

FOR YOUR INFORMATION

BERNIE ROBINSON

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PHILIP MORRIS U.S.A.
INTER-OFFICE CORRESPONDENCE
100 Park Avenue, New York, N.Y. 10017

To: Mr. Edward Grefe
From: Bruce Johnston
Subject: TI'S CAMPAIGN REGARDING NEW JERSEY
ANTI-SMOKING REGULATION

Date: January 17, 1979

HISTORY OF PHC CONTROVERSY

In April of 1978 the New Jersey Public Health Council adopted a regulation restricting smoking in public places. Subsequently, the New Jersey Legislative Oversight Committee met and announced that the PHC overstepped its jurisdiction. State Attorney General John Degan later ruled that the Council did not follow its own rules in promulgating the regulations. The Public Health Council then rescinded the adopted regulations and began the process again. On December 11, the PHC held another hearing concerning the proposed rules and may adopt the proposal with minor changes, sometime in March.

Despite some activity in New Jersey by the TI, the industry does not have a winning strategy with which to defeat this regulation. The principal campaign organization set up to oppose the regulation is a citizens' committee (New Jerseyans for Free Choice). It is extremely narrow in its composition. There are only three non-industry leaders on the committee. They are Frank Ginesi, of the New Jersey Patrolmen's Benevolent Association, Frank McBride, New Jersey Culinary Workers Union, and Mayor Patrick Fiorilli of Vineland, Director of New Jersey Conference of Mayors. At this time the committee is still a paper tiger without more than ten members and little, if any credibility with the press. As long as New Jerseyans for Free Choice remains a paper committee it will do us little good and potentially great harm.

We have been very fortunate in New Jersey to have had several delays. The reaction of the Assembly Legislative Oversight Committee towards the PHC is a large plus for our cause. The Assembly recently passed four bills which broaden the legislature's role in reviewing regulations by state agencies. The New Jersey TI lobbyist, Joe Katz, has been successful in cultivating a more balanced legislative view.

It is still not too late to mount a successful grass roots lobbying and p.r. campaign. The TI does not share our view that New Jersey can be turned into a victory if we mount a

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more aggressive effort. Their campaign will be a losing one because it is predicated on acceptance of watered down regulations.

PRESENT TI ACTIVITIES

Presently, the TI plans for no direct lobbying of the Public Health Council by industry operatives. It is the TI's belief that any further direct lobbying efforts by the industry related personnel of the PHC would be perceived as strong arm tactics. The TI predicts the battle with the PHC will drag on for a minimum of another three to six months. Their strategy is to stimulate enough grass roots activity to weaken the measure. All of their activity is aimed specifically at the Public Health Council.

- A. Sometime soon New Jerseyans For Free Choice will hold a press conference to respond to the New Jersey Department of Energy Ventilation Study. Gary Shaw, President of the New Jersey Restaurant Association, will chair the briefing for New Jerseyans For Free Choice. Dan Cullen of Mathtech will also be present to refute that study. A date will be set on January 23rd, when the steering committee of New Jerseyans For Free Choice meets to analyze Judge Goldman's report.
- B. Jim Hedden, New Jersey TAN Director, is working to recruit new members for New Jerseyans For Free Choice.
- C. New Jerseyans For Free Choice will also mail a personalized piece to 200 local associations urging them to contact their members. As soon as Judge Goldman issues his report, a second mailing detailing the findings will be mailed to the same group. Personal follow-up with the request for a mailing to their association membership is also planned.
- D. Joe Katz will work the legislature pushing for enactment of the Oversight Committee bills already passed by the Assembly. Katz will handle the legislature exclusively. New Jerseyans For Free Choice will not lobby the legislature in any way whatsoever.

Rick Scanlan has indicated to me that Jane Robinson, Chairman of the Public Health Council, has stated privately that she will take out of the regulations whatever Assemblyman Gwertz would like to see deleted. If the ventilation regulations are deleted from the proposed regulations, the PHC may be forced to start the hearing process anew. Although this is a plus in that it will give us additional time, it may further weaken us politically. The restaurant association will no longer have as large an interest in this issue.

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SUGGESTED IMMEDIATE ACTION POINTS

My analysis of the TI's activities is based upon two assumptions:

1. The PHC will pass some form of anti-smoking regulations no matter what the industry does;
2. The battle will have to be won in the legislature since our attorneys do not believe the courts will preempt the PHC.

Therefore, until the PHC issues a ruling we should wage a two-pronged campaign -- directed at the PHC and the legislature. We should direct our efforts at the PHC, - with copies of letters to the legislators. We should also generate a public education program -- including letters to the editor. Once the PHC issues their regulation, or beforehand if time permits, we should move aggressively to convince the legislature to preempt the PHC. 1979 is an election year for members of the New Jersey legislature. The amount of heat we generate will be magnified by the fact that the legislator's survival antennae will be turned on "high". Below is the list of campaign issues which the TI needs to address immediately.

NEW JERSEYANS FOR FREE CHOICE

We should very seriously consider changing the name of our committee. Presently, the New Jerseyans For Free Choice lacks credibility with the press because of its narrow composition. It has been "exposed" by the media as an industry front group. Secondly, there is another group in New Jersey called New Jerseyans For Free Choice in Cancer Therapy. If this group maintains a high profile, it will confuse the public. The cancer group's activities may highlight the charges by our real opponents that this is a health issue. Many of the pro-abortion groups are also using the term "Free Choice" in their literature.

