves its invective and censure for the tobacco industry, believing that the fault rests there, not with the individual smokers whom the left argues were aggressively targeted by the industry.

Right:

As noted, the right almost exclusively blames individuals for the harm they suffer from their use of tobacco. Individual responsibility is paramount. Thus, the right turns an especially critical eye toward those perceived as harming themselves and who nonetheless seek to hold the industry responsible. Those on the right frequently complain that the left wants to relinquish personal responsibility and place it on others.

Not surprisingly, therefore, the right aims little of its criticism at the tobacco industry for its deception or the harm done by its products. Some commentators, however, do acknowledge the deception and at least some of the harm. The right generally views and characterizes tobacco companies as lawful businesses that are little different from other large corporations. The notion of corporate responsibility as focused on by the Left appears to be largely irrelevant.

This sentiment is suggested by Chicago Tribune columnist Stephen Chapman, who writes, “[L]ung cancer doesn’t come from smoking defective cigarettes—it comes from smoking ordinary cigarettes,” thereby implicitly removing culpability from the shoulders of tobacco producers for their manufacturing practices.

But some on the right assume a different position. Syndicated columnist Arianna Huffington states: “According to the documents in my pile, the tobacco industry went to great lengths to manufacture evidence of other causes of lung cancer.”

Robert A. Levy, a constitutional studies fellow with the Cato Institute, who frequently is critical of the left’s approach to combating the tobacco problem, defends the right of injured smokers to seek redress in courts of law:

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.

Many on the right and the left appear to agree on one thing, and that is that deals should not be made with the tobacco industry. Leaders on both sides have questioned various settlement proposals. While their reasoning differs in some respects, their conclusions are similar. From the left, columnist Bob Herbert writes:

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 stock prices up?

From the right, Patrick Buchanan says:

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 per-
cent 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.113

2. The Role of Federal and State Governments in Addressing Cigarette-Related Morbidity and Mortality

Proposals have been made calling for government action on tobacco at least since the release of the first surgeon general’s report in 1964. With the unprecedented events of the 1990s came increased attention to tobacco and a wide variety of recommendations for government intervention. As it has for many years, the left continues to act on its firm belief that government participation is both warranted and necessary, and it strongly supports legislative and other government remedies to combat the tobacco problem. For its part, the right, with its general skepticism concerning government, continues to oppose almost all federal government intervention and to assert that government involvement will lead to intervention in other, unrelated areas. In short, the right is concerned that the adoption of government policy initiatives to regulate, tax, or otherwise deal with tobacco will lead to a “slippery slope” or domino effect that will transcend tobacco.

Left:

The left’s position has been articulated many times by the editorial board of USA Today. For example, one editorial states:

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.114

In another example, the same newspaper opines: “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.”115

The left often emphasizes that tobacco is unique to counter concerns about a potential slippery slope.116 Indeed, some on the left have voiced concerns about a different type of slippery slope—one in which successful efforts by the tobacco industry to gain special protections against potential legal liability lead to similar exemptions for other industries accused by consumers of harmful misconduct. This view is highlighted by a statement released by the organization Public Citizen during congressional consideration of legislation that might, among other things, limit the amount of damages that might be awarded against tobacco companies in courts of law:

Asbestos companies, breast implant manufacturers, biomaterial suppliers, automobile makers, pharmaceutical companies—who will be next? Once the tobacco companies get their liability cap through Congress, other industries will line up on Capitol Hill asking for the same deal. . . . If Congress gives such protection to Big Tobacco, how will they say no to anyone else?117

Some on the left also question why the right opposes government intervention concerning tobacco while supporting government intervention in other areas. Says Chicago Tribune columnist Clarence Page: “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.”118

Indeed, while members of the right typically assert that the federal government, including Congress, should keep hands off what the right deems to be the prerogative of the states, right-leaning politicians in Congress have voted numerous times to preempt the authority of the states to regulate tobacco advertising, marketing and health warning labels on tobacco product packaging.119 These votes have been inconsistent with traditional conservative and Republican ideology.

Right:

The right often voices the belief that government programs threaten individual liberties and are a pretext for prohibition (see further discussion, below). The right asserts that states already have laws discouraging tobacco use by minors and that these laws should simply be enforced. The right also points toward the perceived “paternalism” of the left.
Patrick Buchanan partially dissents from this view, suggesting that additional legislation to reduce kids smoking might be warranted: “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 . . .?”

Those on the right often ask, in effect: “What is next after tobacco?” They liken tobacco to other “risky” products, without distinguishing tobacco as being in any way unique, concluding that as soon as the left and “big government” have finished with tobacco, they will target other products. This argument is exemplified by the comments of American Spectator editor R. Emmett Tyrell, Jr., who argues:

The extravagant rhetoric hurled at the sale of tobacco by plastic pols such as Boy [President] 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.

Likewise, Reason senior editor Jacob Sullum asserts: “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.” He also opines that, “when the government moves from controlling communicable diseases to controlling risky behavior like smoking, it moves from the protection of rights to paternalism. Instead of protecting people from external threats, it is protecting people from themselves. In my view, that is not a legitimate function of government.”

(a) Taxation to Discourage Smoking

Since the early 1980s, some health advocates have promoted the adoption of increases in tobacco excise taxes. Their stated primary goal, and that of the left, in supporting such changes, has been to deter smoking by children and adolescents. Emblematic of the perspective of the health community was the “Campaign for a Million Lives,” an advocacy effort conducted by the American Cancer Society in 1994–1995 in support of a $2.00 per pack increase in the federal cigarette excise tax. The reference to “a million lives” reflected the number of individuals who, by being deterred from smoking by the proposed tax hike, would avoid premature death due to smoking. Indeed, research by health economists on the price elasticity of tobacco consumption and the impact on young people has found that price increases—whether driven by tax hikes or the pricing decisions of tobacco manufacturers—result in reduced initiation and use of tobacco by young people and, to a lesser extent, by older consumers.

In contrast, those on the right, with some exceptions, oppose increases in tobacco excise taxes. Opponents argue that such taxes, because they are the same for all consumers, regardless of means, are “regressive”: they require payment of a higher percentage of a poor person’s income than that of a rich person. The right also criticizes what it perceives as the left’s interest in raising tobacco taxes for purposes of raising new revenue to fund government programs. Some on the right have also raised the specter of a potential black market in the event tax increases serve to dramatically increase the price of cigarettes.

This dichotomy between left and right is somewhat ironic in that it involves at least a superficial role reversal. The concern voiced by the right sounds, perhaps, rather “left.” This suggests that, in the tobacco policy arena, traditional ideological labels do not always fit.

Left:

As noted, the left gives taxing tobacco products a high priority as a solution for reducing tobacco use, particularly among children. Washington Post columnist Richard Cohen, commenting on both tax policy and nicotine addiction, says: “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.” He also derides the stated concern of the right that tobacco tax increases will hurt the “working man.” Similarly, USA Today responds to another argument against raising tobacco product taxes, while emphasizing the importance of protecting children: “[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.”

In an article in February 1998, The Nation magazine published a “scorecard” of items that new comprehensive tobacco legislation should include. The scorecard provides a good example of the left’s support for raising tobacco taxes
coupled with its focus on ways new revenues might be spent to further combat the tobacco problem:

A $1.50 or $2 per pack price increase speedily applied—within two years, if not sooner. . . . Massive funds from excise tax increases or industry penalties allocated for effective advertising campaigns, managed by public health advocates, designed to de-glamorize tobacco use—with no restrictions on ads that attack the tobacco industry and no political censorship. Funding from taxes or penalties for grassroots advocacy groups to keep the spotlight on tobacco-industry transgressions and to keep government regulators’ feet to the fire. 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 tobacco companies have marketed to kids, women and minorities.126

The editorial board of USA Today adds the following observation: “Despite bloated rhetoric from the industry that teen-agers buying $150 sneakers don’t care about cigarette prices, study after study including some of the industry’s own says they do.”127

Right:

For its part, the right complains that tobacco taxes disproportionately hurt the working class and poor. As commentator L. Brent Bozell, founder of the Media Research Center, writes, “not 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.”128 Patrick Buchanan raises similar concerns in a comment decrying the effects of proposed tobacco legislation that the U.S. Senate considered in 1998:

[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?129

While the right generally ascribes to the left the intent to influence adult behavior by supporting increased taxes on tobacco products, commentator William F. Buckley, Jr., offers a mild dissent by focusing on the benefit that cigarette tax hikes offer in the form of reduced cigarette consumption:

If the tobacco companies were to succeed in abolishing teen-age 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 [Congressional] bill went into law. That’s a lot fewer cigarettes sold, an objective in which every one can find pleasure and pain.130

Similarly, in a wide-ranging Weekly Standard editorial concerning a proposed settlement with the tobacco industry that would have required Congressional passage to go into effect, David Tell writes:

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 encouragement 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.”131

Thus, while Mr. Tell speaks critically of several of the left’s approaches to dealing with tobacco, he makes essentially the
same argument as the left in support of raising cigarette prices. Columnist Arianna Huffington likewise departs from others on the right by focusing on the tobacco industry’s receipt of federal tax deductions and the economic costs of tobacco use: “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.”

It also is notable that sometimes those on the right support tobacco tax increases when the politics of the moment appear to support such action. The St. Petersburg Times (Florida) reported such an event on April 14, 2000:

Two words rarely heard in the Republican-controlled Legislature were uttered Thursday with enthusiasm: Tax increase. A panel of state senators floated the idea of a cigarette tax hike Thursday as a way to fill the state’s coffers if tobacco companies go bankrupt. Sen. Jim Horne, an Orange Park Republican considered among the most fiscally conservative lawmakers in the Capitol, signed up to draft the cigarette tax proposal.

Once again, the evidence demonstrates that neither the left nor the right acts monolithically. Circumstances and individual views sometimes dictate deviations from the norm when it comes to the positions taken regarding tobacco policy initiatives.

(b) Regulatory Control of Tobacco Products by the Food and Drug Administration

Tobacco products are unique not only in their health effects but also because the U.S. Congress has exempted them from coverage under all potentially pertinent federal health and safety laws. These include the Food, Drug, and Cosmetic Act, the Consumer Product Safety Act, the Toxic Substances Control Act, the Fair Labeling and Packaging Act, the Federal Hazardous Substances Act, and the Controlled Substances Act. In light of this, health advocates and those on the left have argued since the 1980s that tobacco products should be regulated for health and safety, just as other consumer goods such as toothpaste and orange juice are regulated for purposes of protecting the consuming public. President Clinton became the first president to openly take on the tobacco industry when he announced support of proposed Food and Drug Administration (FDA) tobacco regulations in 1995.

The right generally has opposed such regulation, although there are a few exceptions. The reasons are varied, but one consistent theme that runs throughout the right’s commentaries is fear of federal intervention in general and an apparent concern that the regulation of tobacco would result in “prohibition.”

An apparent irony that has gone largely unnoticed on the right is that Congress’ preferential treatment of the tobacco industry itself constitutes a form of government intervention in support of tobacco. In March 2000, the U.S. Supreme Court ruled 5-4 that Congress had not granted the FDA jurisdiction to regulate tobacco products, although the majority opinion noted that “tobacco use, particularly among children and adolescents, poses perhaps the single most significant threat to public health in the United States.” The decision effectively placed the issue back in the lap of Congress, which many expect to address the subject again in the near future. New legislation already is pending.

