

President Clinton and the American Tobacco Industry

by

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## ACKNOWLEDGEMENTS

When I started working on my thesis in 1999, the Clinton presidency had not yet become history. Few books were written on the subject, and the internet therefore became my main source. Relatively short inserts became small pieces of a large jigsaw puzzle. Gradually I had insight into Clinton's anti-tobacco commitment, and eventually I had an understanding of how the tobacco companies responded to Clinton's steps. A number of books have provided me with useful background information and have helped me to get an overall picture of the Clinton era. Some of these books are relatively recent publications. *The Political scandals in the USA* by Robert Williams helped me understand how scandals are used as political weapons. *Fools for Scandal: How the Media Invented Whitewater* by Gene Lyons taught me how mass media's search for profit may damage their credibility. *Civil warriors: The Legal Siege on the Tobacco Industry* by Dan Zegart provided useful information about the legal battles which led to the 1997 tobacco settlement. The biographies of the Clintons, *Living History* and *My Life* gave me further insight in the Clinton presidency. *Blinded by the Right* by repenting right-wing scandal reporter David Brock and *The Clinton Wars* by White House insider Sidney Blumenthal helped me gain understanding of the American Right's attempts to destroy Clinton.

## INTRODUCTION

In the following I will give an account of President Clinton's steps against the American tobacco industry. I will also try to clarify why Bill Clinton became America's first anti-tobacco president, taking into account his character and strategic skills. Influence from staff members and health agencies as well as revelations that altered the public view on the tobacco industry will also be dealt with. Furthermore, I will demonstrate how the tobacco companies fought back against Clinton by means of their political influence. The relationship between the Republican Party and the tobacco industry will be given special attention. I will also reflect upon whether regulation of tobacco could be in accordance with Republican ideology. In this respect, I will cast a critical eye on the effect the entrance of the religious right into the GOP had on the party's stance on tobacco. The tobacco industry's financial support to the two main political parties and the connection between contributions to members of Congress and voting patterns in tobacco issues will also be dealt with. I will also examine the effect Clinton's commitment in the tobacco issue had on the Democratic Party. Moreover, I will explain how the tobacco companies tried to sway public opinion on tobacco issues by influencing and controlling the media. I will also exemplify how tobacco companies sued media outlets which printed or broadcast information that could have a detrimental effect on the tobacco industry. After having given a summary of the Clinton scandals, I will try to detect possible links between the investigation of Independent Counsel Kenneth Starr and tobacco interests. Finally, I will try to uncover a possible connection between impeachment-drive in Congress and tobacco interests.

## PRESIDENT CLINTON'S FIGHT AGAINST THE AMERICAN TOBACCO INDUSTRY

Bill Clinton was the first American president to take a major confrontation with the American tobacco industry. The industry's political efforts, which have been quite bipartisan, though with a slight preference for the laissez-faire traditions of the Republican Party, have been giving it protection.<sup>1</sup> Clinton's Democratic predecessor, Jimmy Carter, whose political base was almost identical with the geographical region of the tobacco industry, was not able or willing to resist the pressure from the tobacco manufacturers. According to Richard Klüger, the author of "Ashes to Ashes", Jimmy Carter played a hypocritical game on the smoking issue. Carter, reportedly sacrificed Joseph Califano, the secretary of the Department of Health, Education, and Welfare and the most vocal anti-smoking advocate at the time, for fear of losing North Carolina and perhaps other Southern states if Califano stayed in office.<sup>2</sup>

Califano, who had been told by Carter to give priority to "preventive medicine," started to pay attention to the smoking issue at the end of his first year in office. Even though Jimmy Carter was an advocate of preventive public health measures, Califano's proposed initiatives against smoking fell flat with the president and his staff. Carter was apparently worried about his voter base. In August 1978, Carter gave a speech in North Carolina, the heart of "tobacco country." He said that he first would have brought Califano, but that he had realized that North Carolina was the top tobacco growing state. He boasted "the beautiful quality of your tobacco" and even if Carter had lost his heavily smoking father in lung cancer, he pledged to support research "to make smoking even safer than it is today". In the autumn of 1978, Carter appeared at a soft ball game in Georgia, wearing a cap with the inscription: "Pride in tobacco." In April 1979, Senator Edward Kennedy told Califano that he had to resign from the Cabinet well before the 1980 elections. A few months later President Carter made Califano walk the plank.<sup>3</sup>

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<sup>1</sup> Ferguson, Thomas. "Impeachment: The Sequel, Smoke in Starr's Chamber." The Nation ( 8 March. 1999) : 6 pp. Internet. 14 Sept. 1999.  
[Http://www.thenation.com/issue/990308/0308ferguson.shtml](http://www.thenation.com/issue/990308/0308ferguson.shtml)

<sup>2</sup> Klüger, Richard. "The Tobacco Wars, 1979 Carter sacrifices his Secretary." Mojo Wire 2 pp. Internet. 17 Sept. 1999  
[Http://bsd.mojones.com/mother\\_jones/MJ96/tobacco\\_timeline/.html](http://bsd.mojones.com/mother_jones/MJ96/tobacco_timeline/.html)

<sup>3</sup> Ibid

Nor did Ronald Reagan cause problems for the tobacco industry. On the contrary, many of Reagan's political actions were beneficial to the tobacco companies. In 1984 Reagan assured Edward Horrigan, tobacco chief of R.J.Reynolds that he would have more important things to do than taking on tobacco firms (Klüger 540). The deregulatory Reagan administration removed heads and reduced the staff of the Federal Trade Commission by one-third. The FTC, commonly reputed to be the protector of the consumer, was the superintendent of tobacco sales (Klüger 535). In 1997, the FTC closed the laboratory it had run for twenty years to supervise the tar and nicotine levels of most cigarette brands in order to save \$750,000. A tobacco-run laboratory was given this task; from then on the hen was to be regarded by the fox. President Ronald Reagan was also instrumental in broadening the industry's markets abroad. His administration threatened many Asian countries with retaliatory tariffs on goods imported from these nations if American cigarettes did not get access to their markets (Klüger 710). In Korea for example, smoking among young boys rose from 18 to 30% after American cigarettes had flooded the Korean market (Klüger 710-713).

President George Bush carried on Reagan's negligence of the tobacco issue. Neither President stirred a hand to encourage tobacco control legislation. During the Bush presidency the Environmental Protection Agency permitted itself to be pressured and meddled with by tobacco lawyers and officials. The Environmental Protection Agency was said to be under pressure from the Bush administration to shelve or play down the second-hand smoke valuation. New personal had reportedly been assigned to have a fresh look at the matter (Klüger 697). The Environmental Protection Agency finally initiated a scrutiny into whether environmental tobacco smoke could be lethal, but failed to declare its findings until the very final hours of the Bush administration (Klüger 709).

In the following I will give an account of Clinton's steps against the tobacco industry and examine his motives for taking on tobacco firms. I will also consider tobacco's role in the 1996 presidential election. Further, I will describe how the Republican Party and the tobacco industry reacted to Clinton's anti-tobacco commitment.

### ***Clinton's first period***

Anti-tobacco fervor was on the increase in the mid-nineties. The reputation of the tobacco industry had become seriously damaged by revelations that the tobacco companies had tried to hide its knowledge of the detrimental effects of smoking from the public. In 1994, several thousand pages of documents from the Brown & Williamson tobacco company were sent anonymously to anti-smoking campaigner Stanton A. Glantz at the University of California, San Francisco. These documents, which had allegedly been stolen by a paralegal from a law firm working for Brown & Williamson, showed that the company's own research, as early as the 1960s, had demonstrated tobacco's harmful effects and addictive qualities. Glantz managed to stave off tobacco lawyers and stored the papers in college archives and on the internet. In 1996, Glantz issued *The Cigarette Papers*, a compendium of the documents with commentary.<sup>4</sup>

A series of legal battles against the tobacco industry took place in the mid-nineties. Sixty of the nation's top injury plaintiff's attorneys contributed \$100,000 each to fund the nation's largest class-action suit on behalf of smokers addicted to cigarettes.<sup>5</sup> Moreover, in 1994 Mississippi became the first state in the USA to sue the tobacco industry for "deception on the part of the industry, violations of consumer protection laws, antitrust laws and costs for treating tobacco related diseases."<sup>6</sup> This pioneering lawsuit spurred 38 state attorneys general to take the tobacco industry to court, demanding repayments of funds paid to treat illnesses related to smoking.<sup>7</sup>

Youth smoking was also a hotly debated theme in the mid-nineties. A 1996 report from the Center for Disease Control concluded that smoking among youth had reached its highest level in 16 years. Numerous studies illustrated the influence of tobacco marketing on children's use of tobacco. After having strongly denied targeting children, internal company memos surfaced showing that the tobacco companies had tried to hook underage smokers.<sup>8</sup>

According to Thomas Ferguson, a professor of political science at the University of Massachusetts, Clinton did not initially want any confrontation with big business. After all, the

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<sup>4</sup> Book Review Digest 1997

<sup>5</sup> Ibid

<sup>6</sup> Chronology of Events in Tobacco Control, United States.

National Clearinghouse on Tobacco and Health 7pp (21 Sept. 1999) Online. Internet.  
14 Sept. 00

[Http://ncth-s2.ca/ncth/docs/gen-chronusa.htm](http://ncth-s2.ca/ncth/docs/gen-chronusa.htm)

<sup>7</sup> Book Review Digest "Pringle, Peter. *Cornered; big tobacco at the bar of justice.*" (1998)

<sup>8</sup> "Year in Review 1996" Campaign for tobacco free kids. 3 pp (11 Jun 2000) Online. Internet. 11. Jun. 2000

"new Democrat" Bill Clinton had been trying to "shake off the legacy of the New Deal," and had been elected president with a thin support within corporate power. However, when Clinton proposed a modest increase in taxes on Americans in the highest income brackets, most of American business opposed him. The Republican Party even accused him of engaging in a class war. Even if the "pro-business" Clinton went to the greatest possible length to compromise with the industry, his health care initiative, his attempt to regulate firearms, his proposed taxes on energy, and his attempts to introduce legislation for environment cleanup caused him to be at war with the majority of the largest investors in the United States by the middle of his first term.<sup>9</sup>

Even if one of Clinton's first acts as President was to ban smoking in the White House, Thomas Ferguson is of the opinion that the President did not want a major confrontation with the tobacco industry when he took office. Dr. David Kessler, the head of the Food and Drug Administration (FDA) was only slowly escalating the campaign against tobacco. Clinton's health plan, however, was to change that situation. The bringing together of advocates for health care reform was also the bringing together of advocates of measures against the tobacco industry. Raising taxes was politically very costly at the time, and being responsible for massive medical expenditures, tobacco was a very vulnerable source of new tax revenues. To fund the health plan, the White House proposed an increase in taxation of cigarette sales from 24 cents a pack to 99 cents. This proposal sent tobacco manufacturers to battle stations.<sup>10</sup>

Disclosures of how the tobacco industry had hidden information about smoking were to spur Clinton's anti-tobacco commitment. In 1994, the FDA and ABC News revealed that the American tobacco industry deliberately manipulated nicotine levels in cigarettes to "dose consumers with fine-tuned deliveries of the drug." This revelation opened the door to a two-and-a-half year investigation of the tobacco industry's knowledge of nicotine's addictive qualities and of the industry's efforts to foist nicotine dependency on tobacco consumers by means of advanced technology. Hearings led by Democratic Representative Henry Waxman also took place before the House Subcommittee on Health and the Environment, Committee on Energy and Commerce.<sup>11</sup>

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<sup>9</sup> Ferguson, Thomas. "Impeachment: The Sequel, Smoke in Starr's Chamber" The Nation 6 pp (8 March 1999) Online. Internet. 14 Sept. 1999  
[Http://www.thenation.com/issue/990308/0308ferguson.shtml](http://www.thenation.com/issue/990308/0308ferguson.shtml)

<sup>10</sup> Ibid

<sup>11</sup> Douglas, Clifford E. "Taking aim at the bull's eye: the nicotine in tobacco products" Tobacco Control 11 pp (1998) Online. Internet. 14 Sept. 2000



The Fact that Dr. David Kessler of the Food and Drug Administration had become persuaded that nicotine might qualify as an addictive substance and consequently could be regulated by the FDA, made the relations between the Clinton Administration and the tobacco industry extremely strained. Regulation of tobacco by the FDA could mean removal from the market of tobacco products containing levels that cause addiction. The tobacco industry counterattacked by means of full-page ads in newspapers and by turning loose a legion of lobbyists. The industry managed to scale down the proposed cigarette tax long before Clinton's health plan came to nothing, but efforts to turn aside the FDA did not succeed.<sup>12</sup>

In 1994 David Kessler and his wife, Paula, were invited to a White House Christmas party. Clinton told Kessler that the Democrats had lost the House because of tobacco and gun control. Southern Democrats had told the President that the attempt to increase the excise tax on tobacco to finance the health plan, combined with the ban on assault weapons, had cost a large number of votes in key southern states. When Kessler's wife argued that those had been necessary steps, Clinton agreed, but argued that "We should have explained our position better so that people would have understood them better." Kessler knew he had only another moment of the president's time. Before the president moved away, he said: "You know there is a way to do this, if we focus on kids." (Kessler 300). The seeds of Clinton's fight against youth smoking had been planted.

At a strategy meeting in July 1995, Dick Morris, Clinton's advisor at the time, urged the President to endorse Kessler's probable conclusion that nicotine was addictive and challenge the tobacco companies to stop directing its tobacco ads towards kids. Initially Clinton was scared that such an act could ruin his chances of being re-elected. Clinton was sympathetic, but at the same time he was worried that he would get one day of attention in the media, whereupon he would lose five states. Clinton assumed that "it'll cost me whatever chance I had in North Carolina. I won't win Virginia anyway. But I'm most concerned about Kentucky and Tennessee. I need those states" (Morris 216).

Clinton's worries were not without foundation. Tobacco was controlling the politics of North Carolina and Kentucky and was heavily influencing the politics of Tennessee, Virginia,

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[Http://www.bmjpg.com/data/tobarch/autumn98/editorial.htm](http://www.bmjpg.com/data/tobarch/autumn98/editorial.htm)

<sup>12</sup> Ferguson, Thomas. "Impeachment: The Sequel, Smoke in Starr's Chamber" The Nation 6 pp (8 March 1999) Online. Internet. !4 Sept. 1999

[Http://www.thenation.com/issue/990308/0308ferguson.shtml](http://www.thenation.com/issue/990308/0308ferguson.shtml)

and Georgia (Morris 215). Many members of Clinton's staff advised Clinton against endorsing the FDA rules. Clinton's North Carolinian Deputy Chief of staff, counseled Clinton "not to fool with them." Erskine Bowles, who was Clinton's link to business, was well aware of the power of the tobacco industry in his home state (Morris 23, 216). Deputy Chief of Staff, Harold Ickes, was "counting votes." He was especially concerned about Kentucky and Tennessee. Ickes supported curbing youth smoking, but apparently found it wise to shelve the matter until Clinton's second term (Kessler305).

Dick Morris did not share Clinton's view that tobacco had been instrumental in the 1994 election defeat (Kessler 305). Polls showed that there was a broad public consensus that the tobacco industry should be barred from directing its tobacco ads to teenagers. Even in the tobacco states voters would support Clinton if he was dealing only with advertising aimed at children (Morris 217).

Before deciding whether to support the FDA rules, Clinton wanted to find out whether it was possible to make a deal with the tobacco industry. However, the tobacco industry was not interested in voluntary measures to curb youth smoking. The Republican landslide in 1994 had convinced the tobacco companies that Clinton would lose in 1996. They were already eagerly waiting for the pro-tobacco Republican presidential candidate, Bob Dole (Morris 217).

Clinton made extensive use of polls when identifying issues for emphasis and, as mentioned above, the FDA rules were no exception. Does this use of polls make Clinton a calculating demagogue stripped of idealism? Absolutely not. Bill Clinton was a highly idealistic politician, which is illustrated by the fact that he never forgot his impoverished childhood. When he had to do things that hurt poor people, like welfare reform and budget cuts, he became physically ill. His mind could accept it, but his heart could not (Morris 214).

According to Morris, Clinton had an idealistic side and a pragmatic side, or as Dick Morris put it, "the boy scout" and "the politician." In his idealistic mode, he focused on doing good in the world. He felt intensely idealistic emotions, but was often detached from the realistics of politics. In this mode, he did not want to have anything to do with Morris or pragmatism. When Clinton faced political adversity, he switched into his political mode. While still being faithful to his principles, he did everything possible to win. Dick Morris argues that the alternations of these two sets of personalities explain the many comebacks in Clinton's career (Morris 13-14).

Clinton did not use polls to decide what he was for. He wanted to find out how to get there. Morris uses the metaphor of a sailboat to explain Clinton's use of polls. The President always knew where he wanted to go. He consulted polls as if they were huge wind socks that told him where the wind (public opinion) wanted him to go. He asked his pollster to help him chose the current that would bring him closest to his destinations. When he had gone too far left of his destination, he polled again, aiming a little to the right. In the end he always ended up where he wanted to be, in the middle (Morris 84).

Clinton's initial doubt of whether to endorse the FDA rules was soon swept away. The fact that he learned more about the nexus of the Republican right and its link to the tobacco companies probably spurred him on (Morris 218). The numerous revelations of how the tobacco companies had tried to hide its knowledge of the detrimental effects of smoking and the addictive effects of nicotine probably caused Clinton to urge on with the tobacco issue. David Kessler, then commissioner of the FDA, recalls a meeting with Clinton in the White House in July 1995. Clinton had just been reading an article that summarized Brown & Williamson's knowledge about the effects of nicotine. "I want to kill these people, the President said." I just read all those documents and I want to kill them" (Kessler 331). One month later Clinton announced his support for the FDA rules.

President Clinton's final approval of FDA regulations intended to curb marketing and sale of tobacco to young people were announced in August 1996. Declaring tobacco an addictive drug, Clinton claimed that it could be regulated by the FDA. The proposed rules were intended to cut teenage smoking in half in the course of the next seven years and reduce the access to and appeal of tobacco products for youths.<sup>13</sup>

The FDA rules barred the sale of tobacco products from vending machines and self-service displays, except in locations where only adults had access. The rules would also limit youth access to tobacco products by banning free samples and the sale of cigarettes in quantities fewer than twenty. Tobacco advertisements within 300 meters of schools and playgrounds would also be banned. Tobacco ads on all other billboards would be limited to black and white text only, unless the ad was in a location inaccessible to youths. Tobacco ads in publications with significant numbers of young readers were limited to black and white text only. The proposed

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<sup>13</sup> "Clinton Gives FDA Rules Final Approval" Facts On File. 6 pp (29 Aug 1996) Online. Internet. 29 Jun 1999  
[Http://www.facts.com/wnd/fda.htm](http://www.facts.com/wnd/fda.htm)

rules also banned brand-name tobacco advertising at sporting, musical, and cultural happenings. Events could be sponsored by tobacco companies, but only corporate names could be utilized. Brand-name ads were also banned on products not related to tobacco use. Buyers under 27 years would be required to prove their age with photo identification cards.<sup>14</sup>

When the original version of the regulations had been proposed in August 1995, the tobacco industry, joined by advertisers and publishers, had immediately filed lawsuits to block the regulations. The rules that were given final approval by Clinton in 1996 had been altered in order to fend off legal and political attacks based on assumptions that the rules affected adults as well as youths.<sup>15</sup> In May 1996 the Supreme Court had strengthened First Amendment protection for advertising involving drinking, smoking or other conduct the government finds harmful.<sup>16</sup>

Clinton's initiative was hailed by medical groups and anti-tobacco-activists and polls showed that the proposed rules were popular with the public. However, many of Clinton's critics saw the implementation of the FDA rules as an election-year political tactic. Brown & Williamson and the Republican nominee for the 1996 presidential elections, Bob Dole, claimed that Clinton's initiative was an attempt to draw away attention from a study showing that illegal drug use was on the increase among young Americans. Philip Morris claimed that Clinton's moves trampled on the rights of millions of adult Americans. There were also those who said that the proposed rules would cost thousands of jobs in the agriculture industry. White House spokesman Michael McCurry admitted that the rules would eliminate 2,500 jobs over 10 years but, on the other hand, if effective, they would save from \$28 billion to \$ 43 billion in health-care costs.<sup>17</sup>

### ***Tobacco and the 1996 presidential election***

When President Clinton singled out tobacco for special attention in his 1995-1996 campaign for the Presidency, it was the first time that tobacco was a prominent issue in a presidential campaign and in a number of congressional races. There is every indication that the president's stance on

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<sup>14</sup> Ibid

<sup>15</sup> Ibid

<sup>16</sup> Barr, Stephen and Hamilton ,Martha M. "Clinton Curtails Tobacco Ads in Bid to Cut Sales to Youth"  
Washingtonpost.com :Tobacco Special report 5 pp (24 Aug. 1996) Online. Internet. 29 Jun. 1999  
[Http://www.washingtonpost.com/wp-srv/national/longterm/tobacco/stories/ads.htm](http://www.washingtonpost.com/wp-srv/national/longterm/tobacco/stories/ads.htm)

<sup>17</sup>"Clinton Gives FDA Rules Final Approval" Facts on File 4 pp (29 Aug 1996) Online. Internet. 29 Jun. 1999  
[Http://www.facts.com/wnd/fda.htm](http://www.facts.com/wnd/fda.htm)

tobacco altered the balance of tobacco industry contributions to the two main parties. In the 1991-1992 election cycles, contributions totaled at least \$5.7 million, whereof approximately 57 % went to Republican candidates for President or Congress. Total contributions in the 1993-94 cycle were at the same level as in 1991-1992, the percentage of contributions to the Republican Party, however, rose to 68. Thereafter, both total contributions and the percentage given to Republican candidates skyrocketed. In the 1995-1996 election cycle, the tobacco industry contributed more than \$10 million to national political campaigns, of which 80 % went to Republicans.<sup>18</sup>

The American tobacco industry evidently pinned its faith on Republican candidate, Bob Dole, in the 1996 Presidential campaign. The Kansas senator had long been one of the industry's top congressional allies. Dole had consistently opposed tax increases on tobacco, even when proposed by fellow Republicans. In the mid-eighties, for instance, Dole had become a loyal ally of the top smokeless tobacco company, US Tobacco (now called UST). The habit of using smokeless tobacco had been fast disappearing in the early 1980s, but a campaign to hook kids launched by US tobacco resulted in a smokeless epidemic among kids. In 1985, a bipartisan bill aimed at raising excise taxes on chewing tobacco in order to make it less affordable to adolescents, was introduced in Congress. Dole defeated the measure, but promised to reconsider it if the Surgeon General's report, which was in hand, linked smokeless tobacco to cancer. However, though the 1986 surgeon general's report eventually linked chewing tobacco and cancer, Bob Dole remained faithful to the smokeless tobacco industry.<sup>19</sup> Besides, in 1993, when President Clinton proposed to finance his health plan partly by cigarette taxes, Bob Dole presented a counter proposal to Clinton's health plan. Dole's plan, however, did not imply taxes on cigarettes.<sup>20</sup>

Bob Dole had also helped the American tobacco industry broaden its overseas markets, particularly in Asia. In 1985, trade representatives for the Reagan Administration threatened Japan, South Korea, Taiwan, and Thailand with retaliatory tariffs on their exports if they refused to open their tobacco markets. During talks with Korea in 1987, Bob Dole, Senator Jesse Helms, and other senators from tobacco states lobbied the Korean ambassador, expressing their support

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<sup>18</sup> Ferguson, Thomas. "Impeachment: the Sequel." The Nation 6 pp (8 Mar 1999) Online. Internet. 14 Sept. 1999  
[Http://www.thenation.com/issue/990308/0308ferguson.shtml](http://www.thenation.com/issue/990308/0308ferguson.shtml)

<sup>19</sup> "The Tobacco Election" Mojo Wire 5 pp (1996) Online. Internet. 1 Aug 2000

<sup>20</sup> "Who Owns Bob Dole?" The Ethical Spectacle 2 pp ( Oct. 96) Online. Internet. 14 Aug 2000

for “fair market conditions” in Korea and were thanked by the Korean ambassador for killing a bill that would have imposed trade sanctions on Korea.<sup>21</sup> The year after American cigarettes poured into the Korean market, and smoking rates among Korean teen-agers skyrocketed.<sup>22</sup>

Bob Dole was also down upon tobacco enemy number one, FDA-Commissioner David Kessler during his presidential campaign, pledging that he would fire him if elected. Dole was one of 32 senators who signed a letter to the FDA, protesting its measures against tobacco advertising. Kessler’s plan to limit cigarette advertising at sporting events was also a subject of Dole’s criticism. At a Nascar race in Darlington, South Carolina, he was observed waving a T-shirt that read: "Let Winston Cup make the rules for Nascar, not the FDA." <sup>23</sup>

A great number of tobacco lobbyists, tobacco lawyers, and tobacco pollsters were attached to the Dole campaign. Chief pollster for Bob Dole, William McInturff, had tobacco ties. His polling firm, Public Opinion Strategies, had carried out a poll on behalf of the four largest tobacco firms, and the Tobacco Institute which was meant to deter Texas Attorney General Dan Morales from filing suit against the tobacco industry. McInturff’s poll, which claimed that a majority of Texans would not favor the proposed lawsuit, turned out to be a “push poll” designed to sway public opinion, rather than to gauge it.<sup>24</sup>

