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Woodward & McDowell is pleased to offer this proposal for management of the referendum campaign to rescind San Francisco's badly-conceived anti-smoking ordinance.

We have an intimate knowledge of the territory, its people and the methods and messages to reach them.

We are proud of the expertise we have gained in three previous campaigns that defeated anti-smoking laws.

We are confident that, with proper marshalling of grassroots supporters, coordinated utilization of their efforts and skillful use of media messages to exploit the vulnerabilities of the ordinance, we can achieve victory.

Q.1. What would be the general elements of your campaign plan?

To win we must stay away from the battle of smokers vs. non-smokers -- and focus the debate on the new smoking law's provisions.

In short, the law, not smoking, must be the issue.

It is highly probable that sides will be chosen on this issue much more quickly than happened on Propositions 5 and 10 because the issue has history and is a familiar one.

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Moreover, we will again have to build an attitudinal coalition since no natural demographic constituency offers itself in sufficient numbers on this issue.

Victory will most likely be found once more among the 25-35 percent of persuadable voters.

We will focus on the vulnerabilities of the new smoking law:

- Government intrusion
- Discrimination -- only private sector work places are covered; not state or federal government work places. In fact, smoking would be permitted on any property owned or leased by state or federal government entities (Sec. 1004 (2)), but not property owned or leased by the city.
- Unfair and inequitable
- Punitive -- \$100 a day fines for individual violators; \$500 a day for employers.
- Employer becomes an unwilling watchdog

In essence this is bad law and the voters should reject it.

To make the public aware of the debate on our terms we must have credibility. That means CCAGI must have the active involvement of a broad cross section of San Franciscans.

A good start has already been made on securing support from a cross section of San Francisco citizens, but labor and business must be actively involved in overturning the ordinance.

Those already aboard must be joined by the Teamsters, San Francisco Chamber of Commerce, individual businesses (large and small), both political party county central committees, the realtors, law enforcement, and

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prominent San Franciscans who were involved in Proposition 5 such as Willie Brown and John Foran.

In short, the public committee must be as diverse and broad-based as is San Francisco.

It is particularly important that there be a large, active and highly visible volunteer, grassroots organization in this campaign since San Francisco and the Bay Area are "home territory" for Paul Loveday, Peter Hanauer, et al. They are sure to be very active in this campaign and they will -- if true to past performances -- try to attack your efforts as an "industry campaign."

The organizational elements that would be needed are:

1. Finance -- particularly an extensive small donor campaign.
2. Research -- including quantitative and focus groups surveys, legal and economic analyses, opposition research.
3. Press -- including media endorsements, letters to the editor, media events, press releases, op-ed pieces, talk shows, and fact sheets.
4. Speakers bureau -- including training and placement for appearances on talk shows, service clubs, and other public forums.
5. Coalition building -- organization and activation of allies.
6. Advertising -- including electronic, print and direct mail.
7. Get-out-the-vote -- election day, absentee ballot and phone canvassing operation.

Q.2. Do you see the campaign as primarily a media one (including direct mail) or involving more of a grassroots volunteer effort?

Not one of the major smoking propositions has been defeated by an overwhelming margin; therefore, we believe it will be necessary

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to use every available resource to get our messages across to the public, including both media and a strong grassroots organization effort.

Television must be used for its emotional impact; radio to deliver information; newspaper for credibility advertising (who's aboard and why); outdoor for reinforcement and reminder advertising; direct mail to reach target audiences with specific messages designed to appeal most to those recipients.

The media mix will be determined by the survey data and the availability of the various media to the campaign. Ideally, the thrust of the campaign would be carried by direct mail, television and radio, with outdoor and newspaper providing reinforcement. We recognize that the San Francisco electronic media, especially television, are notoriously difficult to deal with when placing issue advertising. W & M has had extensive experience in dealing with these stations, however, and we believe we can succeed in placing an effective buy.

The grassroots volunteer effort will be of paramount importance in establishing the credibility of the campaign. This campaign must be seen as a community effort, not merely an industry effort.

