

In Their Own Words

An Analysis of Internal Tobacco Industry Documents on Interference in Oklahoma Laws

TSET Health Promotion Research Center



ACKNOWLEDGEMENTS

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INTRODUCTION

Tobacco companies and their trade associations represent a uniquely destructive industry. As the top preventable cause of death in the United States, smoking causes heart disease, cancers, emphysema, stroke, low birth-weight babies and other deadly outcomes.¹ Most current smokers became addicted to cigarettes as children.² If current trends continue, an estimated 88,000 Oklahoma youth alive today will ultimately die early due to smoking.³ Secondhand smoke causes heart disease and cancer among nonsmokers.⁴ The financial burden of smoking is also substantial. Every pack of cigarettes sold in Oklahoma costs nine dollars in excess health care costs and lost productivity.⁵

Tobacco industry interference has long been recognized as the “greatest obstacle” to implementing effective tobacco control measures.⁶ Despite considerable progress, all states’ tobacco control policies still fall short of best practices.⁷ A researcher at the London School of Hygiene and Tropical Medicine once said, “If you are trying to control an epidemic, you have to understand the way it spreads. Just as the mosquito spreads malaria, the tobacco epidemic is spread by the industry. You have to understand how the industry *works*.” The more we understand about tobacco industry interference in lawmaking, the better we can recognize and address the problem.

Prompted by court-ordered “corrective statements,” now being published by major U.S. tobacco companies’ as required by a 2006 federal racketeering verdict, the Oklahoma Tobacco Research Center (OTRC) at the OU Stephenson Cancer Center initiated the Tobacco Industry Interference and Deception Exposure (TIIDE) Study. As part of this ongoing study, the OTRC is compiling a series of reports based on internal tobacco industry documents that tell the story—in the words of tobacco industry executives and their lobbyists—of a highly successful national campaign to influence laws.

The documents show that tobacco companies have successfully sought to defeat – separately and in all 50 states – legislation to restrict smoking inside workplaces; raise tobacco taxes; limit tobacco marketing; advance prevention programs or research; and reduce youth access to tobacco.⁸⁻²⁹ When outright defeat cannot be achieved, the companies have worked to delay or weaken such measures.^{6,30-31} These efforts have been highly organized and well-funded.

The story told here is not only interesting as history. It is also directly relevant today. Tobacco companies or their trade associations wrote or helped write many tobacco-related laws now in effect. In Oklahoma, current state laws enacted in 1987, 1991, 1994, 1996, 1997, and 2001 were written by or heavily influenced by the tobacco industry.³²⁻⁴⁰

To begin the study, we searched the online industry document archives of the *Truth Tobacco Industry Documents* database for searches of relevant information within the text of documents. Initial search terms included combinations of keywords like “Oklahoma AND lobbyist” and various combinations of other terms, names and locations found to be associated with tobacco industry policy-related activity within Oklahoma. Searches were extended using the names of key individuals and organizations identified in relevant documents, as well as filenames, office locations, project dates, and Bates numbers (unique court identification numbers stamped on each document). In total, the searches yielded thousands of documents. These were filtered and those most relevant to tobacco industry activities in Oklahoma were selected, yielding approximately 700 documents that were analyzed in further detail. Many of these documents were regional or national reports that provided details of similar tobacco industry influences in other states.

This study remains a work in progress, with additional citations and reports to be added over time. On the following pages, quotes from internal tobacco industry documents describe a broad range of tools and tactics for influencing public policy. Also offered is a detailed report providing a timeline of tobacco industry activities in Oklahoma to fight proposals to restrict smoking in public places. We hope this study will serve to shed additional light on exactly how, when, and why the tobacco industry has sought to influence laws in our state.

BACKGROUND

State Lawsuits and Release of Internal Tobacco Industry Documents

Only in recent decades has the power of the tobacco industry begun to be brought to task. In the 1990's, the states of Mississippi, Florida, Texas, and Minnesota won settlements from the four largest U.S. tobacco companies. In 1998, the other 46 states, including Oklahoma (the 14th state to file a lawsuit against tobacco companies and the only state to sue law firms that protected their unlawful practices) settled their cases through the Master Settlement Agreement (MSA).

A key provision of the MSA compelled the tobacco companies to post their internal corporate documents on the Internet. Exposure of such a tremendous cache of previously hidden corporate documents was unprecedented and carried tremendous implications for public health. The documents showed that the tobacco industry has simultaneously functioned as a marketer of deadly products and a well-funded opponent to critical advances in public health. The documents allow the public unfiltered insights into several decades of tobacco industry activity. Documents dated after the 1998 MSA are typically less disclosing of industry strategies, attitudes, and intent.

Federal Racketeering (RICO) Verdict

The internal tobacco industry documents made public through the MSA led to the U.S Department of Justice filing a lawsuit in 1999 under the federal Racketeer Influenced and Corrupt Organizations Act (RICO). The massive case (*United States v. Philip Morris*) resulted in a 2006 verdict against Altria, Philip Morris USA, R.J. Reynolds, and other major tobacco companies, which found the companies had conducted a 50-year scheme to commit fraud. The 1,682-page ruling identified at least 145 distinct acts of racketeering, concluding that the companies "cannot be trusted with the responsibility of identifying and implementing the necessary changes in their own companies," that they "have not ceased engaging in unlawful activity" and that they would likely continue to commit fraud "indefinitely into the future."

The companies' conspiracy sought not only to misinform the public, but also lawmakers. The court emphasized that the companies' "fraudulent conduct has permeated all aspects of their operations" and that "each and every one of these Defendants repeatedly, consistently, vigorously – and falsely – denied the existence of any adverse health effects from smoking. Moreover, they mounted a coordinated, well-financed, sophisticated public relations campaign to attack and distort the scientific evidence demonstrating the relationship between smoking and disease, claiming that the link between the two was still an 'open question.'"

Directly relevant to public policy, the court found that "the evidence shows that the Defendants have long known that secondhand smoke, or environmental tobacco smoke (ETS), is hazardous to nonsmokers and that Defendants have understood how this information could affect the tobacco industry's profitability." The ruling describes the steps the tobacco companies took, after promising to support objective research on the issue, to undermine independent research efforts, to fund industry-friendly research, and to suppress and trivialize unfavorable research results. Also noted was that "the evidence shows that the Defendants continue to deny the extent to which secondhand smoke is hazardous to nonsmokers."

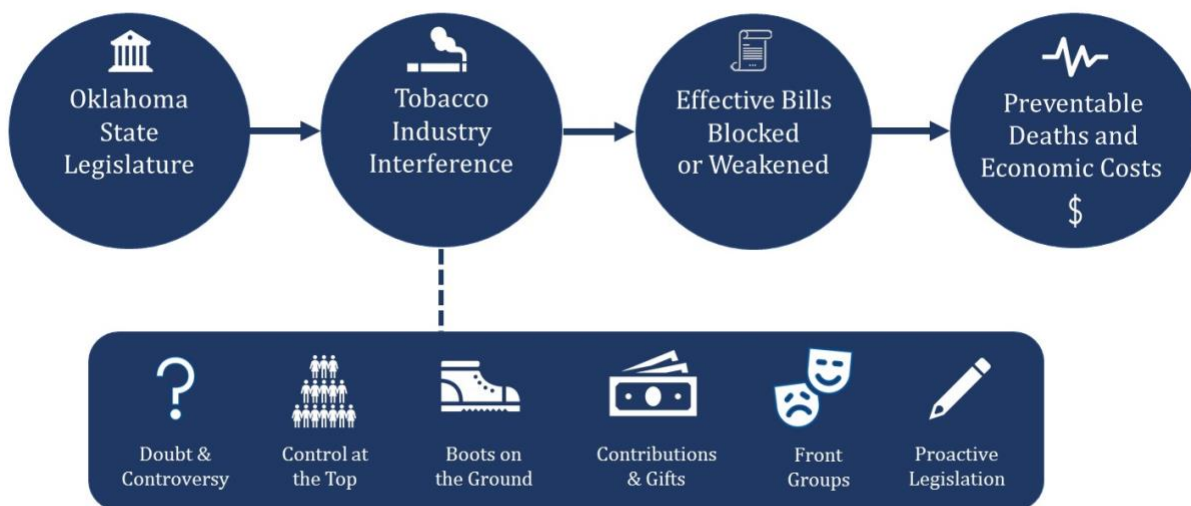
The court ordered the tobacco companies to disseminate “corrective statements” through newspapers, television, package inserts, point-of-sale, and corporate websites regarding 1) health effects of smoking, 2) addictiveness of nicotine, 3) low-tar cigarettes, 4) nicotine enhancement, and 5) health effects of secondhand smoke. Legal appeals delayed publication for over a decade. Publication in newspapers and on television began in November 2017. Publication on corporate websites began in June 2018 and shipments of cigarette packs with inserts began in November 2018.

The federal RICO case remains active, with tobacco companies still fighting to avoid court-ordered placements of the statements at retail points-of-sale.

KEY FINDINGS

- Tobacco company behavior has been uniquely destructive to the health of Oklahomans. The companies have aggressively marketed addictive, deadly products to youth while waging an organized conspiracy to defraud lawmakers and the general public.
- Since at least 1967, tobacco companies and their trade associations have successfully interfered with lawmaking in Oklahoma. When they could not defeat or otherwise block an effective public health bill, the companies sought to severely weaken the bill, often drafting the final language.
- Current Oklahoma state laws enacted in 1987, 1991, 1994, 1996, 1997, and 2001 were written by or heavily influenced by the tobacco industry.
- The tobacco industry has used a broad range of tools and tactics to interfere with Oklahoma laws, including doubt and controversy, out-of-state corporate messaging (control at the top), contract lobbyists (boots on the ground), campaign contributions and gifts, front groups, and proactive legislation (including state preemption of local action).
- Each year between 1976 and 2001, tobacco companies successfully worked behind the scenes to defeat or severely weaken legislative proposals to restrict smoking inside public places and workplaces.
- Extensive tobacco industry interference has prevented the enactment of effective tobacco control laws in Oklahoma, resulting in excessively high rates of preventable disease, early deaths, and economic costs.

Figure 1. Mechanisms and outcomes of tobacco industry interference



TOBACCO INDUSTRY TOOLS AND TACTICS

1. Doubt and Controversy

On January 11, 1964, Luther L. Terry, M.D., Surgeon General of the United States, released Smoking and Health: Report of the Advisory Committee of the Surgeon General of the Public Health Service, calling Americans' attention to the health effects of smoking cigarettes. By 1969, a clear strategy had emerged to minimize the effect on cigarette sales.

“Doubt is our product since it is the best means of competing with the ‘body of fact’ that exists in the mind of the general public. It is also the means of establishing a controversy.”

Brown & Williamson, 1969, transcript of presentation to the B&W Executive Committee. Smoking and Health Proposal. Bates #690010951-690010959. [VIEW DOCUMENT](#)

Creating doubt and controversy became a proactive practice. The Tobacco Institute, the national trade association for tobacco companies, issued their own report on smoking and health distributed to news media immediately prior to release of the 1979 Report of the Surgeon General on Smoking and Health.

“Despite claims to the contrary, no one -- in government or industry -- can explain the reported associations of smoking with lung cancer, heart disease, emphysema, low infant birth weight, and yes, even cancer of the pancreas. No one knows why the walls of human arteries become clogged with lipids or how clots that can lead to stroke get their start. No one knows why pregnant women who smoke have lighter infants on the average than women who don't smoke, or why some women, whether or not they smoke, have smaller infants. Scientists have not proven that cigarette smoke or any of the thousands of its constituents as found in cigarette smoke cause human disease” The Tobacco Institute, Smoking and Health 1964-1979 The Continuing Controversy. Bates #680548846-680549012. [VIEW DOCUMENT](#)

Misinformation campaigns targeted specific demographic groups.

“For too long, adversaries of tobacco have attempted to influence those adult personal decisions, as well as public policy, with assumptions, opinions or conjectures not supported by scientific or medical facts. FACT OR FANCY? was produced to present more factual, and balanced, answers on the health question about which mature women need to know more.” Letter from Tobacco Institute to Officers of Women's Associations and Organizations. 1978. Bates #TI50381781. [VIEW DOCUMENT](#)

Tobacco companies developed vast national initiatives aimed at preserving the social acceptability of smoking. For example, Philip Morris Tobacco Company, recognizing a growing public concern regarding health risks to non-smokers in smoky workplaces, held a secret strategy meeting to determine how to deal with the issue of secondhand smoke (sometimes called environmental tobacco smoke, or ETS). In a secret meeting called the Operation Downunder Conference, an aggressive approach was launched.

“Political perception of NO RISK to politicians on ETS issue. Therefore we have to create risk to politicians... make it hurt for public official and policy makers to take us on... Undermine Koop et al... Attack anti groups where they hurt... Create greater pressure on politicians... We’ve got to get to people on the street, but we are constrained because we can't say is safe.” Philip Morris. Project Down Under Conference Notes. June 24, 1987. Bates #2021502102-2021502134. [VIEW DOCUMENT](#)

Public opinion was considered important only if it affected government action or inaction.

“Public opinion and media coverage are only important insofar as they affect the government -- we will never be liked and what we want is to be ignored.” Philip Morris. Goals For 2000. February 4, 1992. Bates #2024705949-2024705981. [VIEW DOCUMENT](#)

2. Control at the Top

While tobacco company lobbyists are valued for their working relationships with lawmakers in their respective states, they must work within a well-defined hierarchy in which the out-of-state, multi-national companies maintain control.

“Although most legislative reporting originates with the state lobbyist, Washington headquarters can evaluate only the timeliness and efficiency of reporting performed by TI Regional offices. It is, therefore, vital that the Regional Vice President take all necessary steps to ensure that lobbyists report all activity within the required time and send bill copies and amendments to both the Regional office and to Washington promptly.” Tobacco Institute. State Activities Division Meeting. 1985. Bates #513337728-513337962. [VIEW DOCUMENT](#)

“Contract Lobbyists 1. Report introduction, prefiling or announcement of all legislation and regulations of interest to Regional office immediately. 2. Mail copies of legislation or regulations simultaneously to Regional office and to Washington Legislative Affairs Manager as soon as available. 3. Report any change of status or scheduled action to Regional

office immediately. 4. Mail copies of amended legislative language and approved law copies to Regional office and Legislative Affairs Manager immediately. 5. Discuss legislative situation and strategy with Regional Vice President.” Tobacco Institute. TI Field Staff Meeting. 1985. Bates #680501768-680502035. [VIEW DOCUMENT](#)

The mission and purpose of this corporate infrastructure – to protect cigarette sales – was clear.

