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# 'To quarterback behind the scenes, third-party efforts': the tobacco industry and the Tea Party

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## ABSTRACT

**Background** The Tea Party, which gained prominence in the USA in 2009, advocates limited government and low taxes. Tea Party organisations, particularly Americans for Prosperity and FreedomWorks, oppose smoke-free laws and tobacco taxes.

**Methods** We used the Legacy Tobacco Documents Library, the Wayback Machine, Google, LexisNexis, the Center for Media and Democracy and the Center for Responsive Politics ([opensecrets.org](http://opensecrets.org)) to examine the tobacco companies' connections to the Tea Party.

**Results** Starting in the 1980s, tobacco companies worked to create the appearance of broad opposition to tobacco control policies by attempting to create a grassroots smokers' rights movement. Simultaneously, they funded and worked through third-party groups, such as Citizens for a Sound Economy, the predecessor of AFP and FreedomWorks, to accomplish their economic and political agenda. There has been continuity of some key players, strategies and messages from these groups to Tea Party organisations. As of 2012, the Tea Party was beginning to spread internationally.

**Conclusions** Rather than being a purely grassroots movement that spontaneously developed in 2009, the Tea Party has developed over time, in part through decades of work by the tobacco industry and other corporate interests. It is important for tobacco control advocates in the USA and internationally, to anticipate and counter Tea Party opposition to tobacco control policies and ensure that policymakers, the media and the public understand the longstanding connection between the tobacco industry, the Tea Party and its associated organisations.

## INTRODUCTION

The Tea Party, a loosely organised network of grassroots coalitions at local and state levels, is a complex social and political movement to the right of the traditional Republican Party that promotes less government regulation and lower taxes.<sup>1-4</sup> It is often characterised as a grassroots movement that spontaneously arose in 2009.<sup>4-5</sup> However, it has also been cited as an example of corporate 'astroturfing',<sup>5</sup> defined as a movement that 'appears to be grassroots, but is either funded, created or conceived by a corporation or industry trade association, political interest group or public relations firm.'<sup>6-8</sup> National organisations funded by corporations, particularly Americans for Prosperity (AFP) and FreedomWorks, played an important role in structuring and supporting the Tea Party in the initial stages.<sup>5</sup> They provided training, communication and materials for the earliest Tea Party activities, including the first 'Tea Party' on 27 February 2009.<sup>1-9</sup> FreedomWorks organised the nationwide

Tea Party tax protests in April 2009,<sup>10</sup> the town hall protests about the proposed healthcare reform in August 2009<sup>1</sup> and the Taxpayers' March on Washington the following September 2009.<sup>11</sup> They continued to facilitate and support many of the local chapters and leaders that arose from the early events in 2009.<sup>5</sup> AFP and FreedomWorks continued to facilitate local Tea Party activities by co-sponsoring rallies,<sup>1-12-13</sup> creating talking points and organisational tips for supporters,<sup>14-15</sup> supplying literature for local Tea Party groups<sup>16</sup> and providing training sessions.<sup>1-3-17</sup> FreedomWorks was a founding partner of the 2010 Contract from America (recalling the Republican Party's 1994 Contract with America).<sup>18</sup>

As of 2012, AFP and FreedomWorks were supporting the tobacco companies' political agenda by mobilising local Tea Party opposition to tobacco taxes and smoke-free laws.<sup>19-20</sup> This support for the tobacco companies' agenda continues the tobacco industry use of AFP and FreedomWorks' predecessor organisation, Citizens for a Sound Economy (CSE), as a third-party ally since at least 1991 (figure 1). Moreover, starting in the 1980s, major US tobacco companies attempted to manufacture an astroturf citizen 'smokers' rights movement' to oppose local tobacco control policies. These smokers rights' groups had grassroots membership in several localities, but were created, coordinated and funded by the cigarette companies.<sup>21</sup>

Although the Tea Party is widely considered to have started in 2009,<sup>9</sup> this paper presents a historical study of some of the tobacco companies' early activities and key players in the evolution of the Tea Party. Many people in the smokers' rights effort or the tobacco companies went on to Tea Party organisations. Moreover, while the Tea Party started in the USA, it is beginning to spread internationally.<sup>22-26</sup> In 2012 FreedomWorks expanded the movement internationally, training activists in 30 countries, including Israel, Georgia, Japan, Nigeria and Serbia.<sup>22</sup> This international expansion makes it likely that Tea Party organisations will be mounting opposition to tobacco control (and other health) policies as they have done in the USA.

