

SECOND-HAND SMOKE PLAN
APRIL 5, 1994

File

OVERVIEW:

Federal agencies, Congress and state and local governments are pursuing increasingly aggressive regulatory measures to limit exposure to second-hand smoke, citing an alleged risk or hazard to the non-smoking public. Despite the inability or unwillingness of these lawmakers and regulators to base their policy initiatives on sound, credible science, they are proceeding with growing momentum and gaining a degree of public support in the process. We believe this increasingly threatening regulatory environment warrants a more aggressive and intense public affairs outreach program to bring fairness and accountability to the policy making process.

The stakes for RJRT and the industry have never been higher. We need to act immediately, within the next 60-90 days, reaching a broad range of audiences. We should be prepared to take greater risks than ever before. And we need to join the battle or engage the enemy on as many fronts as possible. What follows are suggestions for doing just that.

OBJECTIVE: To ensure a more balanced public smoking policy

APPROACHES:

- Create new messages and/or refine old ones
- Develop new communications vehicles/avenues
- Find new allies, energize the old ones
- Engage in the debate
- Visibility, visibility, visibility

Draft

PROJECT IDEAS:

Refine messages:

Assign team to develop messages by 4/8/94 which appeal to the common sense of the general public: Science is weak, second-hand smoke is annoying but can be avoided, separation of smokers and non-smokers works, general public favors separation. Show there is a controversy, case is not closed. Show how unreasonable antis have become. Force them to moderate their positions or be held accountable for their extremism. Reveal unreasonableness of lifestyle discrimination, prohibition, extremism.

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Develop new communications vehicles/avenues:

- ④ Brochures on politics vs. science
- ④ Print, broadcast advertising to explain what OSHA proposal means
- ④ Direct mail, phone
- ④ Debates, news media interviews, editorial boards, talk shows, op-eds, letters to the editor
- ④ Surveys
- ④ Science and policy forums
- ④ Media forums
- ④ Economic studies

Much of the work involving debates and interviews will require more spokespersons than we have currently. Suggest Coggins, Meyne, PR staff, field coordinators and SRG candidates, as well as candidates selected from the list below.

Find new allies, energize the old:

- ④ Scientific/technical
- ④ Hospitality
- ④ Labor unions
- ④ ACLU-type organizations
- ④ Groups based on libertarian principles
- ④ Smokers
- ④ Suppliers
- ④ Farm groups
- ④ Media
- ④ Employees, particularly sales force

These groups could serve a variety of roles, including spokespersons, writers of op-eds and LTEs, and should be considered for signatories of certain types of advertising.

Engage in the debate. Be visible.

Whatever we decide, make sure we're in the debate often. Take all comers. Be aggressive. Leave no chair empty.

I. ESTABLISH A SMOKERS' LEGAL DEFENSE FUND

In the current environment, businesses and government make sweeping policy decisions with no regard for the rights of smokers and often attempt to reap positive publicity in the process by claiming to act in the public interest. They do so with an attitude of righteousness and even have invoked the U.S. Constitution in attempts to justify smoking bans.

We recommend forming a national "Smokers' Legal Defense Fund" -- with a seed grant from RJR and possibly others -- that will bring more accountability to the debate by using visible litigation to prevent policymakers from continuing to act as "class bullies" and to send a clear signal to businesses that their actions regarding work place smoking will be confronted. This strategy will take advantage of smokers' rights' strong court room track record.

The organization would be Washington-based, with strong national spokespersons, and would have representation and capabilities in every U.S. state (consider the NRML model). An outspoken director with a strong personal rights record will be required, such as Harvard professor Charles Ogletree, who represented Anita Hill and who we understand has indicated that he believes government has gone too far with proposed sweeping smoking bans. State point persons would be identified through state bar associations.

The organization would use Constitutional law and personal rights arguments to:

- Confront decisions by local, state and federal governments.
- Challenge discriminatory policies of individual companies, especially major corporations -- perhaps chain restaurants for starters.
- Dramatically increase the visibility of arguments against individual regulations and policies.
- Highlight "bad science" and double standard arguments and make the issue of fairness more central to existing and future policies.