Left:

The left strongly supports regulation of tobacco products for health and safety by the Food and Drug Administration. Such regulation could take the form of, for example, restricting tobacco advertising and marketing activities, requiring full disclosure of tobacco products’ ingredients and facilitating changes in tobacco manufacturing practices in order to reduce the toxicity of tobacco products as well as render them less or even non-addictive. Among other objectives, the left believes that FDA regulation is needed as a counterforce to the tobacco industry’s ongoing efforts to entice children into tobacco addiction.

As reported by The Washington Post after a federal appeals court struck down FDA tobacco rules in August 1998, President Clinton emphasized his ongoing support for FDA jurisdiction:

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.”

Many commentators from the left speak in support of such action. For example, in a column published by In These Times magazine, John Canham-Clyne writes: “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.”

Another issue related to the question of FDA authority over tobacco concerns the concept of “harm reduction,” which involves the expected development and sale of potentially less-hazardous—but not safe—tobacco products or unconventional products that might serve as substitutes for tobacco products. Some on the right have asserted that the liberal “antismoking movement” has crippled efforts to develop a safer cigarette.

The reality actually may be somewhat more complex, since this concerns an issue regarding which the left is not in perfect sync. Whether or not the development of potentially less hazardous and/or potentially less addictive or nonaddictive products should be supported is in dispute. The Los Angeles Times, among others, editorializes that the FDA should be permitted to take action to render cigarettes non-addictive: “The FDA must move quickly and unconditionally to regulate nicotine and so deny cigarettes their addictive power.”

However, many on the left support the concept of harm reduction in principle, particularly if harm-reduction efforts are carried out under a federal regulatory regime that provides for independent testing and approval.

Right:

While the left supports federal regulation of tobacco, the right generally opposes such regulation. Washington Times columnist Armstrong Williams highlights a common response from the right when he says:

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.

Then-presidential candidate Bob Dole voiced similar concerns during an appearance on the “Today Show” that was re-broadcast on the Rush Limbaugh television program:

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?

As suggested by the observations of Senator Dole, the right fears that if the FDA gains regulatory authority over tobacco, it will lead to a “slippery slope” that results in additional regulation extending into other areas besides tobacco. This issue also is discussed elsewhere in the analysis. There is fear that the FDA will then seek to control food, alcohol, coffee, etc.

Regarding the possibility that the FDA might expand its regulatory activities to other things such as coffee, etc., it should be noted that the FDA already regulates food, including coffee. In addition, under current federal law, alcohol is already regulated to some extent by the Bureau of Alcohol, Tobacco, and Firearms (BATF), and is clearly outside of the FDA’s jurisdiction. The BATF’s jurisdiction over tobacco involves oversight of tax collection and related matters. However, the concern is genuinely expressed by many on the right and it has not abated in the course of the intense debate of the past several years.

The topic of potential FDA regulation of tobacco remains current in spite of the U.S. Supreme Court’s recent rejection of the FDA’s proposal, as Congress is expected to take up the issue in the reasonably near future at the request of both public health advocates and members of the tobacco industry. The Washington Post, for example, quoted the senior vice president of the Philip Morris Companies as saying, “Philip Morris is open to some regulation” by the FDA. Such regulation, in the view of Philip Morris, would not include regulation of tobacco products as drugs or as drug delivery devices.

Among right organizations, the Christian Coalition agrees with the position taken by Philip Morris. While endorsing efforts to keep tobacco away from children and criticizing tobacco industry advertisements aimed at them, the organization opposed FDA regulation of tobacco as a drug. The organization’s then-executive director, Ralph Reed, said:

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.\textsuperscript{141}

Some on the right also fear that FDA regulation would, as the tobacco industry has argued, lead to “prohibition.” The FDA and the Clinton administration, joined by the public health community and those on the left, assert that prohibition is neither a goal nor something that the FDA, as a practical matter, would endeavor to accomplish. It is relevant to note, in this regard, that the FDA has made clear that the agency itself does not know precisely what it would do if it obtains jurisdiction over tobacco products. This uncertainty is not necessarily unusual in the regulatory field, where sophisticated scientific and medical issues and ongoing changes in product development often entail complex review and analysis in determining the efficacy and safety of drugs and other consumer goods.\textsuperscript{142}

There also is the occasional dissent heard from the right, as expressed by columnist Michael Fumento. As noted previously in the context of the discussion concerning the focus on protecting children, Mr. Fumento said: “Personally, I like some of what they [the FDA] propose. Society has traditionally given children less leeway to do stupid things than it has adults.”\textsuperscript{143}

\textbf{(c) Cigarette Advertising Restrictions}

Health advocates first recommended that tobacco advertising be banned in the mid-1980s. Since then, numerous proposals to eliminate or restrict tobacco advertisements have been made at various levels of government, and some local restrictions have been adopted. In 1998, the tobacco industry agreed, as part of its settlements with state attorneys general, to eliminate large billboard advertisements, while leaving intact its use of smaller billboards and numerous other forms of advertising and marketing. The now-defunct regulations adopted by the Food and Drug Administration also included a variety of restrictions on tobacco advertisements; those restrictions were designed, according to the FDA, to protect children against the predatory marketing strategies traditionally employed by tobacco marketers.

\textbf{Left:}

Since the first proposals to limit tobacco advertisements were made, those on the left have increasingly come to support tobacco advertising bans and restrictions as an effective way to reduce smoking by children and adolescents. The editorial board of \textit{USA Today}, for example, focuses on the tobacco industry’s use of advertising to recruit young people as customers: “[S]ome 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.”\textsuperscript{144} Columnist Ellen Goodman writes: “[W]e…need to empower the FDA to regulate, to curb even my favorite ads and punish companies if they keep addicting the young.”\textsuperscript{145}

While there is near unanimity among public health advocates and commentators identified with the left that restrictions on tobacco advertising are warranted, a strong dissent comes from the national office of the American Civil Liberties Union (ACLU), which asserts that such restrictions on commercial speech violate the protections guaranteed by the First Amendment. It is notable that some state affiliates of the ACLU challenge the position of the national organization.

\textbf{Right:}

Like the ACLU, many on the right oppose advertising bans and marketing restrictions based on their belief that advertisements do not lure children to smoke and restrictions will not stop them, and based on their belief that such restrictions violate constitutional rights and core ideological principles. As \textit{Reason} magazine’s senior editor Jacob Sullum puts it, “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.”\textsuperscript{146}

In a similar vein, columnist Stephen Chapman argues: “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?”\textsuperscript{147}

As noted, some on the right also cite the free speech protections of the First Amendment. In addition, many on the right assert that if, as they believe, advertisements do not especially influence children, restricting such advertising will have no meaningful effect in reducing tobacco consumption. Commentator Jacob Sullum asserts, for example, that “there is remarkably little evidence that people smoke because of messages from tobacco companies.”\textsuperscript{148}

\textbf{(d) Restrictions on Smoking in Public Places}

As discussed previously, there has been significant debate between left and right concerning the scientific and med-
ical facts surrounding the health effects of environmental tobacco smoke (ETS). Given the left’s reliance on the findings of the Surgeon General, the Environmental Protection Agency, the National Academy of Sciences and other leading health authorities that exposure to environmental tobacco smoke is harmful to otherwise healthy nonsmokers, a central tenet of the left is that both private sector entities and government authorities should restrict and, where possible, eliminate smoking in places where nonsmokers may be exposed. The right, in contrast, emphasizes private property rights, freedom of association, and freedom of contract. Many on the right also assert that the major scientific studies on ETS are flawed and politically motivated. On the basis of these views, the right argues that decisions to restrict smoking in public places should be left entirely to the private sector.

**Left:**

In response to the consensus among mainstream health organizations and expert government agencies, the left supports mandating the protection of nonsmokers against exposure to ETS in places of public accommodation, including private commercial establishments, particularly in locations where children are present.

For example, as concluded in an editorial written by Dr. Ronald M. Davis, a former director of the Office on Smoking and Health at the Centers for Disease Control, published in the *Journal of the American Medical Association*:

> As a society, we need to intensify our efforts to convince parents, employers, building managers, legislators, and other decision makers to ban smoking in the indoor space under their control. In the absence of such action, slow and costly litigation will become the main strategy for addressing this problem. And passive smoking will continue to cause a great deal of premature death, disability, and suffering in the interim.

*Consumer Reports*, in an editorial defending the Environmental Protection Agency’s classification of environmental tobacco smoke as a human carcinogen, argued:

> 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.

**Right:**

The right strongly disagrees not only with at least some of the scientific conclusions reached but also with the left’s support for restrictions on smoking in public places. Commentator Patrick Buchanan, for example, employs a personal anecdote in asking the following concerning adult gathering places: “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?”

In a *Washington Times* column, Walter Williams opines that the real reason people object to smoking in public places is that they are disturbed by smoke, rather than concerned about the purported health effects, at the same time that he complains about the continued impact of the “fraudulent” report of the Environmental Protection Agency:

> 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.”

*(e) Public Education about the Dangers of Smoking*

Educating the public, and young people in particular, about the health hazards of tobacco use has long been a focus of health advocacy efforts and the grist for many public policy proposals. Congress and state governments have provided limited funding for tobacco education in the schools, and limited public service advertisements have been produced to inform the public about the issue. Generally, those on the left and those on the right agree that education is necessary and that educational efforts should be supported. Even the tobacco industry claims to agree. Clearly, given the latter, some of the questions to ask are: Who are the target audiences—adults, children, or both? What kind of education is most effective? Where and in what form should it be offered? And who should pay for it?
Those on the left agree that education is important, but only as a component of a comprehensive attack on tobacco. As *New York Times* columnist Anthony Lewis states, “It [tobacco] 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.”

The importance of education is likewise emphasized by Jim Koppel, executive director of the Children’s Defense Fund—Minnesota: “We feel to take this money and not focus it on prevention, education and access will continue to cause future expenses to the state.”

The same focus is found in the Oval Office remarks of President Clinton, who, among a number of other goals, expressed the need to increase the resources devoted to tobacco-related education, as reported by *The Washington Post*:

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.”

As noted, the right generally agrees that public education concerning the harms caused by tobacco is warranted at the same time that it is critical of many other proposals for addressing the issue. *The Wall Street Journal* editorialized as follows:

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.

Commentator George F. Will opines that “more people are behaving reasonably, largely because of government’s most cost-effective activity, the dissemination of public health information.”

Others voice concerns, however, about the educational messages that are sent. Conservative commentator Cal Thomas observes, in a statement echoed by some on the left, that “[a]dults telling kids they don’t want them to smoke will likely encourage them to puff even more.”

(f) Prohibition of Tobacco

As already noted at various points of this analysis, some on the right assert that the “real” agenda of the left is prohibition of tobacco, although essentially nowhere in the public statements or writings of the data studied has the left been seen to suggest that such an outcome is either desirable or appropriate. Indeed, the left not only does not advocate prohibition but generally views arguments over this subject as a straw man fostered by tobacco industry rhetoric.

The Clinton administration and the Food and Drug Administration, joined by the public health community and those specifically identified with the left, consistently have asserted that prohibition is neither a goal nor something that the government, as a practical matter, could or would endeavor to accomplish. As stated in a *Washington Post* editorial, “Banning is considered unworkable in a nation with 40 million addicted smokers.”