## METHODS

We conducted a standard snowball search<sup>27</sup> of the Legacy Tobacco Documents Library, an online archive of over 80 million pages of previously secret tobacco industry documents. Initial search terms included: CSE, tobacco tax, Food and Drug Administration (FDA) and tobacco (1993-1996), Racketeer Corrupt and Influenced Organisations (RICO), Kessler (1999-2006), Department of Justice (DOJ) (1999-2006) and lawsuit (1999-2006). We

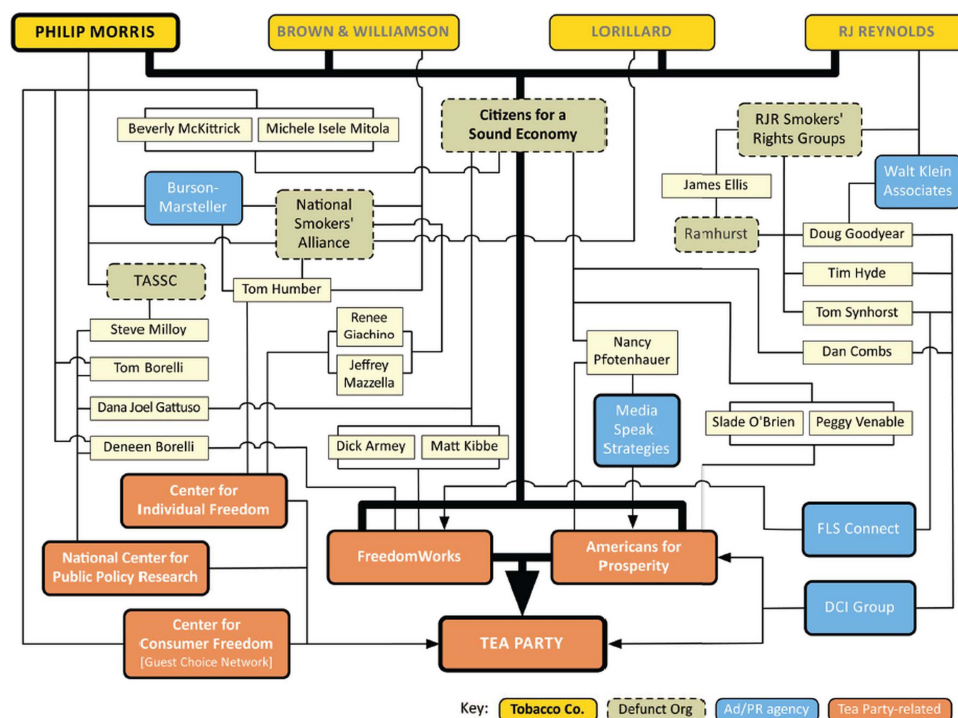


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**Figure 1.** Connections between the tobacco industry, third-party allies and the Tea Party, from the 1980's (top) through 2012 (bottom). The thick black line connects CSE with its direct successor organisations. Online supplementary tables S1 and S2 provide more details on the linkages depicted in this figure.

used the Wayback Machine (archive.org) to access old versions of the CSE, AFP and FreedomWorks' websites (since 1997) and Google, LexisNexis, the Center for Media and Democracy (sourcewatch.org and PRwatch.org), Center for Responsive Politics (opensecrets.org) and AFP (americansforprosperity.org) and FreedomWorks' (freedomworks.org) websites' internal search engines. Internal Revenue Service Form 990s were obtained from 2002 to 2010 using Guidestar and Foundation Finder for CSE, CSE FreedomWorks, FreedomWorks and AFP. Searches were conducted from September 2011 to March 2012. We refer to CSE and Citizens for a Sound Economy Foundation as 'CSE,' AFP and Americans for Prosperity Foundation as 'AFP' and FreedomWorks and FreedomWorks Foundation as 'FreedomWorks.'

## RESULTS

Figure 1 provides an overview of the connections the tobacco industry has with organisations and key players in the Tea Party. Online supplementary table S1 provides details of key organisations involved with the tobacco industry and the Tea Party and online supplementary table S2 provides histories of key individuals.

### Historical context for tobacco industry third-party efforts

The tobacco industry historically worked through 'third-party' allies<sup>28–32</sup> because of its low credibility with the public. By the late 1980s, confronted with increasing success of the local grassroots non-smokers' rights movement, RJ Reynolds (RJR) and Philip Morris began creating and facilitating 'smokers' rights' groups to oppose smoke-free laws.<sup>28–33</sup> The smokers' rights groups were an important component of the tobacco industry's third-party advocacy efforts in the 1980s and early 1990s. A July 1993 Philip Morris draft plan to create what became the National Smokers Alliance (NSA) described the political environment:

Lobbying efforts are facing increasing difficulty. Even national representatives from tobacco states are losing heart for defending smokers' rights and sustaining the tobacco industry. The power of the vested interest of the tobacco industry has not been fully brought to bear in sustaining smokers [sic] rights.<sup>34</sup>

As of 2012, key personnel from the smokers' rights groups had founded or worked at firms that consulted for Tea Party groups (figure 1).

In the 1990s, RJR's smokers' rights groups were organised through a network of field coordinators who recruited members, held meetings and provided meeting agendas, letters to editors and elected officials, a telephone script for contacting elected officials and petitions.<sup>33</sup> By the mid-1990s, RJR was using public relations firms Ramhurst and Walt Klein & Associates to help coordinate their smokers' rights groups. Ramhurst was formed in 1993 with support from RJR and run by former RJR smokers' rights group coordinators, James Ellis and Doug Goodyear<sup>35–36</sup> (past vice president of Walt Klein & Associates in North Carolina, see online supplementary table S2). By 1994 Ramhurst was coordinating RJR's smokers' rights groups, providing 'the field personnel necessary to implement and execute various programmes and activities related to RJR's national grassroots programme,<sup>37</sup> with Walt Klein & Associates providing 'ancillary services necessary to support the field force.'<sup>37</sup>