Dole’s former chief of staff, Roderick DeArment, was the chairman of Lawyers for Dole, a group of lawyers raising funds for Dole’s campaign. DeArment’s Washington law firm, Covington & Burling, had represented the major tobacco companies and the Tobacco Institute. Paul Manafort, Dole’s Convention Manager, was a well-known Washington lobbyist, whose firm had represented Philip Morris. Subsidiaries of Manafort’s firm had represented the National Smokers Alliance. Vice-president of Corporate Affairs for Philip Morris, Tom Collamore, was Dole’s main campaign fund-raiser. Jeannie Austen, a national co-chair of Dole’s campaign, was an active member of the National Smokers Alliance advisory board. Dole’s senior advisor and California strategist, Steve Merksamer, had collected \$1.9 million from the tobacco industry through his California law firm. And, finally, Dole’s Midwest strategist, Tom Synhorst, and

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<sup>21</sup> Kaplan, Sheila. “Tobacco Dole (cont’d)” Mojo Wire 4 pp (1996) Online. Internet. 1 Aug. 2000

<sup>22</sup> Klein, Jeffrey. “The Tobacco Election” Mojo Wire 2 pp (1996) Online. Internet. 14 Sept. 1999  
wysiwyg://81/http://bsd.mojoindex.com/mother\_jones/MJ96/klein.html

<sup>23</sup> Kaplan, Sheila. “Tobacco Dole (cont’d)” Mojo Wire 4 pp (1996) Online. Internet. 1 Aug. 2000

<sup>24</sup> Kaplan, Sheila. “Tobacco Dole” MojoWire 3 pp (1996) Online. Internet. 1 Aug. 2000

Alaska Campaign Coordinator Frank Bickford were both coordinators for R.J.Reynolds Tobacco's attempts to create "grassroots groups" in the states.<sup>25</sup>

Bob Dole had received ample contributions from the tobacco industry during his entire career. In addition to untold sums of tobacco soft money through the Republican National Committee, Bob Dole had received more than \$ 330,000 directly from RJR, Philip Morris, and UST.<sup>26</sup> Besides, Dole had accepted rides in corporate jets from the companies mentioned above. UST, for instance had given Dole at least 26 subsidized rides.<sup>27</sup>

Bob Dole did not wish to make tobacco a subject in his campaign. When confronted with this issue, he often produced comments which were understood as pro-tobacco. During a tour in Kentucky, for instance, he raised doubts as to whether tobacco was addictive. He also accused NBC "Today" show host Katie Couric for "maybe violating the FEC regulation by always sticking up for Democrats", when asked whether smoking was addictive. Later in his campaign, Dole appeared to lump narcotics and cigarettes together when speaking to an anti-drug gathering at a small Christian church. "My view is, using drugs is wrong, you shouldn't smoke cigarettes. Let's just throw them all out at the same time," Dole declared in his unprepared speech. When reporters asked whether he linked drug use with cigarette smoking, Dole replied: "I did not say anything about cigarettes. I talked about drugs. I said you shouldn't smoke either."<sup>28</sup>

President Clinton's campaign assailed Dole on the tobacco issue and presented the president as the candidate who wanted to protect children. In an ad launched in July 1996, Clinton's campaign focused on the fact that Dole had opposed FDA's proposal to limit tobacco ads that appealed to children, and it also revived Dole's comment that cigarettes are not necessarily addictive.<sup>29</sup> Vice-president Al Gore also promoted the anti-tobacco issue during the campaign. In a speech in Philadelphia in June 1996, for instance, Gore accused Dole of being addicted to tobacco money for campaign contributions.<sup>30</sup> A Bob Dole on the defensive justified

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<sup>25</sup> Kaplan, Sheila. "Tobacco Dole (cont'd)" Mojo Wire 4 pp (1996) Online. Internet. 1 Aug. 2000

<sup>26</sup> Ibid

<sup>27</sup> "The Tobacco Election" Mojo Wire 5 pp (1996) Online. Internet. 1 Aug. 2000

<sup>28</sup> "Gore and Dole Discuss Cigarettes." ASH-ACTION ON SMOKING AND HEALTH 3 pp (29 Aug. 1996) Online. Internet. 1 Aug. 2000

<sup>29</sup> "Clinton ad targets Dole on tobacco." Nando.net 2 pp (8 Jul. 1996) Online. Internet. 22 Jun. 1999

[Http://www.techserver.com/newsroom/ntn/politics/070896/politics8\\_14774.html](http://www.techserver.com/newsroom/ntn/politics/070896/politics8_14774.html)

<sup>30</sup> Fournier, Ron. "Dole vs. Gore on Tobacco." The Associated Press 3 pp (16 Jun. 1996) Online. Internet. 22 Jun 1999 [Http://www.perkel.com/politics/dole/tobacco2.htm](http://www.perkel.com/politics/dole/tobacco2.htm)

accepting tobacco money by underscoring that the tobacco industry is a legal business and that the industry also is involved in producing other products.<sup>31</sup>

Bob Dole accused the Democrats of hypocrisy on the tobacco issue. He rightfully pointed to the hundreds of thousands of dollars Democrats had received from the tobacco industry since 1982.<sup>32</sup> When confronted with such figures, the Democrats claimed to be less influenced by tobacco money than the Republicans. During the presidential campaign, DNC spokesman David Eichenbaum said that the party's tough stand on tobacco showed that Democrats cannot be bought.<sup>33</sup>

Dole supporters also criticized the Democrats for voting against eliminating tobacco subsidies in August 1996. 85 House Democrats, of whom 75% were Southern Democrats, voted to retain the tobacco subsidies. The proposed amendment would have transferred \$25 million of taxpayer funds from tobacco crop insurance and salaries for personnel performing tobacco related services to rural health programs.<sup>34</sup>

The tobacco issue formed a part of Clinton's carefully planned election strategy. In his book *Behind the Oval Office*, Dick Morris, Clinton's advisor in the 1996 election, reveals the scandal-ridden president's strategy to retain the presidency. According to Morris, Clinton's key to success was the following formula: "Public values defeat private scandal." People felt good about the economy in 1995. Personal well-being was impaired by the dysfunction of society, not by a lack of income (Morris 86). Morris' advice to Clinton was to "remove fiscal issues and keep attention on social issues, since when Republicans are reduced to only social message, they lose."<sup>35</sup>

Morris hoped that the Republicans would get mixed up in (for them) unwise battles over social issues. In connection with the Oklahoma City bombing, for instance, Morris advised Clinton to lure the Republican Party into a debate over restrictions on high-powered weapons, well knowing that gun owners held a sway over the GOP against the broader public. In this way,

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<sup>31</sup> "Dole blasts media, Democrats on cigarette smoking" USA Today, The associated Press (15 Oct. 1996): 2 pp Online. Internet. 14 Aug. 2000

<sup>32</sup> Ibid

<sup>33</sup> "Who is Taking Tobacco Industry Money?:roundup/roundtable" ASH-Action on Smoking and Health (7 Jul.1996?): 7 pp Online. Internet. 10 Sept. 1999  
[Http://www.ash.org/government/roundup.html](http://www.ash.org/government/roundup.html)

<sup>34</sup> "Al Gore and Other Top Democrats-Received total of \$900,000 from Tobacco Lobby from 1992-95" The Reagan Information Interchange (29 Aug.1996): 2 pp Online. Internet. 29 Jun. 1999  
[Http://www.reagan.com/HotTopics.main/document-8.29.1996.2.html](http://www.reagan.com/HotTopics.main/document-8.29.1996.2.html)



Morris hoped that the Republican Party would link itself to extremists.<sup>36</sup> Similarly, by raising the tobacco issue, Clinton and Morris hoped that the GOP would produce a linkage between the Republican Party and an increasingly unpopular tobacco industry.

The tobacco issue was not only a central part of Clinton's "family values" agenda. It was simultaneously a counter-point to Dole's attack on Clinton's character. Dole believed that character was his trump card in the presidential campaign. He had combat experiences in the World War II and had battled tenaciously to recover from the terrible injuries he suffered in the war.<sup>37</sup>

During his campaign, Dole assailed Clinton's character by referring to the Whitewater scandal and to ethical problems in the White House.<sup>38</sup> However, Bob Dole's remarks on tobacco during his campaign and his opposition to the proposed FDA rules, made it possible for Clinton to claim that Dole was in the pocket of the tobacco industry. Time Magazine reporter Eric Pooley wrote: "It was as if the cunning Clinton advisor Dick Morris had found a way to program Dole's brain, making him take the position that best contrasts with the president's carefully molded save-the-children image."<sup>39</sup> The debate of tobacco turned out to be a success for Clinton and a veritable mousetrap for Bob Dole.

It is interesting to note that Al Gore's harsh attack on Dole's tobacco contributions came on the same day that the Senate Republicans prepared a report that criticized the way the White House had dealt with Whitewater. The very same day two long-time Clinton supporters went on trial in Arkansas, and the White House was being plied with questions about the collection of FBI files on Republicans.<sup>40</sup> Gore's accusations were probably meant as a countermove to the hail of allegations against Clinton.

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<sup>35</sup> Ibid

<sup>36</sup> Ibid

<sup>37</sup> Holhut, Randolph T. "Bob Dole and the Character Issue" The Written Word (1996): 4 pp Online. Internet. 14 Aug. 2000

<sup>38</sup> "Dole assails Clinton ethics; president emphasizes economy." Nando.net (1996): 4 pp Online. Internet. 14 Aug. 2000

<sup>39</sup> Pooley, Eric. "Peering Through the Smoke." Time Magazine (15 Jul 1996): 4 pp Online. Internet. 14 Aug. 2000

<sup>40</sup> Fournier, Ron. "Dole vs. Gore on Tobacco." The Associated Press (16 Jun 1996): 3 pp Online. Internet. [Http://www.perkel.com/politics/dole/tobacco.2.htm](http://www.perkel.com/politics/dole/tobacco.2.htm)

### ***Clinton's Second Term***

After he was re-elected, President Clinton continued to push for sweeping tobacco legislation. In August 1997 President Clinton signed an executive order requiring Executive Branch federal worksites to be smoke free.<sup>41</sup> By doing so Clinton showed that he took the Environmental Protection Agency' risk assessment on secondhand smoke seriously. EPA administrator William Reilly had released this report in 1993, just a few days before President Bush left the White House. EPA, which had started looking into the risk assessment on environmental tobacco smoke (ETS) five years earlier, concluded that ETS is lethal to man. Secondhand smoke was classified as a group A carcinogen. (Other group A carcinogens are asbestos and radon.) EPA had found that ETS killed 52,000 Americans a year. 15000 of these deaths were ascribed to cancer and the rest to hearth disease (Kluger 737).

The EPA report outraged a tobacco industry which had denied the lethal consequences of smoking for a generation. Six tobacco organizations, among others R.J. Reynolds and Philip Morris, filed a suit against the EPA, challenging the scientific evidence which made EPA conclude that secondhand smoke caused 3,000 cases of lung cancer in non-smokers each year. In 1998 a North Carolina district court was to set voided parts of the EPA report on environmental tobacco smoke, a decision the Clinton administration immediately was to appeal.<sup>42</sup>

In 1997, President Clinton initiated an attempt to draft a federal tobacco bill building on an accord between 40 state attorneys and the major tobacco companies. This accord, often called the 1997 settlement, was in many ways a historic agreement. If made into federal law, it would have required the tobacco companies to pay \$368 billion over 25 years to settle lawsuits brought by states in order to be reimbursed for costs of treating smoking-related illnesses. The tobacco industry was also to pay \$60 billion in punitive damages for having deceived the public about the dangers of smoking. In return, the tobacco companies would gain immunity from punitive damages for past actions and gain protection from future class-action suits. The tobacco industry had also agreed to be regulated by the Food and Drug Administration.<sup>43</sup>

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<sup>41</sup> "Clean Indoor Air Regulations" National Center For Chronic Disease Prevention and Health Promotion (11 Apr. 2001): 3 pp Online. Internet 15 Sept 2003

<sup>42</sup> United States Environmental Protection agency. "ETS- EPA's decision to appeal court ruling on secondhand tobacco smoke study." 12 Jan. 1998: 1p Online Internet 8 Mar 2001

<sup>43</sup> "Highlights of the Tobacco Settlement" Facts on File (26 Jun. 1997): 3 pp Online. Internet. 29 Jun. 1999  
[Http://ww.facts.com/wnd/high.htm](http://ww.facts.com/wnd/high.htm)

The 1997 settlement included measures to curb youth smoking. The tobacco industry would pay for anti-smoking education campaigns, which included programs directed at young smokers. The industry would also pay fines if youth smoking failed to drop. Tobacco advertising on billboards, store fronts, on the internet and at sporting events would be prohibited. Most print advertising would be in black and white, text only, and human and cartoon images would be banned. The settlement also implied a ban on vending machines.<sup>44</sup>

The 1997 settlement definitely pleased those whose only purpose was to curb youth smoking. In many ways, the proposed rules went beyond the FDA rules aimed at reducing smoking among teenagers, which Clinton had approved in 1996. Other aspects of the deal, however, were harshly criticized.<sup>45</sup> Elisabeth Whelan, the president of the American Council on Sciences and Health called the accord "the biggest drug pay off of the century." FDA chief David Kessler and former surgeon General C. Everett Koop urged Congress to forego the 1997 settlement and instead draft legislation without giving concessions.<sup>46</sup> Central in the debate over concessions were the millions of tobacco industry documents that were protected from disclosure. Anti-tobacco activists argued that it would be wrong to give the tobacco industry concessions without knowing the facts about its former conduct.<sup>47</sup> Several other aspects of the tobacco deal were blasted. There were those who said that \$ 360 billion would buy less 25 years ahead in time and that the states could get more in court.<sup>48</sup> The fact that the tobacco settlement was passed over tobacco farmers' objections was also a target of criticism. Other critics pointed to the fact that the tobacco accord did not impose restrictions on the tobacco companies' marketing aimed at children abroad.<sup>49</sup>

The 1997 tobacco deal between the tobacco companies and the states had been negotiated beyond the president's control. Clinton took a tough stand against parts of the tobacco accord. At a news conference in September 1997, he emphasized the importance of codifying the deal in

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<sup>44</sup> Ibid

<sup>45</sup> Noah, Timothy. "A hit or a miss for Mr. Butts?" U.S. News (1997): 4 pp Online. Internet. 14 Aug. 2000

<sup>46</sup> Stolberg, Sheryl Gay. "Scrapping of Tobacco Accord Is Urged by Kessler and Koop" Corporate Watch (30 Jul. 1997): 2 pp Online. Internet. 29 Jun. 1999

[Http://www.igc.org/trac/corner/worldnews/other/other64.html](http://www.igc.org/trac/corner/worldnews/other/other64.html)

<sup>47</sup> Shaffer, David. "Minnesota tobacco foes lobby Congress" Pioneer Planet (9 May 1997): 3pp Online. Internet. 29 Jun. 1999

[Http://www.special.pioneerplanet.com/archive/tobac/docs/dox/tob905.htm](http://www.special.pioneerplanet.com/archive/tobac/docs/dox/tob905.htm)

<sup>48</sup> Noah, Timothy. "A hit or a miss for Mr. Butts?" U.S. News (1997): 4 pp Online. Internet. 14 Aug. 2000

<sup>49</sup> Stolberg, Sheryl Gay. "Scrapping of Tobacco Accord Is Urged by Kessler and Koop" Corporate Watch (30 Jul. 1997): 2 pp Online. Internet. 29 Jun. 1999

Congress as quickly as possible, but he underscored that it had to be done in the right way. The president also stressed that the Federal Government was not rejecting the deal, but building on it, and he urged changes of five parts of the tobacco settlement.<sup>50</sup> According to Clinton, the FDA should have unrestricted authority over tobacco regulation. The 1997 settlement allowed a ban on nicotine only if the FDA could prove that this would not cause a black market in tobacco. Clinton termed this provision unacceptable.<sup>51</sup> He also underscored that disclosure of industry documents had brought the tobacco industry to the negotiating table, and he demanded that the industry uncover secret documents and research before any deal could be made. Another of Clinton's points addressed the necessity of increasing research into the medical effects of tobacco use. Clinton also promised to help "hard-working and honest" tobacco farmers. Finally the President addressed youth smoking. He pressed for an increase of the fines the 1997 settlement imposed on cigarette makers if youth smoking failed to drop to certain levels.<sup>52</sup>

The process of drafting federal tobacco legislation in Congress was not very successful. The Republicans, who had the majority of both houses, spread the many parts of the 1997 settlement among various committees. According to Time reporter Bruce Van Voorst, the GOP created the illusion of action in the same way that kids "spread lima beans around their plates to create the illusion of eating them."<sup>53</sup>

At the beginning of March 1998, President Clinton stepped up his campaign for tobacco legislation, which had been stalled in Congress. Counting the days left of the 105th Congress, the President called for action and pointed to the fact that 3,000 kids would start smoking on each of those days. Republicans retorted that drugs were an even greater problem among youth, and the Chairman of the Commerce Committee, Tom Bliley, questioned Clinton's commitment to draft a

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[Http://www.igc.org/trac/corner/worldnews/other/other64.html](http://www.igc.org/trac/corner/worldnews/other/other64.html)

<sup>50</sup> "President Clinton Urges Change In National Tobacco Settlement." Law Street Journal (19 Sept. 1997): 2 pp Online. Internet. 1 Jun 1999  
[wysiwyg://83/  
http://www.usatoday.com/news/smoke/smoke31.htm](http://www.usatoday.com/news/smoke/smoke31.htm)

<sup>51</sup> «Clinton blasts part of tobacco deal» USA Today (7 Sept. 1997): 2 pp Online. Internet. 29 Jun 1999  
[Http://www.usatoday.com/news/smoke/smoke31.htm](http://www.usatoday.com/news/smoke/smoke31.htm)

<sup>52</sup> "President Clinton Urges Change In National Tobacco Settlement." Law Street Journal (19 Sept. 1997): 2 pp Online. Internet. 1 Jun 1999  
[wysiwyg://83/http://www.usatoday.com/news/smoke/smoke31.htm](http://www.usatoday.com/news/smoke/smoke31.htm)

<sup>53</sup> Carney, James. "McCain's Big Deal" Time.com (13 Apr. 1998): 4 pp Online. Internet. 24 Jun. 1999  
[Http://cgi.pathfinder.com/time/magazine...m/980413/business.mccains-big-dea2.html](http://cgi.pathfinder.com/time/magazine...m/980413/business.mccains-big-dea2.html)

tobacco bill. Bliley, who controlled House action on tobacco legislation, claimed that Clinton had not sent Congress any plan of action.<sup>54</sup>

However, many Republicans were realizing that voters were increasingly anti-tobacco. Fear of being linked to the tobacco industry in the November 1998 election made Republicans more willing to take action.<sup>55</sup> Newt Gingrich told tobacco lobbyists: "I will not let Clinton get to the left of me on this. We will not support anything the industry is for."<sup>56</sup> Don Nickles, the Senate's second-ranking Republican, summoned a group of Republican senators and forced a decision: One single committee would now be in charge of drafting tobacco legislation. Republican senator John McCain was given the task of producing a federal tobacco bill, building on the 1997 settlement. McCain did not fail to remind his fellow Republicans of the possibility of being hammered in the 1998 election on the tobacco issue. Some Republicans were shocked when they were informed that the condition of Clinton's support was that the price of a pack of cigarettes would rise \$1.10 over five years. "We got to go with the president's numbers," McCain told a worried Republican. "Otherwise we open up to the charge that all we care about is the tobacco companies."<sup>57</sup>

The tobacco bill which emerged from the Senate Commerce Committee in April was more punitive towards the tobacco industry than the 1997 settlement. It required the industry to pay \$516 billion, and it raised the annual cap on individual liability to \$6.5 billion. Clinton imposed his will: Taxes on cigarettes would be raised to \$1.10 a pack over 5 years.<sup>58</sup> The bill also included provisions to help tobacco farmers.<sup>59</sup> But most importantly, the McCain bill did not give any legal concessions to the tobacco industry.<sup>60</sup>

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<sup>54</sup> "Clinton Pushes Congress For Tobacco Legislation." The Salt Lake Tribune (8 Mar. 1998): 2 pp Online. Internet. 11 Jun. 1999  
[Http://www.sltrib.com/1998/mar/03081998/nation\\_w/26720.htm](http://www.sltrib.com/1998/mar/03081998/nation_w/26720.htm)

<sup>55</sup> Carney, James. "McCain's Big Deal" Time.com (13 Apr. 1998): 4 pp Online. Internet. 24 Jun. 1999  
[Http://cgi.pathfinder.com/time/magazine...m/980413/business.mccains-big-dea2.html](http://cgi.pathfinder.com/time/magazine...m/980413/business.mccains-big-dea2.html)

<sup>56</sup> Headen, Susan and Garrett, Major. "Marlboro Man to Congress: Drop dead." U.S News (20 Apr. 1998): 4 pp Online. Internet. 26 Nov 1999

<sup>57</sup> Carney, James. "McCain's Big Deal" Time.com (13 Apr. 1998): 4 pp Online. Internet. 24 Jun. 1999  
[Http://cgi.pathfinder.com/time/magazine...m/980413/business.mccains-big-dea2.html](http://cgi.pathfinder.com/time/magazine...m/980413/business.mccains-big-dea2.html)

<sup>58</sup> Headen, Susan and Garrett, Major. "Marlboro Man to Congress: Drop dead." U.S News (20 Apr. 1998): 4 pp Online. Internet. 26 Nov 1999

<sup>59</sup> Bauer, todd. "McCain touts tobacco deal." The Augusta Chronicle (17 Apr. 1998): 2pp "Online. Internet. 8 Jun. 1999

[Http://augustachronicle.com/stories/041798/met\\_AIK-3225.001.shtml](http://augustachronicle.com/stories/041798/met_AIK-3225.001.shtml)

<sup>60</sup> Headen, Susan and Garrett, Major. "Marlboro Man to Congress: Drop dead." U.S News (20 Apr. 1998): 4 pp Online. Internet. 26 Nov 1999

However, shortly after the bill's approval by the Senate Commerce Committee, the tobacco industry withdrew its support of the bill, claiming that it had become too expensive and punitive.<sup>61</sup> "I will not voluntarily sign my company into bankruptcy," Steven Goldstone, CEO of RJR Nabisco Holding Corp, told Republican leaders. "I prefer to go bankrupt the old way--- through the courts."<sup>62</sup> Subsequently, the five major tobacco companies launched a \$40 million advertising campaign, arguing that politicians had ruined a well-meant offer. The tobacco companies complained that the McCain bill would "devastate people employed in growing and distributing tobacco, and [was] aimed less at youth smoking than at raising new tax revenue for politicians."<sup>63</sup>

Many Republicans also disliked the broad sweep of the McCain bill. They argued that it would result in an uncontrollable black market for cigarettes and that it would help wealthy trial lawyers. The Republicans also claimed that McCain's proposal was a regressive tax on the poor, since poor people tend to smoke more. This argument filled many Democrats with indignation. Senator John Kennedy responded: "I listened to those crocodile tears of our colleagues on the other side of the aisle about how distressed they are about what is happening to working families. I give them reassurance; they will have a nice chance to vote for an increase in the minimum wage later on, and we will see how distressed they are about all those working families that they agonizing about and so distressed because this is a regressive tax."<sup>64</sup>

However, the Republicans focused special attention on the "tax and spend" aspects of the McCain bill. House leaders were especially skeptical towards the tax hike on cigarettes, which by many was considered necessary to make cigarettes unaffordable to kids.<sup>65</sup> House Speaker Newt Gingrich, House Majority Leader Richard K. Arme, House Majority whip Tom DeLay and National Republican Congressional Committee Chairman John Linder were all opposed to using

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<sup>61</sup> "Senate Kills Tobacco Bill" Facts on File (17 Jun. 1998): 5pp Online. Internet. 29 jun.1999  
[Http://www.facts.com/wnd/tobc.htm](http://www.facts.com/wnd/tobc.htm)

<sup>62</sup>Headen, Susan and Garrett, Major. "Marlboro Man to Congress: Drop dead." U.S News (20 Apr. 1998): 4 pp Online. Internet. 26 Nov 1999

<sup>63</sup> Harris, John F, Washington Post "Excerpts from White House Campaigns for Tobacco Bill Clinton Criticizes Industry, Warns Republicans on Teen Smoking 'Half Measures' Action on Smoking and Health (21 Apr. 1998): 2 pp Online. Internet  
[Http://ash.org/april98/04-21-98-4.html](http://ash.org/april98/04-21-98-4.html)

<sup>64</sup> Ivins, Molly. «Big Tobacco's Money Choked Life Out Of Bill» ewshawk: Steve Young Source: Daily Herald (20 Jun. 1998): 2 pp Online. Internet.  
[Http://www.vote-al.org/tobacbil.htm](http://www.vote-al.org/tobacbil.htm)

<sup>65</sup> Headen, Susan and Garrett, Major. «Marlboro Man to Congress: Drop dead.» U.S News (20 Apr. 1998): 4 pp Online. Internet. 26 Nov. 1999

new taxes to finance government programs. In an interview on NBC television, Gingrich blasted McCain's proposal. "I am opposed to a liberal tobacco bill, which would raise taxes to create bigger government," he said. "I think we ought to give back to the taxpayers every penny of new revenue from tobacco."<sup>66</sup>

