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EXECUTIVE SUMMARY

* The tobacco industry is a major political force in Mississippi through lobbying, litigation, public relations, direct campaign contributions, indirect campaign contributions, gifts and honoraria, and entertainment events. The tobacco industry has a centralized political organization that defends and promotes its political market interests in state government. Although the tobacco industry has operated in the open in some instances, it generally works quietly behind the scenes by itself, with allied organizations, and through front groups on state political campaigns.

* From 1996 to 1999, 23 legislators received tobacco industry contributions of \$500 or more. Of these recipients, sixteen were Democrats and eight were Republicans. In contrast of the receipt of tobacco industry contributions, the mean tobacco score of 6.3, (standard deviation 2.2, n=20) for these legislators also indicated a mild pro-tobacco control bias.

* From 1998 to 2000, Philip Morris paid its lobbyist a total of \$363,574, which was the highest compensation of all tobacco lobbyists in Mississippi. The second highest compensation from 1998 to 2000 of \$121,200 was received by the lobbyist for the Smokeless Tobacco Council.

* Due to the continued lobbying power and presence of the tobacco lobby on state government along with anti-tax sentiments among state legislators, Mississippi's tobacco excise tax remained the 10th lowest in the country at 18 cents a pack.

* The tobacco lobby in conjunction with business allies and a front group that it helped to establish, was able to lobby the state legislature to enact a product liability "reform" bill that substantially raised the standard to prove legal punitive damages, prohibited other retailers from being subject to lawsuits aimed at manufacturers, required a separate trial for punitive damages, and required that plaintiffs be able to seek punitive damages only after winning actual damages.

* In 1994, Mississippi was the first state to file a lawsuit against the tobacco industry on behalf of taxpayers to pay for the medical costs of sick tobacco users who received Medicaid. The lawsuit was filed by Mississippi Attorney General Mike Moore in league with private attorneys including Moore's former law school classmate and current friend attorney Richard Scruggs.

* In February 1996, Republican Governor Kirk Fordice filed a private lawsuit against Mike Moore in the Mississippi Supreme Court claiming Moore's lawsuit was illegal because Moore had failed to obtain the permission of Governor Fordice to file the lawsuit. Fordice's lawsuit was filed at the request of a Philip Morris lobbyist and paid for in large part by the Mississippi Manufacturers' Association. In a separate lawsuit also filed in February 1996 before the Mississippi Supreme Court, lawyers for the tobacco industry requested that Moore's lawsuit be dismissed on the same grounds as Governor Fordice's earlier lawsuit. In March 1997, in separate decisions, the Mississippi Supreme Court dismissed Fordice and the tobacco industry's lawsuits.

* In July 1997, the tobacco industry settled the Medicaid lawsuit with Mississippi. Under the terms of the lawsuit, \$3.4 billion was to be paid to Mississippi in the first 25 years, with further payments continuing in perpetuity based on adjustments due to inflation and smoking rates.

* Due to subsequent legislation in the Mississippi legislature, funds from this lawsuit were placed in a Mississippi Tobacco Trust Fund to pay for a variety of state health programs.

* In October 1997, in a separate legal settlement agreement, \$62 million was placed in a separate escrow account and spent over two years to establish a youth anti-tobacco program. The program has been administered by a non-profit corporation known as the Partnership for a Healthy Mississippi. Subsequent funding for the program has come from the state legislature.

* Spending for the program in the first two years, which was below the \$62 million placed in the escrow account, was \$17 million in 1999 and \$22 million in 2000. The spending in 2000 exceeded the minimum amount recommended by the CDC for the funding of the program.

* The Partnership for a Healthy Mississippi administers several programs to curb youth tobacco use including community education efforts with community youth partnerships, school programs, faith-based initiatives, and targeted programs; statewide counter marketing media campaigns aimed at pre-adolescent and adolescent audiences; and surveys and evaluations.

* By 2001, surveys indicated that the program was having significant effects on smoking rates. Public middle school students reporting current tobacco use (using tobacco one or more times in the last thirty days) from 1999-2001 dropping 26.7% for all tobacco use, 30.4% for cigarette use, 35.3% for cigar use, and 44.4% for smokeless tobacco use.

* Due to the power of the tobacco lobby, state clean indoor legislation has remained very weak. The one major exception was a bill enacted in 2000 that prohibited tobacco use on all school property including teachers' lounges and at athletic events. Major lobbying for this bill came from youth associated with Partnership for a Healthy Mississippi programs. Specific efforts in this campaign included two major rallies of 1000 and 1600 youth at the state capital in 2000 and individual lobbying by young people of state legislators. Technical assistance on how to properly lobby was provided by the Partnership for a Healthy Mississippi.

* Although local government are not preempted from enacting stronger local clean indoor air legislation, as of 2000 no Mississippi localities have enacted major local clean indoor air legislation.

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INTRODUCTION

Although Mississippi is not a tobacco producing state, Mississippi has always been predominantly rural and agricultural with cotton and soybeans being the two highest producing crops. (1, 2) Throughout the 1990's, the per capita consumption of tobacco products in Mississippi remained much higher than per capita consumption of tobacco products in the United States (Figure 1). Due to this high tobacco consumption, 5,048 Mississippians died because of smoking in 1996, (the most recent year this total has been calculated) (3) which represent 37% of all preventable deaths in Mississippi and 18% of total deaths. (3, 4) Mississippi in 1998 rated near the bottom in comparison to all U.S. states, with the 4th highest annual smoking related death rate (calculated as deaths from smoking per 100,000 people) due to smoking. (5)

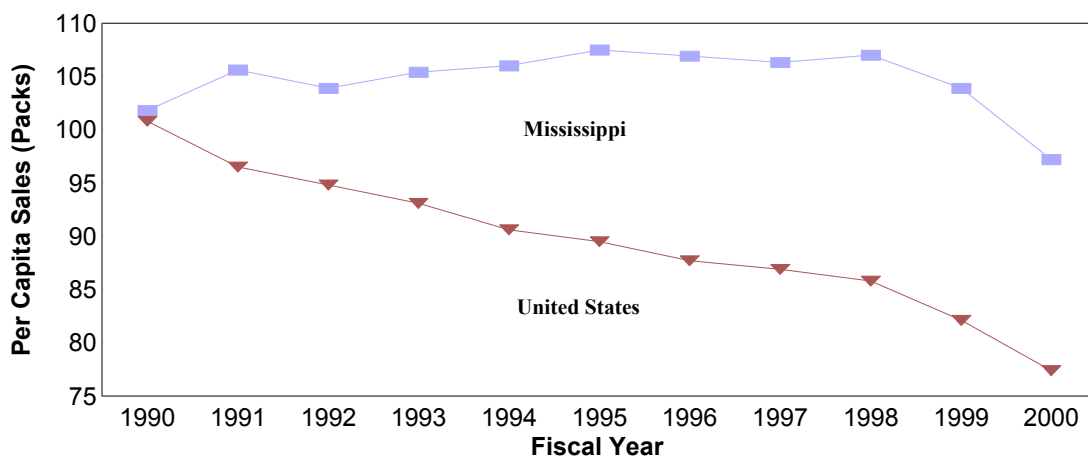


Figure 1. *Per capita cigarette consumption has remained much higher in the 1990's in Mississippi compared to the United States. Source: The Tax Burden of Tobacco, 2000 (Orzechowski and Walker: economic consultants for Philip Morris, Brown & Williamson, Lorillard, and R.J. Reynolds Tobacco Companies.)*

According to the Centers for Disease Control and Prevention, in 1999 the percentage of current cigarette smoking (those who smoked cigarettes on one or more days in the last 30 days) by 6th to 8th graders nationally was 9.2% compared to a much higher rate of 17.8% for Mississippi 6th to 8th graders. (5) In addition, the percentage of current cigarette smoking for 9th to 12th graders nationally was 28.5% compared to the slightly higher rate of 30.5% for Mississippi 9th to 12th graders. (5)

Mississippi's policy response to this tobacco epidemic has been mixed. Throughout the 1990's, the tobacco industry dominated legislative and administrative policy making on tobacco. The legislature either refused to act or enacted pro-tobacco policies on tobacco excise taxes, clean indoor air legislation, and product liability "reform." In the late 1990s, however, led by reformers such as Attorney General Mike Moore, Mississippi has also engaged in vigorous tobacco control efforts in the area of youth use of tobacco. These tobacco control activities have been accomplished as a result of Mississippi's historic lawsuit against the tobacco industry on behalf of taxpayers forced to pay medical costs for sick and dying smokers through the state's Medicaid system and a subsequent

legal settlement in 1998, which established a \$62 million fund for a two year pilot youth anti-tobacco advocacy program administered by the new Partnership for a Healthy Mississippi, a private organization. Amounts spent for the program in fiscal year 1999 was \$17 million and \$22 million in fiscal year 2000. A subsequent FY 2001 funding allocation by the Mississippi Legislature is projected to be \$20 million. (6)

The Partnership for a Healthy Mississippi's efforts in the first two years have begun to show progress, with 8th graders who were current smokers dropping from 29% in 1999 to 18.5% in 2000 and the percentage of public high school students reporting ever smoking dropping from 77.2% in 1999 to 71.5% in 2000. By 2001, a further percentage reduction from 30% in 1999 to 22% in 2001 occurred for public middle school students who reported any tobacco use in the last thirty days. (7, 8) Future progress in tobacco control in Mississippi will be based on whether reformers like Mike Moore continue to hold their political positions and whether health groups and advocates continue to mobilize to engage in vigorous political advocacy at the state and local levels through astute insider lobbying and outsider grassroots political tactics.