Another smokers' rights group, NSA, was created in 1993 by Philip Morris.<sup>34</sup> Philip Morris worked with its PR firm, Burson-Marsteller to create and plan the implementation of the NSA.<sup>38</sup> They positioned the NSA as independent of the industry, even though Philip Morris conceived the idea and provided almost all the funding<sup>34–39–40</sup> (figure 1). NSA leadership was tied heavily to Philip Morris. NSA president Tom Humber (figure 1 and online supplementary table S2) had been a Burson-Marsteller senior vice president where he handled the Philip Morris account and, before that, Brown & Williamson

director of government affairs. Gary Auxier, who also worked on the Philip Morris account at Burson-Marsteller, became NSA vice president.<sup>41</sup> The NSA participated in promoting the 'Enough is Enough' campaign led by (Roger) Ailes Communication that advocated the full range of tobacco industry policy positions.<sup>42-44</sup>

The smokers' rights groups' publications disputed the health effects of second-hand smoke, promoted 'choice' and individual rights and encouraged smokers to defend their rights and freedoms.<sup>45</sup> Some of these appeals made direct reference to the Boston Tea Party. For example, a 1989 issue of *Philip Morris Magazine* included a section on excise taxes that compared that kind of taxation with the taxes being opposed during the Boston Tea Party.<sup>46</sup> In 1993, Massachusetts smokers' rights groups distributed a mailing entitled 'Protect your right to smoke!' that included 'Tea Party' language to describe opposition to tobacco taxes: 'New Englanders don't like unfair taxes—remember the Boston Tea Party?—and they're fighting mad over proposals in Washington to raise the federal tax on cigarettes from 24 cents a pack to \$1.24 or maybe even \$2.24 a pack.'<sup>47</sup> The tobacco industry and their allied organisations have been using the 'Tea Party' metaphor to oppose taxation since at least the 1980s.

The smokers' rights groups proved ineffectual at protecting tobacco industry interests, particularly at stopping local smoke-free laws and they were phased out in the late 1990s and early 2000s. In a parallel effort, the industry broadened its reach by funding and collaborating with existing third-party advocacy organisations and institutes under a unified theme of freedom, choice and less government. In 1990, Tim Hyde, RJR director of national field operations, outlined a strategy for RJR to create 'a movement' resembling what would later emerge as the Tea Party by

build[ing] broad coalitions around the issue-cluster of freedom, choice and privacy...

...coalition-building should proceed along two tracks: a) a grassroots, organizational and largely local track; b) and a national, intellectual track within the D.C.-New York corridor. Ultimately, we are talking about a "movement," a national effort to change the way people think about government's (and big business') role in our lives. Any such effort requires an intellectual foundation—a set of theoretical and ideological arguments on its behalf.<sup>48</sup>

Another RJR field coordinator later described the company's motivation for involving and organising third-party organisations: 'In about the third year [of the RJR smokers' rights groups], there was an emphasis on coalition building—anti-tax groups were a natural. You didn't have to defend your position on tobacco because a tax is a tax is a tax to these guys.'<sup>33</sup> In 1992, Auxier, then at Burson-Marsteller, submitted a public relations strategy proposal to the Coalition Against Regressive Taxation,<sup>49</sup> an industry effort to fight tobacco and other excise taxes.<sup>50</sup> It read, 'Grounded in the theme of "The New American Tax Revolution" or "The New Boston Tea Party", the campaign activity should take the form of citizens representing the widest constituency base mobilised with signage and other attention-drawing accoutrements such as lapel buttons, handouts, petitions and even costumes.'<sup>49</sup>

### Citizens for a Sound Economy

CSE, one of the third-party 'anti-tax' tobacco industry partners, was a think tank dedicated to free market economics. CSE (which split into AFP and FreedomWorks in 2004) was co-founded in 1984 by David Koch, of Koch Industries, and

Richard Fink, former professor of economics at George Mason University, who has worked for Koch Industries since 1990.<sup>3 51</sup> CSE supported the agendas of the tobacco and other industries, including oil, chemical, pharmaceutical and telecommunications, and was funded by them.<sup>52</sup> In 2002, before Tea Party politics were widely discussed in the mainstream media, CSE started its US Tea Party (<http://www.usteaparty.com>) project, the website of which stated 'our US Tea Party is a national event, hosted continuously online and open to all Americans who feel our taxes are too high and the tax code is too complicated.'<sup>53</sup> Between 1991 and 2002 the tobacco companies, mainly Philip Morris, provided CSE with at least US\$5.3 million (see online supplementary table S3). Philip Morris gave CSE US\$250 000 annually in the early 1990s to start six state chapters.<sup>41</sup>

Philip Morris (PM) designated CSE a 'Category A' public policy organisation for funding.<sup>54</sup> 'Category A' organisations were 'the largest and most important/sustained relationships' that were assigned a 'PM senior relationship manager' to put them at the 'centre of a network of information-sharing among PM people involved with the organisation' and '[assure] systematic and ongoing relationship activities'.<sup>54</sup> In response to an internal 1999 email asking whether CSE was worth its current level of funding, Philip Morris' vice president of federal government affairs replied:

They are adding this level of value. They have provided significant grassroots assistance, in the nature of several thousand calls to the Hill on the lawsuit [likely the federal RICO lawsuit against the major cigarette companies discussed below] direct lobbying on the lawsuit, some media as well as continuing a very useful level of activity on FET [federal excise tax]/prescription drugs [a proposal to expand Medicare and fund prescription drugs with a tobacco tax]. Throughout the August [Congressional] Recess they have been very active on our behalf in the field in key states with key Members.<sup>55</sup>

During the 1990s, the tobacco industry was facing a multitude of threats. CSE helped the industry oppose these challenges (see online supplementary table S4), including the Environmental Protection Agency's (EPA) second-hand smoke risk assessment (1992), the Clinton healthcare reform plan which included a tobacco tax (1993–1994), the Occupational Safety and Health Administration's (OSHA) proposal to regulate workplace smoking (1994–2001), FDA regulation of tobacco products (1994–1996) and the DOJ RICO case against the tobacco industry (filed in 1999), as well as tobacco taxes (throughout the 1990s).

### Opposing the EPA report on second-hand smoke

In the early 1990s, the tobacco companies made a major effort to block the EPA risk assessment that designated second-hand smoke a Class A (human) carcinogen.<sup>29-30 36</sup> One strategy was to advocate new risk assessment standards that would make it impossible to identify second-hand smoke as a carcinogen.<sup>30 57</sup> In August 1992 CSE sponsored a conference with an 'over-regulation' message, with other industry allies and it featured Vice President Dan Quayle,<sup>30</sup> who had previously expressed interest in the effort to change the risk assessment requirements.<sup>58</sup> Humber wrote to Philip Morris vice president of corporate affairs 'to outline ... unified and synergistic recommendations for dealing with the ongoing battle over ETS [environmental tobacco smoke, what the tobacco companies call second-hand smoke]' reporting that 'B-M was involved in both concept and execution of a strategy that made sure that media coverage of the [CSE conference's] message regarding over-



regulation superseded the political noise surrounding the VP's appearance'.<sup>57</sup> Despite the efforts of the industry and their allies, the EPA released the report in December 1992 identifying second-hand smoke as a Class A carcinogen.<sup>59</sup>

#### Opposing healthcare reform

The tobacco industry waged a major campaign between 1993 and 1994 to oppose President Bill Clinton's healthcare reform efforts, particularly the US\$0.75 cigarette tax to help finance it.<sup>32</sup> The tobacco industry worked with a broad coalition against the proposed reform, which included CSE and RJR's smokers' rights groups (coordinated by Ramhurst) and others. According to a document that appears to be a report to Philip Morris CEO Mike Miles,

To fight Clinton's proposed \$.75 per pack excise tax increase, we are also working behind the scenes to oppose the Clinton package as a whole. The House Energy and Commerce Committee will be a key battleground over the Clinton health care plan and we are giving \$400 000 to Citizens For A Sound Economy—a free market based grassroots organization—to run a grassroots program aimed at “swing” Democrats on the Committee.<sup>60</sup>

CSE campaigned against healthcare reform between 1993 and 1994, including media appearances, organising community events and coordinating protests during town hall meetings (see online supplementary table S4).<sup>32 61</sup>

#### Opposing the OSHA regulation of smoking in workplaces

In the mid-1990s, RJR hired the public relations firm Mongoven, Biscoe & Duchin to run the 'Get Government Off Our Back' (GGOOB) coalition primarily to oppose OSHA regulation of workplace second-hand smoke (as well as FDA regulation of tobacco products).<sup>31</sup> CSE was one of 39 GGOOB members, 18 of which were tobacco industry-funded and three more that had split off from tobacco industry-funded groups. GGOOB promoted an October 1994 resolution calling for smaller government and fewer regulations and fought smoke-free laws (see online supplementary table S4).

#### Opposing the FDA

In February 1994, the FDA started investigating regulating nicotine as a drug and cigarettes and smokeless tobacco as drug-delivery devices.<sup>62</sup> In March 1994 Philip Morris CEO Miles recognised that 'The Administration has emerged as clearly anti-tobacco. ... [including FDA Commissioner David] Kessler's recent trial balloon on FDA regulation on the industry. This will also get worse...it seems to me that we need to seriously reconsider whether our current passive defence strategy is the right strategy, or whether we have 'less to lose' by being more ferocious'.<sup>63</sup>

The political landscape changed after the November 1994 mid-term elections, when Republicans took control of Congress. A Philip Morris October 1995 draft action plan established the long-term goal of 'creat[ing a] political environment where “moderates” of both parties on the Hill can vote for legislation that divests FDA of any power to regulate tobacco because they are convinced that FDA is already failing miserably in accomplishing its “core mission.”<sup>64</sup> They partnered with CSE 'to *quarterback behind the scenes, third-party efforts* to launch, publicise and execute a broad *non-tobacco-based attack* on the many failings of the FDA with respect to its currently authorised statutory activities [emphasis added]'.<sup>64</sup> CSE and the Washington Legal Foundation (another tobacco industry-funded think tank) were the primary third-party groups designated 'to monitor and help direct multi-front action plan'.<sup>64</sup>

