

for definitive medical and statistical evidence that this is no longer a choice or a habit but an addiction, we are not there with the public yet. Look at the advertisements that the tobacco industry took out as recently as three months ago, with the theme, "It is your choice as an American". Until we go over that hurdle, Americans are going to continue not to blame them, but say this is a free choice by Americans.

CHARLES W GORODETZKY: Dr Stitzer, in your presentation, you mentioned low tar/high nicotine cigarettes, and yesterday the issue was raised about the pharmaceutical industry and the tobacco industry coming together towards a pure nicotine delivery device that might match the pharmacokinetic parameters of nicotine absorption from a cigarette. Although, in fact, we might be coming closer together, I think there is an important difference of approach that was implied by Henningfield's remarks yesterday.

Tobacco companies might be approaching it as a "safer cigarette for mass consumption" and dragging along with it their current exemption from any FDA regulatory control. The pharmaceutical industry is approaching it from the other direction, with full acknowledgement of FDA regulatory authority, and trying to devise its appropriate use as a pharmacotherapeutic option, as revealed by appropriate clinical research.

I think this attitude also is very pertinent to Mr Pertschuk's remarks. We would approach the prescription to over-the-counter conversion in exactly the same way. I can assure you we are keenly aware that this product should and will be marketed as a pharmacotherapeutic option, but not in competition with cigarettes for mass consumption.

DAVID B ABRAMS: I think we are very obsessed with high-tech solutions, and as long

as we are at the level where we are looking for an innovative nicotine delivery system, my concern is that it really does not matter whether the initiative comes from the drug company side or the tobacco side. If you get to that middle grey area where you are sharing a common attempt to develop something that will work as well as a cigarette, but be safe, I think the danger is that you are getting distracted from the real issue which is, as Gritz has said, tobacco dependence and nicotine as an addiction.

GAIL REGAN: We had an experience in the Navy in 1993 where we had several commanding officers of United States ships, the USS *Roosevelt* being one of them, who wanted to go smoke-free. This was a unique opportunity to witness the policy in action, and in fact, the captain of the *Roosevelt* was successful in carrying it out for several weeks; then eventually, however, he was backed down by the Chief of Naval Operations, who was probably backed down by the Congress.

What it did was to set the stage for establishing a very restrictive smoking policy, and we were successful several months later in pushing that through. Smoking has now been restricted significantly in the armed forces, and in the Navy in particular, where you have several thousand men living and working on an aircraft carrier.

MIKE SYNAR: Do you still have subsidised sales at the commissaries?

GAIL REGAN: Yes, we do. We were working very hard to support the Bingaman Bill which would make cigarette prices competitive with the state that they were selling in, and we actually got support from the Army and the Navy. Unfortunately, the Air Force and the Marine Corps did not support that bill. I am guessing that it died in committee, and I do not expect to see it resurrected again.

Political realities

Mike Synar

I was at the height of the campaign in August of last year, in Grove, Oklahoma. I represented the northeast corner of the great State of Oklahoma, and I was trying to address a group of younger Cub Scouts, known as Webelos. They were all seated in front of me, and I was trying to get their attention, and they had the same problem as many of my constituents on election day – a small concentration span. I thought I would get them in a dialogue about government in general. I said, "Let me ask you guys something. What is the difference between your Cub Scout troop and the United States Congress where I serve?" One of the

little Webelos raises his hand and I called on him. He stood up and said, "Adult supervision."

That is when I knew I was in trouble.

Two weeks right before the election, I was down at Hilldale Junior High School, which is just south of my hometown of Muskogee, Oklahoma. When I go to high schools and junior high schools I talk to the kids for about five minutes and then open the session up for questions. I finished my remarks, and I said, "Are there any questions?"

There were two little girls seated right up front. The first raised her hand and I called on

**Campaign for
America Project, 50 F
Street NW,
Washington, DC 20001,
USA**
M Synar

Correspondence to: Mike
Synar

her. She looked at me and she said, “Congressman, how much money do you make, and do you think you are overpaid?”

So I danced around an answer by explaining that I had to have a home in Washington and a home back in Oklahoma, and finally, I got myself out from under that problem. I looked around and asked if there are any other questions, and the little girl right next to her raised her hand, and I kept looking and I kept looking, but there were no other hands up. I looked at her and I said, “Yes. What’s your question?”