THE MISSISSIPPI POLITICAL SYSTEM AND TOBACCO CONTROL

The efforts by Attorney General Mike Moore and other reformers in tobacco control and for other policies such as higher pay for state employees have their basis in a reaction to the traditional segregated nature of the Mississippi political system and culture, which lasted from the Civil War until the mid-1970's. Before the mid-1970's, Mississippi society has historically been rural and traditionalist in orientation with a culture and political system generally based on racism, class division, poverty, regressive taxes and laissez-faire business orientations, and official corruption. (9) From 1900 to 1954, due in large part to official segregation policies and African-Americans being disenfranchised due to the enactment of a poll tax and literacy tests adopted in the 1890 Mississippi Constitution, Mississippi society was roughly divided between Delta whites (in the northwest part of the state) who were aristocratic, Democrats, had a higher socioeconomic status, and were economically conservative; and hill area whites (in the central part of the state) who were neo-populist, segregationist, economically liberal, had lower socioeconomic status, and were also Democrats. (9)

From 1954 to 1965, this factionalism ended with massive resistance to the civil rights movement. (9, 10) As a result of the civil right movement and militant white resistant against it, Mississippi entered a transitional era from 1965 to 1976. (9) During this transitional period, there was a rise in a traditionalist Republican Party to resist civil right policies and reform. There was also a regular traditionalist Democratic Party faction consisting of conservative whites who supported segregation. (9) During this period there was also a rise of new modernizer Democrats—included African-Americans, liberal whites, and from unions, who called for reforms and an end to segregation. (9)

From 1976 to the present, modernizers in Mississippi society continued to grow in strength and political power. One important factor that fostered this growth was the end of civil rights

resistance due to a realization by many business interests in the early 1970's that Mississippi's poor public image due to the civil rights turmoil was detrimental to attracting new investment into the state. (The support of a new state flag in 2001 by powerful business lobbies was a continuing example of this shift. (9, 11)) This shift in attitudes among business interests was preceded by a rise of the "Second Reconstruction" that reenfranchised many African-Americans. (9) Other major reasons for the rise of the modernizers have been the inflow of politically moderate and liberal professionals from outside the state, national values of tolerance and inclusion filtering into Mississippi society, and a new generation of politicians who reflected these values. (9)

One of the most prominent and significant examples in 1990s of a traditionalist in Mississippi politics was Governor Kirk Fordice. Governor Kirk Fordice, a Republican, was an adherent of the libertarian, anti-tax Cato Institute, socially very conservative, and told the *Wall Street Journal* that Mike's Moore's Medicaid third party litigation in the early 1990's against the tobacco industry wanted to "make him throw up." (12) According to Mike Moore, Fordice was a very loyal friend and ally of the tobacco industry. (13) Early in Moore's Medicaid lawsuit against the tobacco industry, Governor Fordice, at the behest and with funding of the tobacco lobby and the Mississippi Economic Commission, filed a lawsuit against Moore in an attempt to stop Moore's lawsuit. In 1997 when the case was settled, the Partnership for a Healthy Mississippi was formed as a nonprofit corporation to counter youth tobacco use. Mike Moore indicated that the Partnership was not established as a government agency because of fear that Fordice would undermine its budget and operations. (13)

By contrast, modernizer Attorney General Mike Moore had a history of reform efforts starting in 1977, when, as Jackson County District Attorney, he prosecuted corrupt county officials regarding illegal contracting and bidding. (12) Moore was elected Attorney General in 1987 with fellow Democrats Governor Ray Mabus and Secretary of State Dick Molpus who were all considered "yuppie" reformers. In 1994 Moore filed the first lawsuit in the country against the tobacco industry to recoup third party Medicaid costs for smoking related illnesses.

Mississippi used, in part, the settlement revenues to create a trust fund, with the interest accruing from the settlement money to pay for health care primarily for the poor and elderly. Moore was instrumental in lobbying for this effort. His reasons for doing so were "it was the right thing to do." (13) A separate court order established a \$62 million fund for a two year pilot program with future funding left to the Governor and legislature. The Partnership for a Healthy Mississippi spent \$17 million in FY 1999 and \$22 million in FY 2000 of the \$62 million on tobacco prevention and is projected to spend \$20 million in FY 2001. (14) The Partnership for a Healthy Mississippi's efforts started to show progress in 1999 and 2000, with a reduction in tobacco use by public high school students who reported ever smoking, and public middle school students who currently used tobacco one or more times in the last thirty days.

TOBACCO LOBBY POLITICAL POWER IN MISSISSIPPI

Tobacco Industry Campaign Contributions

According to Vivien Carver, Interim Executive Director of the Partnership for a Healthy Mississippi, the tobacco lobby in Mississippi has had a very powerful influence on traditionalist politicians and politics in Mississippi state government because:

I mean in the world that we live in and politics today, I don't care what state it is. Whether it's local, states, or national, the lobbyist control the politicians. I mean a poor person today cannot get elected. I mean we see this all the time in America. It's one of the reasons that campaign finance reform is in the forefront. What happens is those individuals that kick in so much money by either, the individuals they give to contribute or by the corporate contributions and all the different ways that they may have to contribute money under the law, you know, it's pretty hard for that person who is elected to say to that group, ah yeah, well you know, I'm going to vote against you. (15)

This was reiterated by Elizabeth Barber, Executive Director and lobbyist for the American Lung Association of Mississippi who stated that the tobacco lobby's considerable influence in Mississippi state politics has occurred because:

Their clients can give donations to legislators through a variety of avenues, through employees, through family members and things like that. So the actual contributions themselves will never be known for a lot of these. (16)

Tobacco Policy Scores

A "tobacco policy score" was estimated for each member of the 2001 legislature to quantify his or her record on tobacco control issues. The score was obtained by polling four individuals knowledgeable about the legislature and tobacco policy. Each legislator was evaluated on a scale of 0 to 10. A score of 0 represented an extremely pro-tobacco industry legislator and a score of 10 represented an extremely pro-tobacco control legislator. The average for each legislator is reported in Table A-3. Senator Tommy Robertson (R-Moss Point) had the lowest tobacco policy score in the Senate with 1.7 and Representative Eric Robinson (R-Quitman) had the lowest score in the House with 1.7. Senators Cindy Hyde-Smith (D-Brookhaven), Deborah Dawkins (D-Harrison), and Willie Simmons (D-Cleveland) with 10.0 and Representative Eloise Scott (D-Tupelo) and George Flaggs (D-Vicksburg) had the highest tobacco policy scores with 10.0.

Contributions to State Legislators and Political Parties

In 1998, Mississippi House Bill 1609 made two new significant changes to the prior campaign finance reporting system. (17) The new law required that the Secretary of State for the first time publish the names of statewide and legislative candidates who did not file campaign disclosure reports on time and required aggregate contributions by individuals, committees, political parties, clubs, associations, and political action committees who gave over \$200 a year to be itemized. (17) This reporting amount was lowered from a threshold of \$500 or more in the prior campaign finance reporting law. (17) Due to the high annual aggregate reporting amount of \$500,

many donations went unreported. (16) The number of donations reported after 1998 increased after the lowering of the campaign finance aggregate of \$200, but this lower limit did not solve all the problems with the campaign finance system in Mississippi. According to Elizabeth Barber:

Nobody wanted to do this \$200. But there are a lot of ways to get around that...So their [tobacco lobbyists] clients can give donations to legislators through friendly members and things like that. So the actual contributions themselves will never be known for a lot of these [legislators]. (16)

Another problem is that tobacco industry contributions to the major political parties are not reported in the Mississippi campaign finance records. Thus, it is possible for the tobacco industry to give indirect contributions to candidates by making contributions to the political parties, which then pass the money through to the candidates.

What contributions that have been reported, shown in Figure 2, indicates that reported tobacco industry campaign contributions dropped rapidly during the 1996-1999 election cycle. (Both House and Senate members serve four year terms in Mississippi). (Appendix Table A-1 through A-3 also list contributions to legislators, and legislative candidates, and constitutional officers since the 1992-1995 election cycle). The 1992-1995 and 1996-1999 election cycles cannot be compared to the contributions given in the year 2000 to January 2001 because that represents less than one-half of the entire time period of the 2000 to 2003-election cycle. Given the high contribution reporting limit and the fact that contributions to political parties are not reported, it is likely that these data substantially underestimate the level of political activity by the tobacco industry.