The House was considering drafting a less sweeping bill, more narrowly tailored to curb youth teenage smoking. This proposed bill, which most likely would have avoided the liability issue, would have raised the legal smoking age from 18 to 21, forbidden vending machine sales of cigarettes, and channeled increased cigarette taxes to research into tobacco-related diseases and campaigns against youth smoking.<sup>67</sup> Newt Gingrich had identified the fighting of drugs as one of his priorities, and the House considered combining the combat against drug and tobacco in one bill. Such a move would have allowed Gingrich to attack Clinton for lack of initiative in the fight against drugs. However, many Republicans worried about the consequences of a "tobacco bill lite" in the November election. They feared that Clinton would portray the Republican Party as beholden to tobacco interests.<sup>68</sup>

In a Rose Garden speech in late April, Clinton gave members of Congress a taste of the attacks they could expect in the 1998 election if they sided with the tobacco industry. He warned against half-measures and expressed concern about Newt Gingrich's attacks on the tobacco bill sponsored by Senator John McCain. Clinton said he hoped Gingrich would "return to his former position." "Before his recent comments I had been encouraged, because he basically said he would not permit us to take a stronger position than he did," Clinton said.<sup>69</sup>

The McCain bill was not only criticized by conservatives. Some critics claimed that the bill gave the tobacco industry too many concessions and protections. The bill capped damages in civil lawsuits (maximum \$6.5 billion a year). It was also argued that the annual payments the companies were required to make to the government were passed on to the consumers. The fact

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<sup>66</sup> Eiperin, Juliet. «Wary of taxes, House GOP Weighs Alternate Teen Smoking Measure.» [Washington Post.com](http://www.Washingtonpost.com) (18 Apr. 1998): 3 pp Online. Internet. 29 Jun 1998

[Http://www.Washingtonpost.com/wp-srv/national/longterm/tobacco/stories/teentax.htm](http://www.Washingtonpost.com/wp-srv/national/longterm/tobacco/stories/teentax.htm)

<sup>67</sup> Headen, Susan and Garrett, Major. «Marlboro Man to Congress: Drop dead.» [U.S News](http://www.U.S.News) (20 Apr. 1998): 4 pp Online. Internet. 26 Nov. 1999

<sup>68</sup> Eiperin, Juliet. «Wary of taxes, House GOP Weighs Alternate Teen Smoking Measure.» [Washington Post.com](http://www.Washingtonpost.com) (18 Apr. 1998): 3 pp Online. Internet. 29 Jun 1998

[Http://www.Washingtonpost.com/wp-srv/national/longterm/tobacco/stories/teentax.htm](http://www.Washingtonpost.com/wp-srv/national/longterm/tobacco/stories/teentax.htm)

<sup>69</sup> Harris, John F, Washington Post "Excerpts from White House Campaigns for Tobacco Bill Clinton Criticizes Industry, Warns Republicans on Teen Smoking 'Half Measures' [Action on Smoking and Health](http://www.ActiononSmokingandHealth.org) (21 Apr. 1998): 2 pp Online. Internet

that payments under the McCain bill were tax deductible was also criticized and likewise the fact that the bill would only permit domestic tobacco subsidiaries to be sued. It was also maintained that the bill in many cases would function as a pre-emption of state action.<sup>70</sup>

The possibility for the bill to pass in the Senate was probably ruined on May 21, 1998, when senators who did not find the bill punitive enough joined conservative senators opposed to the bill in approving an amendment which suggested stripping the bill of caps on the tobacco industry's future liability. Supporters of the bill were of the opinion that the tobacco bill had to include some legal protection of the tobacco industry in order to be approved by the Senate.<sup>71</sup>

Even though the Senate passed amendments tying the McCain bill to pet Republican causes such as tax cuts and anti-drug measures, Republicans characterized the bill as «tax and spend». The tobacco bill was voted down by the Senate Republicans on June 17, 1998. Majority leader Trent Lott justified the defeat of the bill by calling it a "cookie jar" meant to provide money for government programs.<sup>72</sup>

The Democrats thundered against the Republicans, claiming that the Senate GOP had fattened the bill with amendments only to kill it off for being too heavy. Arguing that the Republican Party was in league with the tobacco industry, Democrats promised to keep the tobacco issue alive. Shortly after the demise of the bill, Senate Democrats unsuccessfully tried to attach tobacco legislation to an appropriations bill.<sup>73</sup> President Clinton also promised to go on fighting for tobacco legislation both in Congress and in the 1998 elections. To spread an image of optimism, Clinton announced that the Department of Health and Human Services, by executive order, would conduct surveys to determine which brands that enjoyed favor among underage smokers.<sup>74</sup>

Republicans evidently feared that the defeat of the McCain bill would backfire in the November elections. Some analysts argued that the tobacco bill was killed in the Senate for fear

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[Http://ash.org/april98/04-21-98-4.html](http://ash.org/april98/04-21-98-4.html)

<sup>70</sup> "Big Tobacco's Ruse" Corporate Watch (1998?): 3 pp Online. Internet. 29 Jun 1999

[Http://www.igc.org/trac/corner/worldnews/other/130.html](http://www.igc.org/trac/corner/worldnews/other/130.html)

<sup>71</sup> Torry, Sandra and Dewar, Helen. «Senate GOP Kills McCain Tobacco Bill» Washingtonpost.com (18 Jun.1998): 4 pp Online. Internet. 29 Jun. 1999

[Http://www.washingtonpost.com/wp-srv/national/longterm/tobacco/st.../tobacco081898.ht](http://www.washingtonpost.com/wp-srv/national/longterm/tobacco/st.../tobacco081898.ht)

<sup>72</sup> Ibid

<sup>73</sup> "Democrats try to revive tobacco bill" USA Today.com (1998): 3 pp Online. Internet. 14 Aug. 2000

<sup>74</sup> Harris, John F. «U.S. to Study Brands Used By Underage Smokers.» Washingtonpost.com (22 Jun. 1998): 3 pp Online. Internet. 29 Jun. 1999

[Http://www.washingtonpost.com/wp-srv/national/longterm/tobacco/.teenstudy062298.ht](http://www.washingtonpost.com/wp-srv/national/longterm/tobacco/.teenstudy062298.ht)



that the House Republicans would be hurt in the coming elections if the bill had been defeated there. However, The Republicans probably hoped the focus on the "tax and spend" aspects of the bill would have a broad appeal to the voters and would thus overshadow any possible linkage between the tobacco industry and the Republican Party.<sup>75</sup> The fact that House Speaker Newt Gingrich revived the House plan of drafting a tobacco bill which would be more narrowly focused to curb youth smoking shortly after the defeat of the McCain bill was a clear attempt to characterize the Republican Party as anti-tobacco. However, Gingrich did not describe this plan in detail. He only said it would focus on a public awareness campaign and on incentives to states which decreased smoking rates among teenagers. Senate Majority Leader Trent Lott also declared that he would champion a less costly tobacco bill aimed at curbing youth smoking.<sup>76</sup> One may also suspect that the Republicans found it likely that the Lewinsky scandal and the impeachment process would smear Clinton's character to such an extent that the tobacco issue would lose its momentum in the 1998 elections.

The Republicans' alternative plan fell flat among health advocates, Democrats and the White House alike. It was characterized as worse than nothing at all. "This is no time for a fig leaf," said Matthew Myers, CEO of the Campaign for Tobacco-Free Kids. Myers claimed that a bill more aimed at protecting Congressmen in the November elections than at curbing youth smoking would be rejected by health groups. White House press secretary Michael McCurry said: "There is no such thing as a slimmed-down bill that protects kids from tobacco smoking."<sup>77</sup>

There were many reasons for the failure of the tobacco bill. Clinton blamed the massive advertising campaign launched by the tobacco industry.<sup>78</sup> This campaign was considered to have cleared the way for the Republicans' tax and spend message. However, President Clinton was also criticized for the defeat of the bill. Former Clinton advisor Dick Morris, for instance, was of the opinion that Clinton had not exercised enough leadership during the preparation of the bill. According to Morris, Clinton should have contributed to a tobacco bill that would have raised

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<sup>75</sup> Torry, Sandra and Dewar, Helen. «Senate GOP Kills McCain Tobacco Bill» [Washingtonpost.com](http://www.washingtonpost.com/wp-srv/national/longterm/tobacco/st.../tobacco081898.ht) (18 Jun.1998): 4 pp Online. Internet. 29 Jun. 1999

[Http://www.washingtonpost.com/wp-srv/national/longterm/tobacco/st.../tobacco081898.ht](http://www.washingtonpost.com/wp-srv/national/longterm/tobacco/st.../tobacco081898.ht)

<sup>76</sup> Torry, Sandra and Eiperin Juliet. «GOP Leaders Plan Leaner Tobacco Bill» [Washingtonpost.com](http://www.washingtonpost.com/wp-srv/national/longterm/tobacco/st.../tobacco061998.ht) (19 Jun. 1998): 3 pp Online. Internet. 29 Jun. 1999

[Http://www.washingtonpost.com/wp-srv/national/longterm/tobacco/st.../tobacco061998.ht](http://www.washingtonpost.com/wp-srv/national/longterm/tobacco/st.../tobacco061998.ht)

<sup>77</sup> Ibid

<sup>78</sup> «Senate Kills Tobacco Bill» [Facts on File](http://www.facts.com/wnd/tobc.htm) (17 Jun. 1998): 5 pp Online. Internet. 29 jun.1999

[Http://www.facts.com/wnd/tobc.htm](http://www.facts.com/wnd/tobc.htm)

more support among Republicans. The Democrats, on the other hand, maintained that their efforts of "deal-cutting" did not succeed, since Senate Majority Leader Trent Lott had given in to conservative pressure at the very last moment.<sup>79</sup>

The failure of the McCain bill was a major setback for President Clinton. If the bill had passed, it would have been the most sweeping social legislation in the 1990s.<sup>80</sup> The demise of the bill was also a slap in the face for Clinton's theory of governing during his second term. After his reelection in 1996, Clinton had to come to grips with a Republican majority in Congress. By promoting a centrist agenda, Clinton had hoped to find a common ground with moderate Republicans, like John McCain. The fact that the tobacco bill was voted down, crushed Clinton's hopes of passing legislation he desired and also left Clinton with a funding problem.<sup>81</sup> The McCain bill would have provided \$2 billion a year for social programs championed by Clinton.<sup>82</sup>

With federal tobacco legislation on the shelf, the tobacco industry and the states went back to the bargaining table in 1998 and negotiated the \$206 billion deal to settle all state lawsuits pending against the industry. This agreement laid an embargo on goods carrying cigarette logos, prohibited cartoon characters in commercial advertising, forbade tobacco ads on scoreboards at sport events, introduced further billboard restrictions, and put an end to the practice of tobacco companies paying television and cinema studios to exhibit tobacco products.<sup>83</sup>

There were those who encouraged states to reject this deal. Consumer advocate Ralph Nader, for instance, characterized the settlement as a "sweetheart deal" for the tobacco industry. Among other things, Nader pointed to the fact that the deal would allow the tobacco companies

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<sup>79</sup> Harris, John F. «Clinton's Domestic Policy Hopes Faded With Tobacco Bill, Analysts Say.» [Washingtonpost.com](http://www.washingtonpost.com) (21 Jun 1998): 4 pp Online. Internet. 29 Jun 1999

[Http://wpni.com/wp-srv/national/longterm/tobacco/stories/domestic062198.htm](http://wpni.com/wp-srv/national/longterm/tobacco/stories/domestic062198.htm)

<sup>80</sup> Ibid

<sup>81</sup> Shapiro, Walter. «As tobacco bill goes so goes Clinton.» [USA Today](http://www.usatoday.com) (June 1998?): 2 pp Online. Internet. 29 Jun 1999

[Http://www.usatoday.com/elect/ew/ew240.htm](http://www.usatoday.com/elect/ew/ew240.htm)

<sup>82</sup> Harris, John F. «Clinton's Domestic Policy Hopes Faded With Tobacco Bill, Analysts Say.» [Washingtonpost.com](http://www.washingtonpost.com) (21 Jun 1998): 4 pp Online. Internet. 29 Jun 1999

[Http://wpni.com/wp-srv/national/longterm/tobacco/stories/domestic062198.htm](http://wpni.com/wp-srv/national/longterm/tobacco/stories/domestic062198.htm)

<sup>83</sup> Straub, Bill. «Critics: Sweetheart deal for tobacco.» [The Cincinnati Post](http://www.cincinnati.com) (17 Nov. 1998): 2 pp Online. Internet. 29 Jun. 1999

[Http://www.cicypost.com/news/tob111798.html](http://www.cicypost.com/news/tob111798.html)

to keep secret many documents proving wrongdoing, and that it would prevent future attorneys general from taking major steps against the tobacco industry.<sup>84</sup>

Some critics, including President Clinton, called attention to the fact that the 1998 settlement did not protect tobacco farmers. However, Clinton endorsed the plan in mid-November, on the condition that protective measures for tobacco farmers were taken.<sup>85</sup> In January 1999, President Clinton proposed a 55-cent cigarette tax aimed at reducing teen smoking. White House officials said they hoped the tax would be included in a more extensive tobacco bill. In order to avoid a "tax and spend stigma", Clinton linked the cigarette tax to expenses related to smoking.<sup>86</sup>

Clinton's proposal raised protests among Republicans and representatives of the tobacco industry. Despite the linkage mentioned above, communications director of the House Ways and Means Committee, Ari Fleicher, made the following remark. "Unlike last year, the president's [cigarette tax] proposal has nothing to do with health care, but has everything to do with raising taxes to pay for government programs. That's troubling because it signals a return to the days of tax and spend." Tobacco industry spokesman Scott Williams said: "There is no specific, hard evidence to prove that the [administration's] premise that taxation would reduce the number of teenage smokers."<sup>87</sup> Surgeon General David Satcher, on the other hand, commented on Clinton's proposal in the following way: "Some studies show that for every 10 percent increase in price, there is a 7 percent decrease in smoking with children and a 4 percent decrease in adults."<sup>88</sup>

In his State of the Union Message, in January 1999, Clinton took the tobacco industry by surprise by announcing that the Justice Department was planning a law suit against the major American tobacco companies to recover costs of treating smoking-related illnesses. "Taxpayers shouldn't pay for the cost of lung cancer, emphysema and other smoking-related illnesses. The tobacco companies should," the president said.<sup>89</sup>

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<sup>84</sup> Ibid

<sup>85</sup> Ibid

<sup>86</sup> Torry, Sandra. «Clinton to Propose Higher Cigarette Tax» Washington Post (15 Jan 1999): 3 pp Online. Internet 24 Jun. 1999

[Http://www.washingtonpost.com/wp-srv/na.../longterm/tobacco/stories/tax011599.htm](http://www.washingtonpost.com/wp-srv/na.../longterm/tobacco/stories/tax011599.htm)

<sup>87</sup> Ibid

<sup>88</sup> «Suing the Tobacco Companies.» US Federal Suits: Excerpts from the press (22 Jan. 1999): 4 pp Online. Internet. 1 Jun. 1999

[Http://www.gasp.org/fedsuitex.html](http://www.gasp.org/fedsuitex.html)

<sup>89</sup> «Plan to hit tobacco companies» NZ Herald (21 Jan. 1999): 1 p Online. Internet. 22 Jun. 1999

[Http://www.nzdf.org.nz/update/messages/526.htm](http://www.nzdf.org.nz/update/messages/526.htm)

Eight months later, President Clinton made good his promise. On September 22, the Justice Department filed suit against Philip Morris Companies, R.J. Reynolds Tobacco Co, American Tobacco Co; Brown & Williamson Tobacco Co Inc; Liggett and Myers Inc, The Council for Tobacco Research USA, and the Tobacco Institute Inc. In its complaint, the Justice Department claimed that the tobacco companies had conspired to conceal the risks of cigarette smoking. Asserting that smoking-related illnesses cost the Federal Government billions of dollars annually, the Justice Department sought to be reimbursed for those funds. Since the Federal Government has more resources than the states, this lawsuit could be extremely damaging to the tobacco industry. The tobacco companies, however, questioned the Clinton Administration's authority to file such a lawsuit and were confident that the Justice Department did not have a valid case against the tobacco companies.<sup>90</sup>

As mentioned above, Clinton's Attorney General, Janet Reno, sought reimbursements for the health care costs caused by tobacco use, but in August 2000, District Court Judge Gladys Kessler threw out that part of the suit. However, the charges related to the racketeering law were allowed to go forward.<sup>91</sup> Presidential candidate George W. Bush, who received \$120.000 from the tobacco industry in 1999 and 2000, expressed uneasiness with the federal tobacco suit during his presidential campaign. Senator and future Attorney General John D. Ashcroft, who without failure voted in favor of the tobacco industry, was staunchly opposed to the suit. Tobacco activists therefore feared that the lawsuit was not to survive the Bush administration.<sup>92</sup>

After having nibbled with the idea of a settlement with the tobacco industry, Ashcroft decided not to drop the suit.<sup>93</sup> The Cato Institute, which receives ample contributions from the tobacco industry, slammed Ashcroft for keeping the tobacco suit alive. Robert A Levy, a senior fellow at Cato, contended that "the government's evidence [ was ] so flimsy and flawed that the Justice Department [ was ] wasting taxpayer money on the case." The Cato Institute also accused

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<sup>90</sup> Vise, David A. and Adams, Lorraine. «U.S Files Massive Tobacco Civil Suit.» [Washingtonpost.com](http://www.washingtonpost.com)(22 Sept. 1999):3 pp Online. Internet. 22 Sept. 1999

[Http://www.washingtonpost.com/wp\\_srv/national/longterm/tobacco/tobacco.htm](http://www.washingtonpost.com/wp_srv/national/longterm/tobacco/tobacco.htm)

<sup>91</sup> Bluey, Robert B. "Ashcroft Takes Hit for Backing Suit Against Tobacco Industry." [The Nation](http://www.thenation.com) 22 May 2000: 2 pp 9 Aug. 2004

<sup>92</sup> Kaufman, Marc. "3 nominees Helped tobacco" [Washington Post.com](http://www.washingtonpost.com) (21 Jan. 2001): 3 pp 21 Jan 2001

<sup>93</sup> " U.S. seeks to settle lawsuit against tobacco industry" [CNN.com Lawcenter](http://www.cnn.com) (20.Jun. 2001) : 2 pp 9 Aug. 2004  
Bluey, Robert B. "Ashcroft Takes Hit for Backing Suit Against Tobacco Industry." [The Nation](http://www.thenation.com) (22 May 2000): 2 pp 9 Aug. 2004

“Clinton leftovers in the departments for pushing the case while Bush and Ashcroft were busy fighting terrorism.”<sup>94</sup>

Against all odds, President Clinton's wish for a federal lawsuit against the tobacco industry became a reality in September 2004. Given the discomfort President Bush felt with the lawsuit during his campaign for the presidency and Ashcroft's rejection of it as a senator, it is hardly plausible that the Bush Administration would have taken the initiative to such a case. On August 17, 2006 District Judge Gladys Kessler sided with the government in this landmark suit. The tobacco companies were found guilty in having “violated civil racketeering laws and defrauded the American people by lying for decades about the health risks of smoking and their marketing to children.”<sup>95</sup>

President Clinton continued to fight through the courts for FDA’s authority to regulate tobacco during his second term. A lower court had upheld FDA’s right to regulate tobacco in 1997. The tobacco industry appealed this decision, and in 1998 a court of appeal reversed the lower court ruling. The Clinton Administration appealed to the Supreme Court to confirm FDA’s authority to regulate tobacco.<sup>96</sup> In March 2000, The United States Supreme Court ruled that the federal Food and Drug Administration cannot regulate tobacco products without approval from Congress.<sup>97</sup>

During the 1980s presidents Ronald Reagan and George Bush had helped the tobacco industry open markets to American cigarettes abroad. The following words from Vice-President Dan Quayle to a group in North Carolina may be said to sum up the situation: "Tobacco exports should be expanded aggressively, because Americans are smoking less."<sup>98</sup>

The arrival of President Clinton in the White House marked a shift in this practice. His administration refused to intervene on behalf of American tobacco companies which were seeking to sell and manufacture cigarettes abroad. As a rule American embassies abroad were instructed not to help tobacco companies expand foreign markets. The fact that the Clinton

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<sup>94</sup> Ibid

<sup>95</sup> “Special report. The Justice Department Civil lawsuit” Campaign for Tobacco-Free Kids (17 Nov 2006) : 2pp Online Internet 30 Apr 2007

<sup>96</sup> «Taking aim at the bull’s-eye: the nicotine in tobacco products.» Tobacco Control (Autumn 1998): 11 pp Online. Internet. 14 Sept. 2000

[Http://www.bmjpg.com/data/tobarch/autumn98/editorial.html](http://www.bmjpg.com/data/tobarch/autumn98/editorial.html)

<sup>97</sup> Dr. Whelan, Elisabeth M. «The U.S. Supreme Court Rejects FDA Tobacco Regulation: A Setback For Public Health?» American Council on Science and Health. (22 Mar. 2000): 2 pp Online. Internet. 14 Sept. 1999

[Http://www.acsh.org/press/editorials/tobacco\\_reg032200.html](http://www.acsh.org/press/editorials/tobacco_reg032200.html)

administration refused to push China to end its state tobacco monopoly is an example of this practice. Tobacco companies lobbied the Clinton administration to stop South Korea from imposing new requirements on foreign firms trying to sell and manufacture cigarettes in that country. The Clinton administration, however, refused to stop Korea from imposing these new rules. On his last day in the White House, President Clinton endorsed an executive order making it official policy to "take strong action to address the potential global epidemic of diseases caused by tobacco use." The order also said that executive agendas were not to push the export of tobacco products or "seek the reduction or removal of foreign government restrictions on the marketing and advertising of tobacco products." <sup>99</sup>

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<sup>98</sup> Hammond, Ross. "Big Tobacco's Global Expansion" 25 pp Online Internet 24 Jun. 1999

<sup>99</sup> "U.S. Helps Tobacco in Trade Case" The Washington Post Company ( 2001 ) :3 pp Online. Internet. 26. Jun. 2001

## THE TOBACCO INDUSTRY EMBRACES THE REPUBLICAN PARTY

### *The Tobacco Industry and GOP ideology*

The Laissez-faire doctrine has always been an important element of the ideology of the Republican Party. In the last decades of the 20th century, however, a more extreme version of laissez-faire capitalism seemed to get a foothold within the GOP. According to moderate Republican John Saloma, in his *Omnious Politics: The New Conservative Labyrinth* (1983), right-wing conservatives developed a long-term strategy in the 1970s which was aimed at taking over the Republican Party and creating an America where the government practically does not interfere with business. Saloma argues that the creation of conservative think tanks, advocacy groups, and public policy organizations played an important role in that strategy. Saloma also insists that the expansion of corporate lobbying, corporate advocacy advertising, and the creation of conservative legal and campus-based activities were instrumental in the Republican Party's right turn.<sup>100</sup>

In 1994, the conservatism of the Republican Party manifested itself in an official document, "The Contract with America", where House Republicans and aspiring Republican candidates pledged to hold a vote on a number of conservative issues the first 100 days of a Republican majority in both chambers of Congress. The Contract with America included the following issues: balancing the budget, cutting taxes, controlling entitlement programs, ending welfare, and tough measures against crime.<sup>101</sup> The Contract also included an extensive regulatory rollback bill, the Regulatory Reform Act.<sup>102</sup> This act was aimed at "getting the government off the backs of individuals", and an implementation of this legislation would have destroyed the FDA and other public health and safety agencies.<sup>103</sup>

A 1995 article in *The Chronicle Philanthropy* argues that conservative grant makers "provided much of the intellectual firepower behind the Republican victories in the November

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<sup>100</sup> "The Conservative Labyrinth, Appendix C" 4 pp Online. Internet. 1Oct 1999  
<http://www.house.gov/democrats/research/Appendc.html>

<sup>101</sup> Lindberg, Tod. "Gingrich Lost and Found." *Policy Review* (April and May 1999, No94) : 14 pp Online. Internet 4 Dec. 2000

<sup>102</sup> "A million for your thoughts" *Public Citizen*, 2 pp Online. Internet. 17.Feb.2001

<sup>103</sup> "New Laws Could hurt Anti-tobacco efforts." *Oncology NEWS* (5 May 1995): 2 pp Online. Internet. 4 Des 2000

1994 elections" and can thus be said to support Saloma's thesis. It is interesting to note that Chris Olander, Executive Director of the J.M. Foundation, commented the Republican landslide as follows: "This is the second half of the Reagan revolution. President Reagan cut taxes, but couldn't bring down the size of government and cut spending. Now there is a tremendous opportunity to complete the other half." <sup>104</sup>

In order to avoid business regulation and tax hikes, the tobacco industry has given grants to conservative groups with an anti-regulatory agenda. These groups exert considerable influence over the GOP, and tobacco manufacturers can thus be said to have been instrumental in taking the Republican Party to the right. The Heritage Foundation, for example, which is considered the most influential organization supporting the GOP, <sup>105</sup> receives substantial financial support from Philip Morris and R.J. Reynolds. <sup>106</sup> The Heritage Foundation, whose political philosophies include unrestricted capitalism and deregulation of industry, drafted "The Mandate for Leadership", which can be said to have been the "blueprint" for the Reagan presidency. <sup>107</sup> This influential think tank, which has been called a "Shadow Government" by many investigative journalists, among others John Saloma in his *Ominous Politics*, also participated in the development of Gingrich's "Contract with America." <sup>108</sup> The Cato Institute, which promotes a policy based on limited government and free markets, is also supported by the tobacco industry. <sup>109</sup> In their 1996 book, *No Mercy: How Conservative Think Tanks and Foundation Changed America's Social Agenda*, Jean Stefanic and Richard Delgado argue that the Cato Institute "played a key role in forming the ideas and policies of the new Republican majority in Congress" (Stefanic and Delgado 67). Other tobacco-supported think tanks with anti-regulatory agendas and close links to the Republican Party include the American Enterprise

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<sup>104</sup> "Conservative Foundations and Their Activist Grantees." From the Foundations in the Newt Era, a NCRp Special Report (Sept. 1995): 4 pp. Online. Internet. 1 Oct 1999. Available:

<http://www.ncrp.org/articles/dap/13.htm>

<sup>105</sup> Oblivion, Ryan. "With Contempt For Our Democracy And The American People The Right Wing Elite That Tried To Bring Down Clinton Have Now Manipulated The "Coronation" Of George W.Bush." (14 Jan. 2001) 14 pp. Online. Internet. 20. Jan 2001.

