

VI. THE TOBACCO ACTION NETWORK

While political contributions and the activities of lobbyists factor heavily in the policy process in Texas, the tobacco industry's Tobacco Action Network (TAN) has an even greater impact. As announced by industry representatives, the TAN brings together all elements of the United States tobacco family in support of freedom of choice on tobacco issues.
[TAN/TAP_manual_78.PDF/p.2]

In a 1985 speech by Roger L. Mazingo, Senior Vice President, The Tobacco Institute, addressing tobacco executives at the 1985 Legislative Seminar at The Greenbrier, he specifies the business association's strategy behind mobilizing the Tobacco Action Network:

"We have this structure, these resources, for one reason: To defeat measures deemed detrimental to the free and open working of the tobacco industry. In other words, to kill bills and other anti-tobacco bugaboos." [TAN.1/p.9]

"I've outlined the serious problems we face, but I don't want to conclude my remarks on a pessimistic note. After all, there was some good news out there in 1985.

...As a result of our efforts, the 'extensive anti-tobacco 'health plans' in Texas, Minnesota, New Mexico and Utah bore little fruit." [TAN.1/p.9-10]

We found a 1959 State Legislative Information Bulletin published by the Tobacco Merchants Association of the U.S. This publication summarizes the political activity related to tobacco in Texas. This is the oldest document we uncovered and demonstrates the extent and thoroughness of the industry's research on state politics.

"Governor Asks Tobacco Tax. Governor Price Daniel has asked the Texas Legislature to add \$44 million in new and increased taxes to the incoming revenue. In spelling out his requests the governor asked for new taxes on tobacco products, except snuff, rough equal to 20 percent of value. He anticipated such a tax would yield \$7 million a year." [TAN.18/p.5]

In a 1990 Philip Morris "Corporate Affairs Media Plan," the company prepares to distance themselves and undertake strategies that differ significantly from the Tobacco Institute tactics:

"The best defense is a good offense. We have successfully begun to implement this strategy in our government affairs endeavors, and now must emulate it in our media affairs activities. At the very minimum, this strategy forces our antagonists to expend their resources fighting our initiatives, rather than advancing their own agenda. At best, this strategy can rekindle debate in areas where there currently is none – and maybe change some attitudes."
[TAN.12/p.1]

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"We suffer from lack of credibility, a lack of parity and a lack of access. Our objectives, then are to improve credibility, parity and access. This is true for both the editorial and reportorial aspects of the media.

We need to initiate and not always respond. In this manner we put others on the defensive and force our antagonists to respond to us. We have nothing to be ashamed of or defensive about.

Speak out independently of the Tobacco Institute. The TI has less credibility than we do. We should take advantage of our standing as a member of the business community and not always let the trade association speak for us.

Negative Image: ...While our primary goal may be to defeat onerous legislation, and protect our business interests, it would help if we could effectively convince people (society) that we are not the ultimate evil empire giant – that we are a company comprised of human beings – spouses, lovers, friends, parents, sons and daughters. To do this, we should repeatedly publicize and toot (or tout) our own horn, if you will." [TAN.12/p.2]

"TACTICS

Media Grass Tops

1) Develop grass tops approach.

There are many ways to get these points across... but here a particular approach needs to be mentioned, and it has to do with the distinction between the 'popular' and the 'think' media. In every walk of life, there are opinion leaders and there are followers. There are 'cue-givers' and 'cue-takers.' Those in the media are no exception. Much of the media takes as news, and as truth, what other members of the media say it is. Members of the media, as is true with any group, are reluctant to admit that this follow-the-leader trend exists...

This reality argues for the need to create a 'grasstops' program for the media. We need to concentrate our efforts not where the media is weakest, the thousands of popular media reporters, but on where the media is strongest: the handful of independent, critical thinkers left in the media from whom others take their cue." [TAN.12/p.4-5]

A. Developing the TAN

From a 1979 document, we learn about the early mission of the TAN movement:

"Your Tobacco Action Network got off to a very successful start in 1979 with four (4) presentations during January. During all presentations we reported on the growth and prospects for TAN, the enrollment process as well as progress to date. The response was most encouraging.