“Government Relations Mission: Aggressively pursue opportunities which enhance the company's marketing and operating positions and will defend the company against legislation and regulations which adversely affect its ability to achieve business and financial objectives.” R.J. Reynolds. Public Issues. March 6, 1989. Bates #507679246-507679384. [VIEW DOCUMENT](#)

“COMPANY STRATEGY: Defeat or limit legislative attempts to increase cigarette taxes, restrict cigarette advertising and promotion, limit smoking opportunities and regulate industry matters.” R.J. Reynolds. Action Plan and Budget. September 28, 1989. Bates #507618497-507618573. [VIEW DOCUMENT](#)

“You may recall from the article I sent you that Jeffery Harris of MIT calculated, on the basis of the Lewin and Coate data, that the 1982-83 round of price increases caused two million adults to quit smoking and prevented 600,000 teenagers from starting to smoke. Those teenagers are now 18-21 years old, and since about 70 percent of 18-21 year-olds and 35 percent of older smokers smoke a PM brand, this means that 700,000 of those adult quitters had been PM smokers and 420,000 of the non-starters would have been PM smokers. Thus, if Harris is right, we were hit disproportionately hard. We don't need that to happen again.” Philip Morris. Inter-Office Correspondence from Myron Johnston to Jon Zoler. Handling an excise tax increase. September 3, 1987. Bates #3990155559240-3990155559241. [VIEW DOCUMENT](#)

“Total prohibition of smoking in the workplace strongly affects industry volume. Smokers facing these restrictions consume 11%-15% less than average and quit at a rate that is 84% higher than average. Only 6.4%-10.3% of smokers face total workplace prohibition but these restrictions are rapidly becoming more common.” Philip Morris. Impact of Workplace Restrictions on Consumption and Incidence. January 21, 1992. Bates #2045447779-2045447806. [VIEW DOCUMENT](#)

“What we must have to attain primary goal... 400 billion cigarettes consumed by 40 million adults annually...” Philip Morris. Year 2000 Goals. February 4, 1992. Bates #2024705949-2024705981. [VIEW DOCUMENT](#)

“Financial impact of smoking bans will be tremendous... Three to five fewer cigarettes per day per smoker will reduce annual manufacturer profits a billion dollars plus per year.” Philip Morris. A Smokers’ Alliance. July 9, 1993. Bates #2021183190-2021183245. [VIEW DOCUMENT](#)

Their efforts were sophisticated and broad in scope.

“Our field staff and lobbyists use a variety of tactics to fight this kind of legislation. We regularly communicate with and influence appointments to the legislative committees that would traditionally review such bills. We also try to influence general legislative policy: Rules that restrict the number of bills a legislator may introduce in a session, for example, would be of enormous assistance to us on this issue.” Tobacco Institute. Outline for Winter Meeting Presentations on Public Smoking. Bates #TI51170356-TI51170401. January 8, 1985. [VIEW DOCUMENT](#)

“215 BILLS DEFEATED IN 43 STATES” Legislative Report 1986 Final Summary. Bates #TI25821041-TI25822482. [VIEW DOCUMENT](#)

“The challenges to the tobacco industry in state legislatures continue to grow. During 1991, the State Activities Division monitored a total of 1,169 state-level proposals of interest to the industry -- a 23-percent increase over 1990 volume.” Tobacco Institute. Legislative Report 1991 Final Summary. Bates #TI25770001-TI25772519. [VIEW DOCUMENT](#)

“The enclosed short briefing papers are intended to assist you, your regional colleagues, and the industry’s state representatives in preparations for meetings with State officials, but particularly State attorneys general, concerning various issues of interest to the tobacco industry.” R.J. Reynolds. Letter to TI Regional Vice Presidents. February 28, 1996. Bates #515321034-515321048. [VIEW DOCUMENT](#)

“Nationwide, more than 1,500 tobacco-related bills were introduced during 2001. Among those issues of direct concern to Lorillard Tobacco Company were excise taxes, minimum pricing, sales and marketing restrictions, smoking restrictions, and Master Settlement Agreement issues. In addition, over 100

bills dealing with important tort issues were tracked...”

Lorillard Tobacco Company External Affairs Legislative Conference. October 7-10, 2001. Bates #99374926-99374975.

[VIEW DOCUMENT](#)

Letters of agreement with a Tobacco Institute lobbyist in Oklahoma outlined various reporting mechanisms and other processes for ensuring out-of-state corporate control.

“The Institute’s Vice President for your region, will supervise your activities in connection with this Agreement. You should make oral and written reports to The Institute through the TI Regional Vice President. The TI Regional Vice President is responsible for coordinating tobacco industry legislative, regulatory and administrative activities in the State of Oklahoma and will assist you in developing plans and other strategies to deal effectively with industry issues. All questions regarding tobacco industry policy or positions should be directed to the TI Regional Vice President.” Tobacco Institute. Letter of Agreement. January 3, 1996. Bates #TI16380503-TI16380505. [VIEW DOCUMENT](#)

Extensive support to lobbyists and other field staff was available as needed.

“Legislative support assistance is available from State Activities staff on virtually every issue in the states. Staff are available for bill/amendment drafting, position papers, expert witness assistance, clearance of legal documents, attendance at strategy sessions and other needs and documents. All are based in the Washington office and may be reached through the toll-free number (1/800-424-9876) or on their direct lines. What follows is a synopsis of staff responsibilities. Should you have questions, please contact you sector vice president or Walter Woodson.” Tobacco Institute. 1993 RVP Briefing Book. April 22, 1993. Bates #TI14272241. [VIEW DOCUMENT](#)

“NATIONAL HEADQUARTERS National lobbyist meeting... Field staff meeting... Special meetings with lobbyists and staff for local legislative planning issue seminars.... Additional lobbyists/contingency... Lobbyists and public relations firms retained to represent and/or consult with TI on legislative and regulatory matters of interest to the industry at the municipal, county, and state levels... Special Projects... Professional fees for cost impact studies, opinion polls, start-up costs for initiatives and referenda campaigns, fiscal analyses, direct mail campaigns, and other projects in support of legislative programs.” Tobacco Institute. 1994 Proposed Budget. November 12, 1993. Bates #TI38460001-TI38460148. [VIEW DOCUMENT](#)

“I’m calling on behalf of Oklahoma Smokers Rights. ...We need let our elected officials know that we strongly oppose this tax increase. The best way to do that is with a quick phone call to their office. In fact, I can connect you directly with your state senator, Senator _____’s office in Oklahoma City at no cost to you so you to send him/her this important message. Would you like to be connected? R.J. Reynolds Tobacco Company. “Oklahoma Smoker Script,” January 30, 1998. Bates #527929334. [VIEW DOCUMENT](#)

All communications with outside parties, including the media, was also coordinated and tightly controlled.

“Attached is my overview of the legislative situation in each of the first states the media team is visiting. Behind my subjective analyses are the bill reports of all 1986 state and local legislation of interest to the industry...” Tobacco Institute. Legislative Background Information. Memo from Cathey Yoe to Brennan Moran. January 25, 1986. Bates #TI14271796. [VIEW DOCUMENT](#)

“If at any time the Contractor is contacted by a third party, including the media, concerning his activities on behalf of the Company, the Contractor will make no comment, notify the Company of the third party contact, and refer the third party to the Company Vice President of Corporate Affairs. At the Company's discretion, the Contractor may be allowed to respond to routine inquiries from members of the press, legislators or administrative officials concerning legislation or administrative rules which Contractor is lobbying for or against on Company’s behalf. Any such response must be approved in advance by the Company.” Philip Morris. Professional Services Agreement. January 20, 1992. Bates #2061857109-2061857112. [VIEW DOCUMENT](#)

3. Boots on the Ground

Tobacco companies have sought to influence state and local policy since at least 1963 when the Tobacco Institute retained a regional law firm to provide lobbying services for 15 states, including Oklahoma.

“This will confirm our several conversations and conferences in which I have indicated the several alternative ways in which we will undertake to be helpful to you and the Tobacco Institute... In addition to my general counsel, we will help you in fifteen states according to your election of a couple of alternatives. The basic program for the fifteen states involves three men, each of whom would be given responsibility for a

group of states. T. H. Maloy, basing in Dallas, Texas, would have responsibility for Texas, Colorado, Wyoming, Oklahoma, Arkansas, and Louisiana.” Tobacco Institute. Letter from T.W. Braun to Frank Welch. June 7, 1963. Bates #TIMN0001017-TIMN0001019. [VIEW DOCUMENT](#)

In 1967, the tobacco industry successfully opposed legislation filed in Oklahoma that would have provided for appointment of-a full-time Smoking & Health Program Director.

“H. 666 - Provides for appointment of-a full-time Smoking & Health Program Director and making appropriation therefor... Our major concern runs to... H .666.” Tobacco Institute. Oklahoma Legislative Situation. Memo from Frank J. Welch to Earle C. Clements. February 13, 1967. Bates #00619385N-00619385Q. [VIEW DOCUMENT](#)

“Oklahoma H. 666... Current status: Killed in Committee. Comment: We were active in opposition of this bill.” Tobacco Institute. State Anti-Tobacco Legislative Activity, 1967. Memo from Frank J. Welch to Earle C. Clements. August 14, 1967. Bates #1002909099-1002909155. [VIEW DOCUMENT](#)

In 1978, the Tobacco Institute lobbyist in Oklahoma stated his exact purpose in that role.

“I made it quite clear that as local attorney for the Tobacco Institute, my area of responsibility was primarily in the area concerning any Legislation that might adversely affect the Tobacco Industry, either at State or local levels...” Tobacco Institute. Gene Henry letter to Roger L. Mozingo. June 1, 1978. Bates #TIOK0018896-TIOK0018897. [VIEW DOCUMENT](#)

In 1984, the Tobacco Institute favorably reviewed their lobbyist in Oklahoma and recommended adding another.

**“Bill Reynolds is the Tobacco Institute lobbyist, after having represented the Tobacco Tax Council for many years...
STRENGTHS:**

- Long history of involvement in Oklahoma Democratic politics.
- Good working knowledge of the legislative process and its rules.
- Personally knows all of the legislative leadership and the Governor
- Is well respected and known by the minority (race) members of the Legislature
- Well known by legislative staffers
- Efficient in reporting on legislative matters

WEAKNESSES:

- Lack of close involvement with the minority party
- He has not particularly had much contact with the new members or candidates so his clout could start to diminish as time goes on.

RECOMMENDATIONS:

In Oklahoma, I would retain Bill Reynolds, but would also retain Ken Nance.

Nance is an attorney in Oklahoma City and also lobbies for several clients. He is a former member of the House of Representatives and a former Attorney General. He was retained by R.J. Reynolds during the 1984 session.

STRENGTHS:

- Nance knows all the members and executive branch very well. He keeps in contact with the leadership but also the minority party, non-leadership members and potential members. He will remain a strength in Oklahoma for as long as he wants with this style of work.
- He is very professional and has great knowledge of the way things are done at the Legislature.
- He has a fair knowledge of our business and was helpful last year on the public smoking bill, even though he was never retained for that help.”

Tobacco Institute. Oklahoma – Lobby Eval. 1984. Bates #TIOK0027863-TIOK0027864. [VIEW DOCUMENT](#)

By 1988, the team of tobacco industry lobbyists in Oklahoma were being repeatedly praised for effectiveness, responsiveness, and access to legislative leadership.

“The Tobacco Institute’s primary legislative counsel in Oklahoma is Kenneth R. Nance, an Oklahoma City attorney and former state representative. He is assisted by William A. Reynolds, an Oklahoma City Businessman and former Aide to U.S. Senator Bob Kerr. Both Ken Nance and Bill Reynolds are prominent Democrats in the State, and have excellent access to virtually all offices in state government... Ken Nance's role as the Institute's primary lobbyist in Oklahoma was begun in 1986, as he replaced Bill Reynolds in that position. This arrangement proved very effective, as Nance maintains close day-to-day contact with legislators and developments in the Capitol; while Reynolds makes good use of his contacts with several older, powerful members of the legislature. Nance and Reynolds now respond with more consistent promptness to TI requests for information than in the past. This has improved legislative tracking difficult in Oklahoma a great deal. Efforts made to resolve this problem have apparently been successful.” Tobacco Institute. Lobbyist Evaluation. July 15, 1988. Bates #TI22731053. [VIEW DOCUMENT](#)

“Perhaps even more important, Ken Nance and the Speaker have a very close relationship and the Speaker trusts Ken totally in matters such as these.” Tobacco Institute Memo to Walter Woodson from Stan Boman. March 23, 1988. Bates #TIOK0024348.

[VIEW DOCUMENT](#)

“The tobacco industry has an outstanding lobbying corps in Oklahoma. led by TI legislative counsel Ken Nance.” Tobacco Institute. 1990 Priority State Tax Plans. October 2, 1989. Bates #TI28380386-TI28380437. [VIEW DOCUMENT](#)

“All of the industry lobbyists are best friends and we do not have the problem of not enough meetings.” Phillip Morris. Southwest Region State Legislative Summary. Assessment of PM, TI and Industry Lobbyists - dealing with weaknesses. 1989. Bates #DOCS000134-DOCS000149. [VIEW DOCUMENT](#)

“I seriously doubt that any other group is represented by a more capable cadre than we have in Ken, Richard, Mandell, and Tommy.” Memorandum from Stan Bowman, Tobacco Institute to the Executive Director of the Oklahoma Association of Tobacco & Candy Distributors. November 13, 1990. Bates #TIOK0018704. [VIEW DOCUMENT](#)

“The industry's striking success in Oklahoma during 1991 is directly attributable to the very talented team of tobacco lobbyists who worked diligently, effectively and cooperatively in Oklahoma City. Under the capable and very energetic leadership of TI Oklahoma legislative counsel Ken Nance, tobacco's team approach was again proven a hallmark in the nation.” Tobacco Institute. Oklahoma 1991 Legislative Session. June 12, 1991. Bates #TIOK0018706-TIOK0018707. [VIEW DOCUMENT](#)

“I would like to underscore Randy's observations about the considerable skill of the industry's lobbying team in Oklahoma. With Ken Nance acting as the team's leader, they have done everything and more than should be expected of them. Credit should also go to Mandell Matheson (RJR), Tommy Rogers (PM) and Richard Huddleston (smokeless wholesalers), as each have made valuable contributions.” Tobacco Institute. Memo from Stan Boman to George Minshew. June 12, 1991. Bates #TIOK0018624-TIOK0018626. [VIEW DOCUMENT](#)

“The Institute unquestionably has the best possible legislative counsel in Oklahoma.” Tobacco Institute. 1991 Evaluations & 1992 Recommendations. Bates #TI23700077-TI23700086. [VIEW DOCUMENT](#)

They were also valued for their ability to effectively influence – and even help write – Oklahoma laws.

“Ken Nance has done an outstanding job for the Tobacco Institute. Under his leadership, pre-emption was passed in 1986 and privacy was passed in 1991. Nance and the other members of the tobacco team in Oklahoma work extremely well together and appear to have a considerable amount of strength in the political process there. ...I strongly feel Ken is one of the top state consultants at The Tobacco Institute and possibly one of the best state lobbyists in the country. He should be paid accordingly.” Oklahoma Ken Nance 1993 Evaluation – 1994 Recommendations Region VIII Legislative Counsel. 1993. Bates #TIOK0029028-TIOK0029030. [VIEW DOCUMENT](#)

“The following is my brief summary of bills introduced which could have had direct, adverse impact on the interests of RJR... We've got a good group in Oklahoma, but Ken Nance, representing the Tobacco Institute, deserves a great deal of credit for his extraordinary bill writing and general lobbying skills. We all worked hard and gave it all we had, but Nance is our True Leader, (even though I bitch at him a lot) and the guy who gets going when the going gets tough.” Tobacco Institute. Final Status of Bills – Oklahoma. May 31, 1994. Bates #SOO/RJR.0688-SOO/RJR.0690. [VIEW DOCUMENT](#)

In 1999, Philip Morris Tobacco Company praised Oklahoma’s team of tobacco industry lobbyists and several allies.