Throughout 1995 CSE worked to discredit the FDA and push for major limitations on its authority. CSE published critical commentary about the FDA,<sup>65</sup> and ran full page ads in *Congressional Monitor* and the *Washington Times*.<sup>66</sup> Their 'Death by Regulation' radio ads accused the FDA of being slow to approve drugs, thus leading to unnecessary death<sup>67</sup> (see online supplementary table S4). CSE also opposed funding a modernised FDA building, one of Kessler's priorities.<sup>67</sup> CSE chairman, C Boyden Gray, testified against the building in Congress, citing the FDA's 'overregulation' and 'growing bureaucracy,' and attacked FDA's slow approval of drugs.<sup>67</sup> CSE also tried to reallocate FDA resources to 'product approval process' by partnering with former CSE fellow representative David McIntosh (R-IN) to freeze the Office of the Commissioner's budget.<sup>68</sup>

In 2000, after a tobacco industry lawsuit, the Supreme Court ruled that the FDA did not have authority to regulate tobacco products.<sup>69</sup>

#### Opposing the federal RICO lawsuit against the tobacco industry

President Clinton announced in his 1999 State of the Union address that the DOJ was planning a case against the tobacco industry to recover smoking-induced Medicare funds under the RICO Act.<sup>70</sup> In February 1999, Philip Morris's vice president of federal government affairs outlined three strategic goals for fighting the lawsuit: (1) to fight the US\$20 million dollar appropriation for the lawsuit; (2) 'bar consideration or defeat any legislation that enhances the ability of the DOJ to successfully bring a cause of action against the tobacco industry'; (3) exert 'political pressure' to block filing of the lawsuit.<sup>71</sup>

CSE supported these goals during 1999 (see online supplementary table S4). CSE president Paul Beckner wrote to senate majority leader Trent Lott (R, MS) and house speaker Dennis Hastert (R, IL), 'On behalf of our 250 000 grassroots members, I urge you to oppose the federal government's proposed lawsuit as well as any legislation to facilitate this unprecedented action.'<sup>72</sup> CSE members and staff contacted policymakers,<sup>73</sup> drafted commentaries,<sup>73 74</sup> aired ads<sup>75 76</sup> and sent out action alerts against the case.<sup>73</sup> (see online supplementary table S4)

On 22 July 1999 Congress rejected DOJ's appropriation request.<sup>70</sup> (The lawsuit was then funded by the Departments of Defense, Health and Human Services and Veterans Affairs.) The industry and its third-party allies failed to stop the lawsuit, which the DOJ filed on 22 September 1999.<sup>70</sup> The next day, CSE's Michele Isele Mitola was quoted in the *Washington Times*: 'We see this as a political ploy to find ways to raise more revenue to fund their [the government's] tax-and-spend agenda.'<sup>77</sup> CSE continued opposition until at least 2002, encouraging supporters to ask newly elected President George W Bush to end the lawsuit.<sup>78</sup> These efforts failed, with federal judge Gladys Kessler ruling in 2006 that the major cigarette companies and their affiliated organisations constituted a continuing racketeering enterprise to defraud the public.<sup>79</sup>

#### Opposing tobacco taxes

CSE opposed state tobacco taxes (see online supplementary table S4). For example, in 1996, the Tobacco Institute (then the tobacco companies' political and lobbying arm) provided New Jersey CSE with US\$40 000<sup>80</sup> to fight a tobacco tax increase using mailings, radio advertisements and patch through calls.<sup>81</sup> A Ramhurst representative recruited industry allies including the New Jersey CSE president, New Jersey smokers' rights group president and Grover Norquist of Americans for Tax Reform, to write opinion editorials opposing the tax.<sup>82</sup>

CSE opposed national-level tobacco taxes including a 1999 proposed US\$0.55 increase.<sup>83</sup> CSE's Michele Isele Mitola sent a copy of CSE's anti-tobacco tax mailer materials to Beverly McKittrick (Philip Morris's director of federal policy, tobacco and legislative counsel and Washington relations) for review. The mailer contained CSE materials, including one-pagers entitled, 'Big Government/Tobacco Tax' and 'Extinguishing Tobacco Taxes.'<sup>84</sup>

There was also crossover in employment between CSE and the tobacco companies (see online supplementary table S2). For example, Michele Isele Mitola left CSE, where she had held several positions throughout the 1990s, to work at Philip Morris.<sup>85</sup> As of 2012, she was vice president, public affairs at Forum Strategies and Communications, a communication and outreach firm; all four leaders of Forum Strategies had worked at Altria/Philip Morris.<sup>86–89</sup>

### CSE becomes Americans for Prosperity and FreedomWorks

Between 2003 and 2004, CSE (a 501(c)4) and CSE Foundation (a 501(c)3) reorganised and changed names. CSE Foundation became AFP. CSE merged with Empower America to become FreedomWorks. Empower America was an organisation 'devoted to ensuring that government actions foster growth, economic well-being, freedom and individual responsibility'<sup>90</sup> (see online supplementary table S1). According to the late former Senator Jack Kemp, the last chair of Empower America, the merger occurred because 'by merging the policy expertise of Empower America with CSE's grassroots machine, FreedomWorks provides the freedom movement with an organisation that has unprecedented scale, reach, experience and impact.'<sup>91</sup>