The grassroots organization effort must be designed to produce endorsements, contributions, volunteers for phone canvassing and a get-out-the-vote effort, and speakers and forums for the campaign speakers bureau.

Q.3. With respect to your general approach to the campaign strategy, what would be your initial steps during the first two to three weeks? Based on your knowledge of the San Francisco voting public, what would be the general media mix?

The initial efforts of the campaign, during the first two to three weeks,

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would be devoted to:

- (a) Legal and economic analyses of the ordinance to verify its flaws and weaknesses so that they may be developed into campaign messages.
- (b) Utilization of existing allies to help obtain new supporters.
- (c) Enlistment of key community leaders, such as Willie Brown, John Foran, Dale Marr, Tony Ramos, Jim Harvey, Gary Shansby, etc.
- (d) Analysis of survey research.
- (e) Development of campaign plan.
- (f) Production of initial fact sheet.
- (g) Securing media endorsements.

(Our response to remainder of question contained in response to Q.2)

Q.4. Please identify who from your firm would be directly responsible and how much time each person would have available for this campaign. Please comment on your perceived role in terms of overseeing consultants.

The three partners -- Dick and Mary Woodward and Jack McDowell -- would all be involved, with Dick Woodward having lead responsibility. Seventy-five percent (75%) of the combined time of the partners would be devoted to this campaign.

In addition, we have two senior associates who have developed highly successful speakers bureaus and voter contact programs on behalf of the tobacco industry in previous campaigns. They will be assigned to make at least 50% of their time available to this campaign.

W & M would supervise consultants who would be hired to serve the campaign in the following areas: media production (including direct mail) and placement, fundraising, survey research and phone bank operation.

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Q.5. Describe the kind of Committee that should be organized to support this effort. What type of individuals would you want to be the spokespersons for the campaign? Please give specific names if you feel that would be helpful.

The public (and highly-publicized) committee should be virtually unlimited in number and should embrace all possible segments of San Francisco's voting population.

The emphasis on organized labor must be heavy -- people such as Jack Crowley of the Central Labor Council (AFL-CIO), William Zenn of the unaffiliated International Longshoremen's and Warehousemen's Union. The impact of this committee would be enhanced further by the inclusion of other such recognized bellwethers as Dale Marr (Operating Engineers/ Building Trades) and Tony Ramos of the Carpenters Union.

The committee also should include such business community leaders as Marie Brooks, Jim Harvey, Gary Shansby, Walter Haas, Mike Salarno and other of their stature.

There also should be such opinion-influencers as Jim Foster of the gay community (who has valuable previous experience in opposing anti-smoking proposals) and representatives of small business such as an officer of the National Federation of Independent Business (NFIB). Representatives of San Francisco's neighborhood and ethnic organizations should be recruited for the credibility and stature they would add to the committee.

Spokespersons to be quoted in news releases and for some public appearances (depending on individual abilities) would be drawn from this committee. Most spokespersons assigned to appear on broadcast talk and call-in shows would come from the campaign's speakers bureau.

Spokespersons who would receive and respond to inquiries from news media reporters would be the news bureau of the campaign management team.

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Q.6. *What types of direct mail would you consider utilizing?*

Direct mail would be used initially to raise funds and gather endorsements; subsequently, to garner votes for our position.

We would utilize targeted direct mail with messages designed for such specific audiences as labor union households and small business. Other specific audiences would be determined by the survey findings and other data.

We would also design a direct mail program tied to a phone bank canvassing operation.

In addition, we would seek to participate in the slate mailings of organized labor, both political parties and other organizations.

Q.7. *Who would be responsible for conducting the direct mail part of the campaign?*

Ray McNally & Associates would be retained by W & M to serve as production agents for direct mail. Their material would be designed and produced under our supervision.

Q.8. *How would you generate free press (news coverage)?*

News media functions would involve continuous generation of news, creation of media events beneficial to our cause and other essential activities. For example:

- (a) Taking news media representatives into private enterprise workplaces where awkward, troublesome or expensive changes are necessary to comply with the ordinance -- then into similar state and federal workplaces where, because of their exemption, nothing is required and nothing will happen.