Nine (9) State TAN Directors [Paul Harris, State Director for Texas] spent the week of February 12-17 in Washington attending the Tobacco Institute's Tobacco College. Following the College they spent two days of intensive orientation on the Tobacco Action Network." [TAN.7/p.1]

In a 1984 report, we find a listing of key TAN “grasstops,” as well as a description of how the TAN network operates:

“For the first time in 13 years, the Texas Legislature passed a major tax bill. This report is an analysis of the Texas Special Session, June 4th thru July 3rd. This is a combined report from Judy Wiedemeier, Terry Frakes, Gaylord Armstrong and Joe Ratcliff.” [TAN.3/p.1]

“On March 6th, a meeting which included Armstrong, Ratcliff, Wiedemeier, Terry Frakes, Ed Battison, Paula Duhaime, June Sears, Tiny Weintraub and Hurst Marshall was held at T.I. Headquarters. The purpose was to update our information, statistics and arguments.

...On March 15th, a memo was sent to all member company Texas TAN Advisory Committee members along with a computer list of their employees enrolled as TAN members. We received updates from Brown & Williamson, General Cigar, Liggett & Meyers, Lorillard, Philip Morris and R.J. Reynolds. U.S. Tobacco did not respond.” [TAN.3/p.3]

TAN Advisory Committee meetings were held in Dallas and Houston to update TAC members. ...Frakes placed a call to Peter Larkin, Director of Public Affairs for Kroger Food stores in Dallas. As an ex-T.I. employee...

Wiedemeier spoke with Pam Sederholm, Director of Governmental Affairs for Southland Corporation... she put us in contact with Bill Fisher, their lobbyist. Fisher was willing to assist us...

An important component of our coalition was W.I.F.E. (Women Involved in Farm Economics)... Texas W.I.F.E President Elva Reeves, 1st Vice President Phyllis Taylor and 2nd Vice President Virginia Dujka were called by Frakes. The W.I.F.E leaders agreed to encourage members across Texas to immediately begin contacting their state legislators.” [TAN.3/p.4]

“The Texas Merchandise Vendors Association, (TMVA) in Texas was also activated... the initial list of 6,795 was pared down to approximately 800 true cigarette vendors.

Chuck Knapp, Executive Vice President of the Texas Retail Grocers Association and Texas TAN Advisory Committee member, has always been helpful... Knapp reported that his Board was concerned and would begin to write and call their legislators.

Frakes contacted retail grocers he knows. In each case, the response was the same: they were aware of [the] impact of cigarette taxes on their business and would begin contacting their legislators and have their employees do the same.” [TAN.3/p.5]

“Joe Ratcliff, Executive Vice President of the Texas Association of Tobacco & Candy Distributors, is one of our two lobbyists in Texas. The distributors group is one of the only true allies we have currently.

Maria Herrera (PM) through her contacts in the Hispanic community, made several visits to Texas to obtain support for our position.” [TAN.3/p.6]

“FUTURE PROGRAM DEVELOPMENT FOR TEXAS

Further efforts must be made by the manufactures and by the T.I. field staff to develop support from wholesalers, grocery store chains, convenience stores, retailers, and labor prior to the 1985 session...

It is imperative that our TAN Activists (especially distributors and member company employees) develop relationships with legislators prior to a session. This could take the form of the ‘Meet Your Legislator’ program which is working well in Colorado.” [TAN.3/p.10]

In a related 1984 letter to Texas TAN Advisory Committee Members, the T.I. representative, Judy Wiedemeier, solicits further support:

"RE: TAN Membership Lists for Your Company

Enclosed please find a list of your employees who were enrolled as members of the TAN program as of December 1983. I would like to ask your help in updating these lists."
[TAN.4/p.1]

An additional 1984 memo from Wiedemeier reveals the concern the T.I. has regarding the Legislative Task Force on Cancer:

"RE: Legislative Task Force on Cancer in Texas

On Thursday, April 12th, I attended the meeting of the Legislative Task Force on Cancer in the Texas House of Representatives Chamber with Gaylord Armstrong. As we have discussed over the phone, I feel that this Task Force could present to the tobacco industry some of the most troublesome pieces of legislation that we have seen." [TAN.5/p.1]

"Cancer Registration – The Task Force is very adamant about setting up a cancer registration to find reports on types of cancers being found in Texas...