The organization's activities would be very public and a magnet for media attention. It could also be used as a vehicle for releasing research, surveys, etc. The litigation and surrounding publicity would serve to decelerate the bandwagon for aggressive smoking restrictions by ensuring a heightened awareness by public and private officials of increased accountability and potential costs associated with these decisions.

*IS this feasible?
need legal input*

Spokespersons would need to be extensively media trained, due to the likely demand for comment, especially in the early stages. In fact, the press conference launching this group would be a major media event that would provide unprecedented opportunities to deliver arguments against unnecessary and intrusive policies.

To further heighten awareness of the watchdog organization and increase its value as a deterrent, targeted advertising could be executed. Such advertising would be positioned as a membership building effort, i.e. - "Have you been discriminated against because you smoke? Your Constitutional rights may have been violated..." However, the ads would serve a much greater purpose by heightening the sense of accountability among target audiences.

II. INCREASE COMMUNICATIONS CAPABILITIES

The legal defense fund concept is a front-line strategy to confront the charges head-on. We recommend that this philosophy be adopted at all levels of communication and that RJR create opportunities to raise the visibility of its messages on all fronts. Following are tactics we believe will help achieve this goal:

Spokesperson Capabilities

In an effort to leave no chair empty and use every opportunity to interject RJR's messages into the debate, a systematic network of spokespersons and allies should be identified, trained and promoted.

- One simple way to beef-up spokesperson capabilities would be to media train RJR's field people and prepare them to deliver key public smoking messages.
- Local allies, such as smokers' rights advocates, restaurateurs, club owners and others also would be identified and trained to echo key messages. F-H has experience in designing and holding group media/message training sessions and could design joint regional training for RJR field operatives and allies.
- Information advisories would be sent to targeted editors and reporters alerting them of local/regional resources available to comment on public smoking issues and the availability of a local contact.
- RJR could operate a public smoking media relations "hotline" to provide counsel and backup materials to spokespersons. The hotline also would serve to help identify upcoming media coverage on the issue and keep records of key reporters and editors for future approach.

Smokers' Rights Information Bureau

800 number

A special information bureau should be developed as a repository and clearinghouse for information regarding smokers rights and smoking regulation issues. The bureau would be publicized nationally through media advisories, resource directories and smokers' publications. It would serve as an important resource for a wide range of interests including litigators, smokers' rights groups, legislators and the media. In addition, the bureau could serve the "hotline" function previously described and maintain records of media coverage.

III. ENHANCE LITIGATION SUPPORT

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in [unclear]*

Too often smokers' rights prevail in the courtroom but lose in the press. Let's work to fix that. A large media relations component would be designed to complement the proposed Smokers' Legal Defense Fund. However, equal attention should be given to key litigation involving RJR. Aggressive litigation support will both increase the broadcast of key public smoking messages and act as a deterrent to future proposals for onerous restriction. This effort could include:

- Developing op-eds and letters to the editor to be sent by scientists, smokers' rights advocates and other third parties to local newspapers and business-related publications.
- Developing a tally, or score card, of major litigation victories that would include anecdotes and examples and illustrate the triumph of fairness and personal rights.
- Identifying individuals who have a "stake" in the outcome of ongoing litigation, training them and making them available to local media to illustrate the effects of such laws. Furthermore, since the parties involved in litigation are often severely limited in what they can say, it will allow others to humanize the debate by putting a face on those affected, who might include, smokers and restaurant and club employees and owners.
- Identifying and pitching legal and constitutional scholars who are available for media comment and will champion individual rights.

IV. INCREASE DEMAND FOR SOUND SCIENCE

Despite some recognition that EPA's and OSHA's actions do not reflect the body of scientific evidence and that science has been overlooked and manipulated to suit policy goals, efforts to regulate public smoking continue to accelerate. Smoking advocates are challenged to make people care that basing policy on "bad science" is not only irresponsible, but dangerous as well. Following are ways to accomplish this:

Science and Policy Forum

a key point to pursue

One way to increase the call for responsible use of science in formulating policy would be to create a forum to debate and draw attention to the issue. The event would be open to the media and participants could include:

- Scientists
- Risk assessment experts
- Legislators who have been critical of improper use of science
- Syndicated columnists, science writers and policy reporters
- Current or former health officials