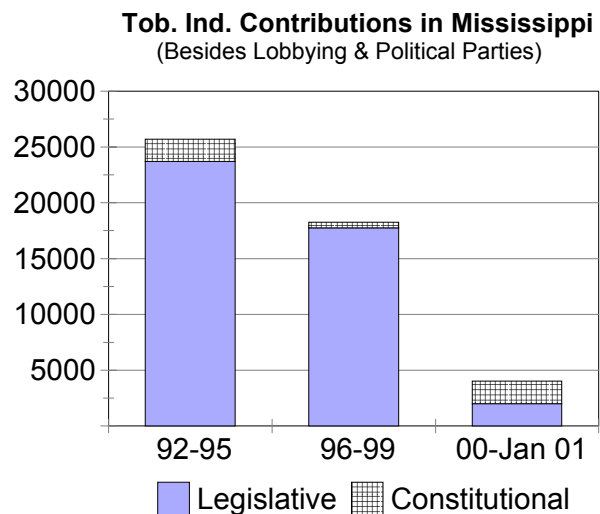


Figure 2. Reported tobacco industry political expenditures dropped rapidly during the 1996-1999 electoral cycle.

Table 1 also provides a list of those tobacco industry legislative recipients in the 1996 to 1999-election cycle who reported that they received \$500 or more in contributions. Of these recipients, sixteen were Democrats and eight were Republicans. The five largest contributions of \$1000 each went to Senator Hob Bryan (D-Amory), Senator William Canon (R-Columbus), Senator Thomas Gollott (D-Biloxi), Senator Jack Gordon (D-Okolona), and Representative Robert Moody (D-Louisville). The tobacco policy scores of fifteen of twenty of these top recipients indicated that they were pro-tobacco control. The mean tobacco score (top campaign recipients mean 6.3, standard deviation 2.2, n=20) for 2000 for these legislators also indicated a mild trend towards tobacco control bias. Appendix Table A-4 also provides a list of Mississippi legislators who did not receive tobacco industry contributions from 2000 to 2001.

Legislative Leaders

A major difference between the Mississippi legislature and most other state legislatures is the lack of party leaders, either Republican or Democrat, in the House and Senate. (9) There are no party leaders due to Mississippi's history of one-party rule (the Democratic Party) until recent times, which provided no incentive for legislators to organize party leadership groups. (9) The institutional leaders of each chamber, not chosen by party caucuses, constitute the only leadership in the House and Senate. (9) In the House the presiding institutional officers include the Speaker and Speaker Pro Tempore, both elected by members of the House. In the Senate the presiding institutional officer is the Lieutenant Governor elected by popular vote statewide and the Senate Pro Tempore elected by the members. (9, 18) Among the four leaders of the Senate and House only the Speaker Pro Tem reported receiving a tobacco industry contribution from 1996-1999 of \$1000 (Table 2). The tobacco policy scores indicate that these House legislative leaders were pro-tobacco control in orientation, whereas the Senate Pro Tem was slightly pro-tobacco industry.

Officeholder	Party	House	Total	2000 Tobacco Policy Score
Bryan, Hob	D	Senate	\$1,000	4.0
Canon, William	R	Senate	\$1,000	3.0
Gollott, Thomas	D	Senate	\$1,000	4.3
Gordon, Jack	D	Senate	\$1,000	6.3
Moody, Robert	D	House	\$1,000	9.3
Bean, Jim	R	Senate	\$500	N.A.*
Browning, Nickey	D	Senate	\$500	5.7
Carlton, Neely	D	Senate	\$500	9.8
Foster, Ted	R	House	\$500	N.A.
Frierson, Herb	D	House	\$500	3.3
Grist, Joey	D	House	\$500	8.7
Hall, Dick	R	Senate	\$500	N.A.
Hamilton, Glenn	R	Senate	\$500	6.0
Holland, Steve	D	House	\$500	2.8
Kirby, Dean	R	Senate	\$500	5.5
Minor, William	D	Senate	\$500	6.0
Nunnelee, Alan	R	Senate	\$500	8.5
Rayborn, W.L.	D	Senate	\$500	N.A.
Smith, Robert	D	Senate	\$500	7.8
Thames, Billy	D	Senate	\$500	5.3
Tollison, Gray	D	Senate	\$500	6.3
Watson, Percy	D	House	\$500	8.0
Woodfield, Clyde	D	Senate	\$500	N.A.

* Not available.

State Constitutional Officers

Historically, Mississippi's Governor has been weaker than the legislature. (9) The primary reasons for this are that the Governor faces an independent and powerful state legislature and six independent executive departments and a Lieutenant Governor elected directly by the voters. (9) Besides the Lieutenant Governor, the six other executive departments include the State Auditor, Secretary of State, Commissioner of Insurance, State Treasurer, Attorney General, and Commissioner of Agriculture. From 1992-1999, reported tobacco industry contributions to state constitutional officers went to one Republican and two Democrats (Table 3). The largest amounts

Senate Leadership	Officeholder	Party	1992-1995	1996-1999	Grand Total	2000 Tobacco Policy Score
Lt. Governor	Musgrove, Ronnie	D	\$0	\$1,000	\$1,000	----
Senate Pro Tem	Gollott, Thomas	D	\$0	\$1,000	\$1,000	4.3
House Leadership						
Speaker	Ford, Timothy	D	\$1,000	\$0	\$1,000	6.3
Speaker Pro Tem	Clark, Robert	D	\$0	\$0	\$0	9.0

Table 3. Contributions Made to Statewide Constitutional Officers from 1992-1995 to 1996-1999

OFFICEHOLDER	OFFICE	PARTY	92-95	96-99	Grand Total
Fordice, Kirk	Governor	R	\$1,000	\$0	\$1,000
Briggs, Eddie	Lt. Governor	R	\$0	----	\$0
Musgorve, Ronnie	Lt. Governor	D	----	\$1,000	\$1,000
Patterson, Steven	State Auditor	D	\$0	\$0	\$0
Molpus, Dick	Secretary of State	D	\$0	\$0	\$0
Clark, Eric	Secretary of State	D	----	\$500	\$500
Dale, George	Commissioner of Insurance	D	\$0	\$0	\$0
Bennett, Marshall	State Treasurer	D	\$0	\$0	\$0
Moore, Mike	Attorney General	D	\$0	\$0	\$0
Ross, Jim	Commissioner of Agriculture	D	\$0	----	\$0
Spell, Lester	Commissioner of Agriculture	D	----	\$0	\$0

Lobbying

Mississippi requires that lobbyists annually report the total compensation paid to them by their principal clients for lobbying expenses. (19) From 1998-2000, as is shown in Table 4, the amount spent for total compensation for contracted tobacco lobbying expenses in Mississippi has steadily increased. It was also considerably greater than the amount reported for campaign contributions as is indicated in Figure 2 above. Philip Morris spent the most on lobbying from 1998-2000 with a grand total of \$363,574, followed by the Smokeless Tobacco Council with a grand total from 1998-2000 of \$121,200. Spencer Medlin who has represented Philip Morris from 1998-2000 was also the highest paid lobbyist (from all sources including Philip Morris) receiving \$690,000 in 1999. (20) Philip Morris was his highest paying client. (20) According to former State Senator Gene Saucier (R-Hattiesberg) regarding the large amounts spent on lobbyists: “What they’re doing is buying representation and buying influence.” (20)

Table 4. Total Compensation By Tobacco Industry For Its Mississippi Contract Lobbyists From 1998 to 2000

Lobbyist Name	Client	1998	1999	2000	Grand Total
Charlie Williams	RJ Reynolds	\$0	\$0	\$40,000	\$40,000
Clare Hester	Brown & Williamson	\$0	\$20,000	\$20,000	\$40,000
Clare Hester	Lorillard	\$0	\$20,000	\$20,000	\$40,000
Clay, Beth	Smokeless Tobacco Council	\$31,200	\$55,000	\$35,000	\$121,200
Medlin, Spencer	Philip Morris	\$104,259	\$125,278	\$134,037	\$363,574
Clare Hester	Tobacco Institute	\$39,900	\$0	\$0	\$39,900
Total		\$175,359	\$220,278	\$249,037	\$644,674

Gifts, Honoraria, Entertainment, and Charitable Contributions

Other approaches that the tobacco lobby has used to exert political influence on the Mississippi state legislature has included providing elected officials with gifts, honorarium and entertainment events. For example, in 1992 a strategic gift of \$1000 was given by the Tobacco Institute to offset the expenses of the Republican Governor-elect Kirk Fordice’s inauguration because it was considered by the Tobacco Institute, the tobacco industry’s lobbying arm, to be very

“...helpful to our efforts [tobacco lobby lobbying efforts] in Mississippi.” (21, 22) Under current Mississippi law, lobbyists are not required to report expenditures for gifts, honoraria, and entertainment events if the expenditures is under \$200 in any calendar year. (19) Also excluded from reporting is food and beverages for immediate consumption provided by a lobbyist up to an aggregate value of \$10 in a calendar year. (19) According to Elizabeth Barber, in practice these exclusions have meant that tobacco lobbyists:

...you know, they do the wine and dine thing. There are a lot of things we probably don't know about. You know, fishing, deep sea fishing, trips, football tickets; you know those kind of things. And that's been--that's all tried and true.....So probably, the best way to tell how they are doing business from our perspective, on the other side, is we see them mostly at the capital for some evening receptions and things, but beyond that, we do hear a little here and a little there. There was a poker game last night. They played golf every Friday, you know, or there's a fishing trip and, or you know, hunting is a big-- yeh I mean, they know these people [elected officials] very well; they're really good friends. Somebody's mother dies, somebody's child dies, you'll see a lot of lobbyists at the funeral. (16)

One such entertainment event occurred in 1996 at the bipartisan Mississippi Senators' reunion. As indicated in a letter of invitation from Mississippi Senators' Reunion Chair Charles Pittman to Patrick McWhorter, Regional Vice-President of the Tobacco Institute:

Thursday, February 29, 1996, is a very special day in Mississippi for all persons having served, or presently serving, as a Mississippi Senator. This is the date of our eighth annual bipartisan Mississippi Senators Reunion. All Senators from Mississippi, Senate Staff, their families and friends, Governors, Lt. Governors, Statewide and District elected officials are expected to join us. The celebration will culminate that evening with a PRIVATE Mississippi Catfish, Shrimp, Oyster and Chicken cookout beginning at 6:30 p.m. at the MS Power and Light Lodge in Jackson.