The same opinion is voiced by Anthony Lewis of *The New York Times*: “It [tobacco] 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.”
Right

The right asserts that the left is being disingenuous. In the words of Chicago Tribune columnist Stephen Chapman, who opposes government regulation of tobacco:

[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.\(^{166}\)

Similarly, economist and syndicated columnist Walter Williams refers disparagingly to “[t]obacco prohibitionists, their allies in Congress and ‘useful idiots’ among the public, as well as the news media,” whom, he says, “applaud the deceitful, dishonest use of science to achieve their objective. . . .”\(^{167}\)

Paradoxically, one prominent commentator on the right suggests that prohibition might be an option worth considering. According to Ben Wattenberg, senior fellow at the American Enterprise Institute, “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.”\(^{168}\)

(g) Litigation Against Tobacco Companies

Use of the legal system to combat the tobacco epidemic also has revealed fundamental disagreements between the left and the right. As discussed earlier, the two sides generally differ on who is to blame, the smoker or the cigarette industry, and this disagreement strongly colors the views of each side concerning litigation against the tobacco companies.

Many on the left argue that, because the tobacco industry is blameworthy, lawsuits against tobacco companies are justified. Such assertions have been increasingly fueled in recent years by new disclosures, often based on the disgorgement of previously secret tobacco company documents, that tobacco companies have hidden information about the health effects and dependency-forming properties of their products. The right, in contrast, is generally opposed to such litigation and argues that the public has had sufficient knowledge to excuse the tobacco industry from any legal liability.

In examining this subject, an initial observation is called for, which also includes a caution: One issue that arises within the topic of tobacco litigation is the varied nature of the goals of litigation against the tobacco industry. These goals span a vast spectrum, depending in part on whose goals are being discussed. They include, among others, seeking recompense for injured people, punishing and weakening the tobacco industry, compelling tobacco companies to change their marketing practices to protect children, raising cigarette prices to deter youth smoking, obtaining funding for government tobacco prevention programs and making money for plaintiffs’ attorneys.

This spectrum of goals—particularly the differences between the goals of most public health advocates and those of some (but not all) plaintiffs’ attorneys—has been targeted by critics on the right. However, it may be problematic to generalize about the pros and cons of litigation, whether from the right or from the left, in part because there are so many types of lawsuits, representing a wide variety of plaintiffs, involving different types of lawyers, and seeking a wide variety of remedies. Lumping all of them together in an amorphous mass of “tobacco litigation” may confuse commentators on both sides of the fence, not to mention members of the public. Over-generalizing can lead one to overlook sometimes substantial differences among the cases and the motivations of the numerous types of parties involved.

Another example of how over-generalization can fail is the vote taken in the U.S. Senate in 1998 on an amendment offered by New Hampshire Republican Judd Gregg. The purpose of the Gregg amendment was to remove lawsuit protection for tobacco companies that had been included in Arizona Republican Senator John McCain’s omnibus tobacco prevention legislation, which took the national stage that year. More Republicans voted for the amendment than Democrats. Of course, it is inescapable that, in the arena that is Congress, partisan politics doubtless influenced the vote, irrespective of some senators’ personal views on the specific subject matter of Senator Gregg’s amendment.

Left:

Washington Post columnist Richard Cohen provides a common view of the issue from the left, focusing on the need for litigation in the absence of responsible action by Congress, while also noting the mixed motivations of some members of the legal profession: “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.”\(^{169}\)

USA Today offers a somewhat similar perspective, saying:
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.\textsuperscript{170}

Some on the left question the appropriateness of such lawsuits, however. For example, Chicago Tribune columnist Clarence Page, in a column referring to liability lawsuits filed against the firearms and tobacco industries, expresses the opinion: “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.”\textsuperscript{171}

Right:

The suspicions of those on the right regarding the motivations and objectives of lawyers who have sued tobacco companies is expressed in the following comment from Washington Times columnist Cal Thomas:

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.\textsuperscript{172}

The Weekly Standard harshly characterized nearly all of the major participants in recent battles over tobacco, including lawyers, saying: “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.”\textsuperscript{173}

In another commentary representative of the views of many on the right, Christopher Caldwell wrote scathingly of “ambulance-chasers,” contingency fee arrangements, and a nation gone “litigation-mad”:

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.\textsuperscript{174}

(h) Use of “Tobacco Money”

“Tobacco money” refers to the proceeds of settlements with the tobacco industry and revenues generated by taxation of tobacco products. The left generally believes that tobacco tax revenues and tobacco settlement proceeds should be used for tobacco-use prevention and education, not for improving infrastructure, such as highways and sidewalks, or for other non–tobacco-related projects. Some on the right may agree with this position, although most commentary from the right has focused on critiquing increases in tobacco taxes and the lawsuits that led to the state settlement payments, rather than on the use of the proceeds generated by such actions. Thus, in general, the right and the left have concentrated on different questions.

There also are many on the left who assert that the receipt of tobacco money is not a major goal, but rather a by-product of efforts to deter young people from smoking, and hold the tobacco industry accountable for its misconduct. The right, as noted, is troubled by the means used to generate such money and, consequently, its use for government programs.

Left:

Echoing the sentiment of many on the left, President Clinton said that a settlement with the tobacco industry “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.”\textsuperscript{175}

Some organizations on the left that are not tobacco-related public health organizations per se, such as Children’s Defense Fund (CDF), argue that given the billions of dollars tobacco companies have made from enticing children into
tobacco use, tobacco money should be used to fund child care. CDF president Marion Wright Edelman said, for example:

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.\textsuperscript{176}

The director of the Children’s Defense Fund of Ohio made a similar argument: “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.’”\textsuperscript{177}

The Washington Post likewise argued that money generated by increased tobacco excise taxes should be invested in young people:

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?\textsuperscript{178}

The editorial board of The New York Times voiced similar views concerning the proceeds that would be generated if Congress passed proposed settlement legislation in 1998, arguing that tobacco money ought to be used to assist individuals injured by smoking and, perhaps, to shore up the federal government’s largest health insurance program, Medicare, among other things:

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 insolvency, and the White House’s idea of spending the money on education, job training and child care deserves consideration.\textsuperscript{179}

Similarly, former Washington Post investigative reporter Morton Mintz, in an article published in the magazine Washington Monthly, wrote: “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.”\textsuperscript{180}

The left has noted, moreover, that there are also those on the right who themselves are interested in using money gotten from tobacco companies. According to an article in The Nation magazine: “Language in the settlement [proposed by state attorneys general and the tobacco industry] 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. . . .”\textsuperscript{181}

Right:

The right views the settlements reached by the state attorneys general, and the proposed settlement-related legislation considered by Congress in 1998, as a “wealth grab” by government, as characterized by former Republican Pat Buchanan.\textsuperscript{182} He elaborates:

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.

It is notable that more recent events demonstrate that some state governments have indeed developed a financial alliance with the tobacco industry. In Florida, the state attorney general, Robert Butterworth, proposed legislation in March 2000 that would insulate tobacco companies against a potentially crippling punitive damage award in a landmark class action case in Miami. While the measure was aimed not so much at protecting tobacco companies as preserving the flow of tobacco industry settlement payments to Florida and every other state in the nation, that would be its likely effect. Indeed, soon thereafter, cigarette manufacturers scored a major victory when the Florida Legislature passed a bill designed to cap at $100 million the bond they would have to post while appealing a large punitive damage verdict. Governor Jeb Bush immediately signed the bill into law.

It also is notable that sometimes the right supports tobacco tax increases when the politics of the moment encourage such action. The St. Petersburg Times (Florida) reported such an event on April 14, 2000:

Two words rarely heard in the Republican-controlled Legislature were uttered Thursday with enthusiasm: Tax increase. A panel of state senators floated the idea of a cigarette tax hike Thursday as a way to fill the state’s coffers if tobacco companies go bankrupt. Sen. Jim Horne, an Orange Park Republican considered among the most fiscally conservative lawmakers in the Capitol, signed up to draft the cigarette tax proposal.

C. Barriers to Collaboration on Tobacco Policy

1. Passion and Priorities

Clearly the question of “passion and priorities” highlights the differences between the left and the right. Perhaps a greater understanding of this area will help those interested in building bridges across the ideological divide to discern new ways of trying to do so.

Left:

As this analysis demonstrates, expressions of passion and concern are prevalent on the left. The left expresses outrage about the health devastation caused by tobacco, about the targeting of children by tobacco companies, about increasing smoking rates among children, about the tobacco industry’s skewing of the democratic process through trading in political influence (see below), and about the history of fraud and conspiracy committed by the industry and of the tobacco industry’s manipulation of the addictive characteristics of their products—among other things.

An additional example comes from the editorial board of The New York Times, which made the following observation in a commentary about the tobacco industry’s efforts to obtain immunity against legal liability for its misconduct: “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.’”

Right:

The inspiration for passionate reaction on the right is markedly different from that seen on the left. The right evinces a noticeable lack of passion about the extraordinary and indisputable public health impact of tobacco, the leading preventable cause of death. This offers a striking contrast between the two camps. While the right also does not reveal a strong sense of indignation toward the deceptions and irresponsibility of cigarette companies and their role in perpetuating the tobacco problem, it consistently expresses profound outrage in response to a litany of actions taken by the left regarding tobacco, particularly those which involve proposals for government intervention and those which involve the participation of the plaintiffs’ bar.

For example, as reported by The Washington Post the day after President Clinton announced the Food and Drug Administration’s proposed regulation of tobacco products, “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.’”

Expressing similar outrage, Cato Institute senior fellow Doug Bandow wrote in the Cato website: “The tobacco-makers are a convenient target, but that doesn’t justify states twisting their laws to grab cash to which they are not enti-
ttled. Nor does it warrant allowing entrepreneurial lawyers to loot literally everyone—consumer, industry and government—in the name of health.”

Mr. Bandow made similar remarks in two other commentaries.189

2. Attributions of Motive

The left and the right clearly share one characteristic: each side suspects the other of having motivations or goals that belie those that are represented on the surface. In other words, the two sides simply don’t trust each other and are skeptical of each other’s agenda.

Left:

For its part, the left generally assumes that some of its most visible adversaries on the right are influenced by their receipt of tobacco contributions, either in the form of support for their organizations or in direct payment. This is particularly true with regard to politicians on the right (mostly Republicans), who are known to receive significant campaign contributions from tobacco interests that far exceed those given to politicians on the left (mostly Democrats). Clearly, however, some Democrats also accept tobacco largesse. Commentator Alexander Cockburn put the view of the left succinctly: “It’s not news that the Republican Party is a wholly owned subsidiary of the tobacco cartel.” The New York Times’ Anthony Lewis asks more gently, “is it an accident that recipients of big money from tobacco interests, for example, tend to favor the tobacco companies’ positions?”

The same view is represented by a leading Democratic politician, Senate Minority Leader Thomas A. Daschle, as described in The Washington Post:

Yesterday, partisan charges flew. Minority Leader Thomas A. Daschle (D-SD) 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.

And a similar observation comes from New York Times columnist Frank Rich, who says, “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.”

The left also perceives a level of hypocrisy, or at least inconsistency, on the part of the right when it comes to the right’s vehement opposition to government involvement in combating tobacco. The left notes that the right welcomes government involvement in several prominent non-tobacco issues, such as illicit drugs, abortion and pornography. An article in Mother Jones magazine addressed part of this perceived contradiction as follows:

[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?