“A strong Retail Grocer’s Association and very strong Restaurant Association will make up for a weak C-Store (OK Oil Marketers) organization in addressing tobacco legislation. The tobacco industry lobbyists continue to enjoy ‘Dream Team’ status.” Phillip Morris Tobacco Company. Oklahoma State Plan – 1999. Bates #2074874355. [VIEW DOCUMENT](#)

Though most internal tobacco industry documents available after the 1998 Master Settlement Agreement are less disclosing of industry strategies, attitudes, and intent, tobacco industry efforts to influence public policy are ongoing. According to Oklahoma Ethics Commission records, tobacco companies or their trade associations registered 14 lobbyists in Oklahoma in 2020. Eight of them represent tobacco companies named in the ongoing federal racketeering case.

4. Contributions and Gifts

Tobacco industry lobbyists have given campaign contributions and gifts (typically meals) to legislators in their own names. Internal documents suggest that some tobacco lobbyists in Oklahoma have received pay increases to encourage such activity, apparently circumventing Oklahoma state ethics laws.

“In light of a very heavy workload and the fact that Ken Nance spends tremendous amounts of his personal funds on campaign contributions, his retainer in 1989 should be increase to \$42,500 from the present \$38,000.” Tobacco Institute. Lobbyist Evaluation. July 15, 1988. Bates #TI22731053. [VIEW DOCUMENT](#)

“So our defensive strategy is just to keep on keeping on. We use events, charitable contributions, and entertainment of standing committees. Not much caucus stuff here. A major improvement is we have to establish an Oklahoma Pac or give Tom Rogers a raise. So far we’ve done fine without it but it sure would help out...” Phillip Morris. Southwest Region State Legislative Summary. Oklahoma. Bates #DOCS000134-DOCS000149. [VIEW DOCUMENT](#)

“The \$50,000 paid as Nance’s retainer to be the TI lead lobbyist in 1990 is only marginally competitive in Oklahoma. Inasmuch as that state allows no corporate contributions to political campaigns, all successful Oklahoma lobbyists must invest heavily in the campaigns of desirable candidates. Ken Nance is no exception.” Tobacco Institute. 1990 Evaluations - 1991 Recommendations. Bates #TIOK0026979-TIOK0026980. [VIEW DOCUMENT](#)

“Attached is our portion of the bill for the reception held on March 27, 1990. Well over 250 people attended including members, staff, marketing, wholesalers and industry governmental affairs people. I was greatly impressed with the reception and believe our money was well placed. Ken Nance did a great job putting the event together.” Tobacco Institute. Legislative Reception Oklahoma. Memo from Bob Pruett to George Minshew. 1990. Bates #TI53763057. [VIEW DOCUMENT](#)

“Here's the billing due to Ken Nance for his out-of-pocket on the 1992 Oklahoma Legislative Reception, after adjustments made for the additional \$500 from RJR and PM.” Tobacco Institute. Note from Randy C. Morris. April 29, 1992. Bates #TIOK0028951-TIOK0028953. [VIEW DOCUMENT](#)

“The enclosed Check Request for \$500.00, payable to Byron's Liquors, Oklahoma City, Oklahoma, represents our underwriting a portion of the expense of this Legislative Reception. I have been advised by Ken Nance, TI's Oklahoma Legislative Counsel and who is also a member of the Oklahoma Bar, that this is a completely lawful and permissible purchase by the Institute. This Reception is of a general nature and will involve many members of the Oklahoma Legislature.” Tobacco

Institute. Memo from Randy C. Morris to Pat Donoho. June 5, 1992. Bates #TIOK0028944. [VIEW DOCUMENT](#)

By 1992, direct campaign contributions were also being made through Political Action Committees (PACs). Tobacco lobbyists typically guided the disbursements from PACs funded by their respective companies' corporate offices.

“With submission of this memo and the accompanying documentation I am requesting a \$4,500.00 download from PHIL PAC to the Oklahoma State PAC. The current balance in the Oklahoma PAC account is \$100 .00. Primary elections are scheduled in Oklahoma for August 25 . We prefer to disburse our contributions to Oklahoma legislators prior to that date. Attached is a list of contributions we intend to make with the downloaded PHIL PAC funds. Please feel free to call if you have any questions.” Philip Morris. Phil PAC Download to Oklahoma PAC. Email from Matt Paluszek to Ted Lattanzio and Tina Walls. June 16, 1992. Bates #2061857209. [VIEW DOCUMENT](#)

“Please be advised that it has come to the attention of MM just today that Challenger Ms. Debbie Blackburn (running for open seat) has ‘changed her tune’ and now is on the bandwagon as a staunch anti-tobacco foe! Therefore, please CANCEL our earlier request to Issue her a political contribution In the amount of \$100.” R.J. Reynolds. Oklahoma PAC Contribution Request. September 20, 1994. Bates #512539286-512539288. [VIEW DOCUMENT](#)

“Enclosed is a list of Oklahoma Legislators for whom I am requesting campaign funds. Thanks for your help.” Phillip Morris. Memo from Tom Rogers to Ed P. Beauchemin. July 25, 1996. Bates #2061832124. [VIEW DOCUMENT](#)

“The RJR Political Action Committee distributed a total of \$6,150 to candidates for the Oklahoma Legislature in the 2000 election cycle...” R.J. Reynolds. RJRT PAC RECIPIENTS ELECTION RESULTS 2000 – OKLAHOMA. Email from Mandel Matheson to Henry S. Stokes. November 9, 2000. Bates #530900629-530900630. [VIEW DOCUMENT](#)

5. Front Groups

As early as 1967, allied organizations and businesses in Oklahoma were carefully nurtured by the tobacco industry to serve as proxies and front groups for advancing their mutual interests.

“After a long and somewhat delicate visitation with Hudson, and after we had expressed a willingness on our part to help take care of some of his out-of-pocket costs, he agreed that his Association would oppose all the tobacco bills.” Tobacco Institute. Oklahoma Legislative Situation. Memo from Frank J. Welch to Earle C. Clements. February 13, 1967. Bates #00619385N-00619385Q. [VIEW DOCUMENT](#)

“Despite the fact that a competent law firm in Oklahoma City was employed to work on this bill and other anti-tobacco proposed legislation, I am reasonably sure that the above bill would not have been defeated without the active cooperation in opposing the legislation of Harry Hudson, Executive Secretary of the Oklahoma Association of Tobacco Distributors and his associates.” Tobacco Institute. Memo from Frank J. Welch to Earl C. Clements. July 5, 1967. Bates #03768844-03768846. [VIEW DOCUMENT](#)

“In recent months, the OATD has upgraded its staff... These moves will unquestionably enhance OATD’s presence in the Capitol and make it an even closer friend of The Institute... A few years ago, an effort was made to organize tobacco retailers in Oklahoma. The Oklahoma Retail Tobacco Dealers Association was founded by a group of tobacconists in Oklahoma City and showed a great deal of promise in its first year. Unfortunately the ORTDA lost its aggressive leaders, suffered from a lack of funds and is now more or less defunct. Time and funds permitting, it could be worthwhile for TI to help re-activate this association.” Tobacco Institute. 1987 State of the States. Bates #80420206-80420485. [VIEW DOCUMENT](#)

“As you know, The Institute’s mission includes defending the entire tobacco industry from legislation detrimental to our interests... to increase the tax on cigarettes and other tobacco products, unreasonable restrictions on where smoking is permitted, limitations on tobacco product promotion and advertising... A key element to the... defeat of such restrictive/punitive measures is the full and active support of you and your members... In consideration of OATD's support of such mutual objectives, OATD will receive a contribution of \$8,000 to be paid in quarterly installments beginning on or about January 15, 1984.” Tobacco Institute. Letter of agreement from the President of the Tobacco Institute to the Acting Executive Director of the Oklahoma Association of Tobacco Distributors. December 22, 1983. Bates #TIOK0031579-TIOK0031580. [VIEW DOCUMENT](#)

“As you know, The Institute’s mission includes helping defend the entire tobacco industry from legislation detrimental to our mutual interests... In consideration of support of such mutual objectives, your Association will receive a contribution of \$10,000 to be paid in quarterly installments on or about January 15, April 15, July 15 and October 15, 1990.” Tobacco Institute. Letter to the Executive Director of the Oklahoma Association of Tobacco Distributors. December 12, 1989. Bates #TI25072270. [VIEW DOCUMENT](#)

“Often, when an anti-tobacco threat comes up at the local level, your city council or county supervisors will hold hearings to gather public input on the issue. You and your business associates should be sure to attend. Better yet, arrange to testify against the unfair proposal. Through such public testimony, business leaders have often headed off proposed smoking bans and cigarette sales restrictions. They’ve showed up in force at the hearings - often outnumbering the anti-smokers in attendance. They’ve spoken out boldly, describing how the proposal would hurt local business. And they’ve made a dramatic impact! You can, too. Here’s how to go about it.” R.J. Reynolds. Political Action Guide. December 9, 1994. Bates #512537169-512537234. [VIEW DOCUMENT](#)

The Oklahoma Restaurant Association (ORA) has also been nurtured by the tobacco industry to serve as an ally.

“The Tobacco Institute has long worked with hospitality groups, particularly restaurant associations, to assist in dealing with the issue of smoking by patrons. As part of our renewed efforts to provide information and assistance, we are launching several new efforts.” Tobacco Institute. Letter from Brennan Dawson to the Executive Vice President of the Oklahoma Restaurant Association. September 28, 1988. Bates #TIOK0030398. [VIEW DOCUMENT](#)

“There are obvious legislative and regulatory matters where our interests coincide. Naturally, we intend to vigorously defend the rights of our member companies and will welcome your participation when those matters arise. There may also be times when you need a little extra assistance on an issue which may not seem to be a logical fit. I want to assure you that we stand ready to play whatever role we can mutually determine.” Tobacco Institute. Letter from Walker Merriman to the Oklahoma Restaurant Association. January 2, 1990. Bates #TIOK0011633. [VIEW DOCUMENT](#)

On behalf of Philip Morris Management Corporation, I am pleased to enclose a check in the amount of \$5,000 made payable to Oklahoma Restaurant Association for our 1996 annual contribution.” Philip Morris Management Corp. Letter from Ed P. Beauchemin, Regional Director for Government Affairs, to the Executive Vice President of the Oklahoma Restaurant Association. March 18, 1996. Bates #2061855265. [VIEW DOCUMENT](#)

Relationships between tobacco companies and their allies have been strong in Oklahoma.

“CONSTITUENTS: ...OKLAHOMA: Again, a love fest. They are all best friends. We sponsored a legislative bar-b-que with TI, Tobacco Wholesalers and RJR earlier this year. PM works with the restaurant associations, nursing home associations in opposing legislation to remove the state preemption of municipal ordinance banning smoking.” Phillip Morris. Southwest Region State Legislative Summary. Outreach Program: What groups are we working with – direct contributions and event sponsorships. 1989. Bates #DOCS000134-DOCS000149. [VIEW DOCUMENT](#)

“The members of this association have worked closely in recent weeks with our legislative consultant, Richard Huddleston, and your lobbyist in Oklahoma, Tom Rogers, to effect the demise of HB2493 and retain the pre-emption clause in the Oklahoma statutes.” Philip Morris. Letter to Ed Beauchemin, Regional Director of Public Affairs from the Executive Director of the Oklahoma Association of Tobacco & Candy Distributors. February 28, 1996. Bates #2061855277. [VIEW DOCUMENT](#)

In 1995, Philip Morris sought credible, independent outside groups to echo their messages on policy issues.

“The goal of the group is to establish relationships with credible, independent outside groups with the ability to relay ideas and establish an echo chamber for PM messages/responses addressing major issues facing the company. Because you will have an up-to-date knowledge of immediate as well as long-range issues, you will be in the best position to evaluate the mission of groups and alternative media sources ~ and how they best fit into the strategy of federal/state government affairs objectives.” Philip Morris. Proposed Plan for Policy Outreach Group. May 4, 1995. Bates #2046563764-2046563777. [VIEW DOCUMENT](#)

Objective To mobilize a global network of independent public policy groups to influence government, media and public

opinion about issues challenging Philip Morris Companies, Inc. This will be accomplished by establishing an internal group dedicated to proactively marketing the company's positions to allies in the public policy group community and the alternative media. These efforts will foster an improved business climate that will complement and enhance PM's legislative, regulatory and communication goals worldwide." Philip Morris. Strategic Policy Development. 1995. Bates #2046563748-2046563755.
[VIEW DOCUMENT](#)

The tobacco industry also fought to bolster support from all State Chamber of Commerce executives in opposing proposed smoking restrictions.

"The attached article from Chamber Executive, a journal for chamber professionals, cannot go unchallenged. Bill Kloepfer has written in response, but we need your assistance to generate additional letters-to-the-editor from state and local chamber officials... We suggest you write every state chamber leader with whom you have worked successfully. You should also contact local chamber officials you feel would be willing to help. This project should be completed no later than Monday, February 24, 1986... The Chamber Executive article could become a thorn in our side unless it is made clear how most chamber members feel. Doubtless this article will show up at restriction hearings, and we had better be prepared to show that chamber officials do not agree." Tobacco Institute. Memo from William P. Buckley and M. Hurst Marshall to Regional Vice-Presidents/Directors. January 31, 1986. Bates #TIOK0026573-TIOK0026574. [VIEW DOCUMENT](#)

"Over past years, we have worked with a number of chambers of commerce--like your own--to oppose restrictive workplace smoking legislation. Chambers consistently have opposed such legislation as unnecessary, intrusive and inflexible." Tobacco Institute. DRAFT LETTER TO CHAMBER EXECUTIVES included in memo from William P. Buckley and M. Hurst Marshall to Regional Vice-Presidents/Directors. January 31, 1986. Bates #TIOK0026573-TIOK0026574. [VIEW DOCUMENT](#)

The tobacco industry actively fostered Tobacco Action Networks (TAN) and similar policy advocacy groups. By 1990, such groups had been created in all 50 states.