Our Reunion Committee is again inviting a select group of our special friends to join us as sponsors of our PRIVATE reunion cookout. For your sponsorship, you will receive an all-you-can-eat Mississippi Feast, as described above, unlimited beverages, special recognition as a sponsor of our reunion, and the *opportunity to meet with many of Mississippi's present and former governmental leaders on a casual basis.*

Please make your plans to join us this year as a sponsor and special friend of the Senate by forwarding your check for one or more sponsorships, at \$50.00 each payable to the MISSISSIPPI SENATORS REUNION, in care of the above address, no later than Monday, January 22, 1996 [italic emphasis added]. (23)

A personal written note on the letter by Charles Pitman to the Tobacco Institute's McWhorter also stated: “Thanks Pat + Happy New Year From the Ms. Senate!” (23)

Allied Organizations

Another approach that tobacco lobbyists use to influence the Mississippi state legislature is the cultivation of political allies. Information obtained from previously secret internal tobacco industry documents and a legal deposition taken in a lawsuit filed by Attorney General Mike Moore in 1994 from Ronald Morris, Regional Vice President of the Tobacco Institute, indicated that the tobacco lobby in the 1990s, was dues paying members and supporters of such major business lobbies as the Mississippi Manufacturers Association, Business and Industry Political Education Committee

(a Mississippi pro-business group), Mississippi Restaurant Association, Mississippi Economic Council, Mississippi Wholesale Grocery Tobacco and Candy Association, Mississippi Black Caucus, Mississippi Association of Convenience Stores (24) and the Retail Association of Mississippi. (25-29) Some of these political alliances have resulted in joint political lobbying efforts with the tobacco industry such as the successful 1993 joint effort with the Mississippi Manufacturers Association and Mississippi Economic Council to reduce the amount that might be recovered in tort and product liability lawsuits. (30)

Front Groups

Besides cultivating and building support among established political organizations, the tobacco lobby has also helped to set up third party front groups in Mississippi in the 1990s to meet its political and marketing objectives. Two major front groups that the tobacco lobby has supported have included Mississippians for a Fair Legal System (M-FAIR), a Mississippi business tort and product liability “reform” organization designed to reduce tort and product liability costs, particularly with respect to punitive damages and Product Liability Task Force of Mississippi, a Mississippi product liability legal reform group that included the Mississippi Farm Bureau, pharmacists, and pharmaceutical manufacturers. (30, 31)

M-FAIR, for example, was a creation of the giant public relations firm APCO Associates, which provides a diverse variety of services to its corporate clients, particularly “astroturf” organizing campaigns designed to look like local grassroots efforts, but usually are secretly connected to the political and economic agenda of large and wealthy special interests. (31) In Mississippi in 1993, according to APCO Vice President Neal Cohen, APCO set up M-FAIR in conjunction with Mississippi’s weak lobbying disclosure laws at the time and the opponents of this so-called product liability reform movement:

...didn’t really know [which business interests were] at the heart of everything. The problem they faced was we had 1,500 Mississippians mixed in with who our clients were. (31)

Despite the attempt to camouflage the real intent of M-FAIR, Henry Turner, Regional Director of Public Affairs for Philip Morris indicated in a legal deposition in a lawsuit filed by Mississippi in 1994 to recoup Medicaid costs for sick and dying smokers that Philip Morris was one of the major businesses involved with the initial organization and ongoing efforts of M-FAIR in Mississippi. (25, 32)

Tobacco Lobby Expertise in Influencing Legislative Process

This bundle of powerful insider lobbying approaches to influence tobacco policy in Mississippi is also complemented by the contracted tobacco lobbyists’ knowledge, skill, and expertise of the legislative and administrative policy making processes. (16) Elizabeth Barber, commenting on the tobacco lobbyists’ knowledge of how the legislative process works, stated:

They’re bright. I mean they are over there [at the state capital] all the time and its their kind of

thing....But in our case, a lot of us in the voluntary health sector – I’m the executive director and a lobby, you know, so it is not a fair playing field at all. On the other hand, we do have people on our side, and in the case of some of these folks where they represent a company, that you know, may have employees but they don’t have a lot of volunteers or, you know, the general public may not think very much about what they do. We do win occasionally. (16)

According to Ronald Morris, Regional Vice President of the Tobacco Institute, supplementing these various legislative and administrative insider lobbying approaches in the 1990s were the considerable resources of the Tobacco Institute, which hired and employed experts and made information available to appropriate public officials available in support of legislation the industry favors and opposing legislation the industry opposes. (24)

Conclusion

As is true in all other states, (33) the hired contract tobacco lobbyists in Mississippi, mostly quietly and behind the scenes, have historically employed a combination of all these insider power politics approaches in an attempt to exert political influence and power and shape tobacco policy making in Mississippi. It is within this context of this formidable political power that organized health groups in Mississippi, including the American Heart Association, American Lung Association, and American Cancer Society, have had to advocate for tobacco control programs. According to Vivien Carver, Interim Executive Director of the Partnership for a Healthy Mississippi, the best approach to do that is often through outside grassroots advocacy. (15) As she explained:

And one of the things that you know is what all politicians would tell you is that, on the whole, their constituents never talked to them unless it’s about a specific problem that they want them to handle. And so when all of a sudden, you get a few people that, you know, are more concerned with hunting laws. In Ohio, I had two politicians, state legislators, say, we get more phone calls on what hunting dates are than we do any other legislation that we deal with and it adheres us but we don’t get that many calls about things that people are upset about, so here you have a bill stalled in committee and the word goes out and they’re getting e-mails and faxes and their phones are ringing. It’s awfully hard to go back to your home district no matter that the tobacco industry has put you there. Those are the people that still pull the lever. (15)

In other words, the health groups are most likely to be able to influence policy making when they make the issue public and mobilize public pressure on the legislature.

The approach that Carver outlined was applied successfully in Mississippi when recent legislation was passed that added to the state clean indoor air law by banning tobacco products on school property, including teacher lounges and sports arenas. (34) This effort by high school students who engaged in rallies and intensive lobbying of legislators was instrumental in the bill’s passage. (16) When the health groups and their allies engaged in visible and public tactics that held politicians on an ongoing basis personally responsible for their actions, they were able to win. This effort provides a positive example for any future tobacco control efforts and campaigns that the organized health groups may wage in Mississippi.

KEY TOBACCO CONTROL ISSUES IN THE 1990s IN MISSISSIPPI

Along with the tobacco lobby's lobbying tactics and approaches in Mississippi has been its ongoing political and policy agenda to advance its political and market interests. These political efforts by the industry has occurred in the 1990's in Mississippi with the development and advancement of public policy positions that were designed to counter legal, legislative, and administrative actions that threatened tobacco consumption and markets. These threats came in five areas:

- Tobacco excise taxes
- Product liability "reform" efforts
- Synar youth access legislation
- State and local clean indoor air legislation
- Litigation filed by Attorney General Mike Moore in 1994 on behalf of taxpayers forced to pay the costs of smoking incurred by sick and deceased smokers users who were covered by Medicaid.

Tobacco Excise Taxes

Throughout the 1990s, Mississippi's tobacco excise tax has remained very low, the tenth lowest in the U.S. in the late 1990s when compared with other states (Table 5). During this period, the tobacco lobby consistently opposed any increases in tobacco excise taxes in Mississippi.

Ronald Morris, Regional Vice President of the Tobacco Institute was asked about the industry's response to taxes in his deposition taken as part of the 1994 lawsuit filed by Mike Moore:

Q. Tell me what types of bills you would be interested in that would necessitate you having a lobbyist.

RM: Cigarette taxes.

Q. Pardon?

RM: Cigarette taxes.

Q. All right. Tell me about that a little bit. What is that concerns the Tobacco Institute about cigarette taxes?

RM: Cigarette taxes affect the marketplace. If cigarette taxes are too high, the marketplace is disrupted.

Q. How is that?

RM: I don't know—I don't think I can explain elasticity of demand, but it has to do with price as a factor—tax is a factor of price I believe.

Q. Let me ask you this: over the years, has the Tobacco Institute opposed tax increases on cigarettes?

RM: Yes, sir.

Q. Consistently opposed them?

RM: Consistently.(24)

In further explanation of this opposition to tobacco excise tax increases, Ronald Morris also stated:

Q. Now when you say you don't remember when the last tax bill was, do you know when the last increase in Mississippi—how long this 18 cents has been in place in the State of Mississippi as excise tax on cigarettes?