Those on the left do not reserve their criticism for those across the divide, however, as some commentators cite similar problems among their own. The following are examples:

• “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 columnist Nat Hentoff in the Village Voice.

• “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 Public Citizen president Joan Claybrook.
• “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 New York Times columnist Bob Herbert. 197

While numerous studies indicate that the left is correct about the correlation between tobacco campaign contributions and the votes cast by politicians, 198 regardless of party affiliation, the right’s apparent apathy towards the harms of tobacco use clearly is motivated by factors other than money.

Right:

The right asserts that the left has a hidden “big government” agenda. It complains about the left’s focus on federal government regulation of tobacco and increased tobacco taxes, which the right perceives as problematic in the ways explored earlier in this analysis. Their suspicions regarding the left’s motives angers some on the right, as reflected in the remarks of economist and syndicated columnist Walter Williams:

> 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. 199

As addressed previously, the right asserts that the left uses its focus on children as a wedge to target adult tobacco use, which it believes should be off-limits. In this view, children are a “front” for pursuing higher taxes, more regulations, and lawsuits against tobacco companies. Perhaps ironically, Mr. Williams’comments suggest that some on the right may believe that only “big government” is in a position to do anything of great significance to combat the tobacco problem.

The skepticism of the right extends, as already noted, to the fear that Democrats will pursue an array of other commercial targets after they finish working on the tobacco problem. American Spectator editor E. Emmett Tyrell, Jr., put it this way:

> 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. 200

And like the left, the right also blames campaign money for influencing the actions of government leaders. Rather than focus on the influence of the tobacco industry, however, the right points its collective finger at the trial lawyers who sue tobacco companies. The editorial board of The Wall Street Journal, for example, commented on Clinton adviser and political strategist Dick Morris’ties to anti-tobacco lawyers and the donations that President Clinton received from the plaintiff’s bar:

> 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. 201

Commentator William F. Buckley, Jr., takes a rather contrarian view of the importance of such campaign contributions, which he downplays:

> 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. Another contrarian view of sorts comes from Matthew Rees in the *Weekly Standard*, who pointed out during the last presidential campaign, when Republican candidate Bob Dole was facing harsh public criticism for his soft position on tobacco, that “Philip Morris chose to craft and push an initiative designed to limit smoking, even if just by teenagers, [which] underscores 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.”

**IV. Discussion**

This report constitutes, to the best of our knowledge, the first major effort to recommend ways for those on opposite ends of the ideological spectrum to attain a level of mutual respect and understanding and to reach common cause in combating the chief preventable cause of illness and death in America. We have attempted to accomplish this objective by highlighting areas of disagreement and the beliefs that underpin them, while also noting areas of commonality.

In the previous section of this report, we identified the dominant themes and perceptions of tobacco-related issues, as expressed by our sampling of politically left and right commentators, publications, organizations and politicians. These groups all play a unique and significant role in framing public opinion about cigarette smoking, as well as tobacco policy.

In this section of the report, we will challenge some of the common arguments advocated by each side and elucidate some of the strengths and shortcomings of these positions. Along with our critique, we will pose a series of questions to serve as a platform for further discussion. Left- and right-leaning readers should critically examine and respectfully respond to all the arguments expressed here—regardless of their source. It is our hope that opening a rational dialogue that confronts the entrenched rhetoric and taboo subjects related to tobacco policy will result in a more honest and constructive debate.

**A. The Left-Right Divide: Differences Between Left and Right Views on Tobacco Policy**

Our analysis identified a significant degree of homogeneity among the respective arguments proposed by subjects on each side and thus some clear demarcations between left and right perceptions of tobacco issues.

Following is a brief sampling of the disagreements that animate the dialog between the left and the right on the subject of tobacco and health.

- The left is passionate about the fact that tobacco is the leading cause of preventable illness and death.
- The right is passionate about its opposition to most government involvement in combating tobacco.

* * *

- The left is contemptuous of the tobacco industry, whom it holds directly responsible for promoting an addictive product.
- The right is contemptuous of efforts to regulate or hold tobacco companies legally liable for the consequences of smoking and instead holds individual smokers responsible.

* * *

- The left accuses right-leaning commentators of being in the “pocket” of the tobacco industry.
- The right accuses the left of having a hidden agenda to impose its lifestyle preferences and a “big government” agenda on society, and believes that trial lawyers influence the left’s tobacco policy agenda..

* * *

- The left accepts the scientific consensus that nicotine is an addictive drug.
- The right questions the belief that tobacco use is addicting, or, in some instances, simply question the meaning of addiction.

* * *

- The left supports federal government regulation of tobacco, primarily through the FDA, to achieve public health and safety goals.
• The right opposes such government regulation.

• The left accepts the findings that secondhand smoke causes illness and death.

• The right disputes the findings that secondhand tobacco smoke causes disease in otherwise healthy nonsmokers.

• The left resents the perceived hypocrisy of the right, which welcomes government involvement in issues such as illicit drugs, pornography, and abortion.

• The right resents the focus of the left on tobacco, to the perceived exclusion of other social and public health issues, such as illicit drugs, pornography and abortion.

Thus, those on the left and right disagree on some fundamental issues relating to tobacco. Generally, those who represent the right appear to be concerned that if they publicly acknowledge the facts relating to the health impact of tobacco use, they will have a harder time arguing against the left’s broader public health agenda relating to tobacco. It is as though members of the right fear that “buying into” the left’s statement of the facts will compel them to accept their broader public policy goals. To the right, anti-tobacco advocacy has become the quintessential “PC” issue. Thus, when many on the right reject anti-tobacco efforts, they are rejecting what they perceive as a “nanny culture.” Consequently, some prominent commentators on the right fall back on militant rhetoric to characterize public health advocates, hurling such epithets as “health Nazis” or “health fascists” at their chosen targets.

The same reliance on rhetoric holds true to some degree for the left. The left, however, appears to resort less often to the use of offensive epithets; one rarely if ever hears anti-tobacco activists refer to opponents as “right-wing wackos.” One left commentator, New York Times columnist Bob Herbert, referred critically to those who doubt that smoking causes lung cancer, labeling them “airheads.” However, for their part, those on the left often describe those who disagree with them as being little more than apologists for the tobacco industry, tainted in some cases by their receipt of tobacco funds or “philanthropy.” Those who advocate against the tobacco industry often condemn the right by arguing, in essence, that “If you’re against us, you must have been bought by the tobacco industry”—a sometimes gross oversimplification of what is often a more complex reality.

This is not to say that monetary contributions of the tobacco industry do not have a powerful influence on the framing of tobacco-related debates and the policies that accompany these issues. Indeed, cigarette makers have been very effective, and still are, in obscuring the dangers of smoking and in securing special legal protections. Yet, despite the potential influence of “tobacco money” on recipients of these funds (who include Democrats as well as Republicans), the arguments put forth—even if spawned by the industry—are worth addressing. It is not enough to dismiss an argument or a question on the ground that it is “paid for by the tobacco industry.” Instead, all arguments, even those straight from the mouths of cigarette makers, must be evaluated on their own merits. If the arguments are poor ones, they should be easily refuted.

There are those on each side who employ stereotyped views of what motivates the other. Both sides commonly question the other’s sincerity and integrity. Disagreement too often veers into noxious disrespect. Obviously, the truth is often more complex than the predispositions and stereotypes suggest. Yet name-calling continues, sometimes substituting for thoughtful and careful argument and respect for differing opinions. This incites anger and resentment and impedes progress in attaining public health goals.

B. Differences Within Ideological Camps

While casual observers may perceive the “left” and the “right” as monolithic, a close review of the positions taken by commentators on each side indicates a somewhat greater diversity of opinion on tobacco-related policy matters than might be assumed. While to some extent, this study documents the extremes of the left and right—opinions that may not represent the majority—these views, nonetheless, have a considerable impact on tobacco politics.

While those on the right are somewhat more apt to frame the debate as a war between liberal and conservative ideology, the diversity found on the other side has at times created powerful rifts among the anti-tobacco forces themselves, as was seen during the battle over the proposed settlement between state attorneys general and the tobacco industry. Notably, public health advocates do not customarily speak in terms of right vs. left or liberal vs. conservative, and many do not identify themselves as belonging to any particular political ideology.

Moreover, many of the subjects on the right appear to perceive anti-tobacco policy as a “liberal” issue, using the tobacco control movement as a proxy for the left. This characterization, however, fails to reflect accurately the left as a whole. Indeed, some left-leaning organizations—many environmental health groups, for example—do not have a strong
or consistent anti-tobacco stance, if they have one at all.

It is also prudent to note that the majority of the individuals and organizations involved in anti-tobacco advocacy efforts are not what one would characterize as ideologues. Many of the people involved work for old-line, mainstream organizations, such as the American Cancer Society and American Heart Association, whose millions of volunteers historically have comprised a mix of Republicans and Democrats from middle-income communities. Clearly there is a strong consensus among them on such subjects as the drug effects of nicotine and the health toll taken by tobacco. In addition, the American Medical Association, organized medicine’s wealthiest and most influential organization, whose membership similarly consists of a blend of Republicans and Democrats, has taken strong positions against tobacco since the 1980s. Yet at the same time that the large mainstream organizations have been taken to task by the right for using some of their resources to combat tobacco in the political arena, they have also been taken to task by forces on the left for acting too conservatively in support of tobacco control efforts.

C. Crossing the Divide: Dissenters on the Tobacco Policy

Those individuals who dissent from their demonstrated political affiliations are critical to engendering a collaborative, objective approach to tobacco issues. These dissenting figures illustrate that approaching cigarette smoking as a major public health problem is not inherently or immutable partisan. While each side is generally suspicious of the other’s motivations and views, the fleshing out of the issues and the various dissents that have been identified, particularly on the right, suggests that there is room for agreement.

For example, a typical Oright argument asserts that tobacco is not an issue worthy of federal attention. William F. Buckley, Jr., founder of the National Review asserts, however, that tobacco’s effect on public health does warrant federal intervention. Contrary to his right-leaning peers, Washington Times columnist Cal Thomas calls tobacco companies’ denial that nicotine is addictive ‘preposterous.’ On the left, Chicago Tribune columnist Clarence Page is an “outlier’ in his questioning of the utility of litigation against the tobacco industry.

Then there are those who, while generally identified with right or left on controversial social issues, have ‘crossed over’ to the other side when it comes to tobacco. Perhaps the most prominent of these crossovers is former Surgeon General C. Everett Koop, who was appointed by President Ronald Reagan with the strong support of such conservative, pro-tobacco members of Congress as Senator Jesse Helms. Once in office, Dr. Koop embarked on the most aggressive government campaign to date to reduce the health consequences of tobacco. Another example is one of us (EMW), who, while identified as a member of the right, has published and spoken widely against the marketing tactics of the tobacco industry and the debilitating health effects of tobacco use.

Although crossovers among those associated with the left appear to be less common, one example is syndicated columnist Christopher Hitchens, who opines that the focus on tobacco has become a ‘bizarre national obsession’ and an ‘un-American . . . intrusion’ into business and the private sphere.

