

The Tobacco Industry on Why it Needs Preemption

“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.”

Tina Walls, Philip Morris internal document, Bates No.: 2041183751/3790, 1994

“We could never win at the local level.... So the Tobacco Institute and tobacco companies’ first priority has always been to preempt the field, preferably to put it all on the federal level, but if they can’t do that, at least on the state level.”

Victor L. Crawford, Former Tobacco Institute Lobbyist, Journal of the American Medical Association, 7/19/95

“Our record in defeating state smoking restrictions has been reasonably good. Unfortunately, our record with respect to local measures...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.”

Raymond Pritchard, Brown and Williamson, US Tobacco & Candy Journal, 7/17/86

“It’s barely controlled chaos [at the local level]. We can’t be everywhere at once.”

Walker Merryman, The Tobacco Institute, San Francisco Examiner, 5/12/91

“The anti-smoking movement has become more sophisticated in its efforts to enact bans and restrictions on smoking.... They have adopted a ‘Pac-man’ strategy where they attempt to gobble up one community at a time.... The ‘Pac-man’ strategy makes sense for the antis because it is easier for a group of extremists to have an impact on the local level than in larger jurisdictions.... The solution to ‘Pac-man’ is statewide pre-emption.”

Tina Walls, Philip Morris internal document, Bates No: 2041183751, 1994

“You can’t sue every place every time... or even send people to challenge every proposal every place anymore.”

Thomas Lauria, The Tobacco Institute, San Jose Mercury News, 5/8/94

“Our top priority in fighting the proliferation of smoking bans and restrictions can be summed up in two words: ‘accommodation’ and ‘preemption.’”

Ellen Merlo, Philip Morris internal document, Bates No.: 2040236685/6706, 1994

“When you have 95,000 local units of government in this country, and you have a finite amount of resources, then the smart thing to do is to try to limit the potential for mischief [i.e. seek preemption].”

Walker Merryman, The Tobacco Institute, Los Angeles Times, 3/25/90

“I’ve learned from experience that as soon as I’m identified as a representative of the Tobacco Institute, I lose all credibility. They just sneer us away... so I try to work behind the scenes whenever I can.”

Ron Saldana, The Tobacco Institute, Los Angeles Times, 8/24/86

“Here our objective is to work... to insure that we maintain the environment of accommodation and that we are positioned to fend off attempts to remove preemption or strengthen the level of statewide restriction.”

“Philip Morris and the Hospitality Industry” Bates No.: 204551733/7347, 1995

“If smokers can’t smoke on the way to work, at work, in stores, banks, restaurants, malls and other public places, they are going to smoke less. Overall cigarette purchases will be reduced and volume decline will accelerate.”

Ellen Merlo, Philip Morris internal document, Bates Nos: 2044333814-2044333836, 1994

“Industry leaders have recognized that state laws which preempt local anti-tobacco ordinances are the most effective means to counter local challenges.”

Kurt Malmgren, R.J. Reynolds Tobacco Company, Bates No.: 513331953, 1992

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