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Union's Ad on Smoking Ban Was Paid for by Philip Morris

By RICHARD LEVINE

Full-page newspaper advertisements yesterday that opposed a proposed smoking ban on the Long Island Rail Road and Metro-North were signed by a transit union president, but secretly paid for by Philip Morris.

"I'm outraged," said Robert R. Kiley, chairman of the Metropolitan Transportation Authority, the railroads' parent agency. "This kind of manipulation absolutely undermines any credibility that the opposition to a

ban on smoking on the commuter railroads might have had."

The advertisement was published in The New York Times, The Daily News, The New York Post and Newsday. It carried the signature of James D. Phelan, general chairman of the United Transportation Union.

'We've Been Very Up Front'

"We did pay for the ad," said Guy L. Smith, vice president of corporate affairs for Philip Morris U.S.A., the cigarette company.

"We've had a number of conversations with Mr. Phelan, and our interests and his interests coincided on this issue," he said. "We thought and he thought this was an effective way to communicate them."

Asked why the company's name did not also appear on the advertisements, Mr. Smith said: "It's communicating the union's message. We've been very up front on our opposition to smoking bans."

The M.T.A.'s proposal would ban

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smoking on the Long Island Rail Road and the Metro-North Commuter Railroad. The authority's board has scheduled a vote on the ban today. If it is approved, it would take effect Nov. 2.

The advertisements printed yesterday ran under the headline "An Open Letter to the M.T.A." "The present arrangement of non-smoking cars and smoking cars accommodates all passengers," it read. "It should be left as is. Instead of continuing Metro-North's practice of management by image, we urge the M.T.A. to focus its attention on the real problems in the system."

The advertisement went on to list environmental hazards the union contends its members and Metro-North riders are exposed to, including asbestos at Grand Central Terminal and other pollutants "from the railroads' equipment and disposal practices."

Reached in Florida, Mr. Phelan said it had cost about \$80,000 to publish the advertisements. Asked if the union, which represents 700 Metro-North employees, had paid for it, he replied, "Not exclusively." He declined to elaborate.

The advertisements put Mr. Phelan in apparent conflict with the head of another United Transportation Union



Robert R. Kiley

The New York Times

local representing conductors on the Long Island Rail Road. The leader of that local, Edward Yule Jr., has been seeking a smoking ban on the line for many years.

Mr. Phelan said he was hoping to use

the controversy over the proposal to publicize what he considers hazardous working conditions.

"The people that want to smoke should smoke," Mr. Phelan said. "I don't care about that."

According to Paul J. Golden, a cigar-smoking Metro-North commuter from Greenwich, Conn., and the leader of a smokers' advocacy group, Commuters for Fair Treatment, Philip Morris also supplied the copy for leaflets his group distributed. Mr. Golden, president of a Manhattan printing company, said his company produced the leaflets.

"They handled the technical advice and the language," Mr. Golden said, referring to the cigarette company. He added that Commuters for Fair Treatment had received no money from the company.

A Flood of Mailgrams

However, Philip Morris did sponsor a breakfast at the Roosevelt Hotel for members of Mr. Golden's group before last week's M.T.A. hearing.

Asked about a campaign to have people send Mailgrams to the M.T.A. opposing the ban, Mr. Smith said Philip Morris had "assisted some people in communicating with them."

Up to last Thursday, the last date the agency said it would accept comment on the matter, the mail and phone calls had been about evenly divided,

said John Cunningham, the M.T.A. press secretary. He said that since Friday, the agency had received enough Mailgrams to shift the tally to 84 percent against and 16 percent for the ban.

The M.T.A. board is divided on the smoking issue, with some members in favor of an immediate ban and some opposed. There has also been discussion about reducing the number of smoking cars. And one board member has raised the possibility of postponing today's vote.

"My position is we ought to go forward with the prohibition," Mr. Kiley said. "We're not going to learn anything new by waiting a month or two."

According to the M.T.A., several other transit agencies have banned smoking, including N.J. Transit, which adopted its prohibition in February 1986 without public hearings or a vote by its board. The agency said the action has had no impact on ridership.

M.T.A. officials said they considered the ban a public health issue. However, eliminating smoking cars would also increase the railroad's flexibility in assigning equipment and save money in cleanup costs.

The L.I.R.R. now has one smoking car on trains of up to 10 cars and two smoking cars on longer trains. Virtually all Metro-North trains have one smoking car.