A good deal of time was spent in talking about an Anti Smoking Educational Program to be instituted in the public schools in Texas." [TAN.5/p.2]

"Hurst [Marshall], after you have had a chance to review all of this literature, I would appreciate your feedback from The Tobacco Institute's standpoint. We will be acting on a hasty basis as we only have a few weeks to make an impact." [TAN.5/p.3]

The report by Wiedemeier initiates additional action within the T.I. Hurst immediately sends a memo to his contacts alerting them about Task Force activities:

"After the meeting, we will have a better understanding of the charge to the Task Force, but more importantly, be in a position to defuse what could develop into an emotional, narrowly focused attack on the tobacco industry.

We view the Task Force activity as a high priority and will keep you advised of our activity in attempting to insure against a witch hunt." [TAN.6/p.1]

A 1993 memo of the Minutes to Meeting of May 25th provides the background for the “T.I. Organization Project.” We learn of the instructions given to key activists, including Ted Latanzio, Tina Walls, Jim Cherry, Roger Mozingo, Kent Wold, Ronald Morris and Patrick Donoho.

“There has been a fundamental shift in state legislatures with the advent of term limits, increased numbers of female legislators, punitive taxing policies, and the willingness to raise ‘tobacco taxes’ without political fallout. The impact of the EPA classification of secondhand smoke as a Class A carcinogen and the Federal discussion of a \$2.00/pack tax increase has been severe.

The purpose of the meeting was to develop a system to evaluate the efforts on the state level and to determine a method of establishing priorities for resources and issues. The changes in the legislatures and the impact of resources provided the stimulus for the meeting and discussions...

The coordination of resources, in particular the mobilization of smokers, will be emphasized with the TI Regional Vice Presidents.” [TAN.9/p.1]

B. Objectives of TAN

As highlighted in Section IV, Stanley Scott addresses the Board of Directors of Philip Morris Incorporated in 1984. He delivers his most-important “rainy days” presentation. This document provides an excellent example of the *raison d’etre* of the Tobacco Action Network.

“The rainy days are here. For years Philip Morris has been banking reserves of good will, knowing that in the short term we were well-served in perceptions of our products and our company, but knowing also that we would someday draw upon that good will in major public policy battles.

To counter these pressures, Corporate Affairs is first, more carefully targeting its outside activities to affect those people who may be supportive, second, compiling information on issues and possible supporters in a form where it can be swiftly utilized to marshal an alliance, and third, sensitizing key constituencies to the probability that we will turn to them for support.” [TAN.8/p.1]

“Corporate Information Systems has designed, to our specifications, an Integrated Information System, linking a variety of computer programs so we may identify what resources may be available to address any particular legislative problems...

Beginning with the Vatican Collections exhibit which concluded in 1984, cultural activities are targeted toward issue and product support. Increasing numbers of tobacco and beverage business associates are included in the guest lists for events connected with shows and performances. Many activities are chosen for their potential target...

The press and financial communities are being sensitized to Philip Morris issues before developments turn issues into news...

Outreach programs are increasingly directed toward groups which tend to be supportive – Hispanics, Blacks, women, for instance – groups which are also important as marketing targets for our products. Activities with such organizations are becoming more substantive, with fellowships and basic support, rather than just hospitality.”

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"Corporate Contributions are likewise being directed where there is the greatest likelihood of positive response to our issues and products...

Similarly, audiences are being chosen for speeches or publications on particular issues, rather than always waiting for invitations." [TAN.8/p.2]

"In 1985, Cultural Affairs will have its major exhibit 'Primitivism in 20th Century Art' in Detroit and Dallas, where we can capitalize on our relationship with the minority community, and on our beer and cigarette promotion opportunities. A new show, featuring Southern folk art, will give us increased opportunities to reinforce our Southern coalition. Benefits from sponsorship of the Lou Harris survey on support for the arts are building, and the underwriting of the publication on 'Museums in the 21st Century' reminds the arts and academic communities of our value to them...