<sup>106</sup> "The Heritage Foundation." Anti-environmental groups 2 pp Online. Internet. 2 May 2000  
<http://7www.radio4all.org/anarcchy/fake25.htm>

<sup>107</sup> Ibid

<sup>108</sup> Oblivion, Ryan. "With Contempt For Our Democracy And The American People The Right Wing Elite That Tried To Bring Down Clinton Have Now Manipulated The "Coronation" Of George W. Bush." (14.Jan. 2001) 14 pp Online. Internet. 20. Jan 2001

<sup>109</sup> "Conservative Right Policy Institutes" 2 pp Online. Internet. 14. Aug 2000



Institute, the Hudson Institute, the Progress and Freedom Foundation, and the Washington Legal Foundation.<sup>110</sup>

Considering the fact that the tobacco industry was threatened with regulation and tax hikes during the Clinton Administration, it is beyond doubt that the implementation of the anti-tax and anti-government aspects of the Contract with America would be favorable to the tobacco manufacturers. However, the Contract also stressed family values, and in this respect there seems to be an ideological conflict between the GOP's anti-regulatory business stance and the need to regulate a product which brings sorrow and suffering to a large number of American families year after year. Seemingly, the GOP was faced with the dilemma of whether to protect the tobacco industry's business rights by opposing regulation or to denote tobacco an "anti-life" substance that must be regulated. I think the last option could be in accordance with the ideology of the Republican Party. Traditionally, the GOP does not advocate a "get the government off our backs" ideology regarding to substances and practices it finds harmful, for example abortion. The 1980 Republican platform, for instance, called on presidents to appoint judges "who respect traditional values and the sanctity of innocent human life."<sup>111</sup> To my way of thinking, protecting children from aggressive tobacco advertisement embraces the conception of "protecting innocent human life."

Considering that tobacco kills 400,000 Americans every year and that new research shows that tobacco use may cause more than 100,000 miscarriages annually, one would perhaps think that the newcomers in the GOP, the religious right, with its pro-life stance, would stand up against tobacco.<sup>112</sup> But surprisingly, the vast majority of the religious right is silent about tobacco. Christian Coalition spokesperson Monica Hildebrandt says that her organization does not take any position regarding the tobacco and the smoking industry. The assistant press secretary of the Family Research Council, Kristin Hansen, argues that premarital sex is the root of teenagers' problems, and thus deflects questions about tobacco. Concerned women for America find it more important to fight sex education among teenagers than to fight for tobacco legislation.<sup>113</sup>

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<sup>110</sup> "A Million for your thoughts" Public Citizen 2 pp Online. Internet. 17 Feb. 2001

<sup>111</sup> People for the American way. "Clear And Present Danger: The New Far Right Judicial Litmus Test" (Aug 1996) 41pp Online. Internet. 25 Feb 2001

<sup>112</sup> Dr. Murphy. "Smoking, Major Killer of Unborn" Western Journal of Medicine. (24 Jul 1996) 2 pp Online Internet. 14. Aug 2000

<sup>113</sup> Saletan, William. "Sin of omission" Mother Jones 7 pp Online. Internet. 4. Aug 2000

High-profile religious leaders like the former Christian Coalition Executive Director Ralph Reed and Coalition founder Pat Robertson have not given priority to the tobacco issue. This is illustrated by the correspondence between a well-known tobacco activist and the two Christian leaders mentioned above. Tobacco-control activists were disillusioned when the 1994 Republican landslide had a braking effect on efforts to control tobacco. This was also true of former chairman of the coalition on smoking or Health, Scott Ballin. However, having gone through the "Contract with America", Ballin saw a glimmer of hope. Many of the groups on the religious right had been instrumental in shaping the Contract, and parts of it focused on children, ethics, and families. Ballin began writing letters to Pat Robertson and Ralph Reed, urging their help in the tobacco-control movement. He also sent Reed and Robertson a study and a Surgeon General's report that linked smoking to miscarriages and damage on the fetus. Ralph Reed did not respond to many of Ballin's letters, and the letters he answered did not take any position on the tobacco issue. Reed's stance towards tobacco was made clear in 1995, when he characterized President Clinton's fight against tobacco as a "political stunt that had created a lot of problems for Democrats in Kentucky." At the 1995 annual convention of the Christian Coalition, Reed criticized Clinton for "preaching against the dangers of tobacco after having gutted the drug czar's office."<sup>114</sup>

Pat Robertson, on the other hand, who had previously spoken out against tobacco, and who had even been deprived of points on a religious scorecard in 1988 for having supported a tax hike on liquor and cigarettes, replied regularly, expressing approval for Ballin's efforts to reduce smoking. However, Robertson's supporting words did not result in action. When Ballin wrote the "Contract for the Protection of America's Families and Children from Tobacco Use" imitating the language of the Contract with the American Family, Robertson signed it, but did not show up at the press conference where anti-smoking activists disclosed it. In his magazine, where he addresses Christian Coalition members, he has only once commented on Clinton's decision to regulate tobacco, characterizing it as "the latest in a dangerous trend of executive overreaching."<sup>115</sup>

The fact that Robertson and Reed have not added tobacco to the Coalition's "Congressional scorecard", which instructs conservative churchgoers on which candidates to vote

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<sup>114</sup> Ibid

<sup>115</sup> Ibid

for, further illustrates the two Christian leaders' lack of will to take on the tobacco industry. 40 million copies of this scorecard were distributed in 1994. It is interesting to note that Robertson, on his TV show, has wondered how his "dear friend" Jesse Helms can be a defender of tobacco. On the Coalition's 1994 scorecard, however, Helms got a perfect grade, while Bob Bennett (R-Utah), a supporter of measures against youth smoking, was hammered for supporting the appointment of a Clinton nominee who was a lesbian.<sup>116</sup>

Reed and Robertson apparently did not inform the Christian Coalition about the research on miscarriages that Ballin had sent them. When confronted with the tobacco issue, the Coalition's North Carolina field director, Phil Crowson, said that the Coalition's big issues are saving the unborn lives and reducing the amount of illegal pornography. When asked about the large numbers of miscarriages caused by smoking, Crowson was genuinely shocked. He claimed never to have been told about that research.<sup>117</sup>

Why is the religious right silent about tobacco? Religious leaders have expressed discomfort about fighting for a cause that has been so strongly championed by liberals. Standing up against tobacco would also create conflicts with pro-tobacco allies. It would also create conflicts with party donors. In the 1993-1994 election cycles, for instance, tobacco companies gave \$259,027 to the National Republican Senatorial Committee which, according to report, gave \$175,000 to the National Right to life political action committee. Geography also plays an important role. The religious right has a strong hold in tobacco-growing states and probably does not want to tread on the toes of its supporters. Conservative Christian lobbies and denominations also get a considerable part of their support from communities which are dependent on tobacco companies. According to Steve Sumerel, the director of the North Carolina Baptist State Substance Abuse and Family Division, many churches would go under if tobacco income was no longer donated to the church.<sup>118</sup>

In some cases the tobacco industry has tried to silence anti-tobacco ministers. Some years ago Forest Jones, then a youth minister in Raleigh, North Carolina, committed himself to fighting youth smoking. When he moved to a church some counties away, he got a very unpleasant call

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<sup>116</sup> Ibid

<sup>117</sup> Ibid

<sup>118</sup> Ibid

from a local officer of a tobacco company. The officer, who was in the management of the company wanted to know whether Jones was there to pastor or to make trouble.<sup>119</sup>

President Clinton announced his plans to regulate tobacco through the FDA at the Progressive National Convention at Charlotte, North Carolina. I think Clinton chose a religious setting in the hope that religious groups would support his measures against tobacco. Clinton underscored that an anti-tobacco commitment would be a part of any family agenda by calling smoking, drugs, violence, and teen pregnancy "the four deadly sins that are threatening our children". But as we have seen, the religious right has not been willing to include the fight against smoking among its family values.<sup>120</sup>

I think Republican senator Jesse Helms can be said to be an incarnation of the paradoxical pro-life and pro-tobacco stance of the Republican Party. He is a devoted supporter of the tobacco industry, while simultaneously promoting a pro-life view. The North Carolinian senator, who finds homosexuality a threat to public health, seems to be blind to the health hazards of tobacco. There are even indications that Helms has helped the tobacco industry keep an eye on pro-life groups. In connection with the 1989 search for a new Surgeon General, a Philip Morris lobbyist informed his superiors that "the pro-life community has coalesced around a Massachusetts physician who had assured Senator Helms she had no strong anti-tobacco bias."<sup>121</sup>

Helms's tobacco view contrasts strongly with the anti-tobacco commitment of the conservative Dr. Elisabeth Whelan. Whelan, who has a master's degree in public health from Yale and a doctorate from Harvard, opened her own enterprise, the American Councils on Science and Health, in 1978, with the purpose of educating consumers. Smoking was one of her council's major issues. Among other things, Whelan brought into focus how the US government had been pouring surplus American tobacco into the Third World, disguising it as economic aid. Whelan found that fellow conservatives were unable to deal with the smoking problem "Due to their doctrinaire distaste for government intervention in matters best left to private resolution." She therefore reached out to them, in part through in the Wall Street Journal. Whelan was specially disturbed by the fact that many of her fellow conservatives were pro-life on the abortion issue and anti-life on the tobacco issue. There seems to be a latent conflict in the GOP between the "Helmses" and the "Whelans". One of the causes of the religious right regarding the tobacco

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<sup>119</sup> Ibid

<sup>120</sup> Ibid

issue might be the fear of making this conflict come to light. For the time being there seems to be more "Helmses" than "Whelans" in the Republican Party.

The tobacco industry is aware of this potential conflict within the GOP, and it has therefore taken measures in order to prevent it from bursting out. The tobacco industry has made efforts to stigmatize smoking restrictions, tobacco taxes and tobacco regulation as violations of Republican ideology. Coalitions with grassroots groups have been one way to achieve this stigmatization. Since the Republican party traditionally has been advocating individual rights, it was important for the industry to establish smoking as a personal/liberty issue and not a health issue. In the late 1980s and early 1990s, a smoker's movement emerged in the USA. However, in the mid-nineties it was revealed that this movement was staged by the tobacco industry to fight smoking restrictions. In 1993 Philip Morris had hired one of the world's largest public relations firms, Burson Marteller, to create the National Smoker's alliance (NSA).<sup>122</sup> The NSA's annual reports to the Internal Revenue Service for the first three years showed that less than 1% of its income came from membership dues, 96 % of the NSA's funds came from Philip Morris.<sup>123</sup>

Such embarrassing revelations caused the tobacco companies to gradually change focus; instead of supporting groups with an explicit pro-tobacco agenda it increasingly cooperates with groups that ostensibly have nothing to do with tobacco. Such coalitions may give an industry with an increasingly negative image useful cover and transform it from a "black hat to a white hat in the political world".<sup>124</sup> In this respect coalitions with anti-tax groups were very favorable to the industry. A former tobacco industry field coordinator put it the following way: "You did not have to defend your position on tobacco, because a tax is a tax is a tax to these people. They don't care what it is."<sup>125</sup> The tobacco industry has forged ties to several anti-tax groups, among others Americans for Tax reform, The National Taxpayers Union, and for a Sound Economy. Some of these groups are also funded by the tobacco industry. Philip Morris granted between \$100,000 and \$200,000 to the Citizens for a Sound Economy in the early 1990s. R.J. Reynolds also gave an unknown amount of direct funds to the CSE in this period. David Keating, the Director of the

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<sup>121</sup> Ibid

<sup>122</sup> Kramer, Jill. "Astro-Turf: Bogus Grass-Roots Groups and the Tobacco industry" (13-19 Mar 1996) 5 pp Online Internet 6 Jun 2000

<sup>123</sup> "The National Smoker's Alliance: Exposed" American Nonsmokers'Rights Foundation Online Internet 6Jun 2000

<sup>124</sup> Stone, Peter.H. "The Nicotine Network" Mother Jones (1996) 6 pp Online. Internet. 6 Jun 2000

<sup>125</sup> Gup, Ted. "Fakin' it" Mojo wire (1996) 4 pp Online. Internet.

National Taxpayers Union, also admits to having received "significant" contributions from Philip Morris.<sup>126</sup>

Tobacco supported anti-tax groups pressed for the killing of Clinton's proposal to raise excise taxes on tobacco to 75 cents per pack in order to help pay for the health care reform.<sup>127</sup> Such groups were also strongly opposed to the proposed tax on tobacco inherent in the McCain bill.<sup>128</sup> As we saw in the previous chapter, the Republican Party argued that it had to kill the McCain bill because of its "tax and spend aspects." Republican senators who were positive to broad tobacco legislation were put under strong pressure from anti-tax groups and conservative Republicans to come to this conclusion. This is illustrated by a letter to Congress from four "the presidential Hopefuls", Lamar Alexander, John Ashcroft, (later Attorney General in the Bush administration), Steve Forbes, and Jack Kemp. The letter, which claims that the McCain bill violates Republican ideology, was conceived and coordinated by the National Taxpayers Union. (The NTU claims to be a nonpartisan citizen group unconnected with any industry or corporation.) Alexander, Forbes, and Kemp urged Senate Majority Leader Trent Lott and House Speaker Newt Gingrich to reject the tobacco legislation that was pending in the Senate in 1998. The four Republicans contended that "all true fiscal conservatives should feel compelled to speak out against any legislation that would raise taxes by three-quarters of a trillion dollars, create 17 new federal bureaucracies, intrude into the personal lives of Americans to an unprecedented degree, and serve as cover for billions of dollars in pork barrel spending". The fact that the McCain bill was aimed at tobacco was no reason to sway from the principle. The senators argued that Congress might target other industries for tax increase later on if the McCain bill was implemented. According to John Berthoud, President of National Taxpayers' Union, the purpose of the letter was to make it clear to Congressional leaders that many prominent Republican leaders were obstinately opposed to higher taxes, regardless of the form they might take. Those senators and the NTU found it ironical that Members of Congress who had had sharply condemned President Clinton's tax hike in 1993 were leading the charge for exactly the same thing in 1998, in the form of tobacco legislation.<sup>129</sup>

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<sup>126</sup> Stone, Peter.H. "The Nicotine Network" Mother Jones (1996) 6 pp Online. Internet. 6 Jun 2000

<sup>127</sup> Ibid

<sup>128</sup> "GOP Leaders Urge Congress to Trash Tobacco Tax Hike. Letter from potential Presidential hopefuls declares "unanimous opposition" National Taxpayers Union (10 Jun 1998) 2 pp. Internet. Oct 2000

<sup>129</sup> Ibid

Alexander, Ashcroft, Forbes, and Kemp claimed that "would-be tax-hikers" in Congress risked selling their political souls for legislation that was nothing more than a "Cash cow for special interests who want a bigger place at the federal trough." The letter also warned Members of Congress of the political consequences of passing the tobacco bill. Congress was reminded that the GOP gained control of both houses in the wake of President Clinton's \$240 billion tax hike. The authors of the letter argued that the GOP would lose the support of the American people if it strayed away from the principles of tax-spending restraint.<sup>130</sup>

Jack Kemp said that his decision to sign the letter was motivated out of deep concern for the ideological roots of the Republican party. He contended that the GOP would send the wrong message to taxpayers and consumers if it did not stand up to the McCain bill. It is interesting to note that the four Republicans urged Congress to "return to its agenda of the early days of the Republican Revolution - cutting wasteful spending, eliminating unneeded agencies, turning programs back to the states and providing substantial tax relief to all Americans."<sup>131</sup> It seems that the "anti-regulatory, anti-tax and individual freedom ideology of the "Contract with America" pressed anti-tobacco Republicans to turn down the tobacco bill. This ideology also prevented pro-tobacco Republicans from being stigmatized because of their pro-tobacco view.

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<sup>130</sup> Ibid

<sup>131</sup> Ibid

## THE TOBACCO INDUSTRY'S INFLUENCE IN CONGRESS DURING CLINTON'S TENURE

Congress staved off many Clinton-backed steps against smoking in the 1990's. In this chapter I will examine how the tobacco industry used its enormous economic power to influence Congress in this direction. I will also try to detect possible differences between Republican and Democratic members of Congress when it comes to tobacco contributions from tobacco companies and attitudes towards tobacco control legislation.

As early as 1964, the Surgeon General had certified that smoking caused serious disease as early as 1964. The unimpressive list of tobacco control laws passed by Congress throughout the 1960s, 1970s, and 1980s was by no means in keeping with tobacco's heavy toll. Anti-tobacco laws passed in this period would actually fit on a packet of cigarettes: Congress had forbidden tobacco advertisement on radio and TV, increased the excise tax, required stronger warning labels on cigarette packs, and prohibited smoking on commercial airline flights.<sup>132</sup>

It is interesting to note that these laws had the eventual support of the tobacco companies. Two of them actually turned out to be of great advantage to the industry. The prohibition of tobacco commercials on the airwaves prevented new tobacco companies from establishing themselves, and warning labels on cigarette packets were to help the tobacco manufacturers defeat sick smokers in court.<sup>133</sup>

Studies carried out in the 1990s showed that cancer and other tobacco-related illnesses killed at least 400,000 Americans each year, which was more than alcohol, drugs, violence, auto accidents and AIDS altogether.<sup>134</sup> Research also showed that 3,000 teenagers started smoking daily, and that one third of these people were to die from diseases related to smoking.<sup>135</sup> Notwithstanding these alarming facts, Congress turned down America's first anti-smoking president's attempt to curb youth smoking.

A tobacco industry executive once said: "We have more money than God." One might tend to agree with him when learning about the ever-increasing amounts of money that the

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<sup>132</sup> "The Inhalers" Common Cause Magazine (1995) 8 pp Online. Internet. 4 Aug. 2000

<sup>133</sup> Kluger, Richard. "Ashes to Ashes, America's Hundred-Year Cigarette War, the Public Health, and the Unabashed Triumph of Philip Morris". New York: Knopf, 1996.

<sup>134</sup> "The Inhalers" Common Cause Magazine (1995) 8 pp Online. Internet. 4 Aug. 2000



tobacco industry spread to members of Congress in the 1990s.<sup>136</sup> From 1986 to 1995, 14 tobacco companies and lobbying groups, along with their executives gave \$11.6 million in political action committee contributions (PACs) and \$9 million in soft money contributions. (PACs are usually organized by a company or a labor union to solicit personal campaign contributions from employees. Soft money is contributions to party committees for "party building" activities theoretically unrelated to candidates. These contributions are outside the limits of federal law. Hard money on the other hand, are contributions that are legal under federal law for federal elections.)

It is interesting to note that soft money and PAC contributions from tobacco companies skyrocketed in 1995, the year when FDA claimed to have jurisdiction over tobacco products. Tobacco interests flooded Congress and the two political parties with a record of \$4,124,041 in soft money and PAC contributions, a doubling compared to 1993.<sup>137</sup> Philip Morris and RJR Nabisco were the two top soft money donors to the Republican Party in 1995 and 1996, ranking far above American Financial Group which occupied the third place.<sup>138</sup> Tobacco PACs granted \$841,120 to Republican candidates in 1995, twice as much as in 1993. 82 percent of all members of Congress in 1995 had received tobacco PAC Contributions during the past decade.<sup>139</sup>

Tobacco contributions augmented still more in 1997 and 1998. In 1997, the year when state attorneys general negotiated the so-called "global settlement", the tobacco industry put \$4.5 million into congressional campaign chests. If accepted by Congress, the 1997 settlement would have given the industry immunity from future lawsuits seeking to hold tobacco manufacturers responsible for smoking related deaths.<sup>140</sup> In 1998, Congress attempted to draft national tobacco

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<sup>135</sup> "President Clinton shows he cares about kids and their health" Press Conferance by the President (8 Oct. 1995): 2 pp Online. Internet. 9 Oct 1999

<sup>136</sup> Kessler, David. A Question of Intent:A Great American Battle with a Deadly industry. New York: Publicaffairs, 2001

<sup>137</sup>"Tobacco units pour record sums of money into Congress and parties." Nando.net (1996 :3 pp Online. Internet. 5 Mar. 2000 "Tobacco Interests, Philip Morris Set New Soft Money Records; Industry Contributed Nearly \$ 2 Million In First Of 1996." Common Cause (29 Jul. 1996) : 3 pp Online. Internet. 1 Oct. 1999.

<http://www.commoncause.org/publications/796tobac.htm>

<sup>138</sup> "Republican Party Top Soft Money Donors, 1995-1996" Common Cause (1996): 4pp Online. Internet. 29.Jun. 1999.

<http://value.net/~snakebite/topgop.html>

<sup>139</sup> "Smoke & Mirrors" Common Cause (14 Mar. 1996): 8 pp Online. Internet. 27 Feb 2003

<http://www.commoncause.org/publications/396tobac.htm>

<sup>140</sup> Phinney, David. "Tobacco Cash buys influence." ABCNEWS.com ( 6 May 1998): 6 pp Online. Internet. 9 Oct 1999

<http://abcnews.go.com/sections/us/DailyNews/tobacomain050598.html>

legislation based on the 1997 settlement. When this tobacco bill, sponsored by moderate Republican Senator John McCain, developed into a strong pro-health bill that did not grant the tobacco companies immunity from future liability suits, the industry withdrew their support for the bill. In just the first six months of the congressional election year 1998, tobacco interests spent \$5.6 million in soft money and PAC contributions.<sup>141</sup>

The tobacco industry also had other ways of showing favor to Congress. In addition to being a frequent flier of Congressmen to sunny resort places, the tobacco companies also provided the use of their corporate aircraft to congressional leaders for campaign activities. A study carried out in 1998 showed that the tobacco industry supplied congressional leaders and political parties with more subsidized campaign travel than other corporate special interests. According to federal election law, members of Congress must reimburse these travels at the cost of first class or charter airfare. However, these luxurious travels, which gave the tobacco industry an excellent opportunity to lobby important members of Congress, cost the tobacco industry from 15 to 45 times more than a first-class airfare.<sup>142</sup>

Is there any connection between tobacco contributions and Congress members' attitudes to tobacco issues? Several studies carried out in the mid-1990s found a high correlation between congressional votes cast in tobacco legislation and tobacco contributions. In 1996, Smoke Free Action released a report which disclosed voting records and tobacco contributions accepted by every member of the 104th Congress. The report presented votes that would have prevented the release of FDA regulations and proposed OSHA smoke free workplace regulations and bills that would have granted the industry immunity from lawsuits. The House votes on tobacco subsidies and signed statements opposing or supporting FDA regulations aimed at curbing youth smoking were also included.

The Smoke free Action report graded members of Congress on a scale from 0 to 100, 0 representing the top score of pro-tobacco votes, and 100 representing the top score of anti-tobacco votes. The 80 House members who scored 0 had accepted an average of \$7,801 from

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<sup>141</sup> "Big Tobacco lobbying Costs \$ 81, 000 Per member of Congress in First Half of 1998." Public Citizen Prairiela.w.journal (1998): 3 pp Online. Internet. 10 Sept. 1999.