The forum would be held in Washington, DC and sponsored by a reputable independent think tank or institute. RJR would underwrite the event, possibly in conjunction with other companies, and work with the organizers to develop a program, which would be broad enough to include a myriad of issues and concerns regarding various substances and issues, but would include ETS as a centerpiece and current example. It could also include:

- An overview of examples of where issues were driven by flawed science or without scientific support, such as ETS, pesticides, asbestos, ozone depletion, acid rain and resource depletion.
- A discussion of how sensationalism and unjustified media frenzies have effected behavioral or policy changes without scientific support, such as scares over alar, electromagnetic fields, polystyrene and other issues.
- A discussion of responsible policy, where despite public and media pressure, sound science prevailed.
- A segment on risk assessment that includes hypothetical risks vs. real risks and illustrates the levels of risk associated with common and uncommon activities. This would put perceived ETS risk in perspective.

In addition to having media attend, print or video news releases could be developed to publicize the event and its findings. Excerpts of comments and a summary of the debate could be developed and widely distributed to media, think tanks, the Congressional Research Service and mailed to legislators and their staff. F-H also could work to generate a story about the conference in policy journals and media publications, such as the Columbia Journalism Review. Tobacco-friendly legislators could reference the forum and its pleas for science-justified policy in Congressional floor and record statements.

The event could be sponsored by the Columbia Institute, which F-H has worked with before to coordinate successful issue forums. The Columbia Institute format requires balanced panels with speakers on both sides of the issue and usually features two members of Congress with diverse views as hosts. This scenario would probably call for a panel devoted specifically to ETS and public smoking. Although the panel would feature advocates from both sides, the "bad science" viewpoint would get a fair airing in a forum that would be receptive to the arguments.

This type of forum could also be conducted through the National Academy of Sciences. However, the degree of control would be lessened and the costs would be greatly increased. Regardless of the venue, one excellent organization to involve is the Heartland Institute, which has done extensive research on bringing common sense to environmental issues. Another group to consider involving is the Scientists' Institute for Public Information, which often serves as a bridge between the scientific community and the media.

In a similar vein, F-H could explore the possibility of working with the Media Institute to explore the media's treatment of public smoking issue. This could include a forum or event to consider what factors most influence coverage of ETS issues and whether science has been overlooked or, more specifically, if the media has been too accepting of suspect scientific evidence being used to justify policy debates.

Demonstrate Bias Against Tobacco

Survey research could be helpful to demonstrate a bias against tobacco by researchers and the scientific community. RJR could commission research to replicate the study we understand Phillip Morris performed that involved a blind survey of various substances to rank the risk associated with them, coupled with an attitudinal survey to determine the perceived risk of tobacco.

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Conduct Research to Add Perspective

Risk communications experts could develop a broad ranking that puts ETS in context with other pollutants (like RJR's Coggins' illustration that drinking a glass of milk is more dangerous than secondhand smoke). The ranking would then be widely distributed to media by RJR or a smokers' rights organization, including camera-ready illustrated charts "USA Today" style to tell the story.

Responsible Policymaking Ads

Advocacy advertisements could be developed for placement in targeted congressional districts to encourage responsible smoking policymaking. The ads would include:

- Illustration of the known risks associated with ETS compared to other substances.
- The flaws of EPA's meta-analysis and OSHA's dismissal of legitimate work place studies.
- An appeal to fairness - to disregard personal feelings about tobacco and to base policy solely on available science.

V. USE SURVEY DATA AS NEWS HOOK AND MOTIVATOR

With an issue as visible and controversial as public smoking, the news media is extremely receptive to survey data. Therefore, surveys can be used as both a news hook to spread key messages, and as a tool to reach and motivate key constituencies.

Visibility Polls

The recent USA Today poll, indicating the majority of the public does not support smoking bans, is an extremely valuable asset. Further commissioned research can increase the database and provide additional support. Research recommendations include:

- A national public opinion poll, executed by a premier polling firm such as Gallup or Harris, that goes beyond the USA Today's poll to get more detailed attitudinal information -- from smokers and non-smokers -- including perceptions of:

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- Whether total smoking bans in offices and public places are excessive.
- The fairness of bans to smokers.
- The importance of scientific evidence to justify smoking policy.
- The type of poll described above could be conducted in targeted Congressional districts and released separately by local smokers' rights advocates, restaurant/club owners and others with coordination by RJR field operatives. The local publicity polls would be released with background on public smoking issues and spokespersons would be available including scientists who could point out the lack of evidence to support bans and local citizens who could discuss the effect on their rights and/or business.