In the political arena, crafting effective tobacco policy can be, and to some extent is, a shared goal of politicians on the left and the right. Partisan wrangling, however, often interferes with establishing such policy—provoking knee-jerk reactions to the complex and important issue of cigarette smoking. For example, a handful of bills designed to ameliorate the problem of cigarette smoking in the U.S. have been proposed by Republican members of Congress, such as Iowa Representative Greg Ganske. Many of the Republican-sponsored bills are essentially identical to anti-tobacco bills proposed by Democrats. Yet when it comes to amassing broad support, Republicans and Democrats still tend to support the bill proposed by members of their own party—regardless of the substantive overlap with the opposition.

D. Comments and Key Questions for Discussion

The following insights and questions are offered as a forum for discussion.

1. Key Questions Regarding Seven Cigarette-Related Issues

Active Smoking as a Cause of Illness and Death

Our survey suggests that those on the left are likelier to accept, and to comment on, the fact that there are a substantial number of premature deaths annually in the United States from cigarette smoking, and that smoking is the primary cause of preventable, premature death in the United States.

Although some legitimate disagreement may exist regarding exactly how many premature deaths are caused by
smoking, those on the left uniformly agree that the number is very large—in excess of 350,000 and perhaps as high as 500,000 smoking-related deaths occurring each year in the U.S.

Subjects on the right, by contrast, do not uniformly agree that substantial numbers of Americans die of smoking-related disease. They are also less likely to acknowledge that cigarettes are a unique threat to health and instead claim that cigarettes are not different from other “risky” legal products such as cars. On many occasions those on the right criticize the public health community’s focus on tobacco, because it allegedly detracts from other health risks, such as illicit drug use, or even non-health-related issues, such as teen pregnancy or “disrespect for elders.” Cigarette smoking is often characterized as a “mere vice,” thus conflating this legitimate public health issue with a moral one.

As noted previously, the statements of some commentators on the right indicate a relative lack of familiarity with certain scientific and medical facts. One example cited—Cal Thomas’ observation that “[m]ore people die of heart disease and alcohol abuse (including drunk driving) than die of lung cancer and tobacco-related diseases”—points to a lack of familiarity with the fact that cigarette smoking itself accounts for nearly one fifth of all deaths from heart disease in the United States.

For those who remain skeptical or relatively ignorant of the effects of tobacco on health, the authors recommend consulting a trusted medical professional and reviewing closely some of the voluminous data that are available on the subject. While ideological conflicts can be debated, scientific facts should not be subject for debate.

Questions for Discussion:

• Is there any truth to the criticisms of some smoking-related statistics? And if so, should steps be taken to address those criticisms and to improve existing estimates?

• Given that leading health authorities are unanimous about the devastating effects cigarette smoking has on morbidity and mortality, what estimate of total cigarette-related deaths would be acceptable to those who are skeptical of current estimates?

• If the number of annual premature deaths attributed to smoking were 250,000, as opposed to the oft-quoted 400,000, would not this figure still denote a substantial impact on premature mortality?

• Is it not possible to acknowledge the unique and unprecedented impact of cigarette smoking on premature mortality while also acknowledging that there are other health risks, such as illicit drug use and alcohol abuse, that contribute to premature mortality—albeit to a lesser extent than do cigarettes?

The Health Effects of Environmental Tobacco Smoke

A major point of contention between right and left concerns the scientific findings regarding the health effects of environmental tobacco smoke (ETS). Subjects on the left are more apt to acknowledge and express concern about the risks associated with ETS. Perhaps one reason for the left’s dismissal of the right’s perspective on the health effects of environmental tobacco smoke is the belief that some of the sources on which the right relies are purveyors of “junk science.” As noted earlier, tobacco interests have sought to undermine studies of the health effects of environmental tobacco smoke, while simultaneously seeking to influence public opinion by hiring consultants to produce contrary studies that are then promoted as independent findings.

Subjects on the right, in turn, generally discount the risks associated with ETS. They are particularly critical of the findings that environmental tobacco smoke causes lung cancer in several thousand individuals per year, with tens of thousands more dying from the cardiovascular effects prompted by such exposure. Perhaps one reason for the right’s dismissal of ETS-related findings is the misperception by some members of the right that anti-tobacco groups are allied with what the right views as extremist environmentalist groups, which the right often denounces as purveyors of junk science.

Even if such differences of opinion regarding the chronic effects of ETS continue, common ground may exist concerning the findings that environmental tobacco smoke causes a variety of acute effects—such as the causation and exacerbation of asthma and middle ear infection in hundreds of thousands of children—which even the tobacco industry now acknowledges. Indeed, those on the right pay little, if any, attention to the acute effects associated with ETS.

Questions for Discussion:
• Would it be useful for commentators, members of the public, politicians and others to seek out the assistance of recognized scientific and medical experts on environmental tobacco smoke before rendering opinions or making decisions involving this subject?

• Might it also be useful for discussion purposes to separate the findings regarding chronic disease and ETS from the findings that ETS contributes substantially to acute conditions such as asthma, ear infections, and other upper respiratory diseases?

• Would those who are skeptical of the risks associated with ETS examine more closely the peer-reviewed literature regarding the health effects of ETS, particularly those concerning acute diseases, such as asthma?

• Have any of the health risks of environmental tobacco smoke, particularly those concerning the effects of ETS on chronic diseases like lung cancer and heart disease, been overstated? Or are they, in fact, supported by the weight of the evidence?

• Do some journalists, including those without expertise in scientific issues (e.g., business writers), uncritically accept information given to them by tobacco interests or other parties who may not have an unbiased interest in ETS-related policy?

Is Nicotine Addiction a Scientific Reality?

Those on the left are much more likely to acknowledge that cigarette smoking, specifically the nicotine contained in tobacco, is addictive, or as medical authorities usually describe it, dependency forming. Members of the right, on the other hand, resist labeling cigarette smoking as “addictive” and even downplay the powerful dependency-forming effect of smoking. Perhaps, as noted previously, this resistance is in reaction to the negative association of the term “addiction” with illicit drug use. Possibly those on the right fear that deeming smoking addictive would establish a rationale for the regulation of tobacco by the Food and Drug Administration or even for the banning of the product. Acknowledging that tobacco is addictive, just as cocaine or heroin, may threaten one’s comfort with the criteria used to ban some “recreational” drugs and not others.

Questions for Discussion:

• Can it be acknowledged that while there is an element of free will involved in the decision to quit smoking, and while a minority of smokers claim to have had no hardship quitting cigarettes, the addictive nature of nicotine can make quitting extremely difficult for most and almost impossible for some?

• Considering that the tobacco industry itself has acknowledged that cigarette smoking is “addictive” (at least as the term is “commonly understood” by the average lay person), what evidence is needed for those who do not accept this characterization?

• Would it be constructive for some on the right if the concept in question were referred to as “dependency forming”? Is there another term that would be more acceptable to those who hesitate to use the term “addictive”?

• What are the pros and cons associated with accepting the characterization of smoking as addictive? Is resistance to this definition motivated by anticipation of events that may follow or a broader ideological agenda?

Protecting Children’s Health as a Primary Rationale for Tobacco Policy

The issue of youth smoking is an important one, considering that individuals who begin smoking as children are far more likely to become lifetime smokers and, therefore, to die from smoking-caused diseases. Clear evidence has been presented, including a large body of internal tobacco company documents disclosed since the mid-1990s, concerning tobacco companies’ efforts to recruit children and teenagers as customers.

It appears from our survey that the right and the left generally agree that youth smoking is a serious problem and that preventing children from smoking is a worthy public policy goal. There are still some on the right, however, who are wary of statistics regarding the rates of smoking among children. These critics may raise some legitimate questions about youth smoking estimates, such as: What ages constitute “children”? How do researchers define “start smoking”?
These sorts of questions should be welcomed and addressed by public health experts. Indeed, the general public is largely uninformed about how public health estimates are calculated. To some extent the skepticism on the right may reflect a general lack of knowledge about the body of research on youth smoking.

As suggested above, members of the right express less concern about the impact of smoking on adults—despite the facts that cigarette smoking is harmful to adults as well as to children and that the adult population suffers the burden of cigarette-related disease and death. Many subjects on the right express a concern that anti-tobacco advocates (whom the right equates with “liberals”) are using the issue of youth smoking as a wedge to slip in policies that ostensibly target children but in reality target adults.

Questions for Discussion:

• Would those advocating anti-tobacco policies directed at children clarify their goals regarding children and cigarette smoking? Is there some truth to the claim that youth smoking is being used to facilitate policies aimed at adult smoking—policies that may be politically less palatable? And, if proponents of anti–youth-smoking policies are trying to target adults as well as children, why not be more explicit about these goals?

• Does focusing on children reinforce the tobacco industry’s framing of smoking as an “adult” behavior, rather than as a harmful one? Might this approach be in any way counterproductive to public health attempts to reduce smoking-related morbidity and mortality?

Public Knowledge of the Risks of Smoking

Subjects on the left and the right differ considerably in their general perceptions of how much the public knows about the dangers of smoking. Those on the right are more inclined to argue that “everybody knows that smoking is dangerous.” But the question of public knowledge about the risks of tobacco use is more complex than this simple statement suggests. Indeed, what is it to “know” the risks of smoking?

We assert that to be informed about the dangers of smoking, the public should at least know:

• the spectrum of health risks caused by cigarette smoking,
• the dependency-forming nature of cigarette smoking and the drug effects of nicotine,
• the irreversible effects associated with smoking,
• the size of these risks relative to those faced by nonsmokers,
• how many cigarettes per day put one at risk,
• how dangerous cigarettes are relative to other risks in our life and environment, and
• facts about synergism (for example, mixing alcohol and tobacco).

Surely those on the left and the right can acknowledge that there is much that the average person does not know about the adverse effects of tobacco use.

One reason why some on the right are so adamant in asserting public knowledge of the risks of smoking might be that this belief preserves the right’s focus on individual responsibility—a cornerstone of right ideology. Acknowledging that not everyone knows the dangers of smoking opens the door for: (1) liabilities beyond the individual—those of the tobacco industry, for example; and (2) the potential for a greater role for government.

Nonetheless, left- and right-leaning commentators do appear to agree that public education about the dangers of smoking is worthwhile and an appropriate role of the government (discussed below as well). This position of the right, however, seems somewhat inconsistent with the popular assertion that “everybody knows the dangers of smoking.” If this is true, why provide more education?

Questions for Discussion:

• What is the goal of educating the public about the health impact of smoking? Might there ever be a point at which an adult smoker or would-be-smoker does indeed have adequate information about the dangers? What constitutes informed consent?

• What constitutes “knowing” the risks associated with smoking? When arguing that smokers, would-be-smokers and nonsmokers “know” the dangers of smoking, does this mean that they know the specifics, as well as the magnitude,
of these dangers?

- Can it be accepted that there are some individuals who will “know” the dangers associated with cigarette use yet choose to smoke?

- What responsibility does the tobacco industry have in educating the public about the dangers associated with tobacco products? What information should tobacco companies provide to customers?

- Other manufacturers are required to provide extensive disclosure of the risks associated with their products. Should cigarettes be required to carry the same kind of disclosure on advertisements and packaging?

- Does the “Surgeon General’s” warning insulate the tobacco industry from their obligation to provide specific information about the dangers posed by use of their products? If so, should mandated government warning labels be eliminated? Should the obligation to warn be returned to the manufacturers?