<http://www.prairiela.w.com/journal/articles/tobacco.shtml>

<sup>142</sup> "The Inhalers " Common Cause Magazine (1995) 8 pp Online. Internet. 4 Aug. 000 "Democrats: GOP big on "Air Tobacco." USA TODAY ( 2000 ) : 3 pp Online. Internet. 14 Aug. 2000 "Air tobacco: Campaign Travel on Tobacco Industry Jets." Minority Staff Report Committee on Government Reform and oversight, U.S. House of Representatives. (20 Jul.. 1998) : 2 pp Online. Internet. 4 Mar.2001

tobacco PACs from January 1995 to October 1996. The House members who scored 100 had received an average of \$119. The 23 senators who scored 0 had received an average of \$10,293, while the 28 senators who scored 100 had received an average of \$429.<sup>143</sup>

An ABC News.com analysis of 1997 tobacco measures also found a clear connection between tobacco contributions and voting records. Members of Congress who financed their campaigns with tobacco contributions voted in favor of the tobacco industry 9 to 15 times more than those who refused to accept tobacco contributions. The 105 House members who voted with the tobacco industry had received an average of \$7,900 in contributions. That was nine times the average of \$869 received by 138 Representatives who always cast votes against the tobacco industry. The 12 senators who most often sided with the tobacco companies received an average of \$32,000 between 1991 and 1996, more than 15 times the average of \$2,031 received by the 15 senators who always voted in disfavor of the industry.<sup>144</sup>

Protests against FDA's regulation of tobacco, in the form of a letter signed by 32 senators and a letter signed by 124 House members, also show that there is a connection between tobacco contributions and Congress members' attitudes towards tobacco issues. The 32 senators who had signed the letter had received an average of \$31,368 in tobacco PAC contributions between 1986 and 1996. The senators, who did not sign the letter, had received an average of \$11,819 during the period. The 124 Representatives who objected to the FDA had been granted an average of \$19,446 in tobacco PAC contributions between 1986 and 1996. Representatives who did not sign the letter had received \$6,728, on average in this period. 84 House members signed a letter in support of FDA regulation. These Representatives had received an average of \$1,705 in the ten-year period.<sup>145</sup>

The tobacco industry also exerts considerable influence on Congress by hiring high-priced, high-influence lobbyists. In the first half of 1998, for example, the tobacco industry spent \$43 million on lobbying, of \$81,000 for each member of Congress. The purpose of this intensive campaign was to make Congress accept the industry's version of the McCain bill. When immunity from liability was slashed from the bill, the tobacco industry successfully lobbied

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<sup>143</sup>"Tobacco ReportCard on 104th Congress Links Key Votes to Tobacco Industry Money." Smokefree Action 17 Oct. 1996): 1 p Online. Internet. 4 Dec. 2000

<sup>144</sup>"Study Finds Pro-Tobacco Senators Received 15 Times As Much Tobacco Pac Money as Pro-Consumer Senators." Public Citizen (13 Feb. 1998): 2 pp Online. Internet. 14 Mar 2001

<sup>145</sup>"Smoke & Mirrors" Common Cause (14 Mar. 1996) : 8 pp Online. Internet. 27 Feb 2003  
<http://www.commoncause.org/publications/396tobac.htm>

against it. Many ex-congressional staff members and former members of the House and Senate lobby for the industry. This "revolving door phenomenon" gives the tobacco industry a unique access to powerful members of Congress.<sup>146</sup>

### ***Embracing the Republican Congress in the mid 1990s***

In the following section I will consider how Republican Congress members were embraced tighter by the tentacles of the tobacco industry in the mid-1990s. I think this embrace to a large extent was triggered by Food and Drug Administration Commissioner David Kessler's interest in nicotine. In February 1994, Kessler informed Congress that his agency would consider regulating nicotine as a drug if there existed evidence that the tobacco companies intended nicotine's effects. Regulation of tobacco by the FDA could not only have affected the industry's marketing methods. In a long-run objective, it could have affected the content of nicotine in cigarettes and, theoretically, it could have led to a prohibition of tobacco. If there was evidence that the tobacco industry intentionally hooked customers, this could also have been an important weapon against the industry in liability suits.<sup>147</sup>

Kessler's 1994 letter to Congress took the industry by surprise. The commissioner's address led to congressional hearings on tobacco. These hearings, led by the leader of the House Subcommittee on Health and Environment, Democratic Representative Henry Waxman, disclosed many industry secrets and generally made the tobacco industry appear in an adverse light. The tobacco industry was for instance put up to public ridicule when seven tobacco executives declared that they did not believe that nicotine was addictive and that they were not sure whether smoking caused disease and death. The Waxman hearings also caused whistleblowers to come forward and reveal what they knew about the industry's manipulation of nicotine. And eventually, the hearings spurred the FDA to claim the right to regulate tobacco as a delivery mechanism for the drug nicotine.<sup>148</sup>

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<sup>146</sup> "Big Tobacco lobbying Costs \$ 81, 000 Per member of Congress in First Half of 1998." Public Citizen Prairielaw.journal (1998): 3 pp Online. Internet. 10 Sept. 1999.

<http://www.prairielaw.com/journal/articles/tobacco.shtml>

<sup>147</sup> Kessler, David. A Question of Intent: A Great American Battle with a Deadly industry. New York: Publicaffairs, 2001

<sup>148</sup> "The Inhalers" Common Cause Magazine (1995): 8 pp Online. Internet. 4 Aug. 2000

"Investigative Reports, The Buying of Congress. Henry Waxman interviewed by Charles Lewis" The Center for Public integrity. ( 29 Oct. 1997) : 8 pp Online. Internet. 4 Aug. 2000

The tobacco industry called its allies into play during the Waxman hearings. Tobacco industry PACs had given eighteen of the members of the House Subcommittee on Health and Environment more than half a million dollars since 1995. The ranking minority leader of Waxman's subcommittee, Virginia Republican Thomas Bliley, for example, had received \$111,476 in tobacco PAC contributions since 1985, more than any member of Congress. Prior to the hearings, the FDA received a letter from Bliley, where he asked for evidence that the tobacco manufacturers intended that cigarettes were to contain enough nicotine to hook smokers. FDA commissioner David Kessler was later to obtain a Philip Morris document dating to this period that listed "letter to Kessler from Bliley" as one of its items.

During Kessler's testimony on nicotine addiction to Waxman's subcommittee in March 1994, one could almost perceive "the presence" of the tobacco industry. Bliley, who had been called "our sentry in that committee" by an official in Philip Morris' government affairs office, blasted Kessler for having leveled serious accusations against the tobacco industry. When Bliley interrogated Kessler about nicotine manipulation, he used a prepared text. Kessler later learned of Philip Morris's plans to provide "questions to Bliley for use in examining Kessler."<sup>149</sup>

The Republicans were stronger in number during the June 1994 hearings. Bliley was flanked by Michael Bilirakis of Florida, Alex McMillian of North Carolina, Gary Franks of Connecticut, James Greenwood of Pennsylvania, and Dennis Hastert of Illinois. In connection with Kessler's testimony about nicotine manipulation, Bilirakis, hailed by Hastert and McMillian, presented a document request to Kessler concerning FDA's sources. The tobacco industry can be said to have been "present" also this time. Bilirakis's questions turned out to have been prepared by R.J.Reynolds. Philip Morris was also "present" in the June hearings. An internal memo stamped "confidential," proved that the company had developed a "Kessler Hearing Checklist": The memo read: "Require Kessler to give over documents (e.g., notes of interviews) related to his investigation, prepare a line of narrowly tailored hostile questions. Brief friendly members and staff and prepare them to ask hostile questions (Kessler 249-250)

The threat of regulation by the FDA, of which Clinton announced his support in 1995, probably spurred the industry to pin its faith on the Republicans in the 1994 congressional elections. The tobacco industry was the single largest contributor to the GOP during this election

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<sup>149</sup> "The Inhalers" Common Cause Magazine (1995): 8 pp Online. Internet. 4 Aug. 2000

session. Tobacco interests granted as much as \$600,000 to the Republican National Committee.<sup>150</sup> The industry evidently hoped that the anti-regulatory spirit of "The Contract with America" would shield it from regulation.

The Republican landslide of 1994 turned out to be of great advantage to the tobacco industry. Many Democratic anti-tobacco Congress members were replaced by Republican allies of the industry. The heading of John Schwartz's election analysis for the Washington Post read: "Good-bye, Henry, Hello, Tom! Philip Morris breathes easier." Schwartz referred to the fact that leader of the Health and Environment Subcommittee, Henry Waxman, had lost his seat and that Thomas Bliley had taken control of its parent, the Commerce Committee. Shortly after the elections, Bliley declared that his committee would not consider tobacco control legislation.<sup>151</sup> Long-time tobacco ally, Florida Republican Michael Bilirakis, who had received \$38,700 in PAC contributions from the industry since 1985, replaced Waxman.<sup>152</sup>

House speaker of the 104th Congress, Georgia Republican Newt Gingrich, was a severe critic of the FDA. Shortly after the elections, Gingrich called FDA commissioner a "bully and a thug". Gingrich, who was often observed in a RJR Nabisco jet, had received \$41,000 in campaign contributions since 1985. RJR Nabisco had also contributed at least \$50,000 to GOPAC, Gingrich's political action committee.<sup>153</sup>

Key anti-tobacco Democratic congressman Mike Synar lost his seat in the 1994 elections. The tobacco industry had worked hard to oust Synar in 1992. Manpower and money had been poured into Oklahoma in an attempt to defeat Synar in a Democratic primary. Negative advertisement, like billboards juxtaposing Synar's face to Hitler, Stalin and Castro, was an important weapon in the attempt to get rid of Synar. The Oklahoma Democrat won the primary and the general election in 1992, but considerable damage had been done. The tobacco industry was less visible in the 1994 elections. The gun lobby and ranching interests completed the job the tobacco industry had started in 1992. The advocate of both tobacco regulation and gun control lost his seat after 16 years in office (Kessler 282)

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Kessler, David. A Question of Intent: A Great American Battle with a Deadly industry. New York: Publicaffairs, 2001

<sup>150</sup> Ibid

<sup>151</sup> Ibid

<sup>152</sup> "The Inhalers" Common Cause Magazine (1995) : 8 pp Online. Internet. 4 Aug. 2000

<sup>153</sup> Ibid

Last-minute tobacco industry contributions to Republican Party committees and candidates helped many pro-tobacco candidates win seats in Congress. Pennsylvania Senator Rick Santorum's defeat of health care advocate Harris Woffard was partly financed by \$29,500 from tobacco companies. \$22,000 in tobacco industry money helped Mike de Wine (R-OH) replace anti-tobacco senator Howard Metzenbaum.<sup>154</sup>

The FDA was exposed to severe attacks from many tobacco-friendly Republican members of the 104th congress. One example is the debate over the construction of a modern FDA headquarters. The agency was spread over forty-eight buildings in twenty different locations around Washington. The construction of the new FDA headquarters had enjoyed bipartisan support in 1992, and Congress had started setting aside construction funds. In 1995, some members of the House Appropriations Committee launched an attack on the building project. Republican John Duncan characterized the planned FDA quarters as a "Taj Mahal" and proposed a bill that would kill the project. Ohio Republican John Boehner remarked that Congress would downsize the FDA so much the coming years that what would be left of it would easily be placed into some empty buildings. Boehner was reported to have been distributing checks from Brown & Williamson on the floor of the House, in violation of House rules. The FDA building request was killed by a vote of 278-146 (Kessler 316)

It is interesting to note that The Citizens for a Sound Economy, an organization which urged Congress to kill the building process, had close ties to the tobacco industry. During his testimony before the House Appropriations Committee, Boyden Gray, the chairman of the CSE, criticized the FDA for a slow drug approval process despite the fact that the approval process had speeded up during Kessler's tenure. Boyden, whose organization received ample contributions from tobacco interests, even questioned the existence of the FDA.<sup>155</sup>

David Nicoli, the head of government affairs at Philip Morris, had been watching the killing of the FDA building project. The moment the bill was killed, Nicoli e-mailed his friends. He noted that "tobacco was not mentioned during the debate and that CSE orchestrated this and wrote most of the statements that were read against the FDA" (Kessler 316)

The following day, however, tobacco was mentioned in the House. When Kentucky Republican Jim Bunning proposed to strike all funding for the FDA, California Republican John

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<sup>154</sup> "The Inhalers" Common Cause Magazine (1995): 8 pp Online. Internet. 4 Aug. 2000

<sup>155</sup> Ibid

Riggs uttered the following: "The reason for this amendment is one reason and one reason only, and that is that the FDA in the face of overwhelming medical and scientific evidence is on the verge of classifying nicotine as an addictive substance. Bunning, who ranked number five on the list top House tobacco PAC recipients from 1986-1995, withdrew the amendment (Kessler 317-318)

After the killing of the FDA building request, David Nicoli, the head of government affairs at Philip Morris, e-mailed his friends that the next step was to get the company's view of what the vote meant to the White House. The disappointment must have been great for the tobacco companies when President Clinton announced his support of the FDA Regulations aimed at curbing youth smoking in 1995. This act probably spurred the tobacco industry to forge even closer ties to the Republican Party. The GOP received \$2,257,259 in tobacco industry soft money in 1995, while the Democratic Party received \$423,962. Tobacco PACs contributed \$841,221 to Republicans in 1995, compared to \$422,221 in 1993. Contributions to Democratic congressional candidates declined to \$281,000 in 1995 from \$477,022 in 1993.<sup>156</sup>

Clinton's initiative combined with revelations of highly questionable industry methods fostered pessimism and confusion among Republican tobacco allies. The heavy focus on tobacco issues made it difficult to be a quiet supporter of the industry. A campaign against members of Congress who accepted tobacco money tended to hurt Republicans more than Democrats, considering that tobacco PACs had doubled their contributions to Republican members of Congress in 1995, compared to 1993. One of Philip Morris's most trusted advisors wrote that the Republicans believed that "being involved with or having to vote on these issues will hurt anyone other than tobacco state representatives."<sup>157</sup>

Philip Morris decided to make it easier for its allies. A few weeks before President Clinton announced his support for FDA's plan to regulate tobacco, Philip Morris launched Action Against Access, a series of voluntary initiatives ostensibly aimed at curbing youth smoking. The measures against youth smoking offered by the AAA were weaker than the rules proposed by the FDA. The AAA focused on restricting sales to children. The program did not contain any restrictions in tobacco advertising. The Action Against Access was an attempt to take the youth

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156 "Smoke & Mirrors" Common Cause (14 Mar. 1996): 8 pp Online. Internet. 27 Feb 2003  
<http://www.commoncause.org/publications/396tobac.htm>

<sup>157</sup> Kessler, David. A Question of Intent: A Great American Battle with a Deadly Industry. New York: PublicAffairs, 2001



issue away from Kessler and the White House and last but not least, it was meant to provide industry allies with cover. A Philip Morris document about AAA read “they will not be as much on the defense, and can attack FDA's move as a prime example of big government action aimed at adults.”

The confusions and pessimism among pro-tobacco Republican Congress members were to increase further after Bill Clinton's defeat of pro-tobacco presidential candidate, Bob Dole. For the first time, tobacco had been an issue in a presidential election. Clinton had tried to link the Republican party to the tobacco industry and Dole had seemed to verify Clinton's contention when refusing to say that nicotine was addictive. The general focus on youth smoking and tobacco contributions in the presidential election made it more difficult for Congress members to take up a pro-tobacco stance.<sup>158</sup>

The tobacco industry had for many years assumed that Congress would pass stricter tobacco control. A 1988 Philip Morris memo showed that the company might have agreed to include informational inserts in its cigarette packets, stop using vending machines, and limit the use of billboards near schools. However, the tobacco company concluded: "It would be a mistake to take any of these actions voluntarily at this time, because each of them may constitute an important bargaining chip in the legislative negotiations which are likely to come within the next two years. Since Congress did not take any steps to pass stricter tobacco controls, the industry did not take any initiative to change their marketing methods."<sup>159</sup>

The \$368 billion deal in 1997 between the tobacco industry and 40 state attorneys general illustrated the fact that the tobacco companies were willing to accept regulation if it could get something in return. The industry was ready to swallow measures against youth smoking if given immunity from future class-action suits and punitive damages. The tobacco companies pinned their faith on the Republican Congress turning the 1997 settlement into federal law. In order to win the favor of doubtful Republicans, former Republican presidential candidate Bob

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<sup>158</sup> "Pulling Out All The Stops. Philip Morris`s fight to Block FDA Regulation of Tobacco." INFACT : 9 pp Online. Internet. 27 Feb.2003

<http://www.infact.org/fdarept.html>

<sup>159</sup> Kessler, David. A Question of Intent:A Great American Battle with a Deadly industry. New York: Publicaffairs, 2001

Dole was "enlisted" in the "army" of 192 tobacco lobbyists who flooded Congress in this period.<sup>160</sup>

The fact that the 1997 tobacco deal focused on smoking among adolescents provided useful cover for Republican industry allies. On the pretext of combating youth smoking, Republican allies were to grant the tobacco industry the immunity it wanted. This might explain why Newt Gingrich pronounced that he would not let President Clinton get to the left of him in the tobacco issue. When immunity from liability and punitive damages was slashed from the bill, the tobacco industry withdrew its support and a \$40 billion advertisement campaign was launched to kill the tobacco bill. As soon as the tobacco industry had cold-shouldered the tobacco legislation, the Republicans did the same. Suddenly most GOP senators were not so concerned with youth smoking any more. The McCain bill was stamped "tax and spend" and was voted down. Forty-three Republican senators voted against the bill, whereas thirteen GOP senators voted in its favor.<sup>161</sup>

The tobacco companies and its congressional allies alike were worried that the voters would punish the Republicans for having killed the tobacco bill in the 1998 congressional elections. Even if the tobacco bill was defeated in June, the tobacco industry continued to run the ads which portrayed the tobacco bill as an attempt to raise higher taxes on ordinary Americans. There are indications that the tobacco companies continued the advertisement blitz in order to provide cover for the Republicans in the November elections. Kentucky Senator Mitch McConnell reportedly reassured fellow members that tobacco industry officials had promised to keep running the ads through the November election as cover for Republicans who had voted down the bill. These advertisements showed working class people worrying about higher taxes. The honest-sounding workers threatened to punish those at the ballot box who dare raise taxes. According to a Senate Republican aid, the tobacco industry had earmarked \$60 million to keep the campaign on the air through the November elections.<sup>162</sup>

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<sup>160</sup> Beer, Omar and Herel, Suzanne. "Loan Officer for the Corporate Welfare State." MoJoWire: 4 pp ( 23 Apr. 1997) Online. Internet. 8 Apr. 2001

<sup>161</sup> [http://bsd.mojones.com7news/wire/loan\\_officer.html](http://bsd.mojones.com7news/wire/loan_officer.html)

<sup>162</sup> Weisman, Jonathan. "U.S. probing link of GOP votes, tobacco ads." Bergen Record Corp. ( 30 Aug. 1998 ): 4 pp Online. Internet. 29 Jun. 1999

<http://www.bergen.com/campaign/tobac30199808303.htm>

The advertisement campaign seemed to be directed at states in which Republicans were in tight races. In Missouri, where Republican Senator Christopher S. Bond had an uncertain position, the ads had appeared 1,847 times through July 18. In Nevada, where Rep. John Ensign was attempting to unseat Democratic senator Harry Reid, the ads had been showed 1,418 times. In Georgia, where Republican Senator Paul Coverdell was engaged in a re-election campaign, the ads ran 1,113 times between April 1 and July 18. In New York, on the other hand, where Republican Senator Alphonse D'Amato was distancing himself from the tobacco industry, the ads were shown 376 times. In Maryland, which was represented with two firmly established Democrats, the ads were aired 273 times.<sup>163</sup>

Tobacco representatives and Republicans alike severely denied to have colluded to torpedo the McCain bill. Industry spokesman Steve Duchesne characterized the advertising campaign as a "straightforward, factual advertising effort against higher taxes." Senator McConnell also repudiated the accusations of a quid pro quo. He denied to have had assurances from the tobacco industry before the vote on the tobacco bill. According to McConnell's spokesman, Robert Steurer, the senator had only stated what was obvious, namely that it was in the interest of the tobacco industry to keep the ads running.<sup>164</sup>

However, even observers who were considered sympathetic towards the industry saw a political connection between the killing of the McCain bill and the advertising campaign. According to tobacco analyst at Sandford & Bernstein, Gary Black, it was beyond question that the tobacco industry kept the ads on the air to provide cover for the Republicans.<sup>165</sup>

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<sup>163</sup> Weisman, Jonathan. "U.S. probing link of GOP votes, tobacco ads." Bergen Record Corp. ( 30 Aug. 1998 ): 4 pp Online. Internet. 29 Jun. 1999

<http://www.bergen.com/campaign/tobac30199808303.htm>

<sup>164</sup> Weisman, Jonathan. "U.S. probing link of GOP votes, tobacco ads." Bergen Record Corp. ( 30 Aug. 1998 ): 4 pp Online. Internet. 29 Jun. 1999

<http://www.bergen.com/campaign/tobac30199808303.htm>

<sup>165</sup> Weisman, Jonathan. "U.S. probing link of GOP votes, tobacco ads." Bergen Record Corp. ( 30 Aug. 1998 ): 4 pp Online. Internet. 29 Jun. 1999

<http://www.bergen.com/campaign/tobac30199808303.htm>

## CONGRESSIONAL DEMOCRATS DISTANCING THEMSELVES FROM THE TOBACCO INDUSTRY IN THE MID-1990s

In the following, I will examine the relationship between the tobacco industry and Democratic members of Congress during President Clinton's second tenure. I will also consider how Democratic disagreement concerning tobacco regulation gradually developed into agreement about a national platform calling for comprehensive tobacco legislation.

Democratic members of Congress in the mid-1990s counted both opponents and allies of the tobacco industry, a fact that is illustrated by the contrasting view on FDA's plans of regulating tobacco. While Congressmen like Henry Waxman (California), Richard Durbin (Illinois), and Mike Synar (Oklahoma) welcomed regulation, industry allies from tobacco-growing states launched harsh attacks against FDA's initiative. The Chairman of the House Agriculture Committee, North Carolina Senator Charlie Rose, was among the Democrats who were highly critical towards Kessler's initiative.<sup>166</sup> Some days before the FDA regulations were announced; Rose declared that the regulatory proposal was "the equivalent of declaring war on North Carolina."<sup>167</sup>

The tobacco industry had a very close relationship with its Democratic Congressional allies. In Connection with the 1994 Congressional Waxman hearings on tobacco, Rose sent the FDA a document request concerning FDA's investigation on nicotine. FDA Commissioner Kessler later discovered that this request had been written by Philip Morris.<sup>168</sup> Charlie Rose, who had received \$100,800 from tobacco PACs between 1985 and 1995, later became a tobacco lobbyist. Democratic South Carolina Representative Martin Lancaster was also bitterly opposed to FDA regulation of tobacco. Lancaster leveled caustic criticism of the FDA during the Waxman hearings on tobacco in March 1994. The Carolina Congressman was soon rewarded for his loyalty. The following month top Philip Morris executives were called upon to make personal donations to his election campaign. Lancaster lost his seat despite the support of the tobacco

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<sup>166</sup> Kessler, David. A Question of Intent: A Great American Battle with a Deadly industry. New York: Publicaffairs, 2001

<sup>167</sup> "Pulling Out All the Stops. Philip Morris' Fight to Block FDA Regulation of Tobacco" INFACT (21 Mar 2000): 9 pp Online. Internet. 27 Feb 2003

<http://www.infact.org/fdarept.html>

<sup>168</sup> Kessler, David. A Question of Intent: A Great American Battle with a Deadly industry. New York: Publicaffairs, 2001

industry. Shortly after his defeat, Lancaster wrote a letter to President Clinton, asserting that the Democrats would never reclaim the "tobacco south" if the FDA were permitted to move forward towards regulation of tobacco products." Virginia Senator Chuck Robbs also asked the White House to announce that the FDA did not have the jurisdiction to regulate tobacco.<sup>169</sup>

In January 1996, Virginia Representative Lewis Payne, who ranked third on the list of top House recipients of tobacco PAC contributions between 1986 and 1995, published a letter which objected to the FDA regulation plan. 124 representatives signed the letter. In the Senate, Republican North Carolina Representative Jesse Helms and Kentucky Democrat Wendell Ford released a similar letter, which was signed by 32 Senators. Ford and Helms were the two top recipients of tobacco PAC contributions between 1996 and 1995.<sup>170</sup>

Gradually, many Congressional Democrats were taking up an anti-tobacco stance. This development was probably spurred by revelations of dubious tobacco industry methods like nicotine manipulation and the industry's attempts to conceal that tobacco caused serious disease. Polls also showed that a majority of the electorate favored regulations of tobacco products if aimed at curbing youth smoking. President Clinton announced his support to FDA's final rules in August 1996. Tobacco regulation was establishing itself as a Democratic cause to which most congressional members wished to be loyal.

Anxiety about being punished at the polls had for years frightened many Democratic politicians from taking on the tobacco industry. Such fear had prompted President Carter to fire his anti-tobacco secretary John Califano. As showed in Chapter one, Bill Clinton had also experienced this fear at first hand. The fact that the president had introduced the tobacco issue in his presidential campaign and still was re-elected probably liberated many congressional candidates from the fear of "death by tobacco."