"During my Oklahoma trip I spent several hours at both the Lawton, Oklahoma City, and Cleveland County Board of Elections identifying elected officials of new TAN volunteers in those areas. Election guides for the first two of those areas are not available to the public and STAND must visit each court house personally to get the information. Bill Reynolds told me

he would try to get me a copy of the Oklahoma City guide which would take care of the biggest problem area.” STATE DIRECTOR BI-WEEKLY REPORT. Terry L. Frakes. July 1, 1981. Bates #TIOK0019715-TIOK0019719. [VIEW DOCUMENT](#)

“TI member company TAN Activists have been a major asset in Oklahoma through the years. They form the bulk of The Institute's ‘awareness system’ in the state and can be counted on for grassroots political action on very short notice.” Tobacco Institute. 1987 State of the States. Bates #80420206-80420485. [VIEW DOCUMENT](#)

“Tobacco Institute legislative counsel is engaging in direct lobbying of state legislators on a daily basis. ...Request permission to ask Oklahoma member company TAN activists to: * Write letters and/or make phone calls to State Senators and Representatives...” Tobacco Action Network Action Request from Roger Monzingo to State Activities Policy Committee. April 1, 1987. Bates #TI29750140-TI29750146. [VIEW DOCUMENT](#)

“To help encourage opposition to punitive or restrictive measures, we publish a newsletter which is sent to smokers nationwide. We also provide a directory of their federal and state elected officials, including the executive branch. Through our program, we encourage our readers to write to their elected officials to make their views on smoking issues known.” R.J. Reynolds. Letter to Oklahoma State Attorney General. October 17, 1988. Bates #506622566-506622567. [VIEW DOCUMENT](#)

“During 1990, Public Issues continued to focus all of its resources on the development and expansion of the United Partisan Effort program. The resources of the program have been directed almost totally to the governmental area where a deluge of tax and restriction proposals were emerging at the federal, state, and particularly at the local level... The Partisan Movement has been greatly expanded, now reaching all 50 states, with over 550 Smokers' Rights Groups formed. Additionally, a comprehensive Leadership Manual has been produced for all local smokers' rights group leaders as well as a remote start-up video training kit, including two educational and motivating video tapes on how to form an effective local Smokers' Rights Group. Significant improvements have also been made in the way Smokers' Rights meetings are held and the materials used, generating significant efficiencies... The Partisan Movement Field Force now encompasses 22 Field Coordinators. Only one area does not have a full-time coordinator and is currently being covered on an emergency

basis by existing personnel... The Allied Forces program has been greatly expanded with almost 20,000 growers, retailers, suppliers, wholesalers and others added to the data base after careful screening. Additionally, all RJR Nabisco employees, especially the RJRT sales force, have been called on for action... The Morning Team has met every morning and has initiated action on 70 issues this year encompassing direct mail and electronic alerts, phone banks, Allied Forces contact, CHOICE and Smokers' Rights Groups." R.J. Reynolds. Public Issues Department - 1991 Plans. September 5, 1990. Bates #512559207-512559321. [VIEW DOCUMENT](#)

6. Proactive Legislation

Tobacco companies have often proactively promoted legislation of their own design.

"I also want to thank you for sponsoring our bill, moving it through the House and finishing with such a decisive vote in our favor. We certainly appreciate the hard work that was evident." R.J. Reynolds. Letter from Lawrence A. Bewley to Oklahoma State Representative. April 26, 1984. Bates #517758546. [VIEW DOCUMENT](#)

"I also want to thank you again for sponsoring our bill. You are to be commended for getting such a decisive vote in the Senate." R.J. Reynolds. Letter from Lawrence A. Bewley to Oklahoma State Senator. April 26, 1984. Bates #517758547. [VIEW DOCUMENT](#)

"This memo comes in response to your recent correspondence and our conference call regarding proactive legislation in 1989. What follows are narrative analyses of each state in Region VIII with respect to proactive legislative possibilities. Please bear in mind that I have not had the opportunity for in-depth discussions with legislative counsel in each case, let alone the leaders of allied groups and coalitions which might be involved. As a result, these should be considered preliminary recommendations based on my personal knowledge and observations." Tobacco Institute. Proactive Legislation. Memo from Stan Boman to Walter Woodson. June 27, 1988. Bates #TIOK0019819-TIOK0019822. [VIEW DOCUMENT](#)

"Institute legislative counsel Ken Nance is working with other industry lobbyists to identify a legislator who will be a viable sponsor for legislation of this nature. ...Before the Oklahoma Legislature convenes in January of 1990, legislative counsel will have met with key members of the leadership and

arranged for a favorable committee referral. Until it becomes known what opposition, if any, the Oklahoma bill will face, great care must be taken as it moves through the legislative process lest it be amended in some way unacceptable to the industry. ...Support will be sought from organized labor and the American Civil Liberties Union in addition to traditional allies such as the OATD. ...Targeted key legislators will receive telephone calls and letters from TAN activists. Close cooperation with other industry lobbyists will be needed in the direct lobbying effort. Member company activist lists may be needed to generate grassroots contacts with legislators.”

Pro-Active Legislative Targets 1990. October 2, 1989. Bates #TI00310001-TI00310117. [VIEW DOCUMENT](#)

“Passed Bill to Require Designated Smoking Areas in State Buildings (Proactive)” Philip Morris. Southwest Region State Legislative Summary - 1989 Review & 1990 Plans. Bates #31803. [VIEW DOCUMENT](#)

Legislators may be unaware that they are carrying a tobacco company bill, as the industry has often worked to disguise the origins of proactive bills by working through allies and to focus the bills on non-tobacco-related topics (such as privacy, labor, anti-discrimination, or property rights).

“...it is imperative that the Tobacco Institute not be identified as a major player in this effort. ...The success of this effort will depend totally on the ability of our labor allies and consultants to develop a committed coalition under our direction.” Pro-Active Legislative Targets 1990. October 2, 1989. Bates #TI00310001-TI00310117. [VIEW DOCUMENT](#)

Proactively seeking the enactment of “preemptive” public smoking legislation has been one of the tobacco industry’s main tactics. To “preempt” something means to take an action that makes it pointless or impossible for someone else to do what he or she intended. In this case, preemption refers to actions the tobacco industry takes to stop municipalities from enacting smoking restrictions. A statewide preemptive law makes it illegal for a municipality to enact a smoking ordinance any stronger than the state law.

“State Activities has surveyed all states in an attempt to gain a clearer picture in discussing the question ‘is it prudent and/or possible to seek state level smoking restriction laws which preempt local jurisdictions?’ Our basic survey reveals that 22 states may be considered for such preemption.” R.J. Reynolds. State Wide Smoking Restrictions with Preemption. 1988. Bates #506624412-506624453. [VIEW DOCUMENT](#)

“The industry's own efforts to promote legislation favorable to its consumers also produced more state bills. These efforts were particularly successful in... preempting local

governments' ability to enact more stringent smoking restrictions than provided by state law.” Tobacco Institute. Legislative Report 1990 Final Summary. Bates #TI25780001-TI25782139. [VIEW DOCUMENT](#)

“Industry leaders have recognized that state laws which preempt local anti-tobacco ordinances are the most effective means to counter local challenges. Strategies and targets for this program have been discussed in detail and will continue for the foreseeable future.” R.J. Reynolds Tobacco Company. Memo from Kurt L. Malmgren to Samuel D. Chilcote, Jr. November 30, 1992. Bates #513331953. [VIEW DOCUMENT](#)

By 1994, Philip Morris had successfully promoted preemptive statutes in 19 states, and was going for all 50.

“By introducing pre-emptive statewide legislation we can shift the battle away from the community level back to the state legislatures where we are on stronger ground... While we’re not married to any particular form of pre-emption language, we’re dead serious about achieving pre-emption in all 50 states.” Philip Morris. Tina Walls – Introduction CAC Presentation #4 draft July 8, 1994. Bates #2041183751-2041183790. [VIEW DOCUMENT](#)

“So far, over the past few years, we have passed some form of accommodation / pre-emption legislation in 19 states... One of PM USA's most important political objectives for the coming year and into the future is to obtain some form of accommodation / pre-emption in all 50 states.” Philip Morris. Ellen Merlo Presentation. Bates #2040236685-2040236706. October 24, 1994. [VIEW DOCUMENT](#)

THE TOBACCO INDUSTRY FIGHT AGAINST SMOKING RESTRICTIONS IN OKLAHOMA 1976 - 2001

Tobacco industry influences over laws on public and workplace exposure to secondhand tobacco smoke have been extensive. Listed on the following pages are examples of relevant quotes from internal tobacco industry documents for a 25-year period starting in 1976.

For context, it is important to note that the issue of passive or involuntary smoking was first addressed in the 1972 U.S. Surgeon General's report, only eight years after the first Surgeon General's report on the health consequences of active smoking. According to the report, nonsmokers inhale the mixture of sidestream smoke given off by a smoldering cigarette and mainstream smoke exhaled by a smoker, a mixture now referred to as "secondhand smoke" or "environmental tobacco smoke." Cited experimental studies showed that smoking in enclosed spaces could lead to high levels of cigarette smoke components in the air. For carbon monoxide (CO) specifically, levels in enclosed spaces could exceed levels then permitted in outdoor air. The studies supported a conclusion that "an atmosphere contaminated with tobacco smoke can contribute to the discomfort of many individuals." The possibility that CO emitted from cigarettes could harm persons with chronic heart or lung disease was also mentioned.

Secondhand tobacco smoke was addressed in greater depth in a chapter of the 1975 Surgeon General's report. The report covered exposures and potential health consequences of involuntary smoking, and the researchers concluded that involuntary smoking had potentially adverse consequences for persons with heart and lung diseases. Two studies on nicotine concentrations in nonsmokers raised concerns about nicotine as a contributing factor to atherosclerotic cardiovascular disease in nonsmokers.

Despite these and subsequent concerns about the health effects of exposure to secondhand smoke, even very modest proposals to restrict smoking in public places were vigorously opposed by the tobacco industry.

1976

A tobacco industry lobbyist in Oklahoma reported blocking a proposed bill that would have added more nonsmoking areas to state law. The bill would have added reception areas of doctors and physicians to the public places where smoking could not be permitted unless there was a qualifying area for allowing smoking. The bill was assigned to the House Environmental Quality Committee, where it was not heard.

"My basic argument was that there was simply no need for such legislation as mere printed card requesting no smoking in the reception room of any Doctor's office would obviously be honored by all patients if they wanted to have another appointment! ...Holaday advised that he had been pressured by some women constituents into introducing HB1851 and also he was by his close friend Representative George Camp who is now Minority (Republican) Floor Leader and who is the most militant foe to the Tobacco Industry we have in Oklahoma. Camp is allergic to cigarette and is a complete nut as to anyone smoking in his presence even at his Lion Club Meetings. Holaday later made a half-hearted effort during the

several weeks remaining in the Session to get HB1851 out of the Environmental Quality Committee of the House but I had quietly done some missionary work with Committee Members and felt Holaday did not have enough votes to get the bill out of Committee to pass.” Tobacco Institute. HB1851 followed by note from Gene Hemry to Dan Alverson. Bates #TIOK0018994-TIOK0018996. Page 3. [VIEW DOCUMENT](#)

1977

The City Council in Oklahoma City approved a smoking ordinance on the morning of November 22, then reversed course in the afternoon, referring the matter instead to its Planning Committee. A tobacco industry lobbyist reported his actions and observations.

“I also stated it would be an unfortunate precedent as other cities might enact varying types of Ordinances some of which might very well impose on the rights of people that enjoyed smoking. I used the example of a person sitting on a stool in a hamburger place where the catsup was very cold. After hitting the bottle on the bottom several times and nothing happened, the catsup suddenly came gushing out spilling all over his own plate and also his neighbor on the next stool... I also made a more forceful talk on the second occasion as I reviewed some Tobacco Institute literature in my files. From the enclosed newspaper articles, you can see how close the voting was... My off-hand feeling is that there is no longer any way we can be subtle or discrete in approaching the subject in view of the newspaper publicity; that we might as well come out swinging and try to kill any City Ordinance that might restrict in any manner the use of tobacco.” Tobacco Institute. Letter from Gene Hemry to Roger L. Mozingo. November 23, 1977. Bates #TIOK 0018941. [VIEW DOCUMENT](#)

“This, of course, gives us a much needed breather and I will be in touch with you shortly after the Holidays as to what is being done to try and kill said proposed City Ordinance.” Tobacco Institute. Letter from Gene Hemry to Dan Alverson Re: Oklahoma City Proposed Anti-Smoking Ordinance. December 16, 1977. Bates #TIOK0018833-TIOK0018834. [VIEW DOCUMENT](#)

1978

With ongoing opposition and communications from the tobacco industry, the proposed OKC ordinance was ultimately defeated.

“It is our belief that tobacco smoke constitutes no health hazard to non-smokers in public places and that there is no convincing evidence to support such a claim. It is respectfully

submitted that neither City Ordinances or State Statutes can legislate good manners to inconsiderate smokers.” Tobacco Institute. Letter from Gene Hemry to Oklahoma City Mayor with added note to Roger L. Mazingo. February 14, 1978. Bates #TIOK0018841. [VIEW DOCUMENT](#)

“Enclosed herewith are copies of my individual letters of February 14th and February 15, 1978, which I mailed to all members of our Oklahoma City Council and to Mayor Latting, together with a set of all the enclosures to said letters.” Letter from Gene Hemry to the Oklahoma City Chamber of Commerce. February 15, 1978. Bates #TIOK0018844-TIOK0018845. [VIEW DOCUMENT](#)

“Anti-smoking City or State Ordinances cannot be enforced and therefore, should not be enacted... I respectfully submit that on the issue of side-stream or second hand smoke being harmful to another individual we make the flat statement that same has not been satisfactorily proved scientifically... In closing, I would like to state that the Tobacco Industry feels that they are a very respectable industry... they are, as an industry, spending millions of dollars annually on cancer research and in fact, such expenditures are more than the combined amounts similarly spent by the American Cancer Society and the American Lung Association. Thank you very kindly for your attention.” Testimony of Gene Hemry before the City Council of Oklahoma City. March 14, 1978. Bates #TIOK0018947-TIOK0018948. [VIEW DOCUMENT](#)

“On Tuesday of this week, the ordinance came up for final hearing, all our ‘troops’ were there... As you will recall, this is the second measure killed in Oklahoma this year -- one at the state level . I am now 3-0 this year, including New Orleans. I would like to think our success has been and finally everyone working together. Please pass my thanks to the companies for the large turnout of their representatives – it really has helped!” Tobacco Institute Gene Hemry letter to Roger L. Mazingo, March 17, 1978. Bates #85647090-85647091. [VIEW DOCUMENT](#)

Amid the mounting scientific evidence of the adverse health effects of secondhand smoke exposure, the Tobacco Institute commissioned the Roper Organization to conduct a national public opinion survey on smoking.

“What the smoker does to himself may be his business, but what the smoker does to the non-smoker is quite a different matter... Nearly six out of ten believe that smoking is hazardous to the nonsmoker’s health, up sharply over the last

four years. More than two-thirds of nonsmokers believe it and nearly one half of all smokers believe it. This we see as the most dangerous development to the viability of the tobacco industry that has yet occurred.” Roper Organization. A Study of Public Attitudes Toward Cigarette Smoking and the Tobacco Industry in 1978. Copy No. 6. May 1978. Bates #503591171-503591223. [VIEW DOCUMENT](#)

1979

The industry continued to lobby successfully against smoking restrictions in state legislatures.

“Smoking restriction legislation was defeated or killed for the year in 23 states.” The Tobacco Institute Legislative Report, 1979 Final Summary. Bates #T135930586-T135930816. [VIEW DOCUMENT](#)

The Tobacco Institute organized a grassroots network in Oklahoma as announced in a 10-page recruiting and training manual...

“A TAN [Tobacco Action Network] organization, headed by a State Director, has been established in your state.” Tobacco Institute. Getting Started With TAN (Tobacco Action Network). Bates #89694516-89694525. [VIEW DOCUMENT](#)

1980

The tobacco industry stopped two smoking restriction bills introduced in the Oklahoma State Legislature.

“Smoking Restrictions: 78 bills defeated in 28 states [including 2 in Oklahoma]”
Tobacco Institute 1980 Legislative Summary, Final Report. Bates #T135930144-T135930585. [VIEW DOCUMENT](#)

1981

The highly-respected British Medical Journal published a major epidemiological study by Takeshi Hirayama that concludes non-smoking women married to smokers were more likely to develop lung cancer than non-smoking women married to non-smokers. Brown and Williamson’s corporate counsel, wrote about the Hirayama study, saying that both German and British scientists paid by the tobacco industry had reviewed and endorsed the work.