She said, “Congressman, would you invest in the stock market?” I thought that was a pretty good question coming from a seventh or eighth grader. She probably saw that the economy has been very cyclical. We have had the same problems in Oklahoma as around the country, but I thought it was a good opportunity for me to tell these young people that even with all the problems we face, this is still a great time to invest in our country. So I looked at her and I said, “If I weren’t in the United States Congress, I would invest in the stock market,” and without a hitch or a pause, she looked right back at me and she said, “Congressman, if you weren’t in the United States Congress, so would I.”

As I look through the room today, I see a lot of familiar faces of people who have been in the battle against tobacco up on Capitol Hill with myself and a number of others over the years, from back as early as 1985 when then-Congressman Al Gore and I wrote the labels presently on tobacco packages, which now are rotating and are 50% larger. Many of you were in the battle to add those same labels to smokeless tobacco, and many of you have been fighting with and for our cause to limit advertising and promotion, to give FDA jurisdiction, and to enforce the Synar Amendment regarding the law for the sale of tobacco to minors. I am speaking to a group of people who deserve a lot of the credit for the success we have had up to this point.

With that said, I think it is imperative, as a former elected official and one who is still engaged in the issue, to try to put you all in the picture about what is going on in America with respect to this issue and other issues, as we try to put together the final stages of what I hope will be the conclusion of the tobacco fight.

I shall divide my remarks into three areas. First of all, what is the best way to approach the public as we see it today? Second, what is the public’s feeling right now? And finally, what should our goals be?

We have traditionally tried to compete with the tobacco message through public service announcements, the use of our health care groups, ranging from Cancer, Lung, Heart, and others, the American Medical Association, and finally, massive educational programmes at all levels. The simple facts are that you cannot compete with five billion dollars’ worth of message. The total of \$100 million that we could put together with public service announcements and advocacy pales in comparison to a \$5 billion advertising and pro-

motion message by the tobacco industry, and at best all we can do is just hold up the increases that we have seen in the past.

Secondly, I think we have learned a lot in the last election cycle about how we are going to advocate our position. The data come, interestingly, from California. During that senate race between Feinstein and Huffington, we learned a couple of things about new advocacy in this country, and they are worth examining.

In early January and February, when they were doing the focus groups with respect to the Senate races, they found that neither side was being listened to by the California public, and that simple fact was repeated across the country. Also, we learned early in April in that same senate race that the American public is not listening to either positive or negative messages, and though traditionally campaigns have revolved around a negative message, the public is not responding to either type at present.

So what are they listening to? What are they doing? What is the thing that the public has finally decided to put an end to?

I would like to describe it using a story that I think best illustrates what I went through in Oklahoma. Back in January of last year, I was up in Wagoner, Oklahoma, a community just north of Muskogee with around 7000 to 8000 people, and I was making my annual speech to the Rotary club of Wagoner. Most members of Congress address a Rotary club in a county seat only about once a year because there are so many in a congressional district it is impossible to do it more often. When the luncheon speech began, I looked out into the audience, and there were the 60 white males who run the city of Wagoner, including the mayor, the county commissioners, the insurance salesmen, et cetera. What I realised as I began my remarks is that since I had made my last speech the previous January, they had received 12 National Federation of Independent Businesses newsletters, 12 Chamber of Commerce newsletters, 12 National Rifle Association newsletters, and probably a half dozen or more Christian Coalition report cards, all saying that Mike Synar and Bill Clinton and this administration were not in their camp, advocating the things they believed in. I found myself in a well so deep with poison that trying to unconvince these 60 people with a 20 minute speech and 10 minutes worth of questions is like trying to brush your teeth in a 10 foot boat and a 12 foot wave. It cannot be done. We learned in 1994 that third party validation is the one thing with which public really identifies.