Democratic House leader Richard Gephardt might be said to be an epitome of the development outlined above. The Missouri Congressman, who had received \$67,258 from tobacco PACs between 1986 and 1995, had worked hard to block FDA regulations. Gephardt had also urged President Clinton not to take on tobacco. However, under pressure from his

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<sup>169</sup> Ibid

<sup>170</sup> "Smoke & Mirrors" Common Cause (14 Mar. 1996): 8 pp Online. Internet. 27 Feb 2003

<http://www.commoncause.org/publications/396tobac.htm>

"Tobacco Money Inhalers In the Senate" Common Cause (14 Mar. 1996) : 1 p Online. Internet  
3 Mar. 2003

<http://www.commoncause.org/publications/senateinhale.htm>

constituents, Gephardt later supported the FDA rules.<sup>171</sup> In 1996, Gephardt decided against taking more tobacco money, after having received more than \$80,000 from tobacco PACs.<sup>172</sup>

Democratic members of Congress were to be forged even closer together on the tobacco issue. In 1994, Gingrich's "Contract with America" had successfully nationalized Republican politics. The Democratic Party did the same prior to the 1998 congressional elections. A few big issues were picked: The patient's bill of rights, a minimum wage increase, campaign finance reform, and tobacco legislation. The Democratic unity on the tobacco issue was illustrated by the vote on the McCain bill in 1998. Forty Democratic Senators voted in favor of the bill. Only three senators voted against the bill, all from tobacco growing states (Kentucky Senator Wendell Ford, South Carolina Senator Hollings, and Virginia Senator Robb).<sup>173</sup>

A shift in the Democratic electorate in the late 1990s seemed to have made the Democratic Party less dependent on "tobacco votes." Moderate Democratic members of Congress were recruited from agricultural areas in a decreasing number. This is demonstrated by the declining number of Blue Dogs, an alliance of mostly southern, mostly conservative House Democrats established in 1995. Many staunch pro-tobacco House members were Blue Dogs, for instance Virginia Representative Vigil Goode, Jr. The Blue Dogs barely survived Clinton. In 1997, for example, they gained six new members, but lost nine to retirement, defeat, and party switching.<sup>174</sup>

Moderate Democratic Congress members were increasingly recruited from suburban areas in the late 1990s. Repulsed by the religious right dominance of the GOP many secular well-to do suburban inhabitants switched to the Democratic Party. Moderate Democratic Representatives hailed from suburban areas were called New Dogs. In 1997 the New Democratic coalition counted 41 members, of which 50% were freshmen, while the Blue Dogs represented old industries; the New Dogs represented the high-tech industries.<sup>175</sup>

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<sup>171</sup> "Smoke & Mirrors" Common Cause (14 Mar. 1996) : 8 pp Online. Internet. 27 Feb 2003  
<http://www.commoncause.org/publications/396tobac.htm>

<sup>172</sup> Phinney, David. "Tobacco Cash buys influence." ABCNEWS.com (6 May 1998): 6 pp Online. Internet. 9 Oct 1999

<http://abcnews.go.com/sections/us/DailyNews/tobacomain050598.html>

<sup>173</sup> Kuttner, Robert. "Democrats United at Last" (1998) . 2 pp Online. Internet. 4 Dec. 2000

<sup>174</sup> Beinart, Peter. "Why The Center Can't Hold." All politics CNN TIME. (24 Nov. 1997): 3 pp 12 Mar 2001

<sup>175</sup> Ibid

## SWAYING PUBLIC OPINION

Exerting influence on the public in tobacco issues was an important element of the tobacco companies' counterattack on Clinton's moves against the tobacco industry. It was of vital importance to the tobacco companies to avoid anti-tobacco articles and exposes and to ensure that pro-tobacco views found their way into major media outlets. I will exemplify how the tobacco industry fought Clinton's measures against tobacco by means of pro-tobacco media citations fabricated by think tanks and other pro-tobacco organizations. Then I will try to reveal the influence that the tobacco industry exerts over the American mass media. I will consider how tobacco advertisement in the printed press influences the content of publications. I will also give examples of business synergy between the tobacco industry and media outlets and of how tobacco companies have suppressed anti-tobacco broadcasts by threatening television networks with legal proceedings.

### ***"Neutral" Mouthpieces of the Tobacco Industry***

A large number of American organizations opposed Clinton's measures against smoking. These groups, which appeared to be neutral sources with no links to the tobacco companies, were often cited in the media. However, a closer scrutiny often revealed that the groups in question had been supported financially by the tobacco industry. Well aware of the tobacco companies' lack of credibility with the public, recipients and money-givers alike often tried to keep these ties secret. Linking its product to the Bill of rights has been a part of the stratagem of the tobacco industry. Tobacco advertising and "smokers' rights" have been passed off as expressions of civil liberties. (There is perhaps no mere coincidence that Philip Morris contributed \$ 60 million to the biennial celebration of the Bill of Rights in 1991.)<sup>176</sup>

President Clinton disclaimed the association between smoking and civil rights. As governor of Arkansas, he vetoed a smokers' rights bill, characterizing it as an insult to authentic civil rights (Kluger 735). In 1996, Clinton endorsed the FDA rules limiting cigarette advertising aimed at minors, and taking the Environmental Protection Agency's 1993 report seriously, he

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<sup>176</sup> Wolinsky, Howard. "Philip Morris and the Bill of Rights". American Council on Science and Health. (1997/ 1998): 5 pp Online. Internet 14 Nov 2001

banned smoking in all federal buildings in 1997.<sup>177</sup> For the president, the smoking issue was first and foremost a matter of health policy.

The view of the president was in sharp contrast with the position of the American Civil Liberties Union. The now 82 year's old defender of individual rights opposed many of Clinton's measures against smoking. The ACLU, which refused to support non-smokers' rights, was a vigorous defender of smokers' rights. Clinton's attempts to curb youth smoking fell flat with the weighty organization. Denying that cigarette advertising entices young people to smoke, the ACLU opposed restrictions on cigarette advertising aimed at minors. Clinton stressed the importance of disclosing secret tobacco documents. The ACLU apparently did not find such a disclosure important. It turned a blind eye when the tobacco industry tried to silence whistle blowers like Jeff Wigand. It was in the interest of the tobacco companies to persuade the public to see smoking as a civil liberties issue rather than a health issue. One of the main purposes of the ACLU is educating the public about issues relating to the Bill of Rights; hence, the pro-tobacco advocacy of a heavyweight like the ACLU must have been extremely helpful in this respect.<sup>178</sup>

The integrity of the American Civil Liberties Union regarding tobacco issues had been blemished in the mid 1990s. In 1993, it had been revealed that the ACLU had received money from cigarette companies. The American Civil Liberties Union had denied any connection between these contributions and the agency's position in tobacco issues.<sup>179</sup>

A book by investigative journalist and former ACLU employee John Fahs, published in 1996, claimed exactly the opposite. (*Cigarette Confidential: The unfiltered Truth about the Ultimate American Addiction*). According to Fahs, the ACLU had tried to hide a relationship based on direct work for funding for with R.J.Reynolds and Philip Morris. Such a relationship was in conflict with ACLU's status as a tax-exempt, non-profit institution. From 1987, the agency had taken over \$1,000,000 in donations from the tobacco cartel. ACLU's supporters had been assured that no single donor contributed a significant portion of ACLU's income. However, secret memos referred to in Fahs' book showed that the tobacco industry was funding 90 % of ACLU's smokers' rights department and that Philip Morris was earmarking funds for seminars on smokers'

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<sup>177</sup> Clinton, J. William. "White House Press Release". (9 Aug. 1997) 6 pp: Online. Internet. 8 Mar.2001

<sup>178</sup> "Secret documents reveal A.C.L.U. tobacco industry ties" Tobacco BBS (13.Nov 1996) 7 pp Online. Internet 6 Jul 2000

<http://www.tobacco.org/News/aclu11.96.html>

<sup>179</sup> Ibid



rights. ACLU claims not to seek or accept fees for its services. The memos brought to light by John Fahs revealed that bills for conferences, newspaper ads, and radio ads were constantly forwarded by ACLU to Philip Morris.<sup>180</sup>

Before ACLU started to receive tobacco money, it did not oppose measures against smoking, such as smoke-free workplace laws and prohibition of cigarette sales to minors. Fahs claimed that ACLU had compromised its ideas to get more tobacco money. It is interesting to note that the ACLU and the tobacco companies used the same rhetoric. For instance, both groups used "workplace privacy" and "lifestyle choices" for smokers' rights. Fahs also claimed that the ACLU had tried to conceal its ties with the tobacco companies. It refused to open to the public or reporters parts of its 1994 board of directors meeting relating to tobacco issues. The press was constantly given misleading statements. A memo to Ira Glasser from ACLU's North Carolina affiliate exemplifies the secrecy of the contributions from the tobacco companies: "My microfiche shows a September 1991 \$1.0000 RJR donation to ACLU- NJ foundation. Imagine RJR forgot to ask for anonymity."<sup>181</sup>

*Cigarette Confidential* got little attention in 1996. Two years later, however, in the midst of the debate of the tobacco bill sponsored by John McCain, the tobacco industry was again exposed to public scrutiny. Former Washington Post reporter Morton Mintz referred to *Cigarette Confidential* in an article in the spring edition of Nieman Reports (published by the Nieman Foundation at Harvard University).

In April 1998, the ACLU and the tobacco companies were the topic of discussion of Making Contact, a radio program by the National Radio project. Morton Mintz and Stanton Glantz, professor of medicine of the University of California, participated in the program. Both had been members of ACLU for years. Executive director of the ACLU Ira Glasser had also been invited, but he had declined. An invitation to provide two spokespersons for the ACLU to appear in studio or by telephone had also been refused by the ACLU. A written statement was the ACLU's only contribution to the program.<sup>182</sup>

When asked to recite the most important aspects of his article, Mintz pointed to the large sums that the American Civil Liberties Union had been taking from the tobacco companies from

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<sup>180</sup> Ibid

<sup>181</sup> Ibid

<sup>182</sup> "Making Contact #19-98 Ties that Bind: The ACLU and Big Tobacco." National Radio Project (13 Apr. 1998): 9 pp Online. Internet. 14 Nov. 2001

1987 onwards. Mintz also claimed to have been misled by Ira Glasser in 1992. The executive director had assured Mintz that the tobacco contributions went into the general fund of the ACLU. *Cigarette Confidential* had revealed that tobacco contributions had been earmarked for advocacy in tobacco matters. Mintz also pointed to the way the ACLU had been fighting restrictions against tobacco advertising. He found it reprehensible that the ACLU placed commercial speech and human speech on the same footing and pointed to the fact that such a position had never been fully accepted by the Supreme Court. According to Mintz, the tobacco companies had benefited from the ACLU's testimony against restrictions on tobacco advertising in the McCain bill. The investigative reporter found it highly questionable that the ACLU was defending commercial speech that was designed to entice young people and adults to smoke.<sup>183</sup>

Professor of medicine Stanton Glantz joins issue with Morton Mintz when it comes to criticizing how the ACLU was defending the marketing tactics of the tobacco industry. He was also highly critical to the ACLU's opposition to laws that would protect workers from second-hand smoke. The professor of medicine claimed that the ACLU had provided a fig leaf for the tobacco companies to hide behind, as had other groups that had been created or funded by the industry. Glantz also described how the ACLU had refused to help him when he was trying to make public forty thousand pages of secret industry documents that had been sent to him anonymously. R.J. Reynolds had tried to sue the University of California in order to prevent the publication of the documents. According to Glantz, this was a clear First Amendment case. However, the ACLU, which always seemed to have time to defend the tobacco industry's right to pollute the air, did not have time to put in an Amicus brief in support of the University of California.<sup>184</sup>

The written statement by Ira Glasser attacked the integrity of Morton Mintz and his sources. The executive director claimed that Fahs' arguments in *Cigarette Confidential* did not hold up. Glasser did not comment on the key issues of Mintz's article, among others a statement by Melvin Wolf, who had been the ACLU's Legal Director for fifteen years. Wolf had characterized the information in *Cigarette Confidential* as a threat to the basic integrity of the American Civil Liberties Union. He had also dissociated himself completely from the idea that polluting the air and threatening the health of others was a constitutional right. Both Glantz and

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<sup>183</sup> Ibid

<sup>184</sup> Ibid

Mintz found it ironical that an organization whose purpose is to protect free speech and public discourse, refused to come and defend itself.<sup>185</sup>

The Washington-based Cato Institute might have been on Stanton Glantz's mind when he mentioned other groups which were providing a fig leaf for the tobacco industry. At first blush, the Cato Institute may seem like an independent think tank, doing legitimate research. However, a closer scrutiny reveals close ties between the Cato Institute and the tobacco industry. Philip Morris and R.J. Reynolds have been contributing amply to this conservative think tank for years. The Cato Institute, whose main purpose is fighting government regulation, sided with the tobacco industry in the controversies over smoking in the Clinton era.

In the late 1990s, the Cato Institute published an article which attacked data from the Centers for Disease Control and Prevention. The article, which was entitled "Lies, Damned Lies, & 400,000 Smoking-Related Deaths," denied that smoking was causing 400,000 deaths each year. According to the authors of the article, Rosalind Marimont and Robert Levy, the deaths caused by smoking were not premature deaths, but deaths caused by "old age". The Office on smoking and Health (OSH) responded to the article by pointing out that 33 percent of non-smokers live until they are 85, compared with only 12 percent of smokers. The OSH also claimed that the data from the Centers for Disease Control and Prevention had been proved accurate by the state of Oregon. Between 1989 and 1996, the state of Oregon had kept track of death certificates which attributed the decedent's cause of death to smoking and found that 20 percent of its citizens died of tobacco use. This percentage was in concordance with data presented by the Centers for Disease Control and prevention.<sup>186</sup>

The Cato article also attacked the Environmental Protection Agency's 1992 report about second-hand smoke and cancer. EPA was accused of having based the report on junk science. The Cato Article relied upon a decision by the US District Court for the middle district of North Carolina. According to the North Carolinian court, the Environmental Protection Agency had publicly supported a conclusion before doing research. (It is interesting to note that the tobacco industry took legal action against the Environmental Protection Agency in a state which is heavily dependent on the tobacco industry.)<sup>187</sup>

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<sup>185</sup> Ibid

<sup>186</sup> Salcedo, Jacqueline "Cato&Fraser Institutes Attack EPA Report and CDC Statistics." 4 pp Online Internet. (6 Jul. 2000)

<sup>187</sup> Ibid

The Cato Institute's attacks on the Centers for Disease and Prevention and the Environmental Protection Agency are in accordance with the tobacco companies' way of coping with research which proves health damage caused by tobacco use. Raising doubt about research which is unfavorable for the industry was an important tobacco industry stratagem in the 20th century. The Cato Institute can be said to have been an important mouthpiece for the tobacco companies in this respect.

The 1998 tobacco bill, sponsored by Senator John McCain, was one of Clinton's most important measures against the tobacco industry. The Cato Institute was strongly opposed to this bill, which is illustrated by Cato president Edward H. Crane's severe criticism of the 104th Congress. Crane found it outrageous that a Republican Congress had considered passing national tobacco legislation.<sup>188</sup> In July 1997, Cato affiliate Robert Levy testified before the Senate Judiciary Committee, calling the McCain bill a "shameful document, extorted by public officials who have perverted the rule of law to tap the deep pockets of a feckless and friendless industry." He also characterized the proposed restrictions on tobacco advertising as "draconian". The idea that the tobacco firms should contribute to children was also completely savaged by Levy. He called the proposal a bald transfer of wealth from a disfavored to a favored group.<sup>189</sup>

According to FAIR's search of the most important newspaper and broadcast media in the Nexis computerbase, the Cato Institute was one of four think tanks with more than 1,000 citations in 1995 and 1996. American media outlets often cite the position of the Cato Institute in tobacco related issues, but Cato's ties to the tobacco industry rarely get mentioned. The pro-tobacco assessments of Cato Affiliate Robert A. Levy, for instance, got respectful media coverage. A week before Levy testified on Capitol Hill, the Chicago Tribune opened its columns to Levy's views. The Cato Institute was described as "a libertarian think tank in the capital." One month later, the San Diego Union-Tribune published an article by Levy titled "Rule of Law Is a Loser in Tobacco War," in which he leveled strong criticism of an \$11 billion settlement between Florida and the tobacco industry. Levy characterized the settlement as shameful and claimed that it deprived the tobacco industry of rights that the American citizens take for granted. The San

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<sup>188</sup> Glover, Daniel.. "Getting Better at Doing Nothing." [IntellectualCapital.com](http://IntellectualCapital.com) (1.Oct.1998) : 2 pp. Online. Internet.

<sup>189</sup>

Diego Union-Tribune presented Levy as a "senior fellow in constitutional studies at the Cato Institute." Cato's ties to the tobacco industry were not mentioned.<sup>190</sup>

The Cato Institute was also a strong opponent of the Food and Drug Administration, the agency which had proposed to regulate nicotine as a drug in 1994. The FDA, which was led by Dr. David Kessler, had also pressed for restrictions on the sale of tobacco to minors and on advertising directed against youth. The FDA rules were endorsed by President Clinton in 1995. Chapter 32 of the *Cato Handbook for Congress*, which was entirely devoted to the FDA, urged Congress to "eliminate FDA regulations that undermine competitiveness and investment."<sup>191</sup> The Cato institute was one of seven conservative think tanks which waged an aggressive public relations and lobbying campaign against the FDA in the 1990s. The other think tanks were: the American Enterprise Institute, the Progress and Freedom Foundation, the Heritage Foundation, the Hudson Institute, and the Washington Legal Foundation. Citizens for a Sound Economy, an anti-tax group, also joined the attack. The Food and Drug Administration was accused of being slow to approve lifesaving drugs and medical devices. The Washington Legal Foundation ran advertisements which said. "If the FDA kills you, it's just being cautious." Citizens for a Sound Economy also sponsored similar ads: "A better quality of life--even life itself--is being denied to too many Americans because of the FDA's misplaced priorities." The Competitive Enterprise Institute launched a radical plan that would deprive the FDA of its power to veto new drugs and medical devices. Similarly the Progress and Freedom Foundation, which was an integral part of the then House speaker, Newt Gingrich's political network, proposed to replace the FDA with a private drug-approval system.<sup>192</sup>

The attack on the FDA was based on misinformation and smear of the FDA. According to the US General Accounting Office, the FDA was approving drugs as fast or faster than similar agencies in the United Kingdom, Japan, and Germany. The FDA was also more successful in keeping dangerous and lethal drugs off the American market than its counterparts in the countries mentioned.<sup>193</sup>

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<sup>190</sup> Solomon, Norman. "Media Moguls on Board. Murdoch, Malone and the Cato Institute." Think tank Monitor (Jan/Feb 1998): 4 pp Online. Internet. 11 Nov 1999

Available: <http://www.fair.org/extra/980/cato-media-moguls.html>

<sup>191</sup> Salcedo, Jacqueline "Cato&Fraser Institutes Attack EPA Report and CDC Statistics." 4 pp Online Internet. (6 Jul. 2000)

<sup>192</sup> Dreyfus, Robert. "Tobacco Enemy Number One." Mojo wire (1996): 5 pp Online. Internet. 4 Aug. 2000

<sup>193</sup> "A million for your thoughts" Public Citizen 2 pp Online. Internet. 17 Feb. 2001

It is interesting to note that the proposals of the conservative think tanks mentioned above were more radical than the proposals of the drug and medical device manufacturers. Tom Lenard, the director of regulatory studies of the Progress & Freedom Foundation, admits that the drug companies are not particularly radical and that his think tank wants to go beyond where the drug and medical manufacturers would like to go. According to a top FDA official, the drug companies were happier under David Kessler than they had been in ten years. Under Kessler, the approval time was cut by 30 to 40 percent. The pharmaceutical industry was not behind the crusade against the FDA. This is illustrated by a statement by Jim Benson, senior vice president of the Health Industry Manufacturers association. According to Benson, The medical device manufactures did not want to abolish or weaken the FDA.<sup>194</sup>

So who were behind the attack on the FDA? We have already heard of the close relationship between the Cato Institute and the tobacco industry. A similar relationship exists between tobacco industry and the Washington Legal Foundation. The WLF is financed by the tobacco industry and Richard Mellon Scaife. Several pro-tobacco politicians are on the National board of Advisors of the Washington Legal Foundation. (Below I will write more about the ties the WLF and the other think tanks have to the tobacco industry).

### ***The Tobacco Companies and the American Media***

Press censorship is normally associated with non-democratic governments. Freedom of speech is a cherished principle in democratic countries. Given the free speech protections of the First Amendment, the United States is often considered to have the freest press in the world. However in a market economy the power of money may cause a virtual censorship. Most publications depend on subscriptions and advertisers. Readers must like the content and advertisers may cancel their accounts if the content challenges their product.<sup>195</sup>

American tobacco companies have enormous advertising power. In 1994 they spent over \$5 billion; that is \$75 for each adult smoker in the USA.<sup>196</sup> The fact that Congress banned cigarette advertising on radio and TV in 1969, resulted in more tobacco ads in the printed

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<sup>194</sup> Dreyfus, Robert. "Tobacco Enemy Number One." Mojo wire (1996): 5 pp Online. Internet. 4 Aug. 2000

<sup>195</sup> "Censorship in the Media" Media Education: In the Classroom 2 pp (1996) Online. Internet. 28 Sept. 2001

<sup>196</sup> Ibid

press.<sup>197</sup> There is every indication that this increasing number of tobacco ads affected the way magazines covered smoking. A 1978 survey by R.C. Smith revealed that cigarette ads in magazines had doubled in the seven years that had passed since the broadcast ban, and that magazines which accepted cigarette advertising failed to write about cigarettes.<sup>198</sup>

Between 1950 and 1969, Time, US News and World Report, and Newsweek printed 210 articles about cigarettes. Between 1970 and 1986 the three weeklies printed only 64 articles about tobacco and cigarettes. Most of the articles were concerned with business and politics. The three magazines omitted smoking from most articles about cancer and heart disease. In November 1983, for instance, Newsweek included a 16-page health supplement written by the American Medical Association. The original manuscript had included information about the addictive nature of tobacco, but Newsweek refused to mention smoking. That issue of Newsweek carried 16 pages of cigarette ads.<sup>199</sup>

This disturbing pattern was also demonstrated in the 1990s. A 1992 study published in the New England Journal of Medicine found that magazines which refused cigarette ads were 40% more likely to print articles on smoking hazards. Similarly, in 1996, Staff writer Derick Z. Jackson of Today's Boston Globe, searched popular magazines for articles on health and found that magazines which accepted tobacco ads did not write derogatory articles about tobacco.<sup>200</sup>

Tobacco advertisements do not only prevent publishers from printing articles that take up the dangers of smoking. A 1994 survey conducted by University of Washington professor Steven Bishofsky found that magazines fear losing cigarette advertisement if they print anti-tobacco ads. Among the magazines included in the survey as much as 93 percent of the publications that were carrying tobacco ads, said that they were concerned with how tobacco companies would react if they printed anti-smoking statements. 50% percent of the magazines which were carrying ads for tobacco industry subsidiaries feared how the parent companies would react upon anti-smoking ads and articles.<sup>201</sup>

An article by Jan Ferris in the January/February 1994 issue of Columbia Journalism Review reports of the California Department of Health Services' attempt to put an ad in the

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<sup>197</sup> Kluger, Richard. "Ashes to Ashes, America's Hundred-Year Cigarette War, the Public Health, and the Unabashed Triumph of Philip Morris". New York: Knopf, 1996.

<sup>198</sup> "Censorship in the Media" Media Education: In the Classroom 2 pp (1996) Online. Internet. 28 Sept. 2001

<sup>199</sup> Ibid

<sup>200</sup> Borio, Gene. The tobacco BBS "Writer Slams Magazines on Tobacco Ads" 1 p (1996) Online. Internet. 2000

<sup>201</sup> "Censorship in the Media" Media Education: In the Classroom 2 pp (1996) Online. Internet. 28 Sept. 2001

magazine *Essence*. *Essence* was targeted due to its many black female readers. In California one in four of black women smoke, compared to one of five in the entire female population. The ad that the anti-smoking agency wanted to place in *Essence* included the photo of three black singers all dead of tobacco-related illnesses. The ad was accompanied by following text: "Cigarettes made them history."<sup>202</sup>

The California Department of Health services may have hoped to cooperate well with the magazine's senior editor for health, Linda Villarosa. She had once published a critical article on publishers and tobacco issues in the *Harvard Public Health Review* ("Caution: Tobacco Ads May Be Hazardous to your Editorial Freedom".) Despite this, *Essence* showed extreme reluctance to print the ad. After having pointed to lack of space, the magazine characterized the ad as controversial. It was never printed. Jan Ferris also reports of how a group called Stop Teenage Addiction to Tobacco and Massachusetts health officials tried to place an ad in some east coast newspapers. The ad featured a photo of three publishers; S.I. Newhouse, Rupert Murdoch. Lawrence Tisch (president of CBC and owner of Lorillard Tobacco), Henry Kravis (R.J. Reynolds Tobacco), and Michael Miles (chairman of Philip Morris). The copy of the ad read: "Meet five of America's richest drug pushers." The ad was accepted by *The Washington Post* and *the Patent Reader*, but it was rejected by *The New York Times*, the *New York's Jewish Week* and several suburban newspapers.<sup>203</sup>

In 1980, the independent liberal magazine *Mother Jones* considered printing a series of articles about smoking and cancer. The magazine accepted tobacco advertisement at the time and was concerned about possible economic consequences of printing the article. To its credit, *Mother Jones* decided to publish the series, and furious tobacco companies immediately withdrew their advertising. In the years to come, a *Mother Jones* free from tobacco ads was to produce a large number of hard-hitting exposés about the tobacco industry. I am very much obliged to the decision *Mother Jones* made in 1980. Many of these articles are important sources for my theses.