Both AFP and FreedomWorks included senior CSE leaders. Dick Arney, former Republican house majority leader, was the FreedomWorks chairman as of 2012. He had also been CSE chairman,<sup>92</sup> and served as an AFP consultant in 2003.<sup>93</sup> FreedomWorks president as of 2012, Matt Kibbe, was a CSE vice president for 8 years.<sup>94</sup> AFP was first led by president Nancy Pfothenauer,<sup>93</sup> a CSE vice president,<sup>95</sup> and since 2006, Tim Philips.<sup>96</sup> Philips came from Century Strategies, a company he helped to form with Ralph Reed (of the Christian Coalition) (see online supplementary table S1).<sup>97</sup> Pfothenauer later led MediaSpeak Strategies,<sup>98</sup> an AFP consultant group<sup>99</sup> (figure 1). There was also staff continuity between CSE, AFP and FreedomWorks. For example, Peggy Venable and Slade O'Brien who led the Texas and Florida CSE chapters, became AFP state directors.<sup>76 100 101</sup>

AFP and FreedomWorks maintained policy continuity with CSE and were using 'Tea Party' rhetoric before 2009.<sup>102</sup> For example, in 2007, FreedomWorks' chairman Dick Arney and president Matt Kibbe, proposed 'the Boston Tea Party as a model of grassroots pressure on an overbearing central government.'<sup>103</sup> Tea Party rhetoric was also espoused by other libertarian-oriented groups including Ron Paul's Campaign for Liberty, which has state chapters, and the Sam Adams Alliance.<sup>104</sup>

### Consultants to AFP and FreedomWorks

The public relations firms FLS Connect<sup>105</sup> and DCI Group, co-founded in part by Tom Synhorst,<sup>106</sup> consulted for AFP and FreedomWorks<sup>107 108</sup> (figure 1 and online supplementary table S2). DCI Group's leadership as of 2012 included Synhorst, Hyde and Goodyear,<sup>109</sup> all of whom were with RJR's smokers' rights programme in the 1990s.<sup>36 110</sup> Dan Combs, a DCI Group partner as of 2012, had been CSE's director of grassroots and mobilisation.<sup>111</sup> DCI Group also lobbied the New York City Council for Altria (Philip Morris) in 2011 and 2012.<sup>112</sup>

### AFP and FreedomWorks oppose tobacco taxes and smoke-free laws

As of 2012, AFP and FreedomWorks were continuing to support the tobacco industry's broad policy agenda (see online supplementary table S4), including opposing the EPA<sup>113 114</sup> and healthcare reform.<sup>115</sup> These organisations have been fighting state tobacco taxes and smoke-free laws since at least 2006 (see online supplementary table S4).

Both organisations mounted grassroots efforts in opposition to tobacco taxes in the states and in 2012 were participating in the campaign against a proposed tobacco tax initiative in California.<sup>116</sup> AFP and FreedomWorks have advanced standard industry arguments against tobacco taxes,<sup>117 118</sup> including tobacco taxes are regressive,<sup>119 120</sup> adversely affect business<sup>20 121 122</sup> and shift sales to surrounding states, the internet, or the black market.<sup>123 124</sup> In 2009, FreedomWorks fought a proposed tobacco tax increase in Arkansas with an 'Enough is Enough!' advertisement, recalling the tobacco industry campaign from the late 1980s and 1990s.<sup>42 125</sup> AFP used the same message to oppose a tobacco tax initiative (Proposition 29) in California in 2012.<sup>126</sup>

AFP and FreedomWorks have opposed smoke-free laws across the country since at least 2006 (see online supplementary table S4). AFP and FreedomWorks credited their grassroots members with defeating the 2007 North Carolina smoke-free law.<sup>19 127</sup> Echoing well-established tobacco industry arguments and the patriotic rhetoric of the smokers' rights groups,<sup>45</sup> they argued for private property rights,<sup>127 128</sup> consumer choice<sup>129</sup> and limited government.<sup>130–132</sup>

### Other third-party groups: tobacco industry and Tea Party affiliations

In 2001, Humber announced that the NSA would be dissolved, with some of its funds being transferred to the Center for Individual Freedom (CFIF, figure 1),<sup>133 134</sup> which Humber founded in 1998.<sup>135</sup> Its mission is to 'protect and defend individual freedoms and individual rights guaranteed by the U.S. Constitution.'<sup>136</sup> As of 2012, CFIF's president was former NSA spokesperson Jeffrey Mazzella<sup>137 138</sup> and CFIF's corporate counsel and senior vice president was former NSA attorney Renee Giachino.<sup>139 140</sup>

The National Center for Public Policy Research (NCPPR, figure 1), which promotes 'principles of a free market, individual liberty and personal responsibility [as] the greatest hope for meeting the challenges facing America in the 21st century',<sup>141</sup> has been a longstanding tobacco industry ally and employs or collaborates with individuals who worked for the tobacco industry. Philip Morris funded NCPPR in the 1990s,<sup>142–144</sup> and NCPPR was a member of RJR's GGOOB.<sup>31</sup> NCPPR also opposed FDA regulation of tobacco<sup>145</sup> and the DOJ RICO lawsuit against the tobacco industry.<sup>146</sup> In 2012 NCPPR was continuing efforts, such as its 'Occupy Occupy D.C. Smoke-in' to protest about taxes on smokeless tobacco and e-cigarettes.<sup>147</sup>