In communications, the trust is toward the 'second-tier' contacts, whose attitudes in turn affect decision-makers. These contacts – press, financial contacts, speech audiences, etc. – help to offset the customary din from out opponents in society." [TAN.8/p.3]

In 1995, Philip Morris releases a press statement regarding the legal action furthered by Texas Attorney General Dan Morales:

"Philip Morris USA, joined by the nation's four other major cigarette manufacturers and The Tobacco Institute, has filed lawsuits in Texas state court and Massachusetts federal court, seeking declaratory judgments against the attorneys general of those two states.

In the Texas lawsuit, the companies say that Attorney General Dan Morales intends to file suit against the cigarette industry and that the threat of suit is 'imminent.' The companies allege that the intended lawsuit would violate the Texas constitution as well as Texas state law, and the suit asks for a declaratory judgment that Morales lacks legal authority to file the suit." [TAN.2/p.1]

1. General Objectives

From a 1992 Philip Morris document, we uncover a listing of many of the industry's goals:

"Pass product liability reform in Texas.

Secure five year peace on cigarette advertising/regulation that minimizes impact on our business.

Defeat/minimize limits on the tax deductibility of advertising.

Preserve broadcast advertising for beer and gain preemption in exchange for any new package warnings.

Prevent a cigarette fire safety standard that requires major changes to our brands.

Complete OSHA regulation of ETS that preserves some smoking in the workplace." [TAN.11/p.1]

Regarding the Seidlits-Bivins Products Liability Reform Bill, a May 1991 memo from Womble Carlyle Sandridge & Rice provides some industry strategy:

"All of you will have received recently a package of material on the products liability bill currently before the Texas Senate, under cover of a memorandum from Don Walsh.

This is a follow-up to Don's memo, on behalf of the groups named below, urging you to give serious consideration to faxing today or tomorrow latest to the uncommitted Senators listed on the attached (see TAN.15/p.3), your Company's support of the Texas effort, which is reaching its peak and must pass before the Senate adjourns on May 27.

...one political newsletter reported last week that 'defeat of products liability could be a political hazard to a number of senators in 1992, a post-redistricting year when all senators are on the ballot.'

A victory in Texas will send a clear and aggressive signal that Civil Liability Reform is still an important agenda item for the Business Community throughout the nation." [TAN.15/p.1-2]

In a related May 1991 Philip Morris communications, Bernie Robinson updates recipients about the Texas Tort Reform initiative. Robinson writes:

"This week will be the culmination of the Texas Civil Justice League's (TCJL leads the business coalition) multi-year campaign to persuade the Texas Legislature to enact their first products statute (today there isn't any products liability statute).

TCJL's strategy is to integrate their grassroots campaign with their lobbying and negotiating program. To this end last Friday, TCJL launched a renewed effort amongst their supporters inside & outside of Texas to persuade supporters of HB 5, the products liability bill, to communicate (or communicate again) their request to: the 31 member Senate; Lt. Gov. Bob Bullock; and Gov. Ann Richards that the political leadership in Austin adopt a substantive product liability statute...

TCJL has over 2000 member organization in its coalition and the PM Family of Companies has proven to be one of its most active supporters...

Thank you again for all of your continued support and assistance. By communicating, cooperating and coordinating the PM Family of Companies is fulfilling its role in this process. Please do what you can, particularly during the early part of this week, to encourage the PM Family's friends and allies to send their supportive messages to members of the Austin Senate. Encourage polite, clear 'please pass products' types of communications." [TAN/tort_reform2.PDF/p.1-2]

In a November 1992 “Memorandum to the Policy Committee,” Keith A. Teel of Covington & Burling lists the political advisors who are working on the Texas tort reform issue and lays out the financial requirement for the TCJL lobby team:

“Re: 1993 Texas Products Liability Effort

Our political advisors (Messrs. Mozingo and Murray for RJR, Hooper and Morris for TI, and Dillard and Robinson for PM) have conferred among themselves and with the Texas Civil Justice League (TCJL), and have met with a number of legislative advisers in Texas regarding the TCJL lobby team for the 1993 Texas products liability effort. TCJL is proposing the following individuals as their 1993 products liability lobbying team, at the specified rates of payment:

Nub Donaldson (Team Leader)	\$100,000
Jack Robert (Senate Coordinator)	85,000
Rusty Kelly (House Coordinator)	85,000
Jack Gullahorn	75,000
Kraege Polan	75,000
Gibb Lewis	75,000
Contingency for Other	
Legislative Advisers	75,000
Total	\$570,000

This amount listed reflect *[sic]* only the fee arrangement; no agreement has been reached concerning lobbying expenses.