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- (b) An ongoing flow of news announcing new supporters, campaign committee appointments, etc. -- each featuring statements helpful to our cause by the subject of the release.
- (c) Maintaining ongoing personal contacts with the key news media personalities involved in the coverage, writing and decision-making in each print and broadcast outlet.
- (d) Backgrounding key columnists, specialty writers, commentators and editors on the unfair, discriminatory and costly weaknesses of the ordinance.
- (e) Presentation of support material and requests for editorial endorsements from all media that make such recommendations.
- (f) Placement of able and credible spokespersons on talk and call-in shows.
- (g) Assisting in an ongoing flow of letters-to-the-editor.
- (h) Training spokespersons for public debates with officeholders and others who favor the ordinance.

Q.9. How would you deal with the Board of Supervisors, including but not limited to Wendy Nelder? How would you handle Mayor Feinstein?

The major dollars for Mayor Feinstein's recall election campaign came from the same corporate donors who have the most to lose if this law remains in effect. Gentle persuasion behind the scenes from the corporate community and from labor should keep Dianne's participation to a minimum.

Efforts to persuade supervisors who supported the ordinance to change their positions probably would not succeed and could backfire.

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Q.10. How would you handle the issue of large campaign contributions from the tobacco industry?

We would not try to hide or deny the existence of large contributions by the tobacco industry. The best offsetting factor will be the broad-based campaign which is made up of people prominent in San Francisco's organized labor, small business, civic and neighborhood organizations.

There is no way anyone can keep our opponents from talking about such contributions and trying to make an issue of them. But public attitude surveys -- before and after previous anti-smoking elections -- show that this issue has no significant effect on the voting public. They expect the tobacco companies to be contributors. It is up to us to have many, many more small donors involved, even though the tobacco companies will provide by far the largest dollar amount.

Q.12. As a final question, some of which you may have already answered in your initial submission to the Committee, please discuss any experiences or successes in comparable situations that you have had.

Woodward & McDowell has had extensive and successful experience in fighting such anti-smoking legislation as this.

The three partners and two senior associates of this firm were actively engaged in the front lines of those battles.

Woodward & McDowell organized and managed the campaign that set the pattern for defeating such proposals -- California's Proposition 5 in 1978.

We participated in the strategies, creation and production of media messages used in the campaign against a similar law proposed in Dade County, Florida.

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We created and produced media advertising for the 1980 campaign that defeated California Proposition 10 in 1980.

The Woodward & McDowell team has achieved victory for its clients in numerous other campaigns in California and many other states.

We are confident that this successful experience uniquely equips this firm to direct the anti-smoking law referendum campaign in San Francisco.

In addition to these responses to your specific questions, our preliminary review of the ordinance suggests these potential flaws which may possibly be exploited:

- The fine is too high. Let's search the penal code for a number of repugnant crimes for which the penalty also is \$500.
- The law discriminates. If it is necessary to protect the public health, as it states, "why are state and federal workers not equally protected?"
- Section 1004 (3) says a workplace is exempt if it is leased by "a sole independent contractor." Presumably even if it is occupied by 85 workers?
- There is no penalty provided for one who smokes in a no-smoking workplace. The ordinance does not prohibit any smoking. It prohibits an employer from permitting any person from smoking in covered workplaces.
- What recourse is there against an employee who disregards the no-smoking signs. Fire him?
- Will there not be a taxpayer cost whenever an employer receives a tax credit for installation of equipment or makes alterations to comply with this ordinance? Other taxpayers -- homeowners and other businesses -- would, in effect, pay for it.

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- Claims that no vigorous enforcement will be ordered are meaningless. Wouldn't some anti-smoking zealot go into court and obtain a writ mandating the city to enforce the law?
- The ordinance says building alterations are not required. But won't the practicalities in many cases require remodeling to comply?

Legal and economic analyses should be undertaken immediately to document these weaknesses and discover others.

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