Thomas Borelli, also an NCPPR senior fellow and his spouse, Deneen Borelli, an NCPPR fellow (as well as a FreedomWorks' fellow<sup>148</sup>) worked for Philip Morris for over 20 years and have spoken at Tea Party events (figure 1 and online supplementary table S2). While at Philip Morris, Thomas Borelli served on its public policy advisory council, which reviewed and prioritised public policy grants for funding and designated CSE a Category A public policy organisation for funding.<sup>54</sup> Dana Joel Gattuso, a NCPPR senior fellow, had been CSE's deputy director of regulatory affairs.<sup>149</sup>

Steve Milloy, who served as co-director of NCPPR's Free Enterprise Project with Tom Borelli,<sup>150</sup> helped the industry contest the link between second-hand smoke and disease.<sup>29</sup> Milloy directed The Advancement of Sound Science Coalition<sup>151</sup> (TASSC, figure 1), which was created for Philip Morris in 1993 by the public relations firm APCO Associates, as part of the effort to undermine the EPA's second-hand smoke risk assessment.<sup>29</sup> Though TASSC was eventually disbanded, Milloy maintained <http://junkscience.com> as of 2012<sup>152</sup> (see online supplementary table S2).

The Center for Consumer Freedom (CCF) is another example of a Tea Party-related organisation with strong roots in the tobacco industry. In 2002, Guest Choice Network became the CCF to oppose efforts by 'the anti-consumer forces [to] expand their reach beyond the restaurants and taverns, going into your communities and even your homes.'<sup>153</sup> Lobbyist Richard Berman created Guest Choice Network in 1995, with US\$600 000 in startup funds,<sup>154</sup> as well as continued funding from Philip Morris.<sup>155-157</sup> It was meant to appear as 'a restaurant-driven programme' to oppose smoke-free restaurants that was not 'owned' by Philip Morris.<sup>158</sup>

## DISCUSSION

The tobacco companies have refined their astroturf tactics since at least the 1980s and leveraged their resources to support and sustain a network of organisations that have developed into some of the Tea Party organisations of 2012 (figure 1). In many ways, the Tea Party of the late 2000s has become the 'movement' envisioned by Tim Hyde, RJR director of national field operations in the 1990s,<sup>48</sup> which was grounded in patriotic values of 'freedom' and 'choice' to change how people see the role of 'government' and 'big business' in their lives, particularly with regard to taxes and regulation.

While it is well known that corporations can influence policy, this case study demonstrates the extent to which a particular industry has leveraged its resources to indirectly affect public policy. The tobacco companies funded one of the main Tea Party predecessor organisations, CSE, as well as other conservative organisations, including the Cato Institute,<sup>159</sup> American Enterprise Institute,<sup>160</sup> Americans for Tax Reform,<sup>161</sup> the Washington Legal Foundation<sup>162</sup> and the American Legislative Exchange Council (ALEC)<sup>163 164</sup> to support the companies' broader economic and political agendas. In parallel to the Tea Party's expansion outside the USA, in 2012, ALEC advanced tobacco industry arguments to campaign against cigarette plain packaging policies in Canada, Australia and the UK and the European Union's ban on snus.<sup>165</sup>

The tobacco companies amplified the benefit of funding these individual organisations by integrating them into coalitions to fight on behalf of favourable tobacco industry positions (ie, GGOOB, which included CSE), a prime example of astroturfing.<sup>31</sup> In addition, this tactic has continued, as the Tea Party organisations, AFP and FreedomWorks (descendants of CSE; figure 1) were part of a coalition called Californians Against Out Of Control Spending, which received a majority of funding from tobacco companies. As such, they served as a public face for Philip Morris and Reynolds American's campaign against the tobacco tax initiative in California (Proposition 29).<sup>166</sup> The leadership of the California AFP chapter appeared on campaign materials and publicly represented the No on 29 campaign in the media.<sup>116 126 167</sup>

The tobacco companies were not the only source of corporate support for CSE. Other corporate interests have funded and influenced the network of organisations that support the Tea

Party. For example, David Koch was a co-founder of CSE and AFP Foundation,<sup>3</sup> and Koch foundations have supported these groups.<sup>168 169</sup> Koch Industries is a conglomerate, with multiple industries including chemical and refining.<sup>170</sup> Both CSE and AFP have campaigned for fewer governmental restrictions on environmental policies.<sup>171 172</sup>

Another example of broader corporate support for a Tea Party-related organisation is through the CCF (figure 1), which has received funding from the food, restaurant and agribusiness industries, including Coca-Cola, Monsanto and Wendy's International.<sup>173</sup> This organisation has opposed the Institute of Medicine's strategies to prevent obesity, including taxing sweetened beverages, incentivising opening grocery stores in 'food deserts' and implementing restaurant zoning laws.<sup>174</sup> In June 2012, the CCF ran a full-page advertisement in the *New York Times* opposing New York Mayor Michael Bloomberg's proposal to end the sale of super-sized sugary drinks in New York City as a policy to fight childhood obesity. Echoing rhetoric used years earlier to oppose smoke-free restaurants, the headline proclaimed, 'The nanny: you only thought you lived in the land of the free.'<sup>175</sup>