“...they believe Hirayama is a good scientist and that his second-hand smoke non-smoking wives publication is correct.”
Brown and Williamson Tobacco Company. J. Wells, Re Smoking and Health - Tim Finnegan, Memo to E. Pepples, 1981, 24 July. Bates #521028582-521028583. [VIEW DOCUMENT](#)

1982

By 1982, there were three published epidemiologic studies on involuntary smoking and lung cancer. Also, the 1982 Surgeon General's report included a brief chapter on this topic. That chapter commented on the methodologic difficulties inherent in such studies, including exposure assessment, the lengthy interval during which exposures are likely to be relevant, and accounting for exposures to other carcinogens. Nonetheless, the report concluded that "Although the currently available evidence is not sufficient to conclude that passive or involuntary smoking causes lung cancer in nonsmokers, the evidence does raise concern about a possible serious public health problem"

The tobacco industry continued to fight and seek to defeat clean indoor air laws and ordinances across the country.

"Seventy-four (74) smoking restriction bills were defeated in 21 states in 1982. ...At the local level in 1982, 42 smoking restriction ordinances were approved in 41 localities; 13 ordinances were defeated in 13 localities and 24 ordinances remain pending in 22 localities." Tobacco Institute. Final Legislative Summary 1982. Bates #TI25823147-TI25823518. [VIEW DOCUMENT](#)

1983

One of the most difficult obstacles the tobacco industry has encountered is that smokers themselves tend to both favor smoking restrictions and abide by them with little opposition. An R.J. Reynolds survey study indicated (to the industry's surprise) that most adults, including smokers, favored smoking restrictions in public places.

"The first fact that emerged from the research we conducted is that a majority of all adults want smoking restrictions in public places... What was even more surprising for us to find was that smokers in regulated areas want restrictions more than smokers in non-regulated areas. They would vote for such legislation...It is easy to understand why this sentiment exists. Smokers feel less self-assured about public smoking than ever before and by having stricter regulators laws, they obtain a tighter definition of what constitutes their territory. As a result, regulation helps smokers overcome many of the social confrontations they have experienced in recent years." R.J. Reynolds. Smoking Attitudes Study. January 7, 1983. Bates #502771897-502771974. [VIEW DOCUMENT](#)

1984

Involuntary smoking was also reviewed in the 1984 Surgeon General's report, which focused on chronic obstructive pulmonary disease and smoking. One chapter of that report included a comprehensive review of the mounting information on smoking by parents and the effects on respiratory health of their children, data on irritation of the eye, and the more limited evidence on pulmonary effects of involuntary smoking on adults. The chapter began with a compilation of measurements of tobacco smoke components in various indoor environments. The data included measurements of more specific indicators

such as acrolein and nicotine, and less specific indicators such as particulate matter (PM), nitrogen oxides, and CO. The report reviewed new evidence on exposures of nonsmokers using biomarkers, with substantial information on levels of cotinine, a major nicotine metabolite. The report anticipated future conclusions with regard to respiratory effects of parental smoking on child respiratory health.

That same year, the Tobacco Institute celebrated the defeat of proposed state legislation in Oklahoma to restrict smoking in public places. The Oklahoma Restaurant Association (ORA) acknowledged this mutual accomplishment and simultaneously invoiced the Tobacco Institute for their annual ORA membership dues.

“The major legislative victories during 1984 in Region VIII were: * Defeating the public smoking bill in Oklahoma...”

Tobacco Institute. Region VIII Summary of Activities. Bates #TIOK0028831-TIOK0028838. [VIEW DOCUMENT](#)

“I’m glad that I can report to you as President of ORA that most everything we set as a goal in 1984 has been accomplished... Other significant developments were the defeat of ‘No Smoking’ laws... We are enclosing an invoice for your 1985 dues. It is the same amount you paid in '84. If you feel you can increase it to help meet our goal of increasing services in 1985, we'd appreciate it. If not, that's fine. And remember the ORA tradition, those who have their dues in by December 15 are listed on the HONOR ROLL in the January issue of our magazine.” Letter from President of the Oklahoma Restaurant Association to Terry Frakes of the Tobacco Institute. November 15, 1984. Bates #TIOK0031745 [VIEW DOCUMENT](#)

“Major legislation to restrict smoking in public places was held off in all but two states; local smoking restriction legislation, however, continued to grow as a major problem area.”

Tobacco Institute. Legislative Report. 1984 Final Summary. Bates #TI25823519-TI25824230. [VIEW DOCUMENT](#)

1985

Tobacco Institute was quick to react to any policies proposed to restrict public smoking in localities, including an apparent rumor of possible activity in Tulsa.

“...I attended the opening session of the Oklahoma Legislature and attended the Speaker’s Ball with TI lobbyist Ken Nance. At the ball, I had the opportunity to meet and chat with several members of the Tulsa delegation... I had asked each of them about any rumblings of anti-smoking activity before the Tulsa City Council.” Tobacco Institute. Monthly Report. Region VIII. January 1985. Bates #TIOK0031073-TIOK0031078. [VIEW DOCUMENT](#)

“Local smoking restriction activity continued to grow with increased emphasis on the workplace, but industry efforts defeated or delayed consideration of more than half the smoking restriction measures introduced in city and county governments this year.” Tobacco Institute. Legislative Report. 1985 Final Summary. Bates #TI25820001-TI25823146. [VIEW DOCUMENT](#)

1986

*U.S. Surgeon General Dr. C. Everett Koop boosted both public and scientific awareness of the substantial progress in understanding the harms caused by secondhand smoke exposure with publication of the 1986 Surgeon General’s report entitled *The Health Consequences of Involuntary Smoking*. In its 359 pages, the report covered the full breadth of the topic, addressing toxicology and dosimetry of tobacco smoke; the relevant evidence on active smoking; patterns of exposure of nonsmokers to tobacco smoke; the epidemiologic evidence on involuntary smoking and disease risks for infants, children, and adults; and policies to control involuntary exposure to tobacco smoke. That report concluded that involuntary smoking caused lung cancer in lifetime nonsmoking adults and was associated with adverse effects on respiratory health in children. The report also stated that simply separating smokers and nonsmokers within the same airspace reduced but did not eliminate exposure to secondhand smoke. All of these findings were relevant to public health and public policy. The lung cancer conclusion was based on extensive information already available on the carcinogenicity of active smoking, the qualitative similarities between secondhand and mainstream smoke, the uptake of tobacco smoke components by nonsmokers, and the epidemiologic data on involuntary smoking.*

Two other reports published in 1986 also reached the conclusion that involuntary smoking increased the risk for lung cancer. The International Agency for Research on Cancer (IARC) of the World Health Organization concluded that “passive smoking gives rise to some risk of cancer.” In its monograph on tobacco smoking, the agency supported this conclusion on the basis of the characteristics of sidestream and mainstream smoke, the absorption of tobacco smoke materials during an involuntary exposure, and the nature of dose-response relationships for carcinogenesis. In the same year, the National Research Council (NRC) also concluded that involuntary smoking increases the incidence of lung cancer in nonsmokers. In reaching this conclusion, the NRC report cited the biologic plausibility of the association between exposure to secondhand smoke and lung cancer and the supporting epidemiologic evidence. On the basis of a pooled analysis of the epidemiologic data adjusted for bias, the report concluded that the best estimate for the excess risk of lung cancer in nonsmokers married to smokers was 25 percent, compared with nonsmokers married to nonsmokers.

The accumulating knowledge that secondhand smoke exposure causes serious adverse health effects in nonsmokers resulted in many policymakers to become more concerned about secondhand smoke exposure. In Oklahoma, the cities of Edmond and Tulsa began to consider local action to protect workers from secondhand smoke, quickly attracting the attention of the tobacco industry.

“Edmond, OK, Council is considering restriction measure... vote set for 11/18. Board of Health in Tulsa is drafting a proposal to send to City Council in new year.” The Tobacco Institute. StateLine State Activities Division. November 6, 1986. Bates #TI46981061. [VIEW DOCUMENT](#)

“However, fortunately we did know about this situation and our lobbyist in Oklahoma City, Ken Nance, has been working on the Edmond ordinance... Hopefully the hearing will go good tonight and if something is passed we can at least have a very weak ordinance.” Tobacco Institute. Letter from Terry Frakes to a resident of Edmond, Oklahoma. November 17, 1986. Bates #TI29750392-TI29750395. [VIEW DOCUMENT](#)

“City Council approved ordinance by a 3-2 vote. Mayor is asking for amendment to restrict smoking in all city offices.” Tobacco Institute. Edmond Oklahoma Smoking Restrictions. November 17-19, 1986. Bates #TI29750389-TI29750390. [VIEW DOCUMENT](#)

“As you know, a committee of the Tulsa City-County Health Department is preparing a smoking restriction proposal for the city of Tulsa... As I indicated to you in our telephone conversation yesterday, I have approached Tulsa political consultant Mandell Matheson about representing TI on this matter. Matheson, who served in the Oklahoma House of Representatives with Ken Nance, comes very highly recommended by Ken and Bill Reynolds, as well.” Tobacco Institute. Memo from Stan Boman to Hurst Marshall. December 17, 1986. Bates #TI29750594-TI29750595. [VIEW DOCUMENT](#)

“This letter of agreement confirms that you have been retained to represent The Tobacco Institute in connection with proposed smoking restriction legislation in Tulsa, OK. Your responsibilities as legislative counsel to the Institute will be to represent us before the Tulsa City Commission; to report on a timely basis all relevant legislative actions, committee hearings, etc. and other reports as appropriate. Communication of your activities should be directed to me at this address. I will be responsible for coordinating industry efforts, as well as assisting you in developing strategy in dealing with this smoking restriction issue.” Tobacco Institute. Letter from Stan Bowman to Mandell Matheson. December 22, 1986. Bates #TI25072331. [VIEW DOCUMENT](#)

“This letter is to confirm our phone conversation of today's date in which I quoted you a fee of \$7,500 to work in behalf of the Tobacco Institute to attempt to defeat or amend the proposed ‘no smoking’ ordinance in Tulsa which appears to be a total ban in nearly all public places and some private locations. Also, I asked that some funds (\$2,000 to \$3,000) be made available for hiring a former Tulsa city official to help in these efforts. This person has not been contacted and will not

be until you approve. It is my understanding that this proposed ordinance appears to be one of the toughest in the nation and likely would be totally unacceptable to your group and, in reality, to almost any reasonable person.” Mandell Matheson to Stan Boman of the Tobacco Institute. December 16, 1986. Bates #TI29750596-TI29750621. [VIEW DOCUMENT](#)

“Attached is a copy of the proposed ‘no smoking’ ordinance as drafted by the City-County Health Department. Would you please send me as soon as possible some background info on Tobacco Institute so I’ll know who I’m representing and be able to explain when questioned as I know I will be.” Tobacco Institute. Letter from Mandell Matheson to Stan Boman. December 31, 1986. Bates #TIOK0018794. [VIEW DOCUMENT](#)

“Smoking restriction legislation of some sort is also expected in Oklahoma but should be contained in committee. Local smoking ordinances are expected to be proposed in several Oklahoma municipalities during 1987 and may produce significant challenges.” Tobacco Institute. 1987 State of the States. Bates #80420206-80420485. [VIEW DOCUMENT](#)

Nationwide, the tobacco industry was realizing greater success on clean indoor air legislation before state legislatures compared to city councils.

“Our record in defeating state smoking restrictions has been reasonably good. In fact, of the 418 separate proposals that we have confronted in the various states during the past three years, only 31 have been enacted--and many of those measures have been rather limited in scope... Unfortunately, our record with respect to local measures--that is, in cities and counties across the country--has been somewhat less encouraging. Over time, we can lose the battle over smoking restrictions just as decisively in bits and pieces – at the local level – as with state or federal measures.” Remarks of Raymond J. Pritchard Chairman and CEO Brown and Williamson Tobacco Corporation TMA Annual Meeting. May 15, 1986. Bates #TI20800651-TI20800660. [VIEW DOCUMENT](#)

1987

The tobacco industry strenuously fought efforts in Tulsa to adopt an ordinance to protect nonsmokers from exposure to secondhand tobacco smoke in certain public places.

“Thank you for sending us the copy of the proposed restriction law for Tulsa. I’m sure the proponents of this farce take great pride in proposing the most stringent antismoking law ever drafted. This ordinance would probably shock even San

Francisco antismoking activists, who consider themselves to be on the cutting edge of their 'movement'. For your reference, I have enclosed some basic information about the tobacco industry, the Tobacco Institute, and our position on the matter of smoking restriction legislation. Please let me know when you would like more detailed information in any particular area... However, the entire matter will eventually boil down to political considerations in Tulsa. Here, I defer to your judgement. Please know that all our resources are at your disposal and we will support your efforts in every way possible." The Tobacco Institute. Letter from Stan Boman to Mandell Matheson. January 6, 1987. Bates #TIOK0018792-TIOK0018825. [VIEW DOCUMENT](#)

"Met with Ken Nance to review expected legislative activity in Oklahoma. We also discussed the possible proliferation of local ordinances. Ken expects Oklahoma City to face a smoking ordinance in the near future. Spoke with Mandell Matheson, local TI counsel in Tulsa. I arranged for Mandell and Justin Hill of the Oklahoma Restaurant Association to meet prior to the hearing before the Health Commission in Tulsa on January 27." Tobacco Institute Weekly Activities Report. January 26-30, 1987. Bates #TIOK0019078-TIOK0019079. [VIEW DOCUMENT](#)

"As I'm sure you know, the recently released U.S. Surgeon General's report contained some very strong statements about environmental tobacco smoke (ETS) and its effect on nonsmokers. Some of these statements have been cited by antismokers in support of stringent smoking control laws that pose a hardship not only to the tobacco industry but to all types of businesses and local and state-level governments." Tobacco Institute. Letter from Stan Boman to the Oklahoma Restaurant Association. January 29, 1987. Bates #TIOK0029857. [VIEW DOCUMENT](#)

"Attached is copy of revised proposed ordinance. In section B-12a is the revision on restaurants. Section D,4 has a change relating to how much of a public place can be desi[g]nated as smoking area, I think... If you find anything of note please let me know right away." Tobacco Institute. Note from Mandell Matheson to Stan Bowman. February 15, 1987. Bates #TIOK0018782. [VIEW DOCUMENT](#)

"Also attached are copies of an ordinance passed in past couple of weeks by City of Claremore (nearby city of about 15,000) and the THIRD draft of Tulsa proposal... I'll attend the hearing Wednesday night (25th) and let you know what goes on, but no doubt in my mind they will pass it from health

board.” Tobacco Institute. Letter from Mandell Matheson to Stan Bowman. February 21, 1987. Bates #TIOK0018810-TIOK0018811. [VIEW DOCUMENT](#)

“Talked with Oklahoma legislative counsel Ken Nance and Bill Reynolds about... smoking restriction legislation pending in that state.” Tobacco Institute. Regional Weekly Activities Report. February 23-27, 1987. Bates #TIOK0019035-TIOK0019037. [VIEW DOCUMENT](#)

“As we expected, the City-County Health Board voted to send its proposed ordinance to the Tulsa City Commission. I sent you the latest draft last week and that’s the version they approved. They did a pretty damn good job of lining up their supporters this time and very few of ours showed up. We mailed approximately 600 of the card you received, and probably 8 or 10 folks showed up in response... *“IMPORTANT: I have (quoting you indirectly) said this proposed ordinance would be ‘the toughest in the nation.’* One of the mayor’s aides (Priscilla Harris) has asked if I can back that up... I’m not convinced we can get in a ‘good guy—bad guy’ battle and win. I’d really like to know what past experience has been in these kinds of situations.” Tobacco Institute. Letter from Mandell Matheson to Stan Bowman. February 27, 1987. Bates #TIOK0018767-TIOK0018774. [VIEW DOCUMENT](#)