Another example is if you were a boatman – if you owned a yacht, a sailboat, or a speedboat. During the tax legislation of previous years, instead of raising an extra income tax bracket, we decided to tax luxury items like more expensive cars and boats. *Yachting Magazine*, which goes through the hands of most people who enjoy boating, has been a strong advocate against the excise tax and has claimed that it has destroyed the industry and destroyed the

ability of working people to afford boats because of the 10% excise tax that we have placed on it. It does not matter, frankly, if a US congressman or senator says to a subscriber to that magazine that they fought against the tax or that they did not vote for the tax. We cannot compete with the constant, repetitive validation provided by a vehicle like that magazine. Third party validation and doing the type of outreach that will get groups not personally identified with our position to fight for us is absolutely critical.

I am now a former member of Congress, the reason being that we took on several special interest groups over the last few years. It is clear that the tobacco industry has changed its approach on how to compete with us. Using my personal example, four years ago, when I was running for re-election, the tobacco industry was very proud to try to take me on, literally buying up every newspaper with full page advertisements, TV, radio, organising campaign contributions, et cetera. At that time we were successful in painting them as the villain that was taking on Mike Synar. Well, the tobacco industry got wise, and during the last two years, they probably spent upwards of a million dollars doing something different: going quietly behind the scenes and buying up the mailing list of the Marlboro rodeo circuit, the NASCAR stock car circuit, the Virginia Slims tennis tournament, and magazines which are youth oriented. Then they said to my district, "You may agree with Mike Synar on tobacco, but you realise that if his legislation on advertising and promotion and other things is passed, there will not be a Marlboro rodeo in your local community. There will not be stock car racing on Friday night". Therefore, people who may have been in agreement with me on the issue now had a personal vested interest in asking questions about why I was involved in the issue, and the tobacco industry continues to use that as a method.

It is no mistake that the major supporter and sponsor of the Bill of Rights travelling throughout this country was RJ Reynolds. This was to send the message of their right to freedom of expression. It is no mistake that they have married up with the ACLU; most people do not like the tobacco companies, but they see the ACLU as a way to cleanse themselves and get someone else in third party validation to take up their cause.

With respect to how we are going to fight this issue, let me give you Mike Synar's best judgment on the worst way to go and the best way to go.

I believe – and this is almost blasphemy – that we must have a workplace that is safe, but we should not be in any doubt that we are losing the battle on secondhand smoke. The American public does not believe us, whatever the medical evidence and whatever the numbers show with respect to the 5000 American lives that are affected each year. If you do not believe that, go and ask Governor Glendening in Maryland, one of our great champions for indoor air. He had his head handed to him when he tried to implement a

statewide smoke-free policy because the public just simply does not believe that smoking in these various facilities where there is a lot of public access is going to affect them, and the legislature responded by rejecting many of the things that he wanted to do.

That is the worst way to do it. I think the speakers and the panelists at this conference have advocated what I think is our best card in the hole, and that is our children. Making this a paediatric issue, as Dr Kessler is trying to do and others have tried, is still our strongest suit because I believe even the most heavily addicted smokers in the world do not want their children to take up this addiction.

The second area I think we need to understand is what I call, for lack of a better description, public exhaustion – public exhaustion on government intervention and public exhaustion on government trying to help the public. It is no mistake that Newt Gingrich led with regulatory reform and has used the FDA as the whipping boy on where there is too much government. The fact that the public believes that we have gone too far with environmental restrictions clearly explains the environmental backlash that is going on, not only in the business community but throughout the country, by working men and women who believe that maybe we have enough restrictions. The fact that regulatory reform was in the first 100 days contract clearly shows the public is very tired of government intervention.

During the campaign, I happened to be in Claremore, Oklahoma, a very affluent community just outside Tulsa. I was traveling with Jeff Birnbaum, who at the time was with *The Wall Street Journal*, but now with *Time*, and we were at a mud drag event at a stock car race where 6000 people were spending their Friday night. The mud was flying and we were walking around, and he looked at me and said, "I've been with you all day. You have heard from literally hundreds of people. You're down to the last two weeks of the campaign. What do you think the message that you are hearing from your people is?" I looked at him and summarised what I think may be the new political theme throughout the country: "Jeff, these people want a good letting alone," and that is why I think we have confused our issues, such as gun control, the environment, and now tobacco. I think all these groups can advocate factually and with great substance, but we have confused the public's support on the facts of these issues with their lack of support on the values of those issues.