- Would it be sufficient for tobacco manufacturers to disclose all information regarding the effects of tobacco use? Or should they, like other manufacturers, be required to modify their products to render them less hazardous?

- Can it be acknowledged that the evidence clearly indicates that the tobacco industry was, and to some extent still is, engaged in hiding and downplaying the dangers of cigarette smoking, thereby encouraging the public to buy cigarettes without the critical information necessary for informed decision-making?

- Would you support efforts to hold the tobacco industry liable for not publicizing the specific hazards of their product (as opposed to the generic use of such words as “risky” or “dangerous”)?

The Economic Costs of Tobacco-Related Disease

As reflected in our study, the left and the right dispute the economic effects of tobacco use on society—choosing to view the same facts from adversarial perspectives. Those on the left most often assert that health care costs due to cigarette-related disease are exorbitant, resulting in a drain on Medicare and Medicaid funds in addition to private insurance companies and ultimately taxpayers and medical insurance-holders.

The right proposes, on the contrary, that cigarette smoking actually saves money because smokers die earlier than nonsmokers, reducing the costs of Social Security and pension payments, as well as offsetting their higher annual medical costs and health care in old age. It is notable that, for the purposes of this argument, it appears that the relationship between smoking and premature death is fully accepted by the right.

In the view of the left, the right’s economic argument, while perhaps true, is contrary to a fundamental ethos of this society, particularly of the medical and health professions: to improve health, longevity, and quality of life. By the reasoning offered by the right, medical research (e.g., by the National Institutes of Health) and access to life-saving medical treatments might well be discontinued. After all, these undertakings help to improve the health and prolong the lives of Americans—an outcome that ultimately costs our government more money than if these efforts did not exist.

However, it is doubtful that anyone on the right advocates smoking as cost-saving method. Instead, the argument of the right may serve to downplay attempts from the left and some public health authorities to characterize smoking as an economic burden in addition to a serious public health threat. In particular, many on the right are disturbed by their view that some on the left unfairly use such economic arguments to justify public policy changes, particularly the imposition of higher tobacco excise taxes, rather than acknowledging what the right considers to be the validity of the cost-savings argument.

While both sides can argue the merits and shortcomings of each of these arguments, an underlying question concerns the value of emphasizing so heavily the economic costs of cigarette smoking. While it may offer some perspective on the problem, the economic costs or savings do not negate the fact that smoking is a major public health problem in our country. Economic assessments are not needed to legitimize it as such.

Shifting the focus of discussion between left and right to directly human, rather than monetary, concerns might offer a way to bridge the ideological gap.

Questions for Discussion:
• How helpful is it to characterize the impact of cigarette smoking in economic terms at all? While few dispute that society should be aiming to improve health, should society also be working to reduce tobacco use with the goal of saving money?

• Is there truth in the arguments offered by both the left and the right with regard to the economic effects of cigarette smoking? On the one hand, treating diseases caused by cigarette smoking is extremely costly. But might the premature mortality of smokers ultimately save society money?

• How constructive is the argument that the early deaths of smokers ultimately save money?

• Is there a downside to treating the impact of smoking as a financial accounting exercise, regardless of the accuracy of the arguments?

U.S. Involvement in International Export and Promotion of Tobacco

The United States is a major exporter of tobacco products worldwide—particularly to developing countries, such as those in Asia or Latin America. In a number of documented cases, the U.S. government has assisted U.S. cigarette manufacturers in lowering trade barriers and promoting their products in the developing world. In many of these countries, there is a very high prevalence of cigarette smoking, particularly among men. Tobacco products are often marketed without even the most minimal information about the dangers of smoking. Members of the left are much more inclined to express concern and outrage about America’s role in exporting tobacco products and thus contributing to the poor health of these countries.

Those on the right comment little, if at all, on this issue—perhaps out of apathy, or perhaps because there is a belief that acknowledging this problem might incite some sort of federal action.

Questions for Discussion:

• Does the sale of an inherently harmful product overseas, with little or no warning of its risks, constitute a problem worth addressing?

• If so, how might the U.S. best address this issue considering that tobacco is a product lawfully sold to adults in the United States, as well as in the countries that import tobacco products from the United States?

• Might the current state of international tobacco trade negatively affect general international relations in the future, if not now?

2. Key Questions Regarding Ten Tobacco Policy Issues

Individual Versus Corporate Responsibility: Who Is Responsible for the Consequences of Smoking?

Once it is accepted that cigarette smoking is indeed a major health problem of national, as well as international proportions, the question of how to address it becomes salient. What sort of public policies, if any, should be instituted to reduce tobacco-related morbidity and mortality in the U.S.?

As revealed in this study, a major determinant of views regarding tobacco policy is one’s perception of who is responsible for the consequences of cigarette smoking. In the public statements we collected, assignment of blame is generally focused on the individual or the tobacco companies. While the culpability of these entities is not necessarily mutually exclusive, it is often presented as such.

Right-leaning commentators tend to promote the primacy of individual responsibility in affecting all outcomes in life, including the consequences of cigarette smoking. The focus on the individual by those on the right might be in response to their general fear of increased government regulation (see below).

In contrast, left-leaning commentators are more apt to view the individual in the context of larger social factors. There is a general resistance to “blaming the victim” (in this case smokers) for ills precipitated in some way by powerful outside forces. Thus, those on the left are likelier to blame the tobacco industry to a large extent for the harms caused by cigarette smoking.

Since both arguments have some merit, the critical task is to determine to what relative extent smokers and the tobacco industry are responsible for the health consequences of smoking. Those on the right and left should be able to
acknowledge—as largely all on the left and some on the right have done—that the conduct of the tobacco industry has been a catalyst for the tobacco-and-health problem in this society. Both sides should also be able to acknowledge the role of personal responsibility exercised by adults (but not children) in the decision to smoke. When assessing an individual’s decision to smoke, however, the tobacco companies’ role in impeding the free flow of information about tobacco’s health effects, targeting the youth market, and manipulating the addictive effect of nicotine should be considered. The industry’s targeting of youth should also be taken into account, as the concept of “personal responsibility” is irrelevant when discussing minors.

The right’s opposition to holding the tobacco industry accountable for the illness and death caused by smoking appears to be in part in reaction to its perception that anti-smoking efforts are strictly “liberal” issues and the left intrinsically “anti-industry.” Many on the right expressed the belief that the left supports policies that are detrimental to the industry merely out of ill will toward profit-making industries and the “free market” as a whole. Some members of the right may be more willing to accept anti-smoking efforts, particularly those that negatively impact the tobacco industry, if they were not envisioned as a general assault on all profit-making companies.

Questions for Discussion:

• Is it true that there is joint responsibility for the consequences of smoking, and that the corporations and the smoker should each bear a portion of the blame?

• Can the right and the left agree that the companies who engaged in such conduct—and who are alleged to be continuing such conduct even today—should be held accountable for targeting the illegal youth market?

• To what degree does the concept of individual responsibility negate or absolve the actual deceptive and fraudulent acts of the tobacco industry?

• Is there any truth to the argument that some anti-tobacco advocates may be largely motivated by an ideological anti-industry sentiment? If so, what effect does this have on their arguments?

• Can both sides agree that the adult sellers of tobacco (e.g., retail establishments) who make illegal sales to children should be held legally responsible for doing so?

• Can both sides agree that minors who buy tobacco should bear less responsibility under the law than the adults and tobacco companies who have engaged in conduct that has effectively encouraged minors to buy and use tobacco products?

The Role of Federal and State Governments in Addressing Cigarette-Related Morbidity and Mortality

As a whole, commentators on the left were more inclined to support the role of federal and state government in addressing the public health problem of smoking. On the right, there were few who favored government intervention regarding tobacco; many staunchly opposed it on the grounds that “less government is more” and that “government regulation of cigarette smoking is an infringement of personal freedoms.” Paradoxically, however, many members of the right who use such arguments are proponents of other forms of government regulation, such as banning abortion and policing Internet content. These policies could also be construed—and often are by the left—as intrusions into personal freedom and civil liberties.

Clearly, constituents of the right are willing to champion government regulation in instances they perceive to be dangerous to human health and/or society. If cigarette smoking were more widely recognized as a major public health threat among those on the right, perhaps there would be wider support of public policies aimed at reducing this threat.

Of course government involvement can take many forms, from education about the dangers of tobacco use, to the regulation or even banning of such products. Some public policy options are clearly more viable than others. Many opponents of government regulation of tobacco are fearful that any regulation would pave the way for more regulation of other products, including high-fat food and alcohol (the “slippery slope” argument). Those who espouse this argument fail to recognize that cigarettes are uniquely dangerous products that supply no health benefit.

Perhaps the concern of some on the right can be assuaged by recognizing that tobacco is indeed unique, as detailed in this report and by many other sources. It is recommended that this argument—that tobacco is sufficiently different from all other consumer products that a slippery slope in the public policy arena is not a realistic concern—be given
thoughtful consideration by skeptics.

Rejecting tobacco policy measures purely on the basis of an anti-Big Government doctrine seems simplistic, and it trivializes the grave public health impact of cigarette smoking. It is also important to consider, however, the implications of government regulation of tobacco through such measures as FDA regulation, taxes, federal lawsuits and global settlements.

For example, many on the right justify their disfavor of tobacco-control measures, such as taxation and advertising restrictions, because they argue that such interventions are not effective in achieving their expressed objective—to reduce tobacco-related morbidity and mortality. This is a substantive contention that can be addressed to a large extent by careful evaluation of tobacco policy. A considerable amount of research already exists in this area. Policy makers should consider familiarizing themselves—if they have not already—with these findings.

Questions for Discussion:

• On what grounds should federal and state governments regulate tobacco products?
• What forms of government involvement would be acceptable to the left and the right?
• Have the widely publicized legal settlements between state governments and the tobacco industry made governments partners with tobacco companies in certain respects—making them reliant on sustaining the industry and its consumer market?

Cannot government authority over tobacco exist without creating a “slippery slope” that affects other products?

Taxation to Discourage Smoking

Tobacco taxation is one public policy that was supported by virtually all the left subjects in our study. “Tax up the price” was a common proposal supported by many left-leaning subjects, who often asserted that the price hikes spurred by increased taxes ultimately discourage youth smoking. Indeed, many studies have shown that raising the price of cigarettes is an effective deterrent to youth smoking.

Many on the right, however, believe that those in favor of such tax increases are also trying to target adults, in addition to underage smokers. Again, the right does not generally support efforts to reduce adult smoking, regardless of the importance of this objective, and with very few exceptions it opposes tax increases of any kind. Some object to what they view as an attempt by advocates on the left to reduce cigarette use among all ages under the guise of an anti-youth smoking agenda.

A common criticism from the right is that tobacco taxes are unfairly regressive and disproportionately burden the poor—a population in which there is a higher prevalence of smoking. This appears to be an accurate observation, yet the left subjects in our survey generally downplay this fact. Some on the right also object to tobacco tax increases because they view such action as mere punishment of the tobacco industry. However, at the same time that the use of tax policy to achieve such goals remains problematic for those on the right, combating smoking among young people and adults is a laudable public health objective that may receive more widespread support than expected.

Finally, there is the question of how governments should spend money gleaned from tobacco taxes. There is general disagreement between the left and the right and even among those on the left as to the appropriate uses of these funds.

