
Not All Quiet on the Tobacco Front

by Barry L. Casey

In the tobacco wars there are campaigns and there are skirmishes. Some participants dig in for the long siege, others carry out guerrilla raids, and still others simply praise the Lord and pass the ammunition.

How effective are Adventists in fighting the current tobacco wars? Only if conducting Five-Day Stop Smoking Plans (now reorganized as Breathe Free programs) and distributing printed and audiovisual resources can be characterized as frontal attacks could Adventists be said to be involved. If congressional lobbying and civil suits against tobacco companies are examples of major campaigns, Adventists are spear-carriers instead of warriors, aiding the efforts of others, but not directly involved. And if picketing, demonstrations, news conferences and other "media events" are equivalent to guerrilla raids, Adventists have not yet begun to fight. Since these diverse tactics accomplish different goals, it would seem shrewd to use a variety of strategies.

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Demonstrations

Russell Thompson, Army physician and Seventh-day Adventist anti-smoking activist, is one example of those who take the temperance message to the public in visible ways. In 1984 and again in 1985, Thompson worked with local activist coalitions in organizing a small group, including several Adventist laypersons and General Conference health and temperance officials, to picket the Virginia Slims Tournament of the Women's Tennis Association, held annually in Washington, D.C.

Virginia Slims, which sponsored the tournament from 1972 to 1979, and again since 1983, estimates the annual attendance at 60,000-70,000, making it one of the major sporting events of the year in Washington. With such stars as Martina Navratilova and Pam Shriver headlining the bill, the tournament has become a prestigious stop on the Women's Tennis Association tour.

Recalling early efforts in 1984 to organize against tobacco sponsorship of sporting events, Marilyn Kozak, the representative of the Northern Virginia chapter of Group Against Smoking Pollution (GASP), and

Thompson decided they would confront the media. Thompson, an avid tennis player himself, worked with a youth group at his Adventist church and was also concerned, according to Kozak, "about the kind of image being projected to young people in connection with athletes and tobacco."

Coordinating efforts with local anti-smoking groups, Kozak and Thompson sent out news releases "citing the hypocrisy of Virginia Slims as the sponsor for a major women's tennis tournament." Thompson also wrote an article for the *Washington Post*, published in its Sunday editorial section.

Although Thompson has since moved out of the area and no longer works with Washington area anti-smoking groups, he is also remembered fondly by Carol Tankard, Coordinator of Smoking OR Health Programs for the American Lung Association. "Russell Thompson was active in the picketing at the tournament," she says. "He was very involved, writing letters and helping out for the last two years."

"We had about 30 people picketing [that first year] and a lot of media attention," says Kozak. The group was orderly and didn't prevent anyone from going in to view the tournament. They had literature on hand for those who were really interested but didn't press it on anyone.

Tankard, who is also the chairperson of the Interagency Council's Virginia Slims Committee, points out that tactics changed for the 1986 tournament. Various health and medical groups, including the local chapters of GASP, the American Heart and Lung Associations, the D.C. Thoracic Society, and the National Women's Health Network, sponsored a news conference on Saturday, January 13, at the close of the tournament.

According to Tankard, the purpose of the news conference was to show the Women's Tennis Association and the general public that women *are* concerned about the link between smoking and health problems in women. The issue is a controversial one for women's groups.

The news conference emphasized two

issues. The first was a request that Philip Morris switch sponsorship of the tournament. "We're not against the Philip Morris Company," says Tankard, "but against the use of Virginia Slims as the corporate sponsor. We would prefer that Philip Morris sponsor the tournament through 7-Up or some other company which it owns." Like Tankard, Marilyn Kozak doesn't object to tobacco money backing the tournament. "I guess the purists would say we don't want any Philip Morris money at all," she says. "But we're just asking that they not use a logo and symbol of tobacco products for a sporting event."

The second issue concerned the requirement that the ballboys and ballgirls who assist at the tournament wear Virginia Slims T-shirts. The shirts feature a picture of a woman holding a tennis racquet in one hand and a cigarette in the other. "We don't think

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children should have to be cigarette billboards," says Kozak.

DeWitt Williams, associate director of the health and temperance department of the General Conference, cosponsored the press conference as chairman of the District of Columbia Interagency Council on Smoking. Williams supported the aims of the press conference but felt the approach was "too tame." "We should have held it near the tournament," he said, "and combined it with pickets outside to draw the attention of the media." Williams also believes the church, together with local anti-smoking groups, should use its financial power to put pressure on Washington area banks and companies who help sponsor the Virginia Slims Tournament.

Lobbying

Dr. Rudy Klimes, associate director of health and temperance for the General Conference, says there is little education of Adventist laymembers as to how they can affect public policy changes regarding tobacco issues. While it might seem that Adventists in North Carolina, for example, have an opportunity to present their views on government subsidies of the tobacco industry, Klimes notes that "We have very few people at the local level who make the connection between the economy and the tobacco industry. We don't speak out, except on the issue of the Sabbath."