The 1993 TCJL budget includes an item for ‘legal experts’ to cover the costs of Texas lawyers who will assist in any negotiations, briefings of legislators, and other matters. It is expected that Shannon Ratliff will serve as TCJL’s chief legal adviser, but Shannon will need assistance. The TCJL estimated legal budget for Texas lawyers is \$200,000.

By way of comparison, the TCJL products liability lobby team was paid approximately \$1,130,000 (retainer & expenses) in 1991. Total 1991 expenditures for Texas legal counsel were approximately \$373,250.

There will be other components to the 1993 TCJL budget to cover such items as public communications and grassroots. Specific budget figures for these items have not yet been determined.” [TAN/tort_lobbyists.PDF/p.1-2]

2. Proposed OSHA Regulations

In a 1994 T.I. memorandum, we find details on the TAN program for State Activities to deal with proposed OSHA regulations:

“Texas is a very large and diverse state. Our lobbying team is located in Austin, along with most of the trade associations and the Legislature. To undertake a program with large enough dimensions to deliver the desired impact, we need to begin with our contacts in the state legislature, our allies and members of our coalition adversely affected by the proposed OSHA ruling. This will create the nucleus of the effort, spreading outward across the state through the membership of our allied organizations.” [TAN.10/p.1 & p.43]

C. Resources of TAN

In a 1989 speech by Frank E. Resnik, Chairman, Philip Morris U.S.A. to the Tobacco Distributors Association of New Jersey, he comments on the “tobacco family:”

“Philip Morris is dedicated to fighting unfair consumer excise taxes. But we can accomplish nothing without your support. We need your help. If the tobacco industry is indeed a family, then you – the tobacco distributors – are our closest relation and most important ally.

Now is not the time to sit on the sidelines and watch to see which way the wind blows. Now is the time to make a stand and fight to preserve the industry we all work and believe in. I know we can win...” [TAN.14/p.4-5]

This 1986 document illustrates how the tobacco industry involves sophisticated third-party organizations to build political coalitions. While the activities discussed in this memo related to political action in New York, the document provides an excellent example of the industry’s strategy.

“RE: Proposal for the project to defeat the Mayor’s proposals to limit and ban smoking in New York City

Skurnik and Simon will be responsible for the administration, coordination and supervision of the field campaign as well as liaison activities with The Tobacco Institute, business and labor participants, elected officials, and others. We will personally direct and be responsible for the field staff and all other facets of our proposal.” [TAN.16/p.1]

In a July 1994 Philip Morris internal memo to Bill Murray and Geoff Bible, Craig Fuller provides an update on the weekly corporate affairs highlights. He details progress with the NSA, the National Smokers Alliance:

“National Smokers Alliance. Tom Humber was in to meet with Steve and me this week. The organization which had about 100,000 members in March now has 600,000. They will become larger than the Sierra Club by the end of the month! We are continuing to build over the summer and agreed to use the Fall to regroup and sort out how to handle this success. In addition to the membership development, NSA has been actively involved in several state and local battle and all agree they are making a difference.” [TAN.13/p.3]

In an April 1994 Annual Solicitation letter addressed to Philip Morris employees, Bill Campbell, President and CEO of Philip Morris, requests employee support of PHIL-PAC, the Philip Morris Companies Inc. political action committee.

“DEAR FELLOW PM U.S.A. EMPLOYEES; (caps in original)

THIS APPEAL COMES TO YOU AT A TIME WHEN PHILIP MORRIS FACES SOME OF THE TOUGHEST POLITICAL ISSUES THAT HAVE EVER BEEN ENCOUNTERED BY OUR INDUSTRY...

In this extremely challenging political environment it is more important than ever that we have the opportunity to make our case to elected officials who are willing to give our company a fair hearing on the issues that affect our business. That is why I urge all eligible PM U.S.A. employees to contribute to PHIL-PAC...