Questions for Discussion:

• Can it be agreed that increasing tobacco taxes reduces smoking among young people and that this prevents likely long-term tobacco dependency and premature death?
• Does taxation of cigarettes make governments dependent on these revenues for general operating expenses?
• Should cigarette tax revenues be earmarked exclusively for health-related, anti-smoking causes?
• What is the purpose of taxing cigarettes—to discourage smoking by youth, by adults or by both age groups?
• Are tobacco tax increases intended by some proponents to punish the tobacco industry?

• Should tobacco tax increases be used to raise general revenue for government?

• If the purpose of taxation is to raise the price of cigarettes at point of purchase and to provide a disincentive to youth smoking, should such taxes be refunded to adult smokers?

**Regulatory Control of Tobacco Products by the Food and Drug Administration**

FDA regulation of tobacco products is another measure that is widely supported by those on the left. Those on the right are generally averse to this type of assignment of power, asserting in some cases that regulation of tobacco use does not fall under the mandate of the FDA, which is to ensure safety and efficacy, and often citing suspicions that the FDA intends to ban tobacco products. On numerous occasions, FDA authorities and a number of legal and public health experts have denounced this option.

Some Republicans have recently expressed a willingness to compromise if the FDA regulation is strictly limited to youth smoking. Yet if it is determined that the FDA is an appropriate body to oversee tobacco products as used by children, such oversight, particularly over such matters as product contents and ingredient disclosure, would likely also have some effect on adult consumers.

An overriding question that remains is whether the FDA will be granted authority to regulate tobacco—a decision that eventually will be made by Congress.

**Questions for Discussion:**

• Should tobacco be regulated for health and safety purposes by a federal agency? If so, is the FDA the most appropriate body to do so?

• Should the control of tobacco products be limited to protecting children? If so, why, given the inherent dangers of cigarettes? Why might FDA regulation be appropriate when it comes to children, but not appropriate when it comes to adults?

• Can the long-term objectives, and to some extent the short-term objectives, of proposed FDA regulation be better defined?

• If the FDA regulates nicotine and attempts to reduce nicotine levels in cigarettes, could an increase in smoking-related disease result, as smokers compensate for lower nicotine levels by inhaling more deeply? Might such compensatory smoking be obviated by other product changes as well as increased availability and use of nicotine replacement therapies (NRTs) and by other means? Might a black market in high nicotine products result, and, if so, how significant would it be?

• If the FDA did approve tobacco products that were proved to be less hazardous, would this be an acceptable option for purposes of risk reduction?

• Is a goal of proposed government federal regulation to ensure a risk-free product likely to be unattainable in the case of tobacco?

**Cigarette Advertising Restrictions**

Subjects on the left were more likely to chastise the tobacco industry for marketing to children and call for cigarette advertising restrictions. Many on the left believe, based in part on published studies, that tobacco advertising helps make tobacco use socially acceptable and influences young people to smoke. Many on the right, by contrast, seemed to dismiss the poor conduct of cigarette makers and downplay the effects of cigarette advertising on smoking behavior, particularly that of children. Advertising restrictions were viewed, moreover, as a violation of free speech rights that may lead to other such actions. It is interesting that while the right emphasizes the defense of free speech in this case, it evidences seeming disinterest in the tobacco industry’s suppression of information about the health effects of cigarette smoking. The view of the right is that the industry’s failure to disclose does not infringe on free speech, but that advertising
restrictions imposed by government do.

It seems naive to assume that cigarette companies, which expend billions of dollars a year on marketing, would spend such huge sums of money on ads that were not even somewhat effective in encouraging cigarette use. At the same time, all observers agree that there exist factors other than advertising that also affect smoking behavior.

Questions for Discussion:

• What is the evidence that eliminating or reducing cigarette advertising leads to lower smoking rates?

• For those who accept that cigarette advertising increases smoking rates, to what extent should advertising be restricted?

• Who should be in charge of regulating cigarette advertising—the Federal Trade Commission, the Food and Drug Administration, Congress, or others?

• How does one determine which ads are directed at children?

• To be effective reduce smoking rates among youth, should cigarette advertising be banned? If not, how can advertising be restricted in such a way that children are no longer exposed to promotional messages?

• Is it not possible that cigarettes are, and should be treated as, a unique product? If so, might some level of tobacco advertising restriction be acceptable—without leading to advertising bans for other products?

• Have those who discount the influence of cigarette advertising on smoking behavior considered the role that money from such advertising has played in suppressing the free flow of information in the print media regarding the dangers of smoking?

Restrictions on Smoking in Public Places

Findings regarding the health effects of exposure to secondhand smoke have provided a strong rationale for restrictions on smoking in public places. But such restrictions, while cited as public health interventions, are not imposed consistently. For example, some indoor smoking restrictions apply only to establishments that hold more than a certain number of people. If these measures are truly based on environmental tobacco smoke’s posing a public health threat, they should be uniformly enforced.

As noted in previous sections, the right gives little credence to arguments that such restrictions are justified because exposure to secondhand smoke poses a health risk. Right-leaning commentators often advocate the individual rights of smokers while rejecting the asserted rights of nonsmokers, emphasizing property rights over the prerogative of nonsmokers to avoid exposure to ETS in public places.

We refer readers to previous questions on environmental tobacco smoke and offer a few additional ones below.

Questions for Discussion:

• Does the government have the responsibility to protect health in the workplace? In restaurants, for example, employees may have their health jeopardized by working regularly, for significant periods of time, in a smoke-filled environment.

• Where do advocates of regulating smoking in public places draw the line in terms of regulation of smoking in public? For example, should such restrictions be enforced outdoors? If so, in which cases?

• Considering the well-established fact that children who are regularly exposed to secondhand smoke experience an increased risk for numerous ailments, such as respiratory infections, what rights do parents have in subjecting their children to their secondhand smoke?

• Why are there often exemptions to public smoking restrictions? What are the public health justifications for such exemptions?
Public Education about the Dangers of Smoking

The left and the right generally agree that it is an appropriate role for government to provide information to the public on the dangers of tobacco use. The tobacco industry professes to agree, which, at least in the view of many on the left, calls into question the effectiveness of educational efforts. There are those on the right who liken educational campaigns to “nannying” or, more extremely, to Nazi propaganda.

Nonetheless, this area offers great potential for achieving common ground on tobacco policy.

Questions for Discussion:

• Is not the real question less one of paternalism than of getting the facts to people so that, in the case of adults, they can make fully informed decisions about whether to use the chief preventable cause of illness and death in our society?

• What kind of education is most effective?

• Where and in what form should it be offered?

• Who should pay for it?

• What should public education entail? Should it include information about industry misconduct?

Prohibition of Tobacco

Prohibition of tobacco products is rarely, if ever, mentioned as a serious public policy option by left or right commentators. Nevertheless, those on the right routinely ascribe this underlying agenda to anti-tobacco advocates on the left—or to what the right seems to perceive as the left as a whole. In some ways, the right’s skepticism of the left reflects a deep mistrust and belief that the left is only interested in government regulation of tobacco for the sake of expanding “Big Government.”

While the subject of prohibiting tobacco is largely taboo, it is a potential option to reduce smoking-related morbidity and mortality in this country. Instead of limiting the discussion of prohibition to a pejorative remark used to discredit anti-tobacco efforts, or the left as a whole, this option should not be excluded from discourse—even if it is ultimately to be rejected.

Questions for Discussion:

• Is prohibition of tobacco a legitimate public policy option?

• If prohibition is not an option, what are the ultimate objectives regarding cigarette smoking?

Litigation Against Tobacco Companies

Litigation against the tobacco industry can be interpreted as an effective means to hold the industry accountable for its deceptive behavior regarding its promotion of cigarettes. For some, particularly on the left, litigation is viewed as a way to punish the tobacco industry. Yet litigation has resulted in greater public education about the spectrum of health risks associated with smoking. Some argue that it has also increased the pressure on tobacco companies to fully disclose the dangers of its products. Clearly the tobacco industry’s release of millions of pages of previously secret internal documents on the health effects of tobacco, cigarette company manufacturing practices and other subjects was a direct result of litigation pressure. This is important because, among other reasons, greater public awareness plays an integral role in reducing smoking rates.

While the left generally supports litigation against the tobacco industry, this option is not embraced by the right. Instead, litigation is viewed by many on the right as a ploy by tort lawyers to enrich themselves at the public’s expense, rather than a valid forum for private redress. This stance runs counter to the right’s typical endorsement of private, nongovernmental approaches to societal problems.

Some proposals, foremost among these the proposed “global” settlement agreed to by the tobacco industry and
states attorneys general in June 1997, would immunize the tobacco industry against certain types of lawsuits, including class actions by injured smokers. Therefore, it appears that some advocates of litigation are willing to compromise the rights of individual plaintiffs in order to obtain larger public health goals, for example in the case of recent settlements with the tobacco industry.

Questions for Discussion:

• For those who support litigation against the tobacco industry, what is the purpose of such action?

• Are there distinctions between private litigation (on behalf of smokers) and public litigation (on behalf of government)? What effect might these distinctions have on the views of the left and the right on the appropriateness of lawsuits against the tobacco industry?

• Do lawsuits against cigarette companies serve a larger public health purpose? Can such litigation contribute to a reduction in tobacco-caused illness and death?

• Are some proponents of tobacco litigation motivated by a desire to punish the tobacco industry?

• Are others, primarily lawyers who represent plaintiffs in lawsuits against tobacco companies, motivated by the potential to receive huge sums of money, rather than the interest of public health? What is the significance of the answer to this question?

• For those who reject the notion that injured smokers should sue tobacco companies and reject government regulation of the industry, what options remain in dealing with an industry that sells an inherently dangerous product without full disclosure of its risks? Why should a special status that is not afforded to any other industry be given to the tobacco industry?

• Is compromising individual rights, as in the case of the proposed global settlement of 1997, a legitimate and appropriate way of making public health policy?

Use of “Tobacco Money”

“Tobacco money” refers to those funds culled from tobacco companies through a variety of sources, including taxation, state and federal legislation such as the Master Settlement Agreement (MSA), and litigation against the tobacco industry.

Members of the left and the right tend to disagree on how to spend these monies. Some on the right argue that the left attacks the tobacco industry merely to garner resources for increased government spending. Many on the left are equally critical of perceived misuses or abuses of tobacco money. In the view of some, the MSA is a good example of an anti–youth-smoking agenda being used to promote a more general interest in increasing state funds. Many states have committed only meager proportions of the MSA funds, if any, to initiatives to prevent smoking and/or smoking-related disease and death.

This appears to be an area in which the left and right could come to considerable agreement.

Questions for Discussion:

• In the case of the MSA, did some state officials use the issue of public health merely as a means to secure large sums of money from the tobacco industry?

• Does the MSA make states dependent on ongoing smoking/sale of cigarettes? If so, would this interfere with efforts to reduce the prevalence of cigarette smoking?

• Should there be restrictions placed on the uses of “tobacco money” garnered from tobacco taxes, the MSA, or other such compensation from the tobacco industry?
General Posture of the Left and Right: What is the Motivation?

Some have asked, what do advocates of tobacco control have as an ultimate goal? What is their exit strategy or strategies? Those on the left do not generally articulate a so-called ultimate goal, but focus instead on such incremental goals as reducing the prevalence of tobacco use, protecting nonsmokers from exposure to environmental tobacco smoke, reducing underage smoking, and weakening the great political influence of the tobacco industry.