“Let me first address your question as to whether the proposed ordinance, if approved, would be ‘the toughest in the nation.’ After perusing the most recent draft of the Tulsa ordinance, I would have to say the answer is ‘NO’. This is true primarily because proposed the regulation of smoking in restaurants has been lessened considerably in comparison with the first draft.” Tobacco Institute. Letter from Stan Bowman to Mandell Matheson. March 4, 1987. Bates #TIOK0018779-TIOK0018782. [VIEW DOCUMENT](#)

“We are preparing two more letters to go to each of the Commissioners this week. One on the strictness of the proposed ordinance and one on the Poll as it was conducted by the Tribune. We will send further information as it is available. Mandell talked to the Finance and Revenue Commissioner on Friday, he is the one who is and has been the possible swing vote. We seem to be making some progress convincing them that they should clean their own house first. That is not to say that that is the way it will stay, they seem to change positions rather regularly.” Tobacco Institute. Letter from Karen Matheson to Stan Bowman. March 9, 1987. Bates #TIOK0018740-TIOK0018743. [VIEW DOCUMENT](#)

“We plan to continue our efforts and step them up as time nears for commissioners to begin 'work sessions' on an ordinance. It appears as if the commission has its own legal department working on a draft and we will be trying this week to find out details.” Tobacco Institute. Letter from Mandell Matheson to Stan Bowman. March 15, 1987. Bates #TI29750499-TI29750500. [VIEW DOCUMENT](#)

“Mandell talked to the Mayor's aide yesterday. She says that the legal department is drafting several ordinances for the Commission to look at. I am suppose[d] to talk to her today and hopeful[y] will have more detail and an idea of when we can see some of the drafts.” Tobacco Institute. Letter from Karen Matheson to Stan Bowman. March 17, 1987. Bates #TI29750496-TI29750498. [VIEW DOCUMENT](#)

“The Tulsa City Commission met in a ‘work session’ on Friday (3-27-87) to discuss the proposed smoking ordinance. The good news is that three of the five commissioners... stated publicly that they favored a one-year trial ordinance which would restrict smoking only in city-owned and operated buildings... “The bad news, which was reported extensively in the media (clippings attached), is that the city attorney advised the commission to wait until they see what happens with the smoking law which passed the State Senate on Thursday. He correctly pointed out that the city would have to enforce whatever law the state passes and that it would be silly to pass a city ordinance less stringent than state law. I talked to Ken Nance late Thursday and the bill will be 99% dead on arrival in the House of Representatives, but the folks at City Hall don't know that.” Tobacco Institute. Letter from Mandell Matheson to Stan Bowman. March 29, 1987. Bates #TI29750475-TI29750478. [VIEW DOCUMENT](#)

“Mandell Matheson reports that opinion on the Tulsa City Commission remains very much divided on the question of smoking restriction legislation. Most commissioners acknowledge that some sort of ordinance will be approved; how stringent it will be is the larger question. Matheson is working to persuade commissioners that if they enact an ordinance, it should pertain only to city-owned buildings.” Tobacco Institute. Memo from Stan Boman to Hurst Marshall. March 30, 1987. Bates #TI22730672. [VIEW DOCUMENT](#)

“What it actually illustrates, I suppose, is the depth of anti-tobacco feeling here in Tulsa.” Letter from Mandell Matheson

to Stan Boman. May 25, 1987. Bates #TI29750456-TI29750457.
[VIEW DOCUMENT](#)

The Tobacco Institute was also tracking developments in Claremore and Grove.

“Claremore Oklahoma Smoking Restrictions... Would restrict smoking in city buildings. 2/03/87 City Council approved ordinance. Will take effect in 30 days.” Tobacco Institute. February 12, 1987. Bates #TI29740959. [VIEW DOCUMENT](#)

“Spoke with City Clerk in Grove, Oklahoma regarding a news clip on City Council discussion of a smoking ordinance. A local citizen asked the City Council to pass a restrictive smoking ordinance. The Council took no action on the request. We will continue to monitor.” Tobacco Institute. Weekly Activities Report. Week of March 23-27, 1987. Bates #TIOK0019042-TIOK0019043. [VIEW DOCUMENT](#)

At the Oklahoma Capitol, the tobacco industry was opposing a bill to restrict smoking statewide.

“The Senate passed Senate Bill 327 (Clean Indoor Air Act) last week. The bill is expected to be referred to the House Public Health Committee which rejected similar legislation by a 6-0 vote earlier this year.” Tobacco Institute. Memo from Stan Boman to Hurst Marshall. March 30, 1987. Bates #TI22730672. [VIEW DOCUMENT](#)

“As you know, Oklahoma SB 327, a statewide smoking restriction proposal, has passed the Senate and was referred to the House Mental Health Committee. Because of this unfavorable committee referral, SB 327 must be considered a serious threat. I have discussed circumstances concerning SB 327 with Oklahoma legislative counsel Ken Nance, and he has a strategy which may enable us to halt the bill’s progress. This plan’s success depends upon Ken’s ability to get the bill referred to another House Committee when it reaches the House floor for consideration. This second committee (ideally, House Public Health) will hopefully weaken the bill substantially, if not kill it altogether. ...Ken and I discussed the various resources which we can employ to support his lobbying effort including TAN mobilization, economic impact study, and the scientific witness team.” Tobacco Institute. Memo from Stan Boman to Hurst Marshall. April 9, 1987. Bates #TI29750239-TI29750250. [VIEW DOCUMENT](#)

“Consulted with Oklahoma legislative counsel Ken Nance about strategy against Oklahoma Senate Bill 327 (smoking restrictions).” Tobacco Institute. Weekly Activities Report. Week

of April 20 – 24, 1987. Bates #TIOK0019029-TIOK0019030. [VIEW DOCUMENT](#)

In direct response to the challenge of fighting a growing number of proposed local smoking restrictions in Oklahoma cities and towns, tobacco lobbyists in Oklahoma decided in late April or early May of 1987 that instead of seeking to defeat Senate Bill 327, they would seek to weaken it and to add a clause to pre-empt local action on smoking restrictions.

“As you know, I’ve been working with Ken at the state level, aiming at making any state law pre-empt local ordinances so this battle doesn’t take place in all 952 cities and towns in Oklahoma.” Letter from Mandell Matheson to Stan Boman. May 7, 1987. Bates #TIOK0018722. [VIEW DOCUMENT](#)

“Ken Nance did one hell of a good job in very difficult circumstances on the smoking law. If you’ve got to have a law (or if you’re going to get one anyway), this one is pretty good from our standpoint. I’m pleased, of course, with the pre-emptive clause eliminating regulations and ordinances by local units of governments. Ken gave me the task of helping get that portion solidified and I was delighted to participate. I’m hopeful this law, if finally passed, will get Oklahoma off the tobacco industry’s back for a while. I’ll keep you posted on the happenings here in Tulsa and will jump back into the ordinance fray if the bill fails.” Letter from Mandell Matheson to Stan Boman. May 15, 1987. Bates #TI29750549-TI29750551. [VIEW DOCUMENT](#)

In May of 1987, Senate Bill 327 was amended to include a preemptive clause declaring that “the State Legislature by adopting this act intends to preempt any other regulation promulgated to control smoking in public places and to standardize laws that governmental subdivisions may adopt to control smoking. Cities and towns may enact and enforce laws prohibiting and penalizing conduct under provisions of this act, but the provisions of such laws shall be the same as provided in this act and the enforcement provisions under such laws shall not be more stringent than those of this act.” (Oklahoma Statutes §63-1-1527). Oklahoma became just the second state to have preempted local action on smoking.

1988

The tobacco industry was pleased with this outcome in Oklahoma.

“The Oklahoma legislature enacted a rather weak smoking restriction law in 1987 that preempts any similar legislation by local governments.” Tobacco Institute. Proactive Legislation. Memo from Stan Boman to Walter Woodson. June 27, 1988. Bates #TIOK0019819-TIOK0019822. [VIEW DOCUMENT](#)

“Oklahoma legislative counsel have compiled a good track record through the past several years... in 1987 a stringent smoking restriction bill was amended extensively, resulting in

an extremely weak bill that preempts local smoking legislation.” Tobacco Institute. Lobbyist Evaluation. July 15, 1988. Bates #TI22731053. [VIEW DOCUMENT](#)

“...Oklahoma is very stable and manageable in terms of tobacco-related issues. This is due in large measure to the 1987 state smoking law which preempted local legislation on this subject. Oklahoma should not be viewed as a primary target for proactive legislation in 1989. Nevertheless, legislative counsel will remain alert for unexpected opportunities in the smokers' rights category and other areas.” Tobacco Institute. Region VIII Legislative Program. Memo from Stan Boman to Walter Woodson. July 18, 1988. Bates #TIOK0019761-TIOK0019763. [VIEW DOCUMENT](#)

1989

Tobacco lobbyists in Oklahoma closely monitored any attempts to repeal the preemptive state law.

“RE: Consortium of Heart, Lung and Cancer Associations. The above group, led by local dentist, Dr . Dan Brannin, appeared before the Tulsa City Commission on 9-12-89 to ask the City of Tulsa to assist them in lobbying to repeal the law which prohibits cities and towns from passing smoking ordinances which are more restrictive than the state law. The enclosed articles pretty well explain what occurred, but the main point is that they seem determined to take another shot at repealing the law next year. They’re organizing earlier than they did last year. Enough said.” R.J. Reynolds. Letter from Mandell Matheson to Ken Nance, Tom Rogers, and Richard Huddleston. September 14, 1989. Bates #TIOK0030324. [VIEW DOCUMENT](#)

“Good track record, particularly in the last few years... A very mild smoking restriction law was passed in 1987 which included language preventing municipalities from regulating smoking.” Tobacco Institute. 1989 Evaluations - 1990 Recommendations. Bates #TIOK0024316-TIOK0024317. [VIEW DOCUMENT](#)

The tobacco industry continued to see success in influencing legislative outcomes at the state level.

“Smoking restriction measures were defeated in 32 states.” Tobacco Institute. Legislative Report Final Summary 1989. Bates #TI25790001-TI25791894. [VIEW DOCUMENT](#)

1990

The tactics of creating doubt and stirring controversy are employed to help fight smoking restrictions.

“Despite all the research going on, the simple and unfortunate fact is that scientists do not know the cause or causes of the chronic diseases reported to be associated with smoking. The answers to the many unanswered controversies surrounding smoking -- and the fundamental causes of the diseases often statistically associated with smoking-- we believe can only be determined through much more scientific research. In regard to smokers’ rights, we would like to urge you and your friends to voice your opinion to Legislators and others who count.” R.J. Reynolds Letter from Joan F. Cockerham to a resident of Lamont, Oklahoma. February 13, 1990. Bates #507707891. [VIEW DOCUMENT](#)

Tobacco lobbyists in Oklahoma rally to protect state preemption of local smoking restrictions.

“But above all, we intend to resist, at all costs, any attempt by anti-tobacco forces to repeal the state’s preemption of local smoking regulation. I have great confidence in the industry’s lobbying corps in Oklahoma. I seriously doubt that any other group is represented by a more capable cadre than we have in Ken, Richard, Mandell, and Tommy. These gentlemen assure us that the 1991 legislative program will be pursued aggressively, but will in no case allow that program to endanger past gains.” Memorandum from Stan Bowman, Tobacco Institute to the Executive Director of the Oklahoma Association of Tobacco & Candy Distributors. November 13, 1990. Bates #TIOK0018704. [VIEW DOCUMENT](#)

1991

After mobilization of a well-coordinated, statewide letter-writing campaign, a bill to repeal preemption of local smoking restrictions failed to advance through the legislative process.

“Stan discussed the Okla. effort with Ken Nance today & given our understanding that the PM mobilization will involve 10 to 20 handwritten &/or personalized letters per legislative district, this effort should prove helpful in Ken's view. Naturally, it is our suggestion that before the mobilization occurs, that the specific copy be reviewed by all (4) of the ‘Tobacco Team’ lobbyists as well as Jack Dillard, you & Stan & I. Let’s discuss this issue when you get back to Winston-Salem at the end of this week.” R.J. Reynolds. Memo from Randy C. Morris to Joe Murray. Re: Denver & Pueblo, Colorado and Oklahoma. January 23, 1991. Bates #507593065-507593071. [VIEW DOCUMENT](#)

“SB #315, seeking repeal of pre-emption on tobacco-related municipal issues, is now dead for this session of the Oklahoma Legislature. Bill died in the Senate General Government Committee of the Oklahoma Senate as of 02/25/91.” Tobacco Institute. Legislative Action Report. February 7, 1991. Bates #TIOK0018711. [VIEW DOCUMENT](#)

After the legislative threat had passed, the effort to recruit and train members of local tobacco-industry-sponsored advocacy groups continued.

“The OKC group will hold its monthly meeting on Thursday the 14th. The meeting will focus on recruitment efforts. I shipped some giveaway items to the group last week to use as recruiting tools. In lieu of coupons, I’m hopeful that coffee mugs and pocket calculators will stimulate interest.” R.J. Reynolds. Weekly Report Readers. June 12, 1991. Bates #507698066-507698068. [VIEW DOCUMENT](#)

“The 1991 number one priority for group activity will be monitoring and lobbying the legislature. Groups will be encouraged to establish contacts with key legislators and the Governor.” R.J. Reynolds. 1991 Activity Plan Oklahoma. Bates #507689779-507689791. [VIEW DOCUMENT](#)

1992

The 1992 session of the Oklahoma State Legislature got off to a great start for tobacco companies, with their lobbyists’ requests for favorable committee assignments granted.

“I now know the committee assignments of three KEY bills and we got everything we asked for... HB 2019, which repeals state pre-emption on smoking in public places, was assigned to HOUSE COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT where we have MUCH better chance than in Health Committee. HB 2026, requiring Department of Human Services to prohibit smoking in day care centers, was assigned to HUMAN SERVICES COMMITTEE, instead of Health. Again, a better chance for us if we decide to be involved in that fight. HB 2229, which mandates no smoking on premises of any K-12 school — now up to local school boards — was assigned to HOUSE EDUCATION COMMITTEE. Still a tough committee, but not bad as health, where ALL these bills have gone in past. Only one thing worries me: Why are they being so good to us??” R.J. Reynolds. Letter to Joe Murray from Mandell Matheson. January 19, 1992. Bates #SOO/RJR.0345-SOO/RJR.0346. [VIEW DOCUMENT](#)

Given that most adults favor restrictions on smoking inside public places and workplaces, the tobacco industry realized that unless it effectively fabricated opposition, workplace smoking bans would be the wave of the future.

“Total prohibition of smoking in the workplace strongly affects industry volume. Smokers facing these restrictions consume 11%-15% less than average and quit at a rate that is 84% higher than average. Only 6.4%-10.3% of smokers face total workplace prohibition but these restrictions are rapidly becoming more common.” Philip Morris. Impact of Workplace Restrictions on Consumption and Incidence. January 21, 1992. Bates #2045447779-2045447806. [VIEW DOCUMENT](#)

Nationally, the focus of tobacco industry lobbying continued to shift from the state level to the local level.