RM: I believe it was '85 or '86, one of those two years.

Q. There has been an effort to increase taxes since that time; is that correct?

RM: Yes, sir.

Q. And all of those efforts have been defeated or those bills have been defeated; is that correct?

RM: As I recollect, some may have died of their own weight during the cutoff functions.

Q. At any rate, it's fair to say, is it not, that the Tobacco Institute utilized lobbies against tax increases, is that correct?

RM: That's correct. (24)

Morris also indicated that these lobbying efforts were conducted jointly with individual tobacco companies such as Philip Morris. (24)

One period that the tobacco industry was particularly concerned with a possible tobacco excise tax increase occurred in 1992 when newly elected traditionalist Republican Governor Kirk Fordice was quoted in the statewide Mississippi newspaper, *Clarion-Ledger* on January 25, 1992 as saying:

....he would consider increasing cigarette taxes to help ease the state's ailing budget.

Fordice said raising cigarette taxes is more attractive than a general sales tax increase because it would discourage smoking. It's another form of sin tax. I can preach you a pretty good sermon on how bad cigarettes are. (35)

One month later, in February 1992, the Governor reversed and backtracked from this

TABLE 5. State Cigarette Taxes Per Pack in 1998		
State	State Cigarette Tax Per Pack (Cents)	Relative Rank From Highest To Lowest State Cigarette Tax
Alaska	100.0	1
Hawaii	100.0	1
Washington	82.5	2
New Jersey	80.0	3
Massachusetts	76.0	4
Michigan	75.0	5
Maine	74.0	6
Rhode Island	71.0	7
Oregon	68.0	8
Wisconsin	59.0	9
Arizona	58.0	10
Illinois	58.0	10
New York	56.0	11
Utah	51.0	12
Connecticut	50.0	13
Minnesota	48.0	14
North Dakota	44.0	15
Vermont	44.0	15
Texas	41.0	16
California	37.0	17
New Hampshire	37.0	17
Iowa	36.0	18
Maryland	36.0	18
Nevada	35.0	19
Nebraska	34.0	20
Florida	33.6	21
South Dakota	33.0	22
Arkansas	31.5	23
Pennsylvania	31.0	24
Idaho	28.0	25
Delaware	24.0	26
Ohio	24.0	26
Kansas	24.0	26
Oklahoma	23.0	27
New Mexico	21.0	28
Louisiana	20.0	29
Colorado	20.0	29
Mississippi	18.0	30
Montana	18.0	30
Missouri	17.0	31
West Virginia	17.0	31
Alabama	16.5	32
Indiana	15.5	33
Tennessee	13.0	34
Wyoming	12.0	35
Georgia	12.0	36
South Carolina	7.0	37
North Carolina	5.0	38
Kentucky	3.0	39
Virginia	2.5	40

Source: The Tax Burden on Tobacco 1998 (The Tobacco

position. According to an internal Tobacco Institute document dated February 6, 1992:

Henry Turner, Philip Morris, met with Governor Fordice at the recent NGA (National Governors' Association) meeting in Washington. The Governor went to great lengths to insist he was misquoted in this article, and to affirm that he opposes any cigarette tax increases. (36)

Despite this personal assurance from Governor Fordice, Mississippi Tobacco Institute lobbyist Ellis Bodron was secretly worrying months later about Fordice's commitment to oppose any increase in cigarette taxes. In assessing the situation and what might be done about it in a July 10, 1992 letter to Pat McWhorter of the Tobacco Institute, Bodron wrote:

I suppose that of the people connected with the tobacco business in Mississippi, I [Ellis Bodron] would probably be closer to Governor Fordice and have better relationships with him than anyone else. Governor Fordice has never previously held or run for public office. Therefore he has not had the opportunity either to favor of [sic] disfavor the tobacco business. He is a Republican and a conservative and is generally anti-tax. Although, at one time, he was quoted by a newspaper as saying that there might be some justification for a tobacco tax increase. I sent to you a copy of that newspaper article sometime last winter. The only thing that we have done for Governor Fordice so far as I know, is to contribute to the cost of his inaugural activities; as did R.J. Reynolds and Phillip [sic] Morris. The former asked who has the best relationships with the Governor's staff and that of course depends on which staff is involved. The same is true of state agencies. Both Buddy Medlin and I have a reasonably good relationship with the State Board of Health and the Mississippi State Tax Commission. The new chairman of the State Tax Commission is Ed Beulow who is a former Republican and former Chairman of the Public Health Committees. He is also from Vicksburg and he and I have been personal and political friends for a lot of years. Both Medlin and I have good relationships with most, maybe all the legislative staff people. Obviously, he would be closer to some and I would be to others. (37)

Despite this internal concern by the tobacco lobby, however, Fordice kept his word and never supported a tobacco tax increase throughout the rest of his two terms as Governor.

Besides the political lobbying power of the tobacco lobby that has successfully maintained the tobacco excise tax at a low amount in Mississippi, another significant factor that has kept tobacco excise taxes low has been a traditionalist ideological opposition in Mississippi to increasing all taxes including tobacco taxes. (15) (38) As Elizabeth Barber explained:

It hasn't been addressed since the early 80s, I think. We on the advocacy end of tobacco control have discussed quite a bit in the last couple of years [1999-2000] about developing a campaign to increase the excise tax. Because we know it is the number one way to reduce youth tobacco use. We know it is lower than a lot of states and we know it would be an uphill battle here as far as policy because of two things. One, all legislators hate raising taxes. It doesn't matter what product it is. And the other reason is because there is a perception that because there is so much tobacco settlement money here now, that it would be hard to make a case for an excise tax increase. (16)

As Attorney General Mike Moore also indicated:

It's [Mississippi's tobacco excise tax rate] low, as it is in most southern states. You probably could go higher than tobacco growing states, but it's very low and could be raised and we'll probably have a significant impact on the consumption if it was raised, at least a temporary impact. (13)

Mississippi tobacco control advocates understand that if the tobacco excise tax was significantly increased, tobacco consumption would significantly decrease particularly among poor

people and youth. Higher taxes could also fund needed state services including health and tobacco control programs. Failing to raise tobacco excise taxes removes one key approach that the Mississippi legislature can use to lower tobacco caused preventable deaths and illnesses in Mississippi. (39-46)

Product Liability “Reform” Efforts

In the early 1990's the tobacco industry in Mississippi conducted an intensive and ongoing campaign to change several legal requirements of product liability lawsuits (which is also a national goal of the industry) (33) in Mississippi, including capping punitive damages, enacting penalties for “frivolous” lawsuits, and reducing the amount of time allowed to file a product liability lawsuit. (30)

In 1991 and 1992, the tobacco lobby, through the Product Liability Task Force of Mississippi waged an intensive lobbying campaign to reform product liability legislation in Mississippi. One major concern of the pro-business product liability coalition was the power of trial lawyers in Mississippi to oppose, neutralize, and kill product liability legislation in sympathetic Mississippi legislative committees. (25, 47-49)

All of this was about to change when traditionalist Republican Governor Kirk Fordice announced that his top legislative priority in 1993 was a cap on punitive damages for product liability suits. In support of this legislation Governor Fordice argued:

We are severely hampered in our competition for industrial recruitment. If I had one genie in the bottle that says you can have one thing, it would be a cap on punitive damages. (50)

In conjunction with Fordice’s public announcement, early in 1993 near the beginning of the 1993 Legislative Session, former State Senator Glen Deweese, the Tobacco Institute, and APCO Associates formed the product liability reform front group M-FAIR. (31, 51) According to an internal Tobacco Institute document, the Tobacco Institute’s involvement in the formation of M-FAIR was to “contact major corporations and organizations who have an interest in the reform of the judicial system of Mississippi.” (51)

Early in the 1993 Legislative Session, Governor Fordice, M-FAIR, the tobacco industry, and other corporations commenced an intensive lobbying blitz of state legislators, which included a series of television ads portraying lawyers as “greedy ambulance chasers.” (52) Trial lawyers in response claimed that the main reason for the legislation was that business wanted the ability to engage in business activities without the threat of a lawsuit. (52)

On February 17, 1993, the Mississippi Senate passed by 43-6, in the same form that it had previously passed the Mississippi House by 98-24, product liability reform legislation. This legislation raised the standard of proof for punitive damages from a “preponderance of the evidence” to “clear and convincing evidence;” prohibited retailers from being subject to product liability

lawsuits for products produced by manufacturers; required a separate trial for punitive damages; allowed a person to seek punitive damages only after winning actual damages; and required that the amount awarded be “rationally related to the harm done.” (52-54) On February 18, 1993, Governor Fordice signed the bill. (54)

Although the bill did not provide for specific numerical caps on punitive damages originally sought by Governor Fordice, M-FAIR, and the tobacco lobby, the various new procedural and evidentiary provisions made it more difficult for plaintiffs to prove that punitive damages occurred. (54) As tobacco lobbyist Ellis Bodron explained in a letter to the Tobacco Institute:

While this bill does not do everything the business community wanted, it is substantially better for business than present law. It passed both Houses with substantial margins: the Senate 43-6 and the House, 98-24. In large part, because it was a compromise reached between representatives of the business community and representatives of the plaintiff’s trial bar. Legislators who have tired of the pressure applied by both sides on tort reform issues were delighted that a compromise was reached which they can use to defend their position against complaints from either side. The leadership of the Legislature does not want to be confronted with any more tort reform legislation during the remainder of this term. (54)

This landmark change in product liability legislation, which was a major victory for the tobacco industry and other business interests in Mississippi is the last time product liability “reform” has passed in Mississippi. (55)

Mississippi’s Medicaid Lawsuit Against Tobacco Industry

On May 23, 1994, the State of Mississippi filed the first lawsuit of its kind in the Chancery Court of Jackson, Mississippi against the tobacco industry on behalf of taxpayers forced to pay medical costs of sick tobacco users through the Medicaid insurance system. (56) Attorney General Mike Moore chose the chancery court; this court has no juries because it is considered a court of equitable relief that could issue injunctive orders righting wrongs including awarding monetary damages. Attorney General Mike Moore was assisted by private attorney Richard Scruggs, a former classmate in law school and personal friend. (12)

The lawsuit alleged that the tobacco industry was a cartel that had engaged in negligent and deliberate behavior designed to cause and did cause injury and death to persons in Mississippi; could have developed a safer cigarette but did not; knew that the nicotine in cigarettes was an addictive drug; engaged in a vast advertising campaign designed to increase the number of people addicted to tobacco; unjustly enriched itself of Medicaid funds at the expense of sick and dying tobacco users; targeted groups deemed vulnerable to the tobacco advertising campaign including African-Americans, minors, and low income women; sold a dangerous and defective product; and conspired and fraudulently concealed the dangerous nature of tobacco. (56)

This lawsuit was filed in the Chancery Court under the legal theory that suits in Chancery Court could be filed for equitable relief rather than on a case-by-case basis as had been done in the past in non-equity courts such as Mississippi's Circuit Court, which also allows jury trials. This meant that potential monetary awards for damages could be much higher due to the larger number of plaintiffs involved in each lawsuit. This also permitted (in theory) Mississippi to use statistics showing that tobacco use was linked to illness and death on a population basis. This approach contrasted with the older and much more burdensome legal approach heard in non-equity courts requiring direct prove of causality between tobacco use and disease in specific individuals who became ill, usually many years after they first started using tobacco.

According to a 1994 press release from the Mississippi Attorney General's Office, the reason for the lawsuit was because:

This lawsuit is premised on a simple notion—you cause the health crisis, you pay for it. The free ride is over. It's time these billionaire tobacco companies start paying what they rightfully owe to Mississippi taxpayers. It's time they quit hooking our young people on nicotine delivered through the dirty needle of cigarettes and other tobacco products. It's time justice prevailed. (57)

Early opposition to the lawsuit came from Governor Kirk Fordice, who stated a day after the suit was filed that the lawsuit made him "want to throw up." (12) Another early and obvious voice of opposition to the lawsuit was the tobacco industry. A press release by Philip Morris, U.S.A. claimed:

The Attorney General of Mississippi is suing to recover Medicaid payments made by the state on behalf of individuals whose illnesses were alleged to be caused by cigarette smoking. This case is fundamentally the same as previous smoking and health cases which the industry has successfully defended in the past.

In this situation, it is the state's burden to prove, for each and every individual, that his or her illness was caused by smoking.

Similarly, the industry has all the defenses it has used successfully in defending other typical smoking and health cases, such as assumption of risk and freedom of choice; that the plaintiff chose to smoke cigarettes while fully aware of the alleged hazards.

The difference in this case is that, because the state is the plaintiff, the costs for litigating the suit will be paid for by the taxpayers of the state. Other than that, it is fundamentally the same as the other smoking and health cases of the past. (58)

On December 19, 1994, lawyers for the tobacco industry argued a motion before Chancery Judge William Myers arguing that the lawsuit should be sent to a Mississippi Circuit Court (which had jury trials and has heard similar cases in the past on an individual basis) (12) The primary basis of the tobacco industry's argument was that the case was really a giant product-liability claim in which a case-by-case hearing of the allegations should be made. (12)

On February 21, 1995, Judge Myers ruled in a one page order (without an explanation)

(12) that the case would remain in his courtroom. (59) This was an early and major legal victory for Attorney General Mike Moore on behalf of the State of Mississippi.

In December 1995, the *Associated Press* reported that Governor Fordice had taken a trip to South Africa in December 1995 financed by tobacco companies. (60) Commenting on this tobacco industry-paid trip, Mike Moore stated, “We always thought the governor had been influenced by the tobacco companies. This is just another piece of proof that that’s true.” (60) In response, Fordice spokeswoman Kim Gallaspy said that the trip “did not have any influence” on Governor Fordice who “opposed the lawsuit before the trip and opposed it after the trip.” (60)

In Spring, 1996, Henry Turner, Philip Morris’ Regional Director of Government Affairs asked two staff members of Governor Fordice, Mark Garriga, Executive Assistant to the Governor, and Greg Hinkebein, Counsel to the Governor, for help in opposing Mike Moore’s lawsuit. (25, 61) Garriga and Hinkebein told Turner that they also believed the lawsuit was wrong because it should have not been filed against a business interest doing business in Mississippi. (25) Nothing decisive occurred at that meeting.

In a second meeting later that spring at the state capitol Garriga and Hinkebein, again met with Turner. They told him they would consider Turner’s request. Subsequent to that meeting, Turner contacted the Mississippi Economic Council and the Mississippi Manufacturers Association for financial assistance in paying for Governor Fordice’s legal expenses for a lawsuit to be filed by the Governor claiming that Moore’s lawsuit was illegal because it had not been authorized by the Governor. (25) The Mississippi Economic Council stayed out of the Governor’s lawsuit, but the Mississippi Manufacturer’s Association financially supported the Governor’s litigation. (13)

According to Attorney General Mike Moore the events surrounding these financial assistance requests were that:

The Mississippi Economic Council stayed out, they made it, they made an informed decision to stay out. They actually are the main kind of Chamber of Commerce in Mississippi, they actually were lobbied by the Governor and the tobacco industry; but then they called and asked Dick Scruggs [a private attorney assisting with Mississippi’s lawsuit] and I to talk to them to hear how our side of the case and they met our side, they called us back and said they were staying out and they did. The Mississippi Manufacturer’s Association, however, got in with both feet. They actually filed a brief against us and hired Ole Miss law professors, University of Mississippi law professors to file briefs against us. Yeah, they [Ole Miss law professors] were in it pretty tight [against Attorney General Mike Moore].(13)

On February 16, 1996, Governor Fordice filed suit in the Mississippi Supreme Court against Mike Moore claiming that Moore’s lawsuit was illegal and unconstitutional because Moore did not consult and get the approval of Fordice to file the lawsuit. (62) According to Fordice’s Executive Assistant, Mark Garriga in a news story carried by the *Biloxi Sun Herald*,

the reason for the Governor's lawsuit was that, "We are asking the court to rein in a rogue constitutional officer." (63) Fordice's suit was filed by Fordice's aides, Hinkelbein and Garriga, and private Jackson attorney Phillip W. Gaines. (64)

Mike Moore responded to Fordice's lawsuit by stating, "The tobacco companies were looking for a new Marlboro man and they have found him" (65)

On February 20, 1996, the tobacco industry's lawyers directly asked the Mississippi Supreme Court to dismiss Moore's suit on the same ground requested by the Governor four days earlier. According to a statement by John Mulderig, Senior Assistant General Counsel, for Philip Morris Management Corporation:

We have always taken the position that Mississippi law clearly does not allow the attorney general to bring such action without the authorization of the executive branch agency charged with overseeing the state's Medicaid program. (66)

On March 13, 1997, the Mississippi Supreme Court in separate decisions rejected the tobacco industry and Governor Fordice's legal challenge to Moore's lawsuit. (67) The Mississippi Supreme Court ruled that the lawsuit should have been heard by a lower Circuit Court first, which has the jurisdiction to settle disputes between government agencies. (67)

On July 2, 1997, the tobacco industry settled with the state of Mississippi. Under the terms of the settlement, \$170 million was to be paid to Mississippi on July 15, 1997. Starting in January 1998 and annually payments were made according to a formula that had been based on the estimated costs of smoking to Mississippi taxpayers through the Medicaid program. While the payments would continue in perpetuity (with adjustments for changes in smoking and inflation), over the first 25 years the total was estimated to be \$3.4 billion. (68) Moore also announced that the first payment of \$170 million would be placed in a trust fund pending a decision by the state legislature on how to spend the settlement funds. (69)

Mississippi Tobacco Trust Fund

On October 31, 1997, Representative Charlie Williams (R-Senatobia) Chair of the House Ways and Means Committee proposed that the Legislature spend interest earned from a permanent tobacco trust fund, on health care, tax cuts, and economic development. (70) Attorney General Mike Moore, without publicly stating whether he supported a trust fund, argued that the money should be spent on children and health programs. (70)

Despite these initial proposals, a bill to establish a tobacco trust fund in the 1998 Legislative Session was defeated in the Senate. The key sticking point was resistance in the Senate Public Health Committee regarding differences over how much interest should be earned

from the tobacco trust fund. This vote occurred despite the House voting 119-1 to support the trust fund. (71)