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<sup>202</sup> Ferris, Jan. "Butt Out." *Columbia Journalism Review* (Jan/Feb 1994) 2 pp Online. Internet. 6 Jul 2000

<sup>203</sup> Ibid



### ***Fighting the media through the Court system***

The huge financial resources of the tobacco industry enable it to file lawsuits against mass media which print articles and broadcast exposes that could be a threat to the industry. This juridical power may lead to censorship in the media. A classic example is the suppression of "death in the west--the Marlboro story", a documentary made for Thames Television by Pete Taylor and Martin Smith in 1976. The program contrasted the suffering of six American cowboys who were dying of smoking-related illnesses, with the strong and healthy cowboys of the Marlboro Country Commercials. Claiming that the dying men were not cowboys and that the company had been tricked to permit its commercials in a film that depicted smoking in a negative way, Philip Morris successfully used the courts to bar the distribution of the film. Six years later a copy was sent anonymously to Stanton Glantz, professor of medicine of the University of California, and the film was eventually aired.<sup>204</sup>

Youth smoking was a hotly debated theme in the late 1980s and the early 1990s. The fight against increasing smoking rates among young people was to be a central part of President Clinton's anti-smoking commitment. Tobacco companies were often accused of targeting young people in their advertising campaigns. Such assertions were vigorously fought back by the tobacco industry. Some reporters experienced how fatal it could be to make errors when criticizing tobacco companies. In 1988, reporter Walt Jacobson and CBS Chicago affiliate WBBM-TV lost a \$ 3 million libel suit brought by Brown & Williamson for having claimed that the tobacco company had an advertising strategy aimed at enticing children to smoke. The December 11, 1991, issue of the journal of the American Medical Association included two articles about the effect R.J. Reynolds's "Joe Camel" cartoon advertisements had on children. The tobacco company subpoenaed the authors of the articles, Joseph DiFranza and Paul Fisher, for the records of their research. The company also wanted the names of the children that had participated in the studies of the Journal of the American Medical Association. The fact that the claim of the tobacco company held up in a Massachusetts court, disturbed many in the research community. Many researchers feared that the decision would set a precedent that would prevent researchers from giving subjects confidentiality. Joseph DiFranza, M.D, an associate professor of family and community at the University of Massachusetts at Fitchburg, had to give his records to

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<sup>204</sup> Scolnick, Andrew A. "Burning Mad Tobacco Industry Turns Heat on Major News Media." National Association of Science Writers (Summer 1994 issue) : 7 pp. Online. Internet. 17 Oct 2001

the tobacco company. Then R.J Reynolds launched a public-relations attack on DiFranza, arguing that he had manipulated data to support his bias. Tobacco industry allies in the media leveled severe criticism at DiFranza and the Journal of the American Medical Association. According to DiFranza, R.J. Reynolds wished to create so much doubt about the JAMA studies that the Federal Trade Commission could justify not banning the Joe Camel advertisements.<sup>205</sup>

The author of the other article, Paul Fisher, M.D., editor of the Journal of Family Practice, won two court decisions in Georgia to protect the confidentiality of his records. Then the tobacco company asked the Medical College of Georgia, where Fischer was professor of family medicine, to turn over Fischer's records. When the Medical School sided with Reynolds, Fischer decided to resign and fight the school and the tobacco company in court.<sup>206</sup>

On February 28 and March 7, 1994, ABC News aired a documentary which claimed that the tobacco companies were "spiking" their cigarettes with extraneous nicotine in order to keep their customers hooked. A few days before the broadcast of the program, Food and Drug Administration commissioner David Kessler had declared that the tobacco industry appeared to manipulate nicotine levels in cigarettes and that nicotine therefore might be regulated as a drug. Considering that Kessler had the support of President Clinton, there was a risk that ABC's "spiking charges" would lead to stricter regulation of the tobacco companies. Thus, it was extremely important for the tobacco industry to reject the allegations of the ABC documentary. 17 days after the airing of the program, Philip Morris filed a \$10 billion suit against ABC News in the circuit court for the city of Richmond, Virginia. Eleven month later, R.J.Reynolds also sued the News Company. For sixteen months ABC defended the newsmagazine in court, at the cost of several million dollars. ABC's trial lawyers were expecting a victory. Most journalists were stunned when ABC agreed to apologize to Philip Morris and to pay the tobacco company's legal fees.<sup>207</sup>

Why did ABC News cave in to Philip Morris? Some commentaries claimed that ABC's cost-conscious corporate parent, Capital Cities chose to settle the case because of the company's forthcoming incorporation in the Disney entertainment empire. ABC may also have feared that procedural rulings could have forced a revelation of its news gathering and editing practices.

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<sup>205</sup> Ibid

<sup>206</sup> Ibid

<sup>207</sup> Weinberg, Steve. "ABC, Philip Morris and the Infamous Apology" Columbia Journalism Review (Nov/Des 1995) 15 pp Online. Internet. 17. Oct 1999

Even if such a disclosure would not have uncovered anything unlawful, it might have very embarrassing for the news company. It is also interesting to note that a syndicated column by Jeff Cohen and Norman Solomon claimed that Philip Morris executives had threatened to withdraw their \$100-million Miller and Kraft advertising from the news network.<sup>208</sup>

Some newspeople at ABC claimed that the 10 billion lawsuit against the company had a chilling effect. The very same day that Philip Morris sued, the network decided not to air a critical expose about the tobacco industry's marketing strategies. Philip Morris was prominently referred to in the program, which had cost ABC \$500,000. When it became public that ABC had shelved a tobacco documentary by Emmy-Award winning producers Martin and Frank Koughan, ABC executive Vice President Paul Friedman denied that the pending 10 billion lawsuit had anything to do with the suppression of the tape. He claimed that the documentary was a "boring" rehash. However, some of the people who had seen the documentary had found it compelling.<sup>209</sup>

The "censored" tape was eventually leaked to the press. A transcript of the program, which was published by Mother Jones in 1996, shows that Martin and Frank had described how R.J. Reynolds and Philip Morris were trying to hook young smokers. The program asserted that "Joe Camel", R.J. Reynolds's cartoon figure, had caused an immense increase in smoking rates among young people. Philip Morris tried to meet this competition with "The Marlboro Adventure Team," which was a fleet of Marlboro vans crossing the USA while distributing free gifts to smokers. (To get a Kayak raft, you had to smoke 7,200 cigarettes!) The documentary also brought into focus the smokers rights groups which emerged after the Environmental Protection Agency had found cigarette smoking harmful to non-smokers. These groups had been staged by the tobacco industry, and the group members had been instructed to hide this. The Mother Jones transcript also revealed the disgust President Reagan's anti-smoking Surgeon General Everett Koop felt after learning of a secret memo where Reagan promised R.J. Reynolds not to cause any trouble for the tobacco industry. Koop also explained how Reagan's trade representatives threatened many Asian countries to open their markets for American cigarettes. According to Mother Jones, much of the information on the tape had been confirmed by whistle-blowers between 1994 and 1995. The magazine also asserted that Reagan's assurance to the tobacco

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<sup>208</sup> Ibid

<sup>209</sup> Ibid

companies and the description of how the Reagan administration had pushed cigarettes on Asian countries were newsbreaks even in 1996.<sup>210</sup>

The 1992 US Supreme Court decision in Rose Cipollone's suit against three tobacco companies had ruled that plaintiffs could sue cigarette companies for breaking their duty not to deceive the public if plaintiffs could prove that the tobacco makers had lied or intentionally hidden the dangers of smoking.<sup>211</sup> Consequently, it was important for the tobacco industry to prevent that information which proved such as deceit was being made public. With an anti-smoking president in the White House, the industry also had good reason to fear a federal lawsuit.

In 1995, the tobacco company Brown & Williamson threatened CBS with a 15 billion lawsuit if the news company aired an interview with Jeffrey Wigand, a former B&W executive. Wigand, who had a doctorate in endocrinology and biochemistry, had been the vice-president of scientific research of Brown and Williamson. The tobacco company had reportedly engaged Wigand in order to develop a less harmful cigarette, and according to his lawyer, Wigand had been fired when B&W decide to suppress his research. In 1994 Wigand was hired as a consultant for a CBS sixty minutes documentary by CBS veteran Lowell Bergman about research on a "fire-safe cigarette". Bergman's exposé alleged that Philip Morris had developed a cigarette that was less likely to cause fires, only to bury the project for fear of lawsuits stemming from the period when cigarettes were not "fire safe". In order to avoid this research from becoming public, the tobacco company labeled the "fire free cigarettes" files as an attorney-client product.<sup>212</sup>

One month after the airing of the documentary, Wigand informed Bergman that he had been threatened with death if he did not stay off the tobacco industry. Bergman then decided to do research on Brown & Williamson which was under intense fire in this period due to the secret company documents that had been sent anonymously to the University of California. After long hesitation, Wizzard agreed to be interviewed about his experiences at Brown and Williamson. Before leaving B&W, Wigand had signed a non-disclosure agreement with the tobacco company. Claiming that CBS had encouraged Wigand to break his agreement, Brown & Williamson

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<sup>210</sup> "Censored:The Leaked ABC Tape". MOJO wire (1996): 2 pp Online. Internet. 17.Sept. 1999

"Tobacco Under Fire Part 1, 2, and 3." MOJO wire (1996): 19 pp Online. Internet. 8.Mar 2001

<sup>211</sup> Weinberg, Steve. "ABC, Philip Morris and the Infamous Apology" Columbia Journalism Review (Nov/Des 1995) 15 pp Online. Internet. 17. Oct 1999

<sup>212</sup> Grossman, Lawrence. "Lessons of the Sixty Minutes Cave-In" Columbia Journalism Review (Jan/Feb 1996) 23 pp Online. Internet. 17 Oct 2001

threatened to sue CBS for "tortuous interference". The CBS News management might have been chilled by the ABC-Philip Morris controversy when it decided to cancel the 60-minute interview with Wigand. However, someone in the news company leaked a transcript of the interview to the New York Daily News, which quoted Wigand's main accusation against Brown & Williamson. Wigand had said that the tobacco company had suppressed research on a safer cigarette and used an additive in pipe tobacco, which the company knew had caused cancer in lab animal. Wigand had also asserted that an executive from Brown & Williamson had committed perjury when testifying in congressional hearing that nicotine is not addictive. Several newspapers criticized CBS for scuttling away from the interview. Many legal experts claimed that "the tortuous interference" charge did not imply any legal threat since the First Amendment would have protected the disclosure of the interview.<sup>213</sup>

The fact that at that time CBS was on the hands of Lawrence Tisch, the owner of Lorillard Tobacco, may also have influenced the CBS management to suppress the Wigand interview. This aspect of the CBS "60 minutes Cave-in" will therefore be dealt with under "Tobacco and Media entwined".<sup>214</sup>

### ***Media and Tobacco Entwined***

There are many examples of very close ties between the media and the tobacco industry. The business synergy between Philip Morris and Rupert Murdoch's media empire deserves closer attention. In the following I will make an attempt to uncover this symbiotic relationship between the tobacco giant and the media mogul. Tobacco advertisement is an important element in the close ties between Rupert Murdoch's media and Philip Morris. Murdoch is the owner of the News Corp, one of the most powerful media and entertainment companies in the world. His American possessions include the *Weekly Standard*, the *New York Post*, and Fox Broadcasting. TV Guide, Harper Collins book publishers, and Twenty Century Fox are also in the hands of the media giant. Murdoch's publications make enormous profits from cigarette ads. In additions, there is a close relationship between Fox Broadcasting and Philip Morris subsidiary Miller Brewing Co. In

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<sup>213</sup> Ibid

<sup>214</sup> Ibid

1997 the brewery increased its advertising account with Fox to \$ 75 million per year for sports and prime-time programs.<sup>215</sup>

Murdoch was also appointed to the Board of Philip Morris in 1989. In 1997 he also joined the board of the heavily tobacco-funded Cato Institute, a think tank known for its pro-tobacco stance. This appointment was hardly commented on in the media. The synergy between Philip Morris and Murdoch News Corporation does not end here. In 1998, Geoffrey C. Bible, chairman of Philip Morris, was named a director of Murdochs's News Corp. It is also worth mentioning that former chief executive of Philip Morris, Hamish Maxwell, had served on the board of the News Corporation until early 1998.

Articles about business synergy often make front-page news, but the appointment of Bible got scant news coverage. The Wall Street Journal announced the appointment of Bible with four sentences in the second news sections and Murdoch's own New York Post printed a slightly more hailing article on page 32. Anti-tobacco activist Cliff Douglas sent the Journal item to a huge number of reporters, urging them to take a closer look at the story. The only journalist who cared to pay attention to the appointment of Bible was Chip Jones, a tobacco reporter at the Richmond Times Dispatch (Va.).<sup>216</sup> Chip Jones drew attention to the fact that Bible's entry into the board of news Corp had vexed the anti-smoking lobby. Jones' article quoted a statement by William Novelli, president of the Campaign for Tobacco Free Kids in Washington. Among other things, Novelli questioned the ethics of voting a tobacco executive onto the board of a company that has access to children both through television and film (Fox Broadcasting and 20th Century Fox). Chip Jones also cited anti-tobacco activist Clifford Douglas, the initiator of the article. Douglas feared that the Philip Morris-News Corp link would give the tobacco industry a fabulous opportunity for lobbying through Murdoch's media empire.<sup>217</sup>

A 1985 memo from Philip Morris, unearthed by Mother Jones Magazine in 1998, revealed the tobacco company's strategy for a tobacco-friendly news coverage. The secret document, which was written by former Philip Morris chief executive Hamish Maxwell., outlined a strategy to sway public opinion in favor of Philip Morris by means of the company's clout with the media.

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<sup>215</sup> Solomon, Norman. "Media Moguls on Board" (Jan/Feb 1998) : 4 pp Online. Internet. 11 Nov. 1999

<sup>216</sup> Klein, Jeffrey. "Where There's smoke". *MOJO wire* (1998): 3 pp Online. Internet. 6 Jul. 2000

<sup>217</sup> Jones, Chip. "Philip Morris chief board link to Murdoch vexes leaf enemies". [timesdispatch.com](http://timesdispatch.com) (2000): 3 pp Online. Internet. 6. Jul 2000

The sixth point I want to make is that we are not using our very considerable clout with the media. A number of media proprietors that I have spoken to are sympathetic to our position. Rupert Murdoch and Malcolm Forbes are two good examples. The media like the money they make from our advertisements and they are an ally that we can and should exploit.<sup>218</sup>

In an appendix to the memo another Philip Morris executive used Murdoch as the model for tobacco-media relations:

Another area we intend to exploit more fully is the ad agencies and media proprietors. We have already been helped a great deal by the agencies in Hong Kong for example in our efforts to resist advertising restrictions. As regards the media, we plan to build similar relationships to those we now have with Murdoch's News Limited with other newspapers proprietors. Murdoch's papers rarely publish anti-smokers articles these days.<sup>219</sup>

The tobacco industry was eager to change the anti-smoking fervor of the early 1990s. Philip Morris even considered buying The Atlantic Monthly and several other media outlets. According to an internal Philip Morris document, the aim was to "influence the public policy agenda and the information flow to the populace."<sup>220</sup>

During the CBS 60 minutes controversy, some journalists asserted that CBS had caved in to Brown & Williamson because its chairman at the time, Laurence Tisch, was also a owner of Lorillard Tobacco. Andrew Tisch was one of the tobacco executives who had sworn before Congress that that tobacco was not addictive. He was under investigation for having committed perjury in those hearings. Jeffrey Wigand had been subpoenaed as a witness in that investigation. Laurence Tisch was also about to sell CBS to Westinghouse. A pending lawsuit would definitely have decreased the market value of the news company. Tisch claimed that he had not known anything about the cancellation of the Wigand interview until after the decision was made. However, the executives and internal lawyers who decided not to broadcast the interview must have been concerned about how Tisch would have reacted if they aired a program that might have helped sending his son to jail, in addition to jeopardizing two important business deals.<sup>221</sup>

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<sup>218</sup> Brookes, Julian. "Tobacco and Rupe". MOJO wire (25 Aug 1998): 2 pp Online. Internet. 6 Jul 2000

<sup>219</sup> Ibid

<sup>220</sup> Beatty, Jack "The Search for the Smoking Gun". The Atlantic online (Feb 2001) 4: pp Online. Internet. 28 Sep. 2001

<sup>221</sup> Grossman, Lawrence. "Lessons of the Sixty Minutes Cave-In" Columbia Journalism Review (Jan/Feb 1996) 23 pp Online. Internet. 17 Oct 2001

Even if CBS produced critical exposés about the tobacco industry while owned by Tisch, the company was also accused of siding with the tobacco lobby. In 1994, Jeff Cohen and Norman Salomon pointed to how "America Tonight", the prime time CBS news magazine, had held Canada's taxes up to ridicule. The news segment had asserted that smoking had increased its revenues because of large-scale smuggling from the USA. According to Cohen and Soloman, smoking in Canada had decreased with 40 % since 1982, the year when cigarette taxes started increasing in Canada. They also asserted that Cigarette tax revenues had risen from 2.16 billion Canadian dollars to 6.3 in 1993. Cohen and Soloman also pointed to how the Canadian tobacco industry had contributed to the smuggling by overexporting cigarettes to the USA. The two reporters raised the question of whether cigarette taxes were too low in the USA. The views mentioned above were not aired in the program, since no proponents of higher taxes on cigarettes appeared on the broadcast. Rod Stanler, the on-air expert of the program was presented as a former top officer of the Canadian police. He turned out to be paid consultant on cigarette smuggling for a firm that had been hired by the Canadian Tobacco Manufactures Council. President Clinton was a proponent of raising cigarette taxes in the USA. The America Tonight news segment must have had considerable propaganda value for the American tobacco industry.<sup>222</sup>

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<sup>222</sup> Cohen, Jeff and Solomon, Norman. "Tobacco Wars: The First Casualty Is Candor". Media Beat (20 Jul. 1994): 2 pp Online. Internet. 12 Oct. 2001



## SUMMARY OF THE CLINTON SCANDALS AND THE IMPEACHMENT PROCESS.

Throughout his presidency Bill Clinton was dogged by allegations of wrongdoing.<sup>223</sup> In early 1994 Robert B. Fiske was appointed as a special counsel to investigate the Clintons' involvement in a failed Arkansas real estate deal 14 years back in time. Fiske's Whitewater investigation included an inquiry into the 1993 firing of seven members of the White House travel office, often called "Travelgate". In May 1994 Paula Jones, a former Arkansas state employee, charged the president with sexual harassment. Kenneth Starr replaced Fiske as the lead Whitewater investigator in August 1994. Two years later Starr started looking into "Filegate", that is the 1993 and 1994 White House request for FBI files on prominent Republicans. In 1998 Kenneth Starr expanded his inquiry to include President Clinton's alleged relationship with Monica Lewinsky. Starr's findings in the Lewinsky case was to form the basis of an impeachment process against the President.

### *The Whitewater Scandal*

I will now give a brief account of the elements of the Whitewater Scandal that find most relevant to the Clintons and of the central questions that have been raised by the investigators. In 1978 Bill Clinton and his wife entered into partnership with James and Susan McDougal in order to buy 220 acres of riverfront land. Their intention was to build vacation homes, and the two couples soon formed the White Water Development Corp. McDougal also owned a small savings

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<sup>223</sup> This summary has been based on the following sources:

"Whitewater Time Line." [Washingtonpost.com](http://www.washingtonpost.com) (1998): 4 pp. Online. Internet. 23 September. 1999.

Available:

<http://washingtonpost.com/wp-srv/politics/special/whitewater/timeline.htm>

"Whitewater Time Line (1995-1998)" [Washingtonpost.com](http://www.washingtonpost.com) (1998): 6 pp. Online. Internet. 24 June 1999.

Available:

<http://washingtonpost.com/wp-srv/politics/specialwhitewater/timeline2.htm>

"Untangling Whitewater" [Washingtonpost.com](http://www.washingtonpost.com) (1998) :6 pp. Online. Internet.23 September 1999.

Available:

<http://washingtonpost.com/wp-srv/politics/special/whitewater/whitewater.htm>

"The President on Trial : A Fateful Convergence" [TIME.com](http://www.time.com):3 pp. Online. Internet. 22 June 1999.

Available:

<http://cgi.pathfinder.com/time/daily/scandal/relationships/relationships.html>

"The President on Trial: Timeline" [TIME.com](http://www.time.com) :5 pp. Online. Internet. 29 June 1999. Available:

<http://cgi.pathfinder.com/time/daily/scandal/timeline.html>

and loan company called Madison Guaranty. In 1986 he was removed as Madison Guaranty's president by federal regulators due to improper business practices. Madison Guaranty collapsed a few years later, and the partnership between the McDougals and the Clintons dissolved. Bill Clinton and his wife had lost approximately \$ 40,000.

In 1985 McDougal had hired the Rose Law Firm, where Hillary Clinton was a partner, to do legal work for his ailing savings and loan. Hillary Clinton and an other lawyer from the Rose Law Firm tried to recapitalize Madison Guaranty. An important element of the Whitewater investigation was whether Hillary Clinton had or tried to hide the billing records which showed the extent of legal work that she had done for Madison Guaranty. After having been missing and under subpoena for two years, Hillary Clinton's billing records suddenly turned up in the White House residence book room.

In 1986 Susan McDougal had borrowed \$ 300,000 from a business organisation owned by David Hale. Some of the loan went into the Whitewater Development Corp. The Small Business Administration provided Hale's company with funds that he was to lend to disadvantaged business owners. In 1996 David Hale testified that Bill Clinton had pressured him to make the fraudulent loan to Susan McDougal. Shortly after, Clinton testified on videotape for more than four hours. The president denied Hale's accusation. Starr raised the question of whether Bill Clifton had lied under sworn testimony when he denied any knowledge of the fraudulent loan to MacDouglas. Clinton's supporters, however, asked themselves whether key witness David Hale had received thousands of dollars from Clinton's enemies.

In July 1993 Deputy White House Counsel Vincent Foster was found dead in a park in Washington, D.C. The Police decided that his death was a suicide. However, due to a series of speculations about Foster's death, both Fiske and Starr included it in their investigations. One month before his death Foster had been filing three years of delinquent Whitewater corporate tax returns. It was often suggested that there was a link between Foster's death and his knowledge of the developing scandal. Some people, among others Fosters secretary Linda Tripp, believed that Foster had been murdered.

In March 1994 Webster L. Hubbel resigned as associate attorney general after having come under scrutiny by the Whitewater investigators. Hubbell and Hillary Clinton had been partners at the Rose Law Firm. Shortly after Hubbell's resignation, friends of Clintons' and Democratic Party supporters allegedly paid Hubbell more than \$ 700,000. Kenneth Starr and his

associates wanted to learn whether the White House had arranged payments to Hubbell in order to buy his silence about things he might have learnt while he and Hillary Clinton were partners at the Rose Law Firm. Hubbell was later convicted of fraud.

In May 1996 the McDougals were also convicted of almost all the fraud and conspiracy charges which Kenneth Starr had accused them of 10 months earlier and were later given heavy prison sentences. In September the same year Susan McDougal refused to testify in front of a grand jury and went to jail for contempt of court. Starr's probe was to show whether the White House had pressured the McDougals not to talk during their fraud trial.

### ***Travelgate and Filegate***

The Fiske and Starr probes were to embrace the 1993 firing of seven employees of the White House travel office. The firing was followed by an FBI investigation of the employees. It was often claimed that the seven workers had been dismissed in order to make room for some of Clinton's friends, and the White House was also accused of pressuring the FBI to investigate the travel office employees. The 1993 and 1994 collection of hundreds of FBI files on prominent Republicans also became a part of the Whitewater investigation. In 1996 The White House admitted that those reports had been wrongly collected, and Director of Personnel Security Craig Livingstone later took the responsibility for the illegal collection.

During the first day of impeachment hearings Kenneth Starr cleared Clinton in relation to "Travelgate" and "Filegate". He also said that his office had drafted an impeachment referral based on Whitewater, but had decided not to send because of insufficient evidence. To most people's satisfaction Starr also came to the conclusion that Foster's death had been a suicide. Starr's long and expensive investigation concerning Clinton's involvement in Whitewater, Filegate, and Travelgate had ended in nothing. It was to be the Paula Jones' sexual harassment case, however, that indirectly was to give Starr a breakthrough.

### ***The Paula Jones Case***

In May 1994, Paula Jones charged the President with sexual harassment for allegedly having propositioned her in a Little Rock hotel room three years before, and she demanded \$700,000 in damages. Clinton and his lawyers responded with attempts to delay the lawsuit. In late 1994, US

District Judge Susan Webber ruled that the trial could not take place as long as Clinton was in office. However, in January 1996 a three-judge US appeals Court panel overruled her judgment, and the lawsuit could go on. Clinton appealed to the Supreme Court, and the case was put on hold until the 1996 November election.

After Clinton's re-election, however, The Supreme Court decided that the Paula Jones case could proceed. In late 1997, an anonymous call had informed Jones' lawyers of Clinton's alleged relationship with White House intern Monica Lewinsky. Shortly thereafter Lewinsky was subpoenaed by Jones' lawyers. In early January 1998, in a sworn affidavit, she denied having had an affair with Clinton in a sworn affidavit. President Clinton also strongly denied having had an affair with Lewinsky when he was questioned under oath by Paula Jones' lawyers in mid-January. Kenneth Starr had expanded his investigation to include the question whether Clinton had encouraged Lewinsky to lie about her alleged affair with the president, Judge Susan Webber excluded Lewinsky's deposition as evidence in the Paula Jones case.

In April 1998 Webber dismissed the Paula Jones' sexual harassment suit against President Clinton, claiming that Jones' complaint even if true, would not be a violation of law, a decision that was appealed by Jones' lawyers. In November President Clinton settled the Paula Jones case in an out of court settlement, agreeing to pay Jones \$ 850,000 while admitting nothing.

### ***The Lewinsky Scandal***

In 1995 President Clinton allegedly became involved with Monica Lewinsky in a sexual relationship. Lewinsky assured Clinton that she had not told anybody about their encounters; however, she confided her trysts with Clinton in several people, among others to Pentagon employee Linda Tripp. Subpoenaed in the Paula Jones case, however, Lewinsky denied having had an affair with Clinton. Shortly afterwards Linda Tripp contacted Starr's office and handed over 20 hours of taped conversations with Lewinsky. The following day Linda Tripp met with Lewinsky, and with FBI assistance she taped their conversation. On January 16, Kenneth Starr expanded his probe to include the question whether President Clinton had encouraged Lewinsky to lie about their relationship. However, President Clinton testifying under oath in the Paula Jones case, denied having had a sexual relationship with the young White House intern.