“We face increasingly serious challenges at the local level of government in the areas of smoking bans... In 1983, 73 localities proposed smoking restriction ordinances. A large percentage of those introductions occurred in California, Massachusetts and Illinois. By 1986, the year of the Surgeon General's first major report on environmental tobacco smoke, the number of localities reviewing anti-smoking ordinances had grown to 229... Since the advent of local anti-tobacco challenges in the early 1980's, the industry has moved to deal with the local situation as effectively as possible. The Institute's regional directors, a handful of local legislative representatives, member company mailings and smokers' rights groups all were used to work on local ordinances in key localities. During the 1980s and until very recently, however, the clear priority for the industry was in the state capitals; local activities always took a back seat as far as time and resources were concerned... R.J. Reynolds Tobacco Company. Memo from Kurt L. Malmgren to Samuel D. Chilcote, Jr. November 30, 1992. Bates #513331953. [VIEW DOCUMENT](#)

1993

In 1993, the U.S. Environmental Protection Agency (EPA) concluded that second-hand smoke is a Class A carcinogen, estimating that second-hand smoke is responsible for 3000 lung cancers annually among non-smokers, while contributing up to 300,000 cases annually of respiratory illness in infants and children younger than 18 months. The tobacco industry quickly rejected the findings, communicating directly with Oklahoma lawmakers.

“EPA Report --The Action Line has received a number of calls about the EPA report. Callers have been critical of the EPA report. Action Line operators are not discussing this issue with callers and are instead trying to move them towards activist

steps like joining groups and writing letters to elected officials expressing their views... Advocacy Teams -- Development continues on this new cross-functional approach. Personnel is involved in development of team training aspects of the program.” R.J. Reynolds. Public Issues Update. January 1, 1993. Bates #515190563-515190566. [VIEW DOCUMENT](#)

“The enclosed packet has been prepared for selected members of the Oklahoma House and Senate, smokers and non-smokers alike, who have displayed by their actions and votes that they are open-minded on the issue of adults choosing to smoke; that they desire clear and convincing scientific information before they make decisions -- not just smoke and mirrors (pun only slightly intended); and that they will not blindly accept federal ‘studies’ or edicts just because some bureaucrat in Washington or Atlanta proclaims them to be The Gospel.” R.J. Reynolds. RE: EPA Report on "Environmental Tobacco Smoke": Some Firm Data and Responses for Your Use. March 28, 1993. Bates #512536916. [VIEW DOCUMENT](#)

“The tobacco industry is opposed to unreasonable public smoking laws. However, the industry does support policies that accommodate both smokers and nonsmokers. Total bans on smoking are unwarranted for a number of reasons. First of all, environmental tobacco smoke has not been scientifically proven to cause disease in nonsmokers.” Tobacco Institute. State Activities Division Issue Briefs. August 1993. Bates #511990422-511990495. [VIEW DOCUMENT](#)

Lobbying against proposed smoking restrictions continued.

“Mandell says the session looks pretty good for us at the moment... He says we will have to fend off the annual attempt to repeal the state preemption. A bill has been prefiled to restrict smoking in nursing homes and day cares.” R.J. Reynolds. Weekly Report Readers. Regional Activity. January 7, 1993. Bates #515190703-515190704. [VIEW DOCUMENT](#)

“Protect from repeal, yet again... passage of the smoking pre-emption statute...” Tobacco Institute. 1993 Legislative Plan: Oklahoma. Bates #TIOK0019927. [VIEW DOCUMENT](#)

Bold action by Tulsa County Commissioners and the Oklahoma State Department of Labor challenged the status quo, putting tobacco companies and their allies into a defensive mode.

“Following the EPA report on second hand smoke, a few Tulsa county commissioners took it upon themselves to ban smoking in county buildings. The ban is in apparent conflict with the

existing state law that says smoking areas must be designated. The District Attorney has even issued an opinion saying a county ban would be in direct conflict with the state preemption law. I have contacted my groups in Tulsa and Oklahoma City to ask that they contact the county commissioners to express displeasure over their lawlessness.”
R.J. Reynolds. Weekly Report Readers. Regional Activity. February 3, 1993. Bates #515190707-515190708. [VIEW DOCUMENT](#)

“In addition, King has his group writing the Department of Labor to oppose smoking bans in state buildings. The DOL will hold a hearing on March 24 to hear testimony on smoking bans. King and others from his group will testify against the concept of smoking bans... Mandell Matheson, RJR lobbyist, reports that all is quite on the legislative front. Keep it that way Mandell!” R.J. Reynolds. Weekly Report Readers. Regional Activity. March 11, 1993. Bates #515190725-515190726. [VIEW DOCUMENT](#)

“On last day I caught some language in SB 361, dealing with Oklahoma Department of Labor (the bill set out the DOL’s duties under the new Department of Environmental Quality) which might have allowed them to set up smoking restrictions. We changed the wording to the point that Ken Nance and I believe it will be virtually impossible for DOL to ever set any smoking restrictions except to follow federal OSHA rules (which they could already do). All involved claim mistake was made with no intent for tomfoolery. Sure won't be any now. DOL, recall, was trying to set some regs earlier this year.” R.J. Reynolds. Adjournment and Brief Report on 1993 OK Legislative Session. Memo from Mandell Matheson to Joe Murray. June 3, 1993. Bates #SOO/RJR.Q535. [VIEW DOCUMENT](#)

“The only real problem we had this year in Oklahoma was with the Department of Labor. They intended to severely restrict smoking in all government owned buildings to separately ventilated areas only. Ken responded quickly and decisively and through his efforts we were able to delay any action on this issue indefinitely.” Tobacco Institute. Oklahoma; Ken Nance 1993 Evaluation - 1994 Recommendations. Bates #TIOK0029028-TIOK0029030. [VIEW DOCUMENT](#)

“Attached for your review and approval is testimony for Aubrey before the Oklahoma subcommittee hearing on a 100% smoking ban in restaurants. I have also attached the two articles I’d suggest you make available at the hearing.” R.J.

Reynolds. Oklahoma Restaurant Smoking Ban Testimony.
October 30, 1993. Bates #511412478. [VIEW DOCUMENT](#)

Meanwhile, a Philip Morris Tobacco Company proposal to create a new smoker's alliance reminded corporate leaders of why they fight smoking bans.

“Financial impact of smoking bans will be tremendous... Three to five fewer cigarettes per day per smoker will reduce annual manufacturer profits a billion dollars plus per year.” Philip Morris. A Smokers' Alliance. July 9, 1993. Bates #2021183190-2021183245. [VIEW DOCUMENT](#)

1994

Oklahoma's state preemption of smoking restrictions prevented the Oklahoma State Department of Labor from taking action to restrict smoking in workplaces. A few days later, preemption is lauded by R.J. Reynolds Tobacco Company as a model among states and important to defend.

“Oklahoma Dept of Labor considered smoking limits in state/local government buildings, but was preempted by state law. Tobacco Institute. 1993 Status Report State Tobacco Legislation. January 14, 1994. Bates #TIFL0003939-TIFL0003953. [VIEW DOCUMENT](#)

“I believe you will find that your state now enjoys one of the strongest preemption bills in the country. I would urge you to focus your efforts in defeating all attempts to weaken or eliminate existing preemption in Oklahoma.” R.J. Reynolds. Letter from Joe Murray to a resident of Oklahoma City. January 18, 1994. Bates #SOO/RJR.0675. [VIEW DOCUMENT](#)

The U.S. Occupational Safety and Health Administration (OSHA) proposed rules to restrict smoking inside workplaces, prompting Philip Morris Tobacco Company to develop mobilization plans for all 50 states.

“Allied groups will be requested to submit letters of opposition to OSHA's proposed rule. We will ask them to notify their members with mailings and supply us with names of individual members who will write letters. The industry lobbying team will encourage expanded participation in this effort. Our lobbyist, Ken Nance, will coordinate the contact effort and the return of copies of letters addressed to OSHA.” Philip Morris. State-by-State Plan. Bates #2046419198-2046419246. April 1994. [VIEW DOCUMENT](#)

1995

A national report indicates a successful year for defeating smoking restrictions in many states, including Oklahoma.

**“NUMBER OF STATE BILLS BY ISSUE AND STATUS
SMOKING RESTRICTIONS 18(A) 0(P) 191(D) 209(TOTAL)
(A) = APPROVED
(P) = PENDING
(D) = DEFEATED
...OKLAHOMA SMOKING RESTRICTIONS 0(A) 0(P) 6(D) 6(TOTAL)”**
Tobacco Institute. Legislative Report 1995 Final Summary. Bates
#TI37550001-TI37551294. [VIEW DOCUMENT](#)

R.J. Reynolds Tobacco Company works with their Oklahoma lobbyist to generate phone calls and help ensure preemption is retained in the Oklahoma statutes.

“Working with RJR lobbyist Mandell Math[e]son... we have completed the first phase of grassroots program to start direct connect phone calls to the [members] of the Oklahoma Legislature who are considering passing a bill that would repeal the statewide preemption law. In the first phase of the program we targeted the following: House Commerce, Industry and Labor Committee... The second phase of the plan will target the following: Up calls to 10 per day to House Commerce, Industry and Labor Committee Members.” R.J. Reynolds. Field Report Oklahoma Legislature. February 8, 1995. Bates #515323367-515323368. [VIEW DOCUMENT](#)

Philip Morris Tobacco Company prepares a broad plan of action for protecting preemption in 1996.

**“OK currently has uniformity/preemption accommodation. In '95 the League of Municipalities made a strong attempt to reverse these laws and House Bill H1007, Senate Bill 95 and Senate Bill 367 will all carry over to '96 session and need to be defeated...
RESOURCES NEEDED: ...Minority Party Lobbyist - Identify and recruit a second lobbyist that can support the current OK team. This could help defend efforts by the governor's task force on tobacco and youth smoking from negatively impacting the good preemption and ADAMHA laws that exist... Coalition Support - Strengthen relationships with current accommodation coalition members and work with broader array of hospitality, tourism and private business associations.”** Philip Morris. Discussion of Key 1996 Issues. Bates #2061855071A-2061855073. [VIEW DOCUMENT](#)

1996

State preemption of local ordinances was again retained in Oklahoma statutes and 155 statewide smoking restriction bills were defeated nationwide, including six in Oklahoma.

“The 1996 Oklahoma Legislative Session ended May 31, 1996. No legislation harmful to the industry was passed. There were numerous bills in conference committees near session end which could have been amended to repeal our pre-emption law, but we were able to head off and kill or halt any amendments.” R.J. Reynolds. Oklahoma 1996 Session Results. June 9, 1996. Bates # SOO/RJR.1194-SOO/RJR.1195. [VIEW DOCUMENT](#)

“Oklahoma -- The House Commerce, Industry and Labor Committee of the Oklahoma Legislature voted not to pass a bill that would repeal the statewide preemption law, although some compromise legislation will ultimately be passed on youth smoking. Lobbyist Mandel Matheson believes the two phase grassroots program made a major impact on the positive results.” R.J. Reynolds. Public Issues Update. February 19-23-1996. Bates #528016460-528016463. [VIEW DOCUMENT](#)

**“NUMBER OF STATE BILLS BY ISSUE AND STATUS
SMOKING RESTRICTIONS 21(A) 19(P) 155(D) 195(TOTAL)
(A) = APPROVED
(P) = PENDING
(D) = DEFEATED
...OKLAHOMA SMOKING RESTRICTIONS 0(A) 0(P) 6(D)
6(TOTAL)”** Tobacco Institute. Legislative Report 1996 Final Summary. Bates #TI37551295-TI37552677. [VIEW DOCUMENT](#)

1997

Of 178 smoking or tobacco use restriction bills introduced by state legislatures across the country, 159 were defeated and 19 were approved.

**“NUMBER OF STATE BILLS BY ISSUE AND STATUS
SM/USE RESTRICTIONS 19(A) 0(P) 159(D) 178(TOTAL)
(B) = APPROVED
(P) = PENDING
(D) = DEFEATED”**
Tobacco Institute. Legislative Report 1997 Final Summary. Bates #TI37541023-TI37542696. [VIEW DOCUMENT](#)

Philip Morris Tobacco Company observes that collaborative efforts by a Governor’s Task Force on Tobacco and Youth and a national celebrity were unsuccessful in seeking preemption repeal.

“Task Force members were said to be extremely frustrated and amazed by the Legislature’s inability to overturn uniformity in 1996 with the aid of the Task Force despite very high profile appearances by anti-tobacco celebrities such as Bobby Mercer.” Philip Morris. Governor Frank Keating Oklahoma - Republican. April 1997. Bates #2062900530-2062900533. [VIEW DOCUMENT](#)

“Historically, Oklahoma has been a fairly positive political environment for tobacco issues. The state is one of the few to hold the line on uniformity despite repeated high profile efforts for repeal.” Philip Morris. Inter-Office Correspondence from Thomas J. Collamore to Geoffrey C. Bible. July 8, 1997. Bates #2073952671. [VIEW DOCUMENT](#)

1998

A tobacco lobbyist expresses concerns that health groups may push for a statewide law to protect all Oklahomans from workplace exposure to secondhand smoke.

“Bobby Murcer, the ex-baseball play, is again pushing efforts to pass additional "youth smoking" legislation. One "shell" bill has been introduced. However, I believe his group, which is bunch of folks, cancer, lung, etc.; will work this year on ‘California’ type law to ban smoking in all public places. I’ll keep you posted.” R.J. Reynolds. Cong. Contacts, Beginning Legislative Hearings, Other. Memo from Mandell Matheson, Legislative Counsel, Oklahoma to David powers, RJR, State Government Relations. January 19, 1998. Bates #517758793-517758794. [VIEW DOCUMENT](#)

Philip Morris Tobacco Company plans to strengthen their already strong coalition membership and provide funding and expertise to ally leadership.

“The political environment is somewhat favorable. The legislature remains balanced. However, leadership and executive branch are less favorable towards business... Strategies... Add minority (R) party lobbyist to support Oklahoma team. Emphasis will be to gain access to the Governor's office. Use public relation consultants and media affairs to support attainment of objectives by developing the right public atmosphere. Identify and develop spokespeople to talk about successes of preemption and accommodation. Continue to actively support and strengthen already strong coalition membership and use membership to effectively lobby against repeal of preemption. Provide funding and public relation expertise to ally leadership.” Philip Morris. Draft

Oklahoma State Plan. August 4, 1998. Bates #2062900557-2062900559. [VIEW DOCUMENT](#)

1999

Philip Morris Tobacco Company lists preemption repeal and smoking restrictions as major defensive threats in Oklahoma.

“MAJOR DEFENSIVE THREATS...

Major Milestone Tasks

Preemption Repeal

White Paper for Coalition Nov '99

Meet with Grocers & Restaurant Assoc. Nov '99

Publicize Able Commission Report Jan '00

PR with local Law Enforcement Dec '99

Smoking restrictions

Briefing Paper on Common Sense Approaches Oct '99

Publicize Accommodations Program Jan '00

Run OK Rest. Assn. Poll Dec '99

Develop Coalition Complete”

Philip Morris. Legislative/Regulatory Objectives. September 1, 1999. Bates #2071721469-2071721544. [VIEW DOCUMENT](#)

2000

A bill proposing smoking restrictions in certain public places is viewed as unfavorable to the tobacco industry, especially if it might be used a legislative vehicle to repeal preemption.