Despite this defeat, on December 1, 1998, State Treasurer Marshall Bennett continued to lobby for Mississippi legislators to place the tobacco settlement funds in an interest bearing tobacco trust fund with the interest earned each year spent on state programs. Bennett indicated that if such legislation was passed, “We could literally turn Mississippi into the healthiest state in the country.” (72)

On January 13, 1999, the House voted 118-1 to create a tobacco trust fund. (73) The interest in the tobacco trust fund was to be used for such programs as health insurance for children of the working poor, expanding Medicaid coverage to the elderly with respect to the purchase of prescription drugs, and developing a state trauma care system. (74) In early February 1999, State Treasurer Marshall Bennett and Attorney General Mike Moore lobbied the Senate Public Health Committee, which like in 1998 was stalemated over how the funds should be invested in the trust fund. (75) In a compromise measure, the Senate Public Health Committee approved a bill on February 23, 1999 in which 75% of the settlement would be placed in a tobacco trust fund and the rest would be spent on health care. (76)

On March 9, 1999, the full Senate voted 39-6 to establish a tobacco trust fund bill that had previously been approved by the Senate Public Health Committee. (77) While the House proposal would have placed the entire settlement into a tobacco trust fund, the new Senate version would have placed \$80 million into the fund in 1999 with the remainder spent on a variety of state health care needs from a permanent interest bearing trust fund. (77) On March 25, 1999, a compromise agreement was reached between House and Senate Conference Committee members in which \$50 million would be spent on specific health care programs in 1999 and the remaining payments would be placed in an interest bearing trust fund. (78) On March 26, 1999 the House and Senate voted unanimously to accept the Conference Committee’s compromise and then sent the measure to Governor Fordice. (79) Shortly after passage of the bill, Governor Fordice signed the bill into law. (80)

After the legislation was signed the Legislature has continued to fund a variety of health care programs primarily for the poor and elderly from fiscal years 1999 to 2001 (Table 6). In January 2000, some legislators were publicly considering spending the tobacco trust fund money on programs other than health care. However, House Public Health Committee Chair Bobby Moody (who had been previously sympathetic to tobacco control efforts) dismissed those suggestions saying his Committee would not consider changing the new law. (81)

TABLE 6. Health Care Programs Funded From Mississippi Tobacco Trust Fund From FY 1999 to FY 2001 (In Thousands)

Program	FY 1999	FY 2000	FY 2001
Maternal & Child Health	1,400	1,400	1,400
Health Center Grants	4,000	4,000	4,150
Trauma Care	6,000	6,000	6,000
Medicaid	24,900	20,330	40,674
Children's Health Insurance Program	7,000	7,500	7,500
Mental Health and Substance Abuse Services	17,500	7,500	7,350
Rehabilitative Services	4,200	2,200	2,200
Vision Testing	*	250	250
Medical Education Scholarships	*	*	500
* Not funded in that fiscal year.			
Sources: National Conference of State Legislatures and Campaign for Tobacco Free Kids. (14, 84)			

On July 26, 2001 Democratic Governor Ronnie Musgrove (who had been elected in 1999) made a similar proposal, attributed to state budgetary concerns, by publicly calling for \$150 million in tobacco trust funds be spent on a Medicaid match with the federal government and use the freed up state money for raises for state employees and higher education faculty; and more funding to increase health insurance benefits for state and school employees. (82, 83) His proposal was greeted with chilly opposition from some key legislators. (82) When hearing of Musgrove's proposal, House Public Health and Welfare Chair Bobby Moody (D-Louisville) said simply, "We are not going to do that. That wasn't what the tobacco settlement funds were for." (82)

Also expressing opposition to the proposal was Mike Moore who stated he was not convinced the state needed to divert funds from the trust fund. (82) However, clouding this debate was a report by the state budget office that indicated in September 2001 that funds going into the tobacco trust funds would be \$800 million less than originally projected due to decreased sales of tobacco products. (85)

In September 2001, Mississippi lawmakers had publicly announced that Governor Musgrove's proposal was not going to be passed due to a lack of details in the proposal and a failure to address a \$124.6 million Medicaid shortage. (6)

Expressing disappointment with that decision was Brenda Scott, President of the

Mississippi Alliance for State Employees who stated, “We want accessible health insurance. We want affordable health insurance for family coverage.” (83)

By December 2001, Mississippi lawmakers publically announced that they had “exhausted every avenue” in terms of using tobacco trust funds to augment Medicaid spending. (126) Representative Bobby Moody (D-Louisville) and Chair of the House Health and Welfare Committee also stated that if they did use tobacco trust fund money to cover the budgetary shortfall, he was committed to returning the money. (126)

Partnership for a Healthy Mississippi

On October 17, 1997 in a separate a legal agreement between Mississippi and the tobacco industry, the Chancery Court also approved the funding and creation of the Mississippi Tobacco Pilot Program. (86) Under the court order, \$62 million was placed in an escrow account to develop a two-year pilot program to reduce tobacco use among Mississippi youth. The logic for concentrating on youth was that this was the age group that was specifically targeted by the tobacco industry according to the original Mississippi lawsuit. (14, 84, 86)

Under the court order, Attorney General Mike Moore was directed to establish and develop the youth antitobacco program. (86) After receiving considerable input from individuals and public and private entities such as the American Cancer Society, American Lung Association, American Heart Association, youth groups, medical associations, Mississippi Department of Health, University of Mississippi Medical Center, law enforcement officials, and parent and teacher groups, a plan was presented to the Chancery Court for the establishment of a new organization, the Partnership for a Healthy Mississippi. (86)

Under the plan approved by the Chancery Court on June 5, 1998, the new organization was:

Organized as a nonprofit organization composed of over 60 statewide private and public agencies and more than 700 local organizations, the Partnership was charged by the court with developing and implementing a comprehensive program to promote healthier lifestyles for Mississippi youths through advocacy, education, awareness, counter-marketing, law enforcement, research and service. (86)

According to Attorney General Mike Moore, the reason that the Partnership for a Healthy Mississippi was set up under the court order as a nonprofit corporation was, “Because if we had got the legislature to pass a law and run it through the health department or whatever, I think the governor [Governor Kirk Fordice] would have vetoed whatever we tried to do or cut down on our money.” (13) The other reason the program was set up as a nonprofit was the need to establish and develop the program quickly outside the typically slower pace of government. (15)

The primary goal for the Partnership for a Healthy Mississippi as approved by the

Chancery Court was to make, “The social and cultural climate in Mississippi will be intolerant of tobacco use by youth.” (87) Three primary objectives of the program to meet this goal included reducing the number of youth using tobacco, encouraging youth to engage in antitobacco advocacy efforts, and protecting youth and adults from second hand smoke. (87)

The organizational structure of the Partnership for a Healthy Mississippi includes a seven person board of directors that oversees the organization’s operations. Members serving on the board of directors were voted on by the various organizations that participated in the plan on the basis of their familiarity with Mississippi politics and health care issues. (87) These board members (who have served since the inception of the Partnership for a Healthy Mississippi) are: Attorney General Mike Moore; State Health Officer Dr. Ed Thompson; Hursie Davis-Sullivan, M.D.; BellSouth President John Mccullouch, past president of the Mississippi Academy of Family Practice, Dr. George Abraham; Vice Chancellor of the University of Mississippi Medical Center, Dr. Wallace Conerly; and Harrison County Sheriff George Payne. (87)

Day-to-day operations of the Partnership for a Healthy Mississippi is the responsibility of an Executive Director. The current Interim executive Director of the Partnership for a Healthy Mississippi is Vivien Carver who was formerly a professor at the University of Southern Mississippi's Center for Community Health. Under the Executive Director are five administrative units including outreach and targeted programs, communication and advocacy, health care research, community and youth programs, and health education and research.(87)

Initial spending for the program was \$17 million in fiscal year 1999. Spending of \$22 million in fiscal year 2000 for the pilot program was well above the minimum level of funding that the US Centers for Disease Control and Prevention recommended for Mississippi, which recommended funding between \$18.8 and \$46.8 million. (88) These two allocations in fiscal years 1999 and 2000 meant the program had about \$22 million unspent by fiscal year 2001. Among the four individually settling states, including Mississippi, Minnesota, Texas, and Florida, which had settled on specific amounts on or before 1998, only Mississippi and Minnesota were within current CDC minimum best practices guidelines for tobacco control efforts.

The recommended and comprehensive best practices CDC programs include tobacco control cessation, community programs, enforcement, counter marketing, and research and evaluation.(88) For FY 2001, due to a concerted lobbying effort by Attorney General Mike Moore and health advocates the Partnership for a Healthy Mississippi projected it would spend \$20 million on the program because they were able to secure an appropriation from the Mississippi Legislature in its 2001 session. (6) The projected \$20 million for FY 2001, continues to be above the minimum CDC best practices recommended amount for funding for tobacco control. (6, 89)

In the first year of existence the Partnership for a Healthy Mississippi established and authorized its administrative units to conduct youth antitobacco efforts based on the CDC’s best practices model, including: smoking cessation programs, law enforcement (Synar enforcement efforts), community education efforts, school programs, and counter-marketing media campaigns. (86) The program with the highest percentage of funding as is indicated in Figure 3 has been community based programs at 28% of the total budget followed by school programs at 21%, and counter marketing at 20%.