After having reached a tentative immunity deal with Kenneth Starr, Monica Lewinsky began testifying before Starr's jury on August 6. President Clinton gave testimony before the Lewinsky grand jury a few days later, and in a televised address to the nation the same evening he admitted having had an inappropriate relationship with Lewinsky, but he denied having encouraged Lewinsky to lie about it.

### ***The Impeachment process***

In September 1998 Kenneth Starr sent his report of possible impeachable offenses by President Clinton to Congress. One month later, the House approved an impeachment inquiry of the President by a vote of 258 -176. 31 Democrats voted yes. At the end of the year the White House presented a defense report to the House Judiciary Committee, giving reasons why Starr's charges against President Clinton were unjustified. Shortly after the House Judiciary Committee dismissed censure as an option for punishment and unveiled four articles of impeachment against President Clinton. Two articles alleged that he had lied in the Paula Jones case and in his testimony before Ken Starr's grand jury. The other articles charged that he had abused the powers of his office and obstructed justice in the Monica Lewinsky affair. The House of Representatives approved two articles of impeachment against the President on December 19th. An impeachment trial of the President was opened in the Senate in January 1999. However, polls showed that most Americans disapproved of such a trial. At the end of the month the senators approved a proposal to allow House managers to call witnesses. Consequently, Monica Lewinsky was questioned under oath by Republican House managers. Finally, on February 12 the Senate acquitted President Clinton on both impeachment charges.

# THE CLINTON SCANDALS AND THE TOBACCO INDUSTRY

## *The Appointment of Kenneth Starr*

The law authorising the job of independent counsel, which was passed in 1978 because of the Watergate scandal, expired in 1992. President Clinton wished to re-authorize the law, but the Republicans, who were angry over an independent counsel investigation of the Iran-Contra Scandal during the Reagan presidency, thwarted its re-authorisation.<sup>224</sup> Consequently, President Clinton asked Attorney General Janet Reno to name a special counsel on her own authority to look into the Whitewater affair. As already mentioned, Reno chose moderate Republican Robert B. Fiske, Jr. The appointment was received well by many prominent Republicans. Senator Alfonse M. D' Amato called him "one of the most honourable and skilled lawyers anywhere."<sup>225</sup> Senate Minority Leader Bob Dole said that he felt Fiske was "extremely well-qualified." However, Dole also pointed out that some of the conservative Republicans were skeptical of Fiske. It is interesting to note that the Washington Legal Foundation, where Kenneth Starr sits on the Board, criticized Fiske's liberal ties before he was appointed Whitewater special counsel. The Washington Legal Foundation is partly funded by the tobacco industry and partly by the conservative John M. Olin Foundation.<sup>226</sup> The Republicans eventually consented to the re-authorization of the of independent counsel law and gave a three-judge panel of the US Circuit Court of Appeals, Washington, D.C the power of appointment. Chief Justice William H. Rehnquist was given the authority to choose the panel's members. According to *Salon*, "Rehnquist moved a piece on the Washington chessboard that was scarcely noticed at the time, but which would have the most profound implications"<sup>227</sup>: He renamed David Sentelle, a

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<sup>224</sup> "Pathway to Peril :Chapter 3: Counsel with Concervative Devout Roots" Los Angeles Times (1999) :5 pp. Online. Internet. 8 June 1999. Available:

<http://www.latimes.com/HOME/NEWS/REPORTS/SCANDAL/PATHWAY/chapter3.htm>

<sup>225</sup> "GOP Lawyer Picked to Probe Whitewater" Los Angeles Times (21 January. 1994): 4 pp. Online. Internet. 1 June 1999 Available:

[http://www.latimes.com/HOME/NEWS/REPORTS/SCANDAL/STORIES/lat\\_fiske940121.htm](http://www.latimes.com/HOME/NEWS/REPORTS/SCANDAL/STORIES/lat_fiske940121.htm)

<sup>226</sup> "The Book on Kenneth Starr" Education and Information Project (January 1997): 3 pp. Online. Internet. 27 January 1998. Available:

<http://www.eip.org/book.html>

<sup>227</sup> "True Believer" Salon Newsreal (1999) : 6 pp. Online. Internet. 28 Sept 1999

<Http://www.salon.com/news/1998/07/03news2.html>

Republican political activist with tobacco connections to be the chairman of the panel.<sup>228</sup> (Chosen by Renquist in 1992 to replace moderate Republican R.George McKinnan as the head of the three-judge panel which authorizes special prosecutors in 1992, Sentelle had been instrumental in turning down the conviction of Oliver North).<sup>229</sup> Majority Leader Bob Dole had criticized Fiske for inadequate aggressiveness, and Senator Launch Faircloth had been worrying about the fact that Fiske had ruled that Vince Foster's death was a suicide. Nevertheless, when Reno asked the three-judge panel to give its support to Fiske, this was almost a pro forma request.<sup>230</sup> Surprisingly the three-judge panel refused to re-appoint Fiske, referring to a possible conflict of interest because he had been appointed by Clinton's attorney general, and appointed Kenneth Starr as Fiske's successor.<sup>231</sup>

Sentelle had lunch with conservative Republican senators Jesse Helms and Launch Faircloth shortly before the appointment of Kenneth Starr. Faircloth and Helms also have tobacco connections; they ranked second and third respectively among the top tobacco recipients in the US Senate 1991-1996.<sup>232</sup> Fiske had not been able to find any wrongdoing by the Clintons in the Arkansas deal, and it has often been alleged that during their lunch the three North Carolinian friends decided to choose a sterner prosecutor.<sup>233</sup> Sentelle has declared that he does not think he discussed the Whitewater investigation with Helms and Faircloth during their lunch, but that he cannot be absolutely sure.<sup>234</sup>

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<sup>228</sup> "Smoking Gun? Tobacco nailed Clinton?" Gazette Online (25 Jan. 1999): 2 pp Online. Internet. 22 Jun. 1999 Available:

<http://www.wvgazette.com/Editorial/SMOK0125.html>

<sup>229</sup> Ferguson . Thomas. "Impeachment: The Sequel Smoke in Starr's Chamber" The Nation (8 Mar. 1999): 6 pp. Online. Internet. 14 Sept. 1999 Available:

<http://www.the.nation.com/issue/990308ferguson.shtml>

<sup>230</sup> "Pathway to Peril Chapter 3 , Counsel with Devout Concervative Roots" Los Angeles Times (31 Jan. 1999): 5 pp. Online. Internet. 8 Jun. 1999 Available:

[http://www.latimes.com/HOME/NEWS/REPORTS/SCANDAL/PATHWAY/chapter3\\_.htm](http://www.latimes.com/HOME/NEWS/REPORTS/SCANDAL/PATHWAY/chapter3_.htm)

<sup>231</sup> " Whitewater Time Line" Washingtonpost.com (1998): 4 pp. Online. Internet. 23 Sept 1999 Available:

<http://washingtonpost.com/wp-srv/politics/special/whitewater/timeline.htm>

<sup>232</sup> " Smoking gun? Tobacco nailed Clinton?" Gazette Online (25 Jan. 1999): 2 pp. Online. Internet. 22 Jun. 1999 Available:

<http://www.wvgazette.com/Editorial/Smok0125.html>

"Congress Awash In Big Tobacco Money: Tobacco Cash Buys Influence" ABCNEWS.com 6 pp. Online. Internet. 10 Sept. 1999 Available:

<http://abcnews.go.com/sections/us/DailyNews/tobaccomain050598.html>

<sup>233</sup> Dumas, Ernest. "Opinion : Time to Probe Kenneth Starr" News & Politics (20 Sept. 1996): 3 pp. Online. Internet. 9 Sept. 1999 Available:

<http://www.arktimes.com/white65.htm>

### ***Kenneth Starr and the Tobacco Industry***

The controversy over Kenneth Starr reported above was not confined to the way he was appointed. Both Clinton supporters and many independent critics claimed that his investigation was partial and that he had a number of conflicts of interest. However, defenders of Kenneth Starr stressed that he was a widely respected lawyer who had been on Reno's short list of candidates when she chose Fiske.<sup>235</sup>

Public defender Francis T. Mandanici of Bridgeport, Ct., is a fierce critic of Kenneth Starr.<sup>236</sup> He filed a motion with the US District Court for the Eastern District of Arkansas in 1996, asking it to suspend or discipline Starr for misconduct. I think Mandanici's objections to Starr are representative for the general criticism of Kenneth Starr. Among other things Mr. Mandancini points to "his association with the Bush administration, where he lost his job and a potential Supreme Court appointment upon Clinton's victory in 1992; his efforts to intervene on behalf of Paula Jones against Clinton in her sexual harassment suit; his campaign gifts of \$1,750 to Clinton's Republican presidential foes last year; his representation of the Republican National Committee and conservative foundations and tobacco interests opposing Clinton; his use of the independent prosecutor's office to bludgeon federal officials who had sued his law firm for aiding savings and loan fraud."<sup>237</sup>

One of Mandancini's objections to Starr was that he had worked for the tobacco industry. In the following I will give a brief account of Kenneth Starr's connection with the tobacco industry. Unlike his predecessor Robert B. Fiske, Starr chose to continue his private practice at the law firm of Kirkland & Ellis after he was named as independent prosecutor. He represented the tobacco company Brown & Williamsen in a lawsuit against Henry A. and Ron Wyder in 1995.<sup>238</sup> These two Democratic congressmen had revealed that Brown & Williamson had known for 30 years that nicotine was addictive. However, the tobacco company had not made that information available to the public. Health Secretary in the Carter Administration A. Califano

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<sup>234</sup> Ibid.

<sup>235</sup> "Pathway to Peril , Chapter 3 , Counsel with Conservative, Devout Roots." Los Angeles Times (31 Jan 1999) : 5 pp. Online. Internet. 8 Jun. 1999. Available: <http://www.latimes.com/HOME/NEWS/REPORTS/SCANDAL/PATHWAY/chapter3.htm>

<sup>236</sup> Dumas, Ernest. "Opinion: Time to probe Kenneth Starr". News & Politics (20 Sept. 1996): 3 pp. Online. Internet. 10 Sept. 1999 Available: <http://www.arktimes.com/white65.htm>

<sup>237</sup> Ibid

<sup>238</sup> Sheer ,Robert. "Kenneth Starr and the tobacco connection"(21 July 1996) Online. Internet. 26 Nov. 1999



testified that if that information had been known in 1979, the Surgeon General would have found cigarettes addictive, and consequently the government would have taken steps to regulate them. Cigarettes were not ruled addictive by the Surgeon General until 1988. Later the same year Brown & Williamson, represented by Starr, argued unsuccessfully before an appellate court that the attorney client privilege had been violated in as much as internal company documents had been leaked by a paralegal employee.

Kenneth Starr's connection to the tobacco industry was topic for discussion in a 1996 debate led by J.L.Lewis between Martin Meehan, a Massachusetts prosecutor turned senator, and Mark Tuohey, formerly Starr's chief deputy counsel in the Whitewater investigation. Martin T. Meehan found it highly improper that Kenneth Starr was Brown & Williamson's Counsel of Record in The Castano suit, a major class-action lawsuit, making statements on behalf on his client about the questioning of the addictive nature of nicotine at the same time that the Justice Department had expanded the major investigation of the tobacco companies. However, former Starr aide Mark H. Tuohey did not see this as a conflict of interests. He maintained that Starr did not have to give up his private practice as long as he conducted his investigation with objectivity and non-partisanship.<sup>239</sup>

### ***The Paula Jones Case and Tobacco Interests***

The Paula Jones case was triggered by stories in the Los Angeles Times, and the conservative *American Spectator* reported allegations that Governor Clinton had used state troopers to help him score with young women. There was a mention of a young women who had spent an intimate hour with Clinton at the Excelsior Hotel. When Paula Jones learned of the article, she contacted a Little Rock attorney, David M. Traylor, whose first move was to inform Clinton through a local Democratic Party leader that Jones wanted to refute the story. Believing that Jones and Clinton could appear in public as allies, Trayler simply asked for a private apology from Clinton and \$5,000 to cover his legal costs and a joint public statement from Jones and the President, condemning those who had published accounts of their hotel meeting.<sup>240</sup> If Clinton

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<sup>239</sup> "Falling Starr?" *Online Backgrounders* (23 Apr. 1996) Online. Internet. 26 Nov. 1999

<sup>240</sup> "Pathway to Peril, Los Angeles Times Special Report: Clinton Under Fire" [latimes.com](http://www.latimes.com). (31.Jan 1999) Online. Internet. 8.Jun.1999 Available:  
<http://www.latimes.com/HOME/NEWS/REPORTS/SCANDAL/PATHWAY/chapter1.htm>

had accepted Traylor's bid, there would not have been any Paula Jones case, and consequently President Clinton could not have been impeached on the basis of perjury.

The fact that Traylor's private bid was refused, and that liberal quarters showed no interest in the case, made Traylor convinced that only Clinton's foes would take up Jones' case. He settled on Washington lawyers Davis and Cammarata, who had handled conservative causes before. Davis and Cammarata were assisted by Richard Porter, Jerome Marcus, and George Conway III. Richard Porter, a former Quayle aide, had joined Kenneth Starr's firm, Kirkland & Ellis. George Conway III, the most successful and most profiled of the three, was a partner at New York's Wachell, Lipton, Rosen & Katz. Conway reportedly made as much as \$ 1 million a year defending tobacco companies (Conason & Lyons 117). In Southern California, Paula Jones had come under the wings of conservative activist Susan Carpenter-McMillan, and Davis and Cammarata were supported by the Rutherford Institute of Charlottesville, Virginia.<sup>241</sup> The conservative Landmark Legal Foundation also did work for Paula Jones.

Miss Jones also received the support of the Independent Women's Forum. This is a conservative organization heavily funded by ultra-right-winger Richard Mellon Scaife. One prominent member of the IWF, Melinda Sidak, was a lawyer for the Tobacco Institute (the cigarette industry's main lobbying organization). In 1990 she asserted that smoking had not been shown to cause cancer or any other disease. IWF members such as Barbara Olson, Laura Ingraham and Whitney Adams were supporters of Kenneth Starr.<sup>242</sup> Starr actually prepared a legal brief for Paula Jones on behalf of the IWF.<sup>243</sup>

A secret donation of \$ 50,000 was transferred to the legal fund of Paula Jones in 1995. According to *Salon Newsreel*, the contribution came from the D.C.-based Fund for a Living American Government. It is unclear who provided the money. FLAG's director, William Lehrfeld, has done legal work for the Heritage Foundation and the Washington Legal Foundation.<sup>244</sup> The two conservative organizations mentioned above are heavily funded by the tobacco industry.<sup>245</sup>

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<sup>241</sup> Ibid

<sup>242</sup> "Starrlets and Scaife Babies: All Over the News" *The Real News Page* 26.Nov. 1999

<sup>243</sup> "Myth:Ken Starr's investigation was ethical and fair" Online. Internet. 2.Jun. 2000 Available: <http://www.huppi.com/kangaroo/L-clintonstarr.html>

<sup>244</sup> "Paula Jones' mysterious benefactor" *Salon Newsreel* (12 March 1998) Online Internet. 24 Jun. 1999 Available: [http://www.salon1999.com/news/1998/03/cov\\_12newsb.html](http://www.salon1999.com/news/1998/03/cov_12newsb.html)

<sup>245</sup> "The Conservative Labyrinth, Appendix C" Online. Internet. 1. Oct 1999 Available:

### ***Impeachment and Tobacco Interests***

I will now examine whether tobacco interests may have influenced the impeachment drive in the House of Representatives. Many sources claim that House Majority Whip Tom DeLay (R-Texas) was instrumental in the decision to impeach President Clinton. A 1999 *Salon* article by Joe Conason maintains that DeLay filled the power vacuum that was left by Newt Gingrich and his successor Bob Livingston. Salon reports that Livingston seldom appeared in the media, while DeLay "blustered his way through the Sunday talk shows, promoting impeachment." When he appeared on "Face the nation", Rep. Peter King, a moderate New York Republican who pushed for censure, said that Clinton would not be impeached if Tom DeLay would allow a free conscience vote on whether or not there should be a censure motion.<sup>246</sup>

According to Dr. Edwin Fisher at the Washington University in St. Louis, DeLay's motives for trying to oust the President have connection with the tobacco industry. Fisher reports that all four House Republican leaders had received tobacco political-action committee contributions during the last congressional cycle, and that Tom Delay was the biggest taker.<sup>247</sup> DeLay's voting records were uniformly pro-tobacco.<sup>248</sup>

Republican Representative Bob Barr from Georgia was also one of the strongest proponents of a mode to impeach Clinton on issues ranging from Lewinsky to fund-raising and Whitewater. Barr had been closely allied with the National Rifle Association, but was also accused of ties to the tobacco industry. Barr had received ample campaign contributions from the tobacco sector and his voting record was uniformly pro-tobacco. Like Kenneth Starr, Jesse Helms, and Tom DeLay, Bob Barr was on the National Board of Advisors of the Washington Legal Foundation, which is financed by Big Tobacco and Richard Mellon Scaife.<sup>249</sup>

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<http://www.house.gov/democrats/research/Appendc.html>

<sup>246</sup> Conason, Joe. "Strong-arm and hammer" *Salon* (1999) Online. Internet. 26. Nov. 1999

<sup>247</sup> Fisher, Edwin. "Tobacco Companies deserve credit for Impeachment" *News&Information Washington University St. Louis* (Des. 1998) Online. Internet. 24 June 1999. Available:

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<sup>248</sup> "Yes,Hillary, There is a Vast Right Wing Conspiracy!" Online. Internet. 11 Nov. 1999. Available:

<http://www.geocities.com/CapitolHill/Parliament/2271/>

<sup>249</sup> Ibid

## CONCLUSION

A number of facts spurred President Clinton to make a major confrontation with the American tobacco industry. Being in need of funding for his health care plan, Clinton proposed a tax on cigarettes, a move that immediately set the president on a collision course with tobacco firms. Contact with health groups during the preparation of the plan also called Clinton's attention to health risks in connection with smoking. The president was also encouraged by revelations that tobacco companies had lied about the dangers of smoking, that it had deliberately tried to hook children and manipulated the nicotine levels in cigarettes.

The fact that Vice-president Al Gore urged Clinton to combat the tobacco industry also had an important bearing on Clinton's decision to take on tobacco firms. The anti-tobacco commitment of Food and Drug Administration commissioner David Kessler was also of immeasurable importance. Clinton's endorsement of FDA's classification of nicotine as a drug and of the FDA rules aimed at curbing youth smoking were Clinton's most important steps against the tobacco industry during his first term. The fact that Kessler had advised Clinton to focus on youth smoking had provided Clinton with a political strategy in the tobacco issue. After having been assured by his pollster Dick Morris that it would cost him few votes, Clinton raised the tobacco issue in the 1996 presidential election. It was difficult for the Republican candidate Bob Dole, who was a recipient of large tobacco contributions, to sweep away the combat of youth smoking with anti-regulatory GOP rhetoric. Helped by Dole's many clumsy remarks about smoking, Clinton managed to portray himself as a candidate who cared about young people's health. The tobacco issue had become an important Democratic public value.

Clinton's attempt to pass sweeping tobacco legislation in Congress and his attempt to let the FDA regulate tobacco both failed. The President therefore tried to make steps against the industry by means of executive orders and by using the court system. Clinton's intense focus on the tobacco industry stained its reputation. The President's commitment in the tobacco issue was founded on idealism as well as on pragmatism. Polls had convinced Clinton that he was not committing political suicide when he raised the tobacco issue in the 1996 presidential election. There were strong winds of anti-tobacco fervor in the mid-1990s and considerable changes in the electorate. The GOP had replaced the Democratic Party as the dominant party in the South. Furthermore, in the 1990s the Southern Democratic vote tended to be found in areas with high-

tech industries rather than in rural areas. A courageous Clinton understood that conditions most likely were the right for an anti-tobacco president. In my opinion, the 1996 presidential election revolutionized tobacco's role in American politics. Before 1996, politicians who wished to take steps against the tobacco industry did not have the courage to do so for fear of losing votes. After 1996, tobacco connections and a pro-tobacco stance tended to hurt politically. Inspired by the success of the Contract with America, the Democrats developed a national platform which called for tobacco legislation before the 1998 election. Democratic diversity in the tobacco case had developed into unity.

The enormous wealth of the tobacco companies permitted them to strike back at Clinton in a number of ways. The ties between the Republican Party and the tobacco companies were strengthened during the Clinton presidency. By giving heavy financial support to organizations and think tanks which exerted influence on the GOP, the tobacco industry managed to portray regulation of tobacco as a violation of Republican ideology. In this period, the GOP became more and more dependent on the votes from the religious right. However, these newcomers in the Republican Party with their pro-life stance did at best turn a blind eye on the tobacco issue. Tobacco-growing states often were strongholds of the religious right, and a number of conservative members of Congress who represented religious groups were staunch allies of the tobacco industry.

Well aware of their tattered reputations the tobacco companies tried to fight tobacco regulations, making sure that the word tobacco was not even mentioned. The financial support of anti-tax groups which exerted influence in the GOP became very important in this respect. Contributions to the Republican Party and Republican members of Congress sky-rocketed in the mid-1990s. Studies showed that there was a high correlation between ample tobacco contributions to members of Congress and pro-tobacco votes cast in Congress. An army of tobacco lobbyists was also instrumental in persuading members of Congress to vote in favor of the tobacco industry. The fact that the enormous wealth of the tobacco industry contributed to its vast political clout can be seen as a purchase of influence and a weakening of democracy. The campaign finance reforms of the Feingold-McCain Act of 2002 can therefore be seen as a strengthening of democracy in the United States.

The tobacco companies tried to sway public opinion by influencing and controlling the mass media. The industry launched expensive advertising campaigns designed to improve its

fringed reputation. Heavy financial support to so-called neutral think tanks often resulted in media inserts which were favorable to the tobacco industry. Business synergy, tobacco-owned media-outlets, and the enormous advertising power of the tobacco industry also led to self-censure of media companies. Studies show that publications dependent on tobacco advertisement often failed to print articles which were unfavorable to the tobacco companies. I find it disquieting that the tobacco companies provoked self-censure in the mass media. It suggests that freedom of speech in democracies can be impaired when business corporations become too powerful. The establishment of the internet made it easier to get anti-tobacco articles, reports from whistleblowers etc. to the public. However, the tobacco companies had another weapon, the courts. Scientists and TV stations alike were threatened with legal prosecution, a practice that probably had a preventive effect.

Since research had ascertained the detrimental effects of smoking, it was no longer possible for the tobacco companies to claim the opposite. It was therefore of vital importance for the tobacco industry to draw attention away from health risks in connection with tobacco use. Smoking was instead presented as a civil liberty issue. Helped by their support to so-called neutral organizations like the American Civil Liberties Union, the tobacco companies portrayed regulation of tobacco as a violation of the freedom of American citizens. The curbing of advertisement aimed at minors was represented as a violation of freedom of speech. This strategy permeated both the political efforts and PR efforts of the tobacco companies.

Haunted by accusations of illegal behavior, President Clinton initiated the appointment of a special counsel to look into the Whitewater affair. This move turned out to be a serious mistake inasmuch as it eventually led to the appointment of Kenneth Starr. The fact that moderate Republican Robert Fiske, who had been appointed independent counsel in early 1994, did not find anything illicit on the Clintons probably led to his ousting. There is every indication that the replacement of Robert Fiske with Kenneth Starr was politically motivated and that tobacco interests were involved. The fact that Kenneth Starr continued defending tobacco firms while investigating an anti-tobacco president was a serious conflict of interest. Starr's investigation seemed to be a fishing trip for possible wrongdoing rather than an investigation of illicit behavior. After years of investigation Starr was not able to prove that the Clintons had done anything illegal in the Whitewater affair. He also drew the conclusion that Vincent Foster's death was a suicide. Fiske had concluded similarly years before. Starr finally got a nibble when he

discovered the relationship between the President and Monica Lewinsky. Starr was involved in the Paula Jones case, and I think there are indications that a perjury trap was deliberately set for Clinton when he was asked about his relationship with Lewinsky in the Paula Jones case.

Clinton's denial under oath of having a sexual relationship with Lewinsky led to the impeachment process. American tobacco companies had an enormous clout in the Republican Party which pressed for impeachment of the president. House Majority Whip Tom DeLay, a recipient of vast tobacco contributions, was instrumental in omitting the possibility of censuring Clinton and in reviving the impeachment drive in Congress after the 1998 congressional elections.

Resentment against the American tobacco industry grew in intensity after the fall of the Soviet Union. The absence of an external enemy may have made the Americans more aware of negative factors within their own country. In this respect, the American tobacco companies can be said to have replaced "the evil" empire in many Americans' minds. After having been under fire in the Clinton period, the tobacco companies must have drawn a sign of relief when George W. Bush defeated the anti-smoking Al Gore. George W. Bush, who had not accepted campaign contributions from tobacco companies while he was governor in Texas, received ample tobacco contributions during his campaign for the presidency. When elected President, Bush appointed many top level aids who had been friendly towards the tobacco industry in the past, among others attorney general John Ashcroft. The Bush administration's reluctance to carry on the Justice Department's case against the tobacco companies may be indicative of tight links between the industry and George W. Bush.

President Clinton's anti-tobacco commitment was marked by political will, courage and strategic skills; all the same, he did not achieve much when it comes to tobacco legislation. Clinton's general left turn, and unilateralism when preparing his health care plan probably led to the democratic debacle in the 1994 congressional elections. The prospects for sweeping tobacco legislation during Clinton's second term would have been much brighter with a democratic majority in Congress.

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