I hope that this will be the year that you volunteer to contribute generously to PHIL-PAC. I can think of no better way to insure that PM U.S.A. will be able to meet the political challenges AND ITS BUSINESS OBJECTIVES IN YEARS TO COME.” [TAN.17/p.1]

D. Results of TAN

On rare occasions, documents contain information highlighting the effectiveness of TAN activities. Included in a January 1987 Section Operations Report for Philip Morris U.S.A., section manager, W.H. Lott reports:

“In Longview, Texas, a front has begun to place a smoking ordinance in the city. To date, there has been one planning meeting which resulted in a study being done by the city council to determine if there is a need for a smoking ordinance. DM [district manager], Fred Spencer attended this meeting with a number of other PM employees and distributors and the city council was caught totally off guard that there would be any resistance at this point.

As a result of Fred and his group, the smoking ordinance decision was postponed and has gone to a committee appointed by the council.” [TAN/87_section_report.PDF/p.10]

E. Youth Smoking and Smoke Police

Numerous documents in the industry archives relate to the program, Action Against Access (AAA). Philip Morris announced this program in June 1995. The company claims AAA is “an opportunity to demonstrate our industry is willing to be pro-active and responsible.” The program includes activities such as the “Responsible Retailer” initiative. Store managers who participate agree to comply with elements of the WE CARD effort. The program encourages participating retailers to display WE CARD or comparable signage. [TAN/AAA/p.1]

Philip Morris claims to support fully the efforts to limit access to cigarettes by minors, but adds that state legislatures were either considering or actually enacting proposals, initiatives and policies without “the voice of the industry.” The uncovered documents show Philip Morris was not proactive on this issue (as they claim), but took action only in reaction to the growing public concern about youth smoking and possible FDA intervention. In a post-1995 Philip Morris position paper, the company states:

“Rumors of the FDA’s interest in asserting control over tobacco were rampant. Our critics grew louder and policy makers were riding the wave of perceived public support in great numbers... We felt it was time to get ahead of the curve and support legislation that was fair to the industry.” [TAN/AAA/AAA_summary.PDF/p.3]

In the paper, Philip Morris proposes that retailers who repeatedly break state minimum age tobacco sales laws be penalized by revoking their merchandising benefits. The implementation of such a plan requires state agencies to submit certified notifications of retail fines and convictions to Philip Morris. Philip Morris would develop a tracking system to record retail compliance violations and notify retailers that the company was suspending their merchandising benefits. [TAN/AAA/AAA_summary.PDF/p.7-8]

We extended our search to determine if there were additional documents that provided insight as to the sincerity of Philip Morris’ Action Against Access proposal. When the Texas legislature attempted to implement a statewide program relating to youth access, Philip Morris and The Tobacco Industry activated the TAN. In an undated notice titled, “Legislation Would Turn Retailers Into Smoke Police,” the industry warned retailers that:

“This new legislation will impose a hefty new fee on all tobacco permits and burden retailers with additional severe penalties in an effort to make you solely responsible for keeping cigarettes out of the hands of minors.

This legislation, introduced in the House by Rep. John Hirschi as HB912, and in the Senate by Sen. Judith Zaffirini as SB373, is being touted as necessary to stop the sale of cigarettes and tobacco products to persons under 18 years of age.

In fact, this legislation is an attempt by anti-smoking forces to make retailers, rather than parents or the minors themselves, responsible for youth smoking. Supporters of this legislation are also attempting to increase the authority of local and state health departments to harass, intimidate and penalize retailers until selling cigarettes becomes more trouble than it’s worth.” [TAN/AAA/smoke_police.PDF/p.1]

Philip Morris reported to their constituency the proposed Texas plan includes the elements listed below. They asked the members to write their representative officials and include the specified “talking points.” Importantly, the company makes clear their position that retailers are not primarily responsible for ensuring minors do not smoke.

“State and local authorities would be encouraged to conduct random, unannounced ‘sting operations to try and catch you selling tobacco products to minors.

You could be fined up to \$2,000 per offense per day. You could also have your retail cigarette permit suspended or revoked and you would be held responsible for paying the costs of any investigation, attorney fees and court costs.

You would be required to post bilingual warning signs that include a phone number that your customers can use to report any perceived violations of this law.