Research to Motivate Constituencies

Additional research can be conducted to illustrate the various costs of smoking bans and motivate groups and individuals with interests at stake. This research includes:

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- Commission an economic study of the costs of banning smoking to the hospitality, travel and retail sectors. Such research would be conducted by a reputable economist or academic with consumer habits background. This research would illustrate the resulting impact from smokers avoiding travel and entertainment and opting to stay home where they can smoke. The results would be heavily publicized to targeted state and local restaurant associations, hotel and hospitality associations, tourism bureaus and chambers and to the trade press of these sectors.
- An impact assessment of the Los Angeles ban on smoking in indoor restaurants. This research would expand on the recent industry poll revealing lost income and jobs since the ban went into effect to compare the impact within Los Angeles to restaurants just on the opposite side of the city boundary. Data would be assembled as a case study for other cities/states to illustrate the costs of such bans. In addition to general publicity for the poll, the results would be packaged and distributed to restaurant owners through trade publications and to restaurant associations through meetings.
- A opinion survey could be conducted of blue collar workers' attitudes toward work place smoking bans. The results would be publicized to targeted labor unions.

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4- Random, "Wild Ideas" and Observations

- * We need to greatly expand our cadre of spokesperons, reaching into departments/functions other than External.

- * We need to take the "debate" to the public.

- * We need to advertise, soon.

- * Ads should be "provocative," not just informative, in order to lure the antis into debate.

- * Reprint ads, cartoons, favorable editorials.

- * Send Chris Coggins in to do Editorial Boards again. Note the climate has changed. The Boards might be more receptive to the message now. Possibly go in ahead of OSHA hearings in each area.

- * Instigate massive civil disobedience where non-smoking laws are clearly stupid (eg., open, public park).

- * Use animation to make Chris Coggins' presentation more understandable, impactful, memorable.

- * Graphically represent the EPA process as a Rube-Goldberg type of process; negative studies fed into a machine, large negative studies excluded, etc.

- * Use international "anomolies." Eg., cancer rate in Japan, etc.

- * Find a good, graphic representation of dilution, dose-response points.

* Use common sense, real-life themes which ring true to people (eg., our parents smoked, and we're fine).

* Attack the people who attack us. For example, launch a counter-attack against McDonald's, highlighting the high risk factors for their products, use of a clown to market to kids, etc.

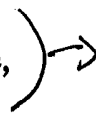
* Use the risk factors for active smoking, high fat diets, etc., and show the absurdity of the numbers. Eg., they show four times as many people die as actually do.

* "Health police," will lead to interference in lifestyle choices, ration points for red meat, etc.

* Expose funding of antis, cost of anti-smoking. What does the national nanny cost you? How many bureaucrats, etc., do we need?

* Attack Kessler. How many lives has his agency cost by delaying approval of drugs, wasting time on cigarette issues?

* We lost the war on cancer, are losing the war on AIDS, so they go after cigarettes. Spend time on things that matter, where we can make a difference.

* Exploit "class warfare" argument. Anti-smokers are elite, patrician, rich white people who think you're too stupid to run your own life. 

* Encouraging banning of on-premise consumption of alcohol. Ban parking lots at bars. Introduce legislation or model regulations.

* Ask why cigarette smokers are blamed for so much, on the theory there are related diseases which are preventable, and AIDS victims, whose disease is also preventable, are coddled?

* Communicate extensively with hospitality constituencies.

* Run print ad with a photo of a heroin addict shooting up on the left, and a person smoking on the right. "There is something dreadfully wrong when we have a Surgeon General who has suggested making the activity on the left legal but wants the one on the right banned."

* Do research on the sociology of anti-smokers. Publicize it.

* Portray the antis as unprincipled, unethical busybodies. Are they the kinds of people you'd want your sister to date?

* Challenge the antis to a series of national forums on second-hand smoke. Generate television and other media coverage. Buy time to air it live. Challenge them publicly through print ads, registered letters, etc. Draw them out and show there is, indeed, a controversy. Feature one spokesperson from each side or a series of people to talk about policy, the science, law, etc.