For example, as stated by Boston Globe columnist Ellen Goodman, “The real endgame now is to push the [tobacco] 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.”213 The right voices its concern that, on the contrary, the left’s goal is “prohibition” and control over adults’ personal behavior, although virtually no one on the left claims such goals.

Indeed, the “endgame,” as some refer to it, is a subject on which there are many opinions. Dialogue is needed to clear the air on this central topic. It is strongly recommended that leaders on the left and right engage in thoughtful discussion of this issue among themselves and with each other.

Questions for Discussion:

• Can those on the left acknowledge that there are those on the right who object to anti-tobacco programs not because of the influence of tobacco industry funding but based on deeply held ideological beliefs?

• Can those on the right acknowledge that there are many on the left who are truly concerned about the devastating impact cigarettes have on public health—and are not motivated by a desire to tell people how to run their lives?

E. The Challenge Ahead: A Call for Dialogue

The contrast between the right and left may highlight fundamentally different worldviews. The opposing camps in the tobacco policy arena may not only disagree on specific issues but also view society through different prisms. In seeking common ground and a certain level of rapprochement, it is important to acknowledge this. The left-right divide might be likened to opposing nations that sit down to negotiate a peace but are inhibited by the fact that they speak different languages and embrace different cultures. To reach agreement on issues of mutual concern, they require effective translation. Thus, in the case of the ongoing dispute between left and right in the tobacco wars, it is important to recognize that, in some ways, the opposing sides speak different languages. Once this phenomenon is acknowledged, each can then attempt to build bridges of constructive discourse.

One way that this divide might be breached is for all interested parties to recognize that tobacco is unique, for the reasons that are described in some detail in this report. The authors encourage those on the right and the left to open a dialogue that starts with this premise, which is grounded in fact, not in ideology.

We encourage left and right policy-makers and pundits to become educated about the spectrum of health effects caused by cigarette smoking, as well as about the short- and long-term implications of tobacco policies. Those who are unknowledgeable about tobacco-related issues are likelier to follow the perceived “party line,” which in some instances may be misguided.

To begin, while ideological differences will always exist and feelings will sometimes run strong, it is important that the name-calling be halted. Clearly, the hurling of epithets and insults, while perhaps satisfying in fleeting emotional ways, replaces thoughtful discussion and meritorious argument. Moreover, the use of such loaded and offensive terms as “Nazi” and “fascist” to describe the other side, while designed to draw attention, is hurtful, engenders neither respect nor admiration, and is unpersuasive.

Those on the left are asked to recognize that while tobacco money influences the political process in Washington as well as at lower levels of government and no doubt influences the positions taken by some organizations that receive such largesse, the right’s often contrary and in some cases apathetic attitude towards the harms of tobacco use are motivated in many cases by ideological and philosophical concerns.

Those on the right who believe that more needs to be done to combat the public health damage done by tobacco are encouraged, in turn, to reach across the divide that traditionally separates them from some on the left to achieve common cause on this issue.

Those on the left whose mistrust has at times prevented their seeking common cause with those of a more conservative bent are encouraged to identify points of agreement and to work together.

A common feature of modern society is the convening of conferences and other forums where traditionally antipathetic parties come together to communicate in a genuine effort to understand one another and resolve lingering distrust.
and animosity. It is striking that the same cannot yet be said of the right and the left in the tobacco policy debate, where the opposing camps have engaged in little genuine dialogue. Several unfortunate events have resulted from this bitter history:

- Progress in combating the epidemic of tobacco-caused illness has been hindered
- Feelings have been frayed, interfering with reasoned debate; and
- The tobacco industry has been left largely unencumbered in its efforts to recruit young, under-informed consumers to the ranks of long-term smokers.

The authors believe that we can and must do better, that we must invest our energies in trying to save lives and prevent disability, and that with the information provided here a foundation now exists to seek a certain level of common ground.

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4 Some of the methods used by tobacco companies to manipulate the levels of nicotine delivered by cigarettes include:

- adjustment of tobacco blends by using high-nicotine and higher-nicotine parts of the tobacco leaves to raise the nicotine concentrations in lower-tar cigarettes;

- addition and/or re-application of nicotine to fortify tobacco stems, scraps and other waste materials, which are processed into “reconstituted tobacco,” an artificial product used in large quantities in most major cigarette brands;

- addition of ammonia compounds, which speed the delivery of free nicotine to smokers by raising the pH, or alkalinity, of tobacco smoke, causing the smoker to freebase the drug into his or her bloodstream;

- use of filter and ventilation systems that remove a higher percentage of tar than nicotine;

- genetic engineering of tobacco plants to substantially boost nicotine content;

- use of minute ventilation holes, invisible to the unaided human eye, that dilute the smoke and thus reduce nicotine delivery in machine tests—leading to lower advertised nicotine levels—but which are often covered by the fingers and lips of human smokers, who consequently inhale more nicotine, as well as tar; and

- use of chemicals, such as acetaldehyde and pyridine, that act synergistically to strengthen nicotine’s impact on the brain and central nervous system.


19 The same is true of other smoking articles, including cigars and pipes.


California Environmental Protection Agency, *Health Effects of Exposure to Environmental Tobacco Smoke* (Sacramento, CA: California Environmental Protection Agency, Office of Environmental Health Hazard Assessment, 1997).


Review comments of James Repace, MSc.


Review of James Repace, MSc.


In addition, the Environmental Protection Agency sent the CRS an official letter, which concluded in part: “[I]n general, the [CRS] draft lacked adequate scientific analysis and was particularly deficient in its literature review.”


E.g., William L. Dunn, Jr., Philip Morris Research Center, “Motives and Incentives in Cigarette Smoking” (describing the conclusions of a 1972 Council for Tobacco Research Conference in St. Maarten), Plaintiff’s Exhibit P-5171 in the case of *Cipollone v. Liggett*:

“[T]he cigarette is in fact among the most awe-inspiring examples of the ingenuity of man. Let me explain my conviction ... The cigarette should be conceived not as a product but as a package. The product is nicotine. The cigarette is but one of many package layers. There is the carton, which contains the pack, which contains the cigarette, which contains the smoke. The smoke is the final package. The smoker must strip off all these package layers to get to that which he seeks ... Think of the cigarette pack as a storage container for a day’s supply of nicotine … Think of the cigarette as a dispenser for a dose unit of nicotine: 1) It is readily prepped for dispensing nicotine. 2) Its rate of combustion meters the dispensing rate, setting an upper safe limit for a substance that can be toxic in large doses. 3) Dispensing is unobtrusive to most ongoing behavior. Think of a puff of smoke as the vehicle of nicotine: 1) A convenient 35 cc mouthful contains approximately the right amount of nicotine. 2) The smoker has wide latitude in further calibration: puff volume, puff interval, depth and duration of inhalation. We have recorded wide variability in intake among smokers. Among a group of pack-a-day smokers, some will take in less than the average half-pack smoker, some will take in more than the average two-pack-a-day smoker. 3) Highly absorbable: 97% nicotine retention … Smoke is beyond question the most optimized vehicle of nicotine and the cigarette the most optimized dispenser of smoke.”


Rush Limbaugh, “The Rush Limbaugh (TV) Show,” July 2 and 10, 1996. Note: There is evidence, however, that Mr. Limbaugh continued smoking cigars after making these comments.


Walter Williams, “Smokeless Tobacco Offends the Crusaders,” Richmond Times-Dispatch, April 17, 1996.


For example, the Center for Social Gerontology, a non-profit research, training and social policy organization which focuses on promoting the individual autonomy of older persons and their well-being in society, also directs the National Center for Tobacco Free Older Persons. The NCTFOP is described as being “dedicated to redressing and mitigating the physical and emotional harm to older persons caused by the actions of the tobacco industry. The NCTFOP, as a part of The Center for Social Gerontology (TCSG), will serve as a national advocate for and source of information on tobacco and older persons issues, as well as a center for conducting research, education and training to increase public awareness of the effects of tobacco on older persons and to reduce smoking and exposure to secondhand smoke by older persons.” See http://www.tcsg.org.

Deb Price, “Tobacco Remains Serious Threat to Gays,” Detroit News, p. A9, November 23, 1998: “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.”


See Jessica Reaves, “Verdict Signals Public Anger at Big Tobacco,” Time, March 28, 2000 (“In the increasingly acrimonious tobacco wars, one thing is brilliantly clear: The American public, in the form of jurors, is angry—very angry—with cigarette makers. This animosity was never more evident than in a San Francisco courtroom Monday, when a jury awarded $20 million in punitive damages to a former smoker who is dying of lung cancer. In light of recent awards, that sort of payback doesn’t have much shock value in and of itself …”).


Public Citizen, “Public Citizen’s Position on the Tobacco Deal Regulations: No Time to Deal with the Devil” (press


100 Mat Honan, “Holy Smoke: The Virgin Mary was a Marlboro Woman and other Outrageous Tactics Big Tobacco Uses to Sell Cigarettes Abroad,” Mother Jones Interactive, July 21, 1998 available on the Internet at http://www.mojones.com/sideshow/smoke.html.


109 It is worth noting that several juries, having reviewed extensive evidence presented by plaintiffs and tobacco company defendants since 1999, disagreed with Mr. Chapman’s position. Based upon recently obtained evidence that was not available for use in cases prior to the mid-1990s, jurors found that cigarette companies deliberately produced defectively designed and manufactured products that were, consequently, more addictive and carcinogenic. *See, e.g.*, Phase I verdict in *Engle v. R.J. Reynolds Tobacco Company*, Case No. 94-08273 CA 22 (Cir Ct., Dade County, June 1999). The jury ultimately returned a $145 billion verdict against the tobacco defendants in July 2000. *See also Introduction.*


116 *See Introduction.*


120 Patrick Buchanan on *Crossfire*, Cable News Network, April 10, 1998.


123 Jacob Sullum, personal communication (written interview),


Bob Dole, in a clip from NBC’s “Today Show” aired on the Rush Limbaugh TV Show, July 2, 1996.


It is likely that many people are unaware of a study commissioned by the FDA to, in essence, examine the question, what should the FDA do in the event it receives regulatory authority over tobacco products? The Institute of Medicine of the National Academy of Sciences currently is conducting a study entitled “Harm Reduction from Tobacco: The Science Base,” which will proceed without regard to the Supreme Court’s denial of FDA authority to regulate tobacco. The study itself clearly is premised on the belief that tobacco products will continue to be marketed and consumed by the public, not be banned from commerce. The expert committee assigned to carry out this study is considering questions related to: the long-term use of pharmacologic products (e.g., nicotine replacement products and selective serotonin reuptake inhibitors) for reduction, but not cessation, of tobacco use; and altered tobacco products as a means to reduce the harm associated with tobacco products currently in widespread use. The committee’s charge is to evaluate the science base for determining how to analyze data on new products to determine whether their use would decrease exposure to harmful substances in tobacco, whether such decreased exposure would mitigate illness and how such health benefits can be measured effectively for purposes of regulatory review in the future.
the future.


Public Citizen, “Study Finds Pro-Tobacco Senators Received 15 Times as Much PAC Money as Pro-Consumer Senators” (press release), February 13, 1998.


Minors, by law, do not have the capacity to give informed consent.