Philip Morris and The Tobacco Industry urged their associated retailers to write or telephone their elected officials, being sure to mention some suggested points:

Texas already has laws in place to restrict sales of cigarettes to minors. If these laws are not being adequately enforced, let’s enforce them rather than adopt a whole new set of excessive regulations and fees.

Parents and other supervisory adults, and not retailers, should have the primary responsibility for assuring that minors don’t smoke. And minors themselves should be held accountable for their own behavior. These bills do not make it an offense for minors to buy cigarettes. They place the entire burden of being the ‘smoke police’ in the retailers’ laps.”
[TAN/AAA/smoke_police.PDF/p.2-3]

We hear frequently that the tobacco industry, and in particular, Philip Morris does not want under age youth to smoke. In the April 1991 issue of the *Smokers’ Advocate*, a publication sponsored by Philip Morris U.S.A., they ran a lead article titled, “Tobacco Industry Leads Effort To Stop Kids From Smoking.”

“It is a law in 39 states that minors under the age of 18 are not permitted to purchase cigarettes. However, out of concern that these laws are not being enforced adequately by retailers, the tobacco industry has launched a nationwide campaign to educate retailers that it is illegal to sell cigarettes to minors and to help them comply with local restrictions.

The campaign, which features the slogan, ‘It’s the Law, You Must Be 18 To Buy Tobacco Products’ focuses on several approaches to end youth smoking...

Although the incidence of youth smoking has decreased markedly in recent years – a recent study by the University of Michigan shows that the incidence of daily high school smoking dropped from 28.8 percent in 1977 to 18.1 percent in 1988 – the tobacco industry is committed to eliminating all occurrences of smoking by minors.”
[TAN/AAA/PM_newsletter_youth_smoke.PDF/p.1]

Philip Morris distorts the facts on underage smoking. They cite a national study (see TAN/AAA/teen_smoking.gif) showing youth smoking declined (approximately 40 percent of 12th graders smoked in '76, less than 30 percent smoked in '91). Philip Morris claims their efforts assisted in part to further this drop. Yet, the data show the incidence of underage smoking reversed in 1991. Looking at the same research group cited by Philip Morris, later figures show underage smoking sharply increased through the mid-90s. This begs the question: does Philip Morris accept responsibility for this?

By 1996, Philip Morris reversed its earlier position and began calling for legislation to resolve the underage youth smoking problem. This is another inconsistency in the company's rhetoric. Documents repeatedly show Philip Morris arguing there is sufficient legislation on the books to combat underage smoking. They continually request greater enforcement of existing regulations. In addition, the tobacco industry was free to unilaterally implement restrictions without waiting for government intervention.

When battling clean indoor air initiatives, Philip Morris prompted the *Accommodation* movement. As shown in an earlier section, the industry asked that smokers and nonsmokers be allowed to "work it out." They argued that government intrusion was unwarranted.

The political climate changed by 1996. Under President Clinton, the FDA took a much more aggressive stance towards the industry. Therefore, the comments issued by Philip Morris are reactive, rather than pro-active. The record shows the threat of FDA regulation seriously concerned Big Tobacco. As a result, their proposal offered a plan designed to "get ahead of the curve and support legislation that was fair to the industry."

In May 1996, Philip Morris issued a position paper on combatting underage smoking (their suggested regulations appear on pp. 2 and 3 of the document).

"Philip Morris U.S.A. has a long record of leadership in helping to keep cigarettes away from kids, and everyone in our company should be proud of that record. Our Action Against Access initiative has been producing results across the country...

Today, in our role as industry leader, we are taking another major step by proposing sweeping federal legislation to attack underage smoking. We encourage Congress to pass it swiftly...

Federal legislation -- which will avoid protracted litigation against the FDA's illegal attempt to regulate cigarettes -- can result in immediate action to help keep cigarettes away from kids...

Once again, the time has come for action, and once again, we have stepped forward. I believe that all of us at Philip Morris U.S.A. can take pride in our continued leadership in helping to prevent underage access to cigarettes." [TAN/AAA/leg_solution_96.PDF/p.1]

F. Tobacco Action Program

Launched in 1978, the Philip Morris USA Tobacco Action Program (TAP) is the company's vehicle for participating in the Tobacco Action Network. TAP lends additional support by keeping Philip Morris employees current on issues affecting the industry and encourages involvement in the political process.