In other words, Mike Synar being for the Brady Bill and for the assault weapons ban had nothing to do with the issue. Eighty percent of the people in my district supported the Brady Bill as well as an assault weapons ban. And this was in a conservative southern State – traditional across the board – but they did not accept the value of that position. They said to themselves, "Yes, I don't believe we ought to have assault weapons. Yes, the 7 day waiting period doesn't interfere with me, but don't tell me what I can do. Yes, I don't want to smoke.

Yes, I don't want my kids to smoke. Yes, I don't like smoking in a bar and a restaurant, but don't tell me I can't do that." Therefore, we need to understand that just because we may be right on substance, we may not be right on the values that Americans really respond to.

Now let us look at the final point, which is where are we going. The legislative effort that we appear to have before us is very dreadful, and I would add the words "very risky" – very risky for three reasons. First of all, any piece of legislation is bad that allows itself to be the vehicle by which to undo the successes of the past. I am not willing to undo the last 15 years of slow and steady success by opening the door for people who have been waiting for this kind of an atmosphere to do just that.

Secondly, even if we were to pass legislation at this point I am not sure we are going to get the type of enforcement that is going to be successful and would be worth the legislative fight. As we are seeing with the Synar Amendment throughout the country, the tobacco industry has been very effective at undoing the intent of the Synar Amendment and making it difficult for enforcement to happen.

Finally, with respect to the issue of taxation, we have a phenomenon in Oklahoma that is now spreading across the country and is soon to arrive in your own neighbourhood. Native Americans are going to open smoke shops throughout the country without having to pay state and federal taxes, because there is no federal court jurisdiction in this country that will enforce it. This will then give them a \$4 or \$5 advantage. As we saw in Oklahoma, this collapsed the 7-Elevens who depend upon tobacco as one of their major sources of revenue. Until we deal with the Native American question, any taxation is going to have a marginal impact. We need to sit down with our Native American leaders and look for ways to build a base by which, if we do raise taxes on cigarettes, they are applied to the Native Americans as well.

The major emphasis, I believe, will be in what I call "defensive legislation." There will be attempts in the next two years to line item appropriations with these words: "None of these monies can be used." As soon as David Kessler makes his decision, whatever it is, every congressman and senator from a tobacco state will use the appropriations process to ensure that none of these monies can be used by the FDA to do whatever Dr Kessler has decided he wants to do.

Our goal should be to regroup and do a

number of things. First of all, to maintain and continue to use reliable facts. These facts have to be simple, and they have to be sexy. Let me give you the ones I used. Write them down, commit them to memory, and use them every time you talk about tobacco.

(1) 400000 people die a year because of tobacco and tobacco related illnesses, 1000 Americans a day.

(2) Sixteen billion dollars of Medicare payments are attributed to tobacco and tobacco related illnesses. We pay \$23 billion additional insurance premiums as Americans to handle this disease, and we lose in excess of \$50 billion a year in productivity because of tobacco.

(3) The tobacco industry spends \$5 billion a year preying upon the most helpless and defenceless in our society, our children, and the success of that promotion in advertising is in the numbers. Sixty percent of all smokers begin before the tender age of 15 and 90% before the age of 20.

This set of simple facts could begin to have some impact on even the most hardened pro-tobacco person because of the numbers of lives that could be saved, the amount of money that can be saved, and the numbers of children who can be helped.

It is also important, as we begin this final regrouping, to say up front that none of us has ever advocated a total ban of this product, simply because it would be a cruel and unusual punishment for the 50 million smokers who are addicted out there, and secondly, because it will not work.

We need to appreciate the fact that adults are going to make a choice regardless of the new nicotine data, and we should make quite clear that our focus is not on adults. We want them to use the type of counselling you are advocating here to remove themselves from the smoking fraternity, but our advocacy is primarily for the next generation.

Finally, we must reach out. We must recognise where the public is. We have to get involved in outreach to the Boy Scouts, to the Farm Bureau, to 4-H, to the churches, to let them be our advocates for the causes and the issues that we want, so that those third party validators can help us make this a reality. I hope that you will recognise that even in the climate that we have here in Washington, we have had a lot of success, and that success is going to depend upon our ability to do that kind of outreach. As long as I am still standing, we are still fighting.