Although administrative support of temperance work is apparently strong at the

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General Conference level, Klimes feels that little is being done at the conference and local church levels, except for the Breathe Free program. "I don't think we've ever had major church support for temperance work," he says. "For the most part we've put our efforts into other areas."

Stoy Proctor, associate director of health and temperance for the North American Division, says the church contributes \$500 yearly to each of several selected tobacco lobbying groups, but does not itself lobby. An example of Adventist involvement, says Proctor, is financial contributions made by the church to Californians on Alcohol Problems, an interdenominational lobbying group headed by Harvey Chin, a Methodist lobbyist working full time at Sacramento on tobacco, alcohol and gambling issues.

This group introduced a referendum that led to legislation banning smoking in certain public places in San Francisco and San Diego. According to Klimes, the General Conference Health and Temperance Department also belongs to the Coalition on Smoking OR Health, which recently successfully lobbied to retain the current cigarette tax.

Proctor says national anti-tobacco organizations such as Action on Smoking OR Health and Group Against Smoking Pollution look to Adventists for support and legwork. In some conferences the health and temperance departments work with Adventist churches to fill out petitions and organize their communities for referendums on anti-smoking measures. "These organizations are grateful for Adventist interest in these issues," says Proctor. "A thousand-member Adventist church is a powerful base of support for writing senators and representatives on issues of smoking."

Legal Suits

Another avenue that individual members or groups of concerned Adventists have not yet tried but might effectively pursue is to join civil suits against tobacco companies on behalf of victims of smoking. Although a recent well-publicized case brought by attorney Melvin Belli against the R. J. Reynolds Co. was decided in favor of the tobacco company (see pp. 4,5), some in the legal profession feel it is only a matter of time until such a case is won by the plaintiff.

Frank Bondonno, an Adventist attorney with a large San Francisco Bay area law firm, and an expert on asbestos product liability cases, notes that one of the most important defenses of the tobacco industry, the 1964 Cigarette Labeling Act, has recently been breached. "The cigarette companies' argument is that the Congress provided them an absolute immunity and shield against lawsuits brought anywhere," as long as they followed the Cigarette Labeling Act. But

a recent case in a New Jersey federal court “basically demonstrated that the Cigarette Labeling Act was designed to set a minimum amount of warning on the package, not a maximum,” says Bondonno, “and that Congress did not intend that that should be a bar to the bringing of civil lawsuits.”

Bondonno foresees two possible strategies corresponding to different categories of product liability law, the law governing whether a company is liable if a person is injured by the normal, foreseeable use of the product. “The first category is called a ‘failure to warn’ case,” says Bondonno. “In that case if a person gets injured using a product in a normally foreseeable manner, and there is no adequate warning on the product, then the injured party can collect damages from the manufacturer.” A good case can be made, says Bondonno, that cigarette warning labels do not adequately cover the health risks involved, nor do they warn of possible addiction.

A second strategy would arise from another branch of the product liability law. Instead of failure to warn smokers, tobacco companies could be sued because their products are defective by design. Design defect, points out Bondonno, under a case called *Barker v. Lull*, “says the product is defective, for purposes of awarding damages, if it fails to meet the normal, everyday expectations of the consumer using the product. That’s for the jury to decide. The only requirement is that the product be used in a normally foreseeable manner.”

Bondonno suspects that eventually “juries will find major liability against cigarette companies, and as soon as two or three verdicts come down on behalf of the plaintiff, the floodgates will open.” The only hope the cigarette industry will have, says Bondonno, is if Congress passes “federal legislation which takes away the rights of people, across the country, to sue.”

Adventist efforts against smoking and

tobacco-related issues seem to receive the most administrative and lay support when (1) actions are directed to individuals identified as Adventist, such as conducting Breathe Free programs, and (2) where Adventists make minimal contributions to coalitions.

But in a society that is increasingly conscious not only of health, but also of the high cost of illness, that may be too little too late. Adventist temperance leaders admit that lobbying is the most effective means to affect public policy, yet they see little chance of a full-time Adventist lobbyist working on Capitol Hill. DeWitt Williams believes the church needs “one person who could become aware of what’s happening politically, scientifically, socially, in every way,” and thinks Adventists “need to get involved more in the political end.”

Others are more tentative on Adventist involvement in political action. Some object to participating in demonstrations held on Saturdays, and others, like Gary Swanson, editor of *Listen*, the denomination’s leading temperance journal, emphasize that “our first priority as a church is the preaching of the gospel.” For still others, however, public and political actions like the picketing and press conferences organized by Adventists such as Russell Thompson and DeWitt Williams simply have no place in the life of the church. For them, the separation between evangelism for individual salvation and prophetic actions to change social structures appears almost complete.

Adventism has historically concerned itself with health and temperance issues, sometimes to the exclusion of all other human-rights concerns. But in order to be effective on as many fronts as possible, the church will have to adapt its tactics, work more closely with non-SDA anti-smoking coalitions, and allocate more funds to the areas of health and temperance. Perhaps most importantly, Adventists must begin to see the gospel in its public, political and corporate role. The “good news” liberates, not just in personal victories over unhealthful habits, but in all spheres of human life.