"A basic component of TAP is the Tobacco Action Program manual. It was developed to provide Philip Morris employees and their spouses essential information about the issues affecting smoking and the use of tobacco. By also suggesting ways in which we can make our voices heard by lawmakers, the media and the general public, the TAP manual will help you to stand tall in support of our industry.

But for TAP to work, we need your help. If you see, hear, or read anything that you think is of interest and/or importance to our industry, send it to us. To make it easy for you to do this, we have included five postage-paid envelopes in the back of this manual."
[TAN/TAP_manual_78.PDF/p.2]

The TAP manual contains approximately 115 pages. In the *Introduction to the TAP* section, Philip Morris includes their industry's *Action Points*. The manual encourages participants to further the industry's claim that smoking does not cause cancer or heart disease. It criticizes health educators and boasts of millions of dollars of industry funding to research the possible health effects of smoking.

"The basic causes of cancer and heart disease still elude medical scientists. Despite the publication of two Surgeon General Reports, one in 1964 and one in 1979, the case against smoking remains an open one. Allegations linking cigarette smoking to various diseases are based largely on statistical associations.

Many scientists and researchers have raised questions about the alleged link between cigarette smoking and various diseases. These are significant questions that have never been resolved.

If smoking does cause cancer, as the antis say, then why, after years of intensive research, has it not been shown how this occurs? And why has no ingredient as found in tobacco smoke been identified as the causal factor?

Since 1954, the U.S. tobacco industry has spent over \$80 million in grants for independent research to scientists in an effort to try to find answers to the unresolved questions concerning smoking and health. In recent years, this amount far exceeds that spent by all the major so-called voluntary health organizations combined." [TAN/TAP_manual_78.PDF/p.6]

G. TAPGRAM

In the April 1988 edition of TAPGRAM titled, “How to Write an Effective Letter to the Editor,” we learn more about the depth, objectives and mission of the Philip Morris TAP:

“The Tobacco Action Program (TAP) is a voluntary legislative support and communications organization for Philip Morris employees and their spouses. TAPGRAM, published by the USA Public Affairs Department, keeps employees informed on issues that effect the tobacco industry and encourages involvement in the political process.” [TAN/TAPGRAM.PDF/p.6]

We uncovered an example how Philip Morris uses TAPGRAM to intimidate and further industry objectives. When Bob Circosta, an announcer on the Home Shopping Club (HSC) cable television show, initiated an on-the-air crusade against smoking, PM USA Vice President for Corporate Affairs, Guy L. Smith, made inquiries with HSC management. HSC spokesperson, Lowell Paxson, defended Circosta’s right to express his opinion. In response, Smith states:

“We agree with Mr. Paxson when he defends freedom of speech and choice. By the same token, the more than 20,000 PM USA present and retired employees who receive TAPGRAM are free to make their choice. Any they are free to talk about those choices with everyone they know.” [TAN/TAPGRAM.PDF/p.6]

The following TAPGRAM demonstrates the political mission of Philip Morris. The publication includes a brief report written by Jim Emerson in The Seattle Times about legendary film star Bette Davis. Davis “is a smoker and proud of it,” reports Emerson. When asked about the anti-smoking movement, Davis apparently replied, “I resent it more than I can tell you!” She added, “I think it’s a big farce myself, and I think it’s our own business what we do. Who has the right to say ‘You can’t smoke?’”

TAPGRAM serves as a forum to advance the right to choose to smoke. The April edition contains a short biographical piece on Carl Johnson, Regional Government Affairs Manager for Philip Morris, who covers “most of the southern states.” Johnson reports:

“Our short-term problem is to counter the opponents on the local level. They are motivated, extremely hostile and they are getting better organized all the time.

There was a case recently of a smoking restriction ordinance proposed for Sumter, South Carolina. A member of the [Philip Morris] Sales Force found out about it and got the information to us in time to do something. The bill has since been withdrawn.

Johnson’s advice to employees: ‘Don’t ever assume we know of it. If you hear about an anti-smoking bill being proposed where you live, give us a call or, if you’re in the Sales Force, contact your Section Sales Manager. You can make a difference.’” [TAN/TAPGRAM.PDF/p.4-5]