It is important for policymakers to be aware of the corporate funding sources for organisations that work to influence public policy. AFP and FreedomWorks are registered as public charities and social welfare organisations under the US tax code sections 501(c)3 or 501(c)4, which, as of 2012, do not have to disclose their donors.<sup>176</sup> Greater transparency of funding sources for these organisations would allow policymakers and the public to evaluate more critically messages and activities of these organisations. Requiring groups to disclose corporate funding sources before engaging in lobbying activities would be one way to improve transparency.

Because of the lack of transparency in funding for third-party advocacy groups and coalitions, members of the general public, the media and policymakers, may not know who funds and coordinates the coalitions and may unwittingly aid a corporate agenda. Although AFP and FreedomWorks oppose smoke-free laws, a 2011 survey on support for smoke-free laws found that the proportion of people who favour smoke-free laws was similar among those who identify with, and those who oppose, the Tea Party<sup>177</sup> (72% and 75%, respectively, in states without smoke-free laws,  $p=0.145$  by  $\chi^2$  and 77% and 87% in states with smoke-free laws,  $p=0.139$ ). Tea Party supporters also favour preserving Medicare,<sup>1</sup> which does not align with AFP and FreedomWorks' opposition to government-run healthcare.

Many factors beyond the tobacco industry have contributed to the development of the Tea Party.<sup>9</sup> Anti-tax sentiment has been linked to notions of patriotism since the inception of the USA when the colonies were protesting against taxation by the British.<sup>178</sup> In addition, the Tea Party has origins in the ultra-right John Birch Society of the 1950s, of which Fred Koch (Charles and David Koch's father) was a founding member.<sup>9</sup> Often, social movements gain prominence from complicated connections with established political institutions.<sup>179</sup> Although the Tea Party is a social movement, it has been affiliated closely with, and somewhat incorporated into, the Republican Party.<sup>9</sup> This may be due in part to the increased conservatism of politically active Republicans since 1970s and the increased polarisation of American politics.<sup>180</sup> Although AFP and FreedomWorks have campaigned for very conservative policies since the 1980s (as CSE), they capitalised on the changing political realities following President Barack Obama's election in 2008. In particular, they harnessed anti-government sentiment arising from the confluence of the mortgage and banking bailout, President Barack Obama's stimulus package and



the Democratic push for healthcare reform, which provided them with the opportunity for more successful grassroots-level Tea Party organising.<sup>1</sup> In addition, the conservative media, including Fox News and the network of conservative talk radio hosts and bloggers, provided a unified forum to amplify these messages.<sup>1</sup> The tobacco industry has played a part in building this network, both by working with Roger Ailes<sup>181–184</sup> (who subsequently became Fox News CEO) and funding the National Journalism Center which ‘train[s] budding journalists in free market political and economic principles.’<sup>56</sup>

### Limitations

This paper focuses on only one of the multiple industries with connections to the Tea Party. In addition, it would be difficult to assess and record the full extent of corporate connections, because they reach beyond disclosed contributions and industry lobbyists. Another limitation is that a major source for this paper was the Legacy Tobacco Documents Library, which is not a complete collection and is limited to documents produced in litigation against the tobacco industry.

### CONCLUSION

The tobacco companies have created third-party allies, front groups and used public relations firms to foment the appearance of popular public opposition to tobacco control policies for decades. Tea Party strategy and leadership has important roots in these tobacco industry efforts. AFP and FreedomWorks, national organisers of the Tea Party, grew out of CSE, an organisation with strong ties to the tobacco industry. AFP and FreedomWorks continue to mobilise grassroots opposition to tobacco control policies despite the evidence that Tea Party supporters favour such policies. It is important for policy-makers, the health community and people who support the Tea Party to be aware of these complex and often hard-to-track linkages. Rather than being purely a grassroots movement, the Tea Party has been influenced by decades of astroturfing by tobacco and other corporate interests to develop a grassroots network to support their corporate agendas, even though their members may not support those agendas. Greater transparency of organisation funding is needed so that policymakers and the general public—including people who identify with the Tea Party—can evaluate claims of political support for, and opposition to, health and other public policies. It is important for tobacco control advocates, in the USA and internationally, to anticipate and counter Tea Party opposition to tobacco control policies and to ensure that policy makers, the media and the public understand the longstanding intersection between the tobacco industry and the Tea Party policy agenda.

### What this paper adds

Rather than being a grassroots movement that spontaneously developed in 2009, the Tea Party organisations have had connections to the tobacco companies since the 1980s. The cigarette companies funded and worked through Citizens for a Sound Economy (CSE), the predecessor of Tea Party organisations, Americans for Prosperity and FreedomWorks, to accomplish their economic and political agenda. There has been continuity of some key players, strategies and messages from these groups to Americans for Prosperity, FreedomWorks and other Tea Party-related organisations.

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