“Oklahoma HB2529 Prohibits smoking in designated nonsmoking areas, meetings of a public body, nursing facilities licensed by the Nursing Home Care Act, health and educational facilities may prohibit all smoking or designate smoking areas, does not apply to a room, hall or building used for a private function which is not under the control of the state or local governmental agency. ...Lobby as desired.” R.J. Reynolds. Concatenation Report. March 3, 2000. Bates #528383356-528383533. [VIEW DOCUMENT](#)

“HB2529 Conferees named. Still must be watched very closely because of possibility of amending to allow pr[e]-emption.” R.J. Reynolds. 2000 RJ Reynolds Oklahoma Tobacco Specific Legislation. May 3, 2000. Bates #531290506-531290508. [VIEW DOCUMENT](#)

2001

The tobacco industry had yet again extended their perfect record of protecting state preemption of local smoking restrictions.

“OKLAHOMA ...Annual attempts to roll back statewide smoking preemption legislation failed to receive committee approval.”

Lorillard Tobacco Company External Affairs Legislative Conference. October 7-10, 2001. Bates #99374926-99374975.

[VIEW DOCUMENT](#)

Misinformation regarding secondhand smoke was prepared for use in Oklahoma in response to the State Board of Health endorsing a bill to prohibit smoking in public places throughout the state.

“CONFIDENTIAL (For Response Only)

Oklahoma Considering Indoor Smoking Ban

Background

The Oklahoma board of health has endorsed a bill that prohibits smoking in most indoor public places in the state. Under the bill, smoking is also prohibited within 15 feet of a public building’s main entrance. The bill is currently being reviewed by the state legislature and the governor’s office, both of which have approval authority before the bill goes into effect. (The bill has a July 1 effective date if approved).

Key messages

Regarding secondhand smoke:

- Reynolds Tobacco understands that many people find secondhand cigarette smoke annoying, and wish to avoid being bothered by it. We also understand that some people want to avoid exposure to secondhand smoke because they believe it presents a risk to their health. At the same time, we believe that smokers should have places where they can enjoy smoking a cigarette without bothering, or being bothered by, others.
- There are many ways to allow smokers and nonsmokers to peacefully coexist in public places without resorting to smoking bans. Common courtesy and common sense — coupled with adequate ventilation and filtration, and designated smoking areas — can accommodate the wishes of both smokers and nonsmokers. In our opinion, business owners know best how to satisfy their customers, and they should be allowed to decide whether they want to allow, restrict or ban smoking in their establishments.

IF NEEDED:

- Despite the conclusion by a variety of public health organizations and government bodies, Reynolds Tobacco does not believe that the scientific evidence concerning secondhand smoke establishes it as a risk factor for lung cancer, heart disease or any other disease in adult nonsmokers. However, a considerable amount of scientific research is being done in this area, and we will continue to evaluate the results of this work.” R.J. Reynolds. Oklahoma Considering Indoor Smoking Ban. Bates #525222424. [VIEW DOCUMENT](#)

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APPENDIX A

Selected Examples of Tobacco Industry Interference in Oklahoma Laws

Year	Tobacco Industry Quote	Source Document
1967	<p>"H. 666 - Provides for appointment of-a full-time Smoking & Health Program Director and making appropriation therefor... Our major concern runs to... H .666."</p> <p>"Oklahoma H. 666... Current status: Killed in Committee. Comment: We were active in opposition of this bill."</p>	<p>Tobacco Institute. Oklahoma Legislative Situation. February 13, 1967. Bates #00619385N-00619385Q. VIEW DOCUMENT</p> <p>Tobacco Institute. State Anti-Tobacco Legislative Activity, 1967. August 14, 1967. Bates #1002909099-1002909155. VIEW DOCUMENT</p>
1984	<p>"I also want to thank you for sponsoring our bill, moving it through the House and finishing with such a decisive vote in our favor. We certainly appreciate the hard work that was evident."</p> <p>"I also want to thank you again for sponsoring our bill. You are to be commended for getting such a decisive vote in the Senate."</p>	<p>R.J. Reynolds. Letter to Oklahoma State Representative. April 26, 1984. Bates #517758546. VIEW DOCUMENT</p> <p>R.J. Reynolds. Letter to Oklahoma State Senator. April 26, 1984. Bates #517758547. VIEW DOCUMENT</p>
1987	<p>"As you know, I've been working with Ken at the state level, aiming at making any state law pre-empt local ordinances so this battle doesn't take place in all 952 cities and towns in Oklahoma."</p> <p>"Ken Nance did one hell of a good job in very difficult circumstances on the smoking law. If you've got to have a law (or if you're going to get one anyway), this one is pretty good from our standpoint. I'm pleased, of course, with the pre-emptive clause eliminating regulations and ordinances by local units of governments. Ken gave me the task of helping get that portion solidified and I was delighted to participate. I'm hopeful this law, if finally passed, will get Oklahoma off the tobacco industry's back for a while. I'll keep you posted on the happenings here in Tulsa and will jump back into the ordinance fray if the bill fails."</p>	<p>Tobacco Institute. Letter from Mandell Matheson to Stan Boman. May 7, 1987. Bates #TIOK0018722. VIEW DOCUMENT</p> <p>Tobacco Institute. Letter from Mandell Matheson to Stan Boman. May 15, 1987. Bates #TI29750549-TI29750551. VIEW DOCUMENT</p>
1988	<p>"Oklahoma legislative counsel have compiled a good track record through the past several years. In 1986, tax-related legislation was stopped through some excellent parliamentary maneuvering; and in 1987 a stringent smoking restriction bill was amended extensively, resulting in an extremely weak bill that preempts local smoking legislation. Efforts by Governor Bellmon to increase the state's cigarette tax in 1988 were blunted."</p>	<p>Tobacco Institute. Lobbyist Evaluation. July 15, 1988. Bates #TIOK0028595-TIOK0028598. VIEW DOCUMENT</p>

1990	<p>"1989 LEGISLATIVE REVIEW * Defeated Proposal to Increase Consumer Excise Tax on Cigarettes * Passed Bill to Require Designated Smoking Areas in State Buildings (Proactive)"</p> <p>"CONSTITUENTS: ...OKLAHOMA: Again, a love fest. They are all best friends. We sponsored a legislative bar-b-que with TI, Tobacco Wholesalers and RJR earlier this year... In OK, the industry lobby team is absolutely superb and seems to be able to hold leadership to coming out in the press against a cigarette tax every time the Governor brings it up, which is often. All of the lobbyists were former members and just do a great job. So our defensive strategy is just to keep on keeping on. We use events, charitable contributions, and entertainment of standing committees. Not much caucus stuff here. A major improvement is we have to establish an Oklahoma Pac or give Tom Rogers a raise. So far we've done fine without it but it sure would help out."</p>	<p>Philip Morris. Southwest Region Legislative Summary. 1990. Bates #31803. VIEW DOCUMENT</p> <p>Philip Morris. Southwest Region Assessment of Lobbyists. 1990. Bates # DOCS000134-DOCS000149. VIEW DOCUMENT</p>
1991	<p>"The industry's striking success in Oklahoma during 1991 is directly attributable to the very talented team of tobacco lobbyists who worked diligently, effectively and cooperatively in Oklahoma City."</p>	<p>Tobacco Institute. Oklahoma 1991 Legislative Session. June 12, 1991. Bates #TIOK0018706-TIOK0018707. VIEW DOCUMENT</p>
1992	<p>"I now know the committee assignments of three KEY bills and we got everything we asked for... HB 2019, which repeals state pre-emption on smoking in public places, was assigned to HOUSE COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT where we have MUCH better chance than in Health Committee. HB 2026, requiring Department of Human Services to prohibit smoking in day care centers, was assigned to HUMAN SERVICES COMMITTEE, instead of Health. Again, a better chance for us if we decide to be involved in that fight. HB 2229, which mandates no smoking on premises of any K-12 school — now up to local school boards — was assigned to HOUSE EDUCATION COMMITTEE. Still a tough committee, but not bad as health, where ALL these bills have gone in past. Only one thing worries me: Why are they being so good to us??"</p>	<p>R.J. Reynolds. Letter to Joe Murray from Mandell Matheson. January 19, 1992. Bates #SOO/RJR.0345-SOO/RJR.0346. VIEW DOCUMENT</p>
1993	<p>"Ken Nance has done an outstanding job for the Tobacco Institute. Under his leadership, pre-emption was passed in 1986 and privacy was passed in 1991. Nance and the other members of the tobacco team in Oklahoma work extremely well together and appear to have a considerable amount of strength in the political process there."</p>	<p>Tobacco Institute. Ken Nance 1993 Evaluation – 1994 Recommendations. 1993. Bates #TIOK0029028-TIOK0029030. VIEW DOCUMENT</p>

	<p>“FINAL SCORE –</p> <ol style="list-style-type: none"> 1. No tax increases. 2. No repeal of pre-emption law. 3. No additional state-imposed restrictions on smoking. 4. No restrictions placed on advertising, sales, sampling, packaging, disposal, etc. 5. On last day I caught some language in SB 361, dealing with Oklahoma Department of Labor (the bill set out the DOL's duties under the new Department of Environmental Quality) which <i>might</i> have allowed them to set up smoking restrictions. We changed the wording to the point that Ken Nance and I believe it will be virtually impossible for DOL to ever set <i>any</i> smoking restrictions except to follow federal OSHA rules (which they could already do).” 	<p>R.J. Reynolds. Adjournment and Brief Report on 1993 OK Legislative Session. June 3, 1993. Bates #SOO/RJR.0535 VIEW DOCUMENT</p>
1994	<p>“The following is my brief summary of bills introduced which could have had direct, adverse impact on the interests of RJR... We've got a good group in Oklahoma, but Ken Nance, representing the Tobacco Institute, deserves a great deal of credit for his extraordinary bill writing and general lobbying skills.”</p> <p>“The only real problem we had this year in Oklahoma was with the Department of Labor. They intended to severely restrict smoking in all government owned buildings to separately ventilated areas only. Ken responded quickly and decisively and through his efforts we were able to delay any action on this issue indefinitely.”</p>	<p>R.J. Reynolds. Final Status of Bills – Oklahoma. May 31, 1994. Bates #SOO/RJR.0688-SOO/RJR.0690. VIEW DOCUMENT</p> <p>Tobacco Institute. Oklahoma; Ken Nance 1993 Evaluation - 1994 Recommendations. Bates #TIOK0029028-TIOK0029030. VIEW DOCUMENT</p>
1996	<p>“No legislation harmful to the industry was passed. There were numerous bills in conference committees near session end which could have been amended to repeal our pre-emption law, but we were able to head off and kill or halt any amendments. HB2494 – Youth Access to Tobacco Act: Bill was basically written exactly as we wanted... THIS BILL, WHICH STARTED OFF STRONGER THAN DRAINNO, ENDED UP BEING MINOR MODIFICATION OF OUR CURRENT ADAMHA LAW.” <u>SYNOPSIS</u> Our tobacco team joined forces with grocers and restaurant associations to remove very onerous provisions in HB 2494, which included all tobacco products behind counters, ventilation in restaurants, higher fines, loss of retail licenses for 2nd or 3rd violation of sale to minors, total ban of vending machines, total ban of sampling, etc. Our phone bank was activated and targeted at committee members with great effect. Grocers and restaurants did same with some help from tobacco industry. Before bill left House, we had commitment from author that bill would not be accepted if amended beyond the scope of</p>	<p>R.J. Reynolds. Letter from Mandell Matheson. June 9, 1996. Bates #SOO/RJR.1194. VIEW DOCUMENT</p>

	<p>bill which finally went to governor. Senate amended it heavily, but version of bill we approved was bill passed.”</p> <p>“FINAL SESSION REPORT...</p> <ol style="list-style-type: none"> 1. Pre-emption NOT repealed. 2. Only tobacco bill passed was youth access (our version). 3. Bill giving Attorney General power to obtain attorney fees if obtaining judgment in a case passed with cleanup language ONLY. NO NEW POWERS, NO NEW ABILITY TO OBTAIN FEES. 4. No tax increases. 5. No new advertising restrictions. 6. No new sampling restrictions. <p>Sorry, best we could do!”</p> <p>“I was told late yesterday that Rep . Ray Vaughn, R-Edmond, will re-introduce legislation we killed last year to repeal preemption, provide for suspension, revocation, etc. of licenses for retail outlets selling to minors, forbid point of purchase displays, etc .”</p>	<p>R.J. Reynolds. Letter from Mandell Matheson. June 4, 1996. Bates #SOO/RJR.1199. VIEW DOCUMENT</p> <p>R.J. Reynolds.. Fax from Mandell Matheson. August 16, 1996. Bates # 515323220-515323221. VIEW DOCUMENT</p>
1997	<p>“Oklahoma -- Retailers are being contacted and asked to call all but two members of the State Senate in their Capitol offices. They will be calling in opposition to SB 619, which reverses the current preemption on retail restrictions statewide.”</p>	<p>R.J. Reynolds. Public Issues Status. February 26, 1997. Bates #530482037-530482045. VIEW DOCUMENT</p>
1998	<p>“A strong Retail Grocers Association and very strong Restaurant Association will make up for a weak C-Store (OK Oil Marketers) organization in addressing tobacco legislation. The tobacco industry lobbyists continue to enjoy ‘Dream Team’ status.”</p>	<p>Philip Morris. Oklahoma State Plan – 1999. October 1998. Bates Number #2064862397-2064862734. VIEW DOCUMENT</p>
2001	<p>“Please review the enclosed memo from the OK Department of Health concerning potential amendments to H.B. 1009. The Youth Smoking Prevention Bill incorporates many of the provisions from our model language. Please note, however, that some suggested changes may not. I need you to review the suggestions and give me specific language that achieves our goals.”</p>	<p>Philip Morris. Memo re: OK Department of Health: YSP – HB 1009. May 4, 2001. Bates #2080360720. VIEW DOCUMENT</p>

APPENDIX B

Related Information and Resources

Action on Smoking and Health / Oklahoma Tobacco Research Center
[U.S. Tobacco Industry Interference Index 2019](#)

Americans for Nonsmokers' Rights
[United States v. Philip Morris USA Inc., et al.: The Case against Big Tobacco](#)

Campaign for Tobacco Free Kids
[Tobacco Industry Interference with State Policy](#)
[Industry Watch: Policy Interference](#)
[Big Tobacco: Exposing its Deadly Tactics](#)
[U.S. Racketeering Verdict: Big Tobacco Guilty as Charged](#)
[Corrective Statements: Ads and Social Media](#)

Public Health Law Center at Mitchell Hamline School of Law
[United States v. Philip Morris \(DOJ Lawsuit\)](#)
[Racketeers at the Table: How the Tobacco Industry is Subverting the Public Health Purpose of Tobacco Regulation](#)
[The Verdict Is In: Findings from United States v. Philip Morris](#)

Stopping Tobacco Organizations and Products (STOP)
[Crooked Nine: Nine Ways the Tobacco Industry Undermines Health Policy](#)

Truth Tobacco Industry Documents Library
[Topical Collection: Tobacco Industry Influence in Public Policy](#)

United States Department of Justice
[Litigation Against Tobacco Companies Home](#)

World Health Organization
[Tobacco Industry Interference with Tobacco Control](#)