The citizens committee should include prominent New Jerseyans who are not connected with our industry. The committee should be organized in the same manner Californians for Common Sense was in California. Members of our management as well as our employees can help recruit prominent persons to lend their names. Although Jim Hedden, New Jersey's TAN Director, is moving to recruit members, no one person can be expected to recruit the broad based representation needed.

Below is a list of the type and caliber of individuals who should be recruited:

Mr. Charles Maricante
President
N.J. A.F.L. - C.I.O.

Mr. Harold Ruvold, Esq.
Prominent Attorney

Mr. Charles Adgemian
CEO
Garden State National Bank

Hon. Joseph Hoffman, Esq.
Prominent Attorney

Mrs. Charles Engelhard
Philanthropist

Mr. David Rinsky
President
Newark Chamber of Commerce

Hon. Anne Martindale
Former State Senator

The top counties and cities (including Essex, Bergen, Hudson and Passaic) should be organized. The chairman of each county and city group should be a prominent non-industry person. In recruiting such people, we should be conscious of the ethnic and racial composition of the state. The tobacco family can be reached via a direct mail program. Each letter should be personalized from the appropriate trade association director or president and should contain a "beggar" (to raise money) and reply card. Every wholesaler, vendor, and sales representative should be directly asked to join the committee. We have supplied the TI with mailing labels, with which to reach vendors, retailers and wholesalers.

EDUCATION AND RECRUITMENT OF KEY CIVIC, LABOR, MINORITY AND ELECTED OFFICIALS

As soon as possible a packet of materials from the committee should be sent to selected civic and elected officials. The goal is to educate these opinion-makers. This will serve to lay the groundwork for a personal approach to be made later by the designated local committee chairperson. The primary attack themes for this mailing should be (1) the cost to government and (2) the role of government in regulating personal behavior. We can then begin to recruit city council members, mayor's and freeholders to lend their name to our cause. Every mailing should contain a reply card.

We should also identify potential coordinators for each group. For instance, a retired labor leader or business executive should be hired to coordinate personal follow through for the appropriate group. Each coordinator should be able to identify the necessary constituent power points of the necessary trade associations. We need to move in this area as soon as possible.

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DIRECT MAIL-GENERAL PUBLIC

We should retain direct mail specialists to coordinate a program for the general public. Although the nature of the battle is different in New Jersey than in California, the direct mail firm employed should consult with Woodward & McDowell. The direct mail program for California was excellent and could be applied to New Jersey. The general audience piece should be designed to recruit supporters who will blunt the argument that our side is in the minority. To limit costs, we would use names Brown & Williamson collected by coupon in 1977.

PUBLIC RELATIONS

A.A. Schecter (H&K) should be instructed to submit a detailed publicity campaign plan to the member companies. Despite the drawn out process of this battle, the press still views this as a newsworthy issue. The number of subjects that could be utilized for the development of press releases, public affairs talk shows and electronic features are endless. The plan should provide for replys to negative editorials. Schecter should be in contact with Lance Terrance. Terrance would be very helpful in assessing the saliency of the possible attack themes. All public relations activities should be conducted through the expanded citizens committee.

Editorial support should wait temporarily until we have our state and county organization in place. Although there has been sufficient publicity for newspapers, radio and t.v. stations to take a stand, we should not try for editorials until our side has established more credibility.

A.A. Schecter should be instructed to develop an A/V presentation on the PHC regulations and their consequences for New Jersey. The theme of the presentation should be (1) cost to government and (2) the governments role in regulating personal behavior. This A/V should be developed with the intent of it being shown to a non-industry audience. This aid could be shown to business, civic and in some instances elected officials.

GRASS ROOTS POST CARD DRIVE

Although we should continue all reasonable efforts to sway the PHC, our grass roots organizing should be directed towards influencing the legislature. To this end, a p.o.s. display should be developed with reply cards addressed to the oversight committee of the legislature. Each card could have a message directed to the legislature. This activity would have a two-fold effect:

1. Applying pressure on the legislature,
2. Identifying the smokers and citizens in the state who are opposed to anti-smoking laws.

Despite the sympathetic view by many in the New Jersey General Assembly, it is unrealistic for us to expect politicians to side with us until they are shown that there are many voters favorable to our position. In one sense it is strictly a numbers game. We need to provide the Legislature with the necessary political ammunition to justify restraints on the PHC. This could be done by petitions, letters, meetings between our city and county groups and their legislators and a first class public relations campaign. We should also push the four bills, already passed by the Assembly, which create a joint Senate and Assembly Oversight Committee empowered to veto administrative regulations.

SUMMARY

The campaign in New Jersey offers us an excellent opportunity to begin to develop a model with which we can organize our TAN supporters. Every activity in this battle should be developed with this as our underlining objective.

The TI has budgeted \$70,000 for essentially a direct mail campaign which key members of the TI staff believe will achieve only a modification of the regulations now being considered by the PHC.

To win, we must make the regulations so politically hot that

the PHC decides to stop this regulatory effort or is preempted from doing so by the legislature.

If the industry chooses to continue the present compromise strategy, we will undoubtedly be the loser for justifiable reasons.

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cc: A. Briod
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B. Robinson