

Quixotic Californians cleared the air once before

Dan Morain, Sacramento Bee, 5-23-10

What a bunch of wack jobs we Californians are.

What other state would dream of going off on its own and forcing businesses to adhere to nutty laws that impose crazy restrictions to slash emissions, and slap taxes on smoke.

You may be thinking that this is another article about the oil and coal industry-funded initiative headed for the November ballot to repeal AB 32, the only-in-California law that environmentalists champion to cut greenhouse gases and to tax carbon.

It's not – not exactly, not directly.

This is about another quixotic California idea from a generation ago. Sure, there are parallels. Then, as now, a bunch of true believers cared deeply about air and breathing, and challenged a mighty industry, tobacco.

The industry answered by lining up an impressive coalition of business groups, anti-tax advocates, minority activists and some labor, and by spending \$36.7 million back when \$36.7 million meant something.

As it happened, voters rejected the tobacco industry, approving Proposition 99 in 1988 in a landslide, adding a 25-cent per pack tax on cigarettes. It will generate \$278 million next year to fight tobacco use.

What happened next changed California and, in no small measure, the rest of the country. It happened because of a handful of health advocates in and out of government – people like Colleen Stevens.

A dental hygienist by training, Stevens was in her early 40s when she took a job in the California Department of Health Services' newly created tobacco control unit.

Her first assignment was to draft a "request for proposal" to create an ad campaign to take on the tobacco industry. It was a huge contract for the time, \$28 million.

"I had never done an RFP," she said 20 years later, sitting in a California Department of Public Health conference room where the walls are covered with posters of the ads she helped create.

The images are iconic – Marlboro Men lamenting their impotence; Debi, the woman who smoked through a tracheotomy; tobacco industry executives testifying in the 1990s before a congressional committee that nicotine is not addictive as the words "under oath" are repeated.

None of it came easily.

"I went from naïve to paranoid," Stevens said. Of course, she wasn't paranoid. The industry truly was going after the ad campaign.

On the day before the ads were supposed to start airing in April 1990, Gov. George Deukmejian's office called asking for a copy. Then Assembly Speaker Willie Brown's office called demanding a copy. Despite the political

pressure to block the spots, a strong health director, Dr. Kenneth Kizer, stood firm, and what would be a revolutionary campaign began.

The first commercial depicted a devilish-looking CEO who explained:

"Gentlemen, the tobacco industry has a very serious multibillion-dollar problem. We need more cigarette smokers. Pure and simple. Every day 2,000 Americans stop smoking and another 1,178 also quit. Actually, technically, they die.

"That means that this business needs 3,000 fresh new volunteers every day. So forget all that cancer, heart disease, stroke stuff. Gentlemen, we're not in this for our health."

The goal was not modest. It was to re-engineer social attitudes by directly attacking the industry as dishonest and manipulative, making people so disgusted that they would shun tobacco products.

"Taking on the industry directly back then was jarring," said Stanton Glantz, a UC San Francisco medical school professor, defender of Proposition 99 and leading tobacco researcher. "A lot of the public didn't get it, but they remembered it."

The industry was not pleased. Philip Morris lobbyist Terry Eagan wrote in a once-confidential memo about the industry's opportunity in California's fiscal crisis in 1990:

"The tobacco industry has decided that the timing is excellent for an attempt to divert money from the anti-smoking media campaign into other programs that are doomed to suffer because of the current fiscal crisis."

"Under no circumstances," the lobbyist added, "can we visibly participate in this process. ... We can fan the flames but be sure to leave no identifiable fingerprints."

The effort gained traction when Gov. Pete Wilson took office in 1991.

The same Philip Morris lobbyist wrote about "an extensive quiet campaign of administrative agency lobbying" to undermine the Health Education Account. That's Stevens' unit, "the source of intense and immediate problems to the tobacco industry."

The governor and Legislature stripped money from the program, only to be sued by anti-smoking advocates and having courts order the funds restored.

There were other ways to stymie the effort, as I and a few other reporters at the time learned.

In the middle 1990s, Stevens' unit, working with the ad firm Asher Gould, produced the most dramatic commercials of them all, including the one of tobacco company executives testifying that nicotine was not addictive.

The industry threatened to sue for defamation. Publicly, state officials defended the spot. Quietly, the Wilson administration rotated the commercial off the air, while also killing another sharp-edged spot.

Over time, details have come out about the lobbying and inside moves. People are freer to talk. It's a bit of a wonder that despite all that happened, the tobacco control effort succeeded. But it has.

California's ads have appeared nationwide, been translated into multiple languages and have aired in other countries. Billboards of the Marlboro Man lamenting the loss of body parts have been displayed in China.

The results are most important.

In 1988, the year that Californians approved Proposition 99, 22.7 percent of California adults smoked. Now, 13 percent of the state's adults smoke. California's smoking rate is the nation's second-lowest, behind only Utah.

During roughly the same years, smoking-related cancer declined in California at nearly four times the rate of decline in the rest of the country, California Department of Public Health data show.

California was the only state with a decrease in lung cancer among women between 2001 and 2005. In Nevada, by contrast, where 22 percent of adults smoke, women have the second-highest death rate from lung cancer, researchers have found.

Glantz, the UC San Francisco professor, estimates Californians have smoked 3.6 billion fewer packs of cigarettes because of Proposition 99's various programs, and health care costs have been cut by more than \$86 billion.

Stevens is working with an ad agency on new commercials to air later this year. But Proposition 99 tax revenue falls as tobacco use declines. The state will spend about \$14.5 million next year, about a million less than the budgets in the 1990s.

Debi Austin, featured in the ad smoking through the hole in her throat, since has kicked the addiction and lives in Southern California.

"I am still in awe that I was a small part of this major accomplishment," she said in an e-mail. "I think they achieved more than they anticipated. It has worked well for all of California and the country."

There weren't many people in 1988 who would have guessed how socially unacceptable smoking would become. We now take it for granted that bars – of all places – are smoke-free, a step brought about by legislation, and nudged along by tobacco control unit efforts.

Maybe 20 years from now, California's latest new idea – cutting greenhouse gases and carbon emissions as required by AB 32 – will be a little like Proposition 99 was back in 1988.

The goals are similar: clean air, health, breathing. So are arguments against it. Crazy ideas emanating from Sacramento would cost jobs.

Mike Carpenter was a Philip Morris operative in the late 1990s. One of his jobs was to gin up tavern owners and get them to send letters, make calls and visit legislators.

"The California Hospitality Industry cannot afford any more regulations that will drive customers away," letters sent to legislations said.

Carpenter no longer works for the tobacco industry. But his new job is like the old one. He represents Valero Energy Corp. Valero is the Texas-based oil company that is one of the main sponsors of the coming initiative to repeal AB 32.