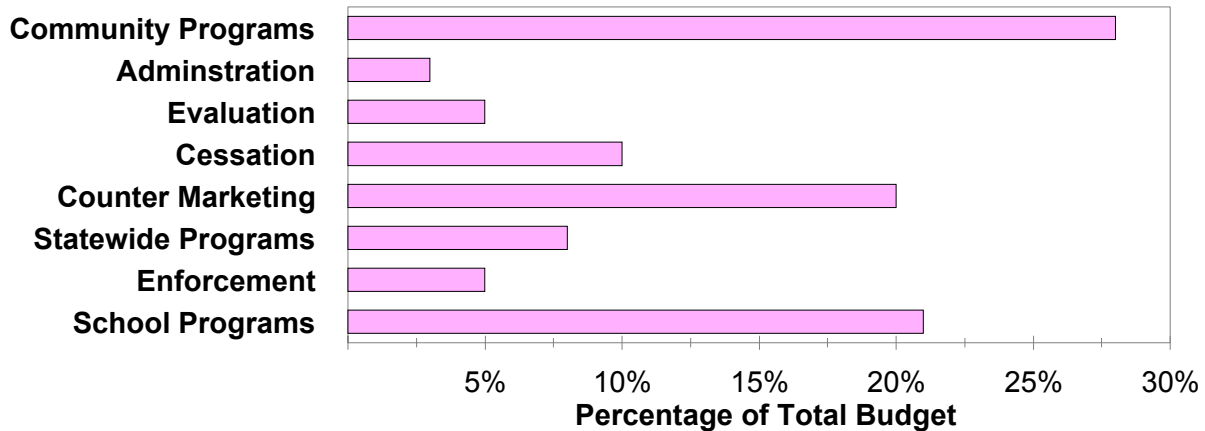


Figure 3. Partnership for a Healthy Mississippi Spending for 1999 and 2000. Source: Social Science Research Center Mississippi State University

Law Enforcement

On July 10, 1992, President George W. Bush signed the Alcohol, Drug Abuse and Mental Health Administration (ADAMHA) Reorganization Act (Public Law-102-321). As a condition of receiving substance abuse block grant funds for all fiscal years beyond 1994, Section 1926 of the act (also known as the Synar Amendment named after Representative Mike Synar [D-Oklahoma]) required all states to have “in effect a law providing that it is unlawful for any manufacturer, retailer, or distributor of tobacco products to sell or distribute any such product to any individual under the age of 18.” (90)

The states were also required to annually conduct random and unannounced inspections to ensure compliance with the law. (90) The law also required that states were to file annual reports to the Secretary of the United States Department of Health and Human Services (HHS) delineating the activities carried out to enforce the law in the next fiscal year, strategies utilized by the state to enforce the law, and the extent of success in reducing tobacco product availability to minors. (90)

In 1994, after a vigorous lobbying effort from the tobacco lobby and weak opposition from health groups, (25, 91-93) the Mississippi Legislature passed the Prevention of Youth

Access to Tobacco Act, which was designed to appear to meet the requirements of the federal Synar legislation with minimum impact on the tobacco industry. (94) The law had numerous difficulties and weaknesses with respect to effective state enforcement regarding youth access of tobacco products. (95, 96) These included:

- Adjudicating law enforcement violations at the felony level with weak financial penalties for violations, in a criminal court system overburdened with a large case backlog. Because of this requirement and other felony case with more significant penalties having much higher priority among prosecutors, the Mississippi Attorney General's Office was unaware of any prosecutions as of July 16, 1997.
- Requiring that enforcement efforts be conducted by the Commissioner of Public Safety acting through local Sheriffs and Police Chiefs (who may or may not have viewed tobacco enforcement as a high priority in relation to other criminal activities) rather than health authorities and advocates.
- No tobacco licensing requirements, making it difficult to determine who was selling tobacco in Mississippi.
- Preempting stronger local youth access ordinances.
- Spotty and haphazard enforcement. (13, 92, 95, 96)

While Mississippi relied on this pro-tobacco youth access bill to meet the Synar requirements, Philip Morris was also quietly attempting to lobby Mississippi Governor Fordice to implement its weak and voluntary AAA "We Card" youth access program. (97, 98) This program was designed to supplant any effective enforcement of restrictions on sales of cigarettes to teens. As internal 1995 Philip Morris documents indicated, Philip Morris considered Governor Kirk Fordice a key contact regarding its AAA campaign. (98) A letter to Governor Fordice dated December 19, 1995 from Ellen Merlo, Philip Morris Vice President for Corporate Affairs and a follow-up letter dated February 29, 1996 by Karen Chaiken, Philip Morris Manager, Business and Trade Programs, requested assistance with respect to implementing the AAA program in Mississippi. (99, 100) Chaiken's letter specifically requested the following:

As you are undoubtedly aware, since our initial correspondence, HHS [U.S. Department of Health and Human Services] has issued their SAMHSA [U.S. Substance Abuse and Mental Health Services Administration] regulations which now contain a funding provision and require that Mississippi submit an annual report detailing the state's activities to enforce laws prohibiting the sale or distribution of tobacco products to minors; report their overall success in reducing access to tobacco by minors; and describe how inspections were conducted and the method used to identify outlets that were inspected. In order to prepare this report, it is anticipated that states will be required to set-up a process to compile information on when and where fines or citations were issued for selling cigarettes to minors.

Given this development, I wonder if now you might be able to refer us to someone in the state with whom we can coordinate and who would be in a position to share this information with us when it becomes available.

Specifically, to ensure that we can implement our program of withholding merchandising benefits to stores fined for or convicted of selling cigarettes to minors, we would need the following information:

- the name, street address and phone number of the store in question, and if possible the tax I.D. number;
- a document that establishes that a violation occurred (e.g. a copy of the summons or citation initially issued);
- a document that establishes that a fine was paid and/or a final conviction entered (e.g. a paid receipt or a court record confirming the conviction). (100)

This effort to recruit Fordice's assistance did not appear to succeed. His office simply forwarded the letter to Attorney General Mike Moore's Office, hardly a sympathetic partner for Philip Morris. (25) However, since Mississippi had enacted a youth access law in 1994 with the aid of tobacco lobbyists that resulted in no prosecutions and preempted stronger local youth access ordinances, such a request for information on cited violators was meaningless. There were not any.

Due in large part to a lobbying effort by Attorney General Mike Moore, state youth tobacco legislation was changed and somewhat strengthened during the 1997 Legislative Session. (101) The new law, which went into effect in February 1998, strengthened youth enforcement efforts in the following ways:

- While still maintaining relatively small fines for the first two offenses (the first offense is \$50 and a warning letter; the second offense is \$75 and participation in a tobacco education program; and the third and subsequent offense is a \$150 fine and possible one year suspension of tobacco retailer's permit), the new law made violations by retailers a misdemeanor subject to a greater possibility of criminal prosecution.
- Prohibited the sale of individual cigarettes and cigars.
- Provided for licensing of retailers selling tobacco products to minors.
- Placed responsibility of enforcement efforts within the Attorney General's Office *or* local law enforcement agencies providing greater impetus for a centralized state effort at enforcement instead of haphazard degrees of enforcement by various local law enforcement officials. (95)

Despite these provisions that strengthened the previously ineffective law, the new law also

contained the following pro-tobacco provisions:

- Required that penalties for the third and subsequent offenses must occur within one year of the first offense making it unlikely that many retailers would suffer the penalty of having their tobacco retailers license revoked for one year.
- Provided that monetary penalties for violation of the law were invoked against whomever sold the tobacco product to a minor. So, if a clerk and not an owner sold the tobacco product to minors, it would be the clerk who would be fined. This further reduced the financial penalties on owners (and incentives not to sell tobacco products to minors) who were less likely than clerks to have sold tobacco products to minors.
- Provided that sales of tobacco in vending machines be regulated, for the first time, in locations that denied access by minors to the vending machines. However, the only proven way to totally counter sale of tobacco to minors from vending machines is banning the sale of tobacco in vending machines.
- Required pursuant to Mississippi Code, Section, 97-32-2 that state law preempted local ordinances with respect to penalties for: sale of tobacco to minors; violating point of sale warning signs provisions; conducting youth vending machine tobacco sales; and selling tobacco to minors in unsealed packages. (102-104)

Despite the various weak provisions of the law, the power to do investigations in a centralized manner in the Mississippi Attorney General's Office with misdemeanor criminal violations that can be prosecuted, has allowed a coordinated and vigorous youth tobacco enforcement effort to occur in Mississippi. (13) According to Attorney General Mike Moore, the primary reason for the drop (Table 7) in the Synar noncompliance rate was:

We started our own unit, in this office to enforce tobacco laws and then we did, went through the FDA thing and had that for a couple of years and we just kept it. When all the FDA units in the country got abolished, I just said this thing is working too well, why abolish it? Well, I got funding from outside tobacco grant money, our Partnership money and continued. So I got ten full-time law enforcement officers that do tobacco checks every single day. We did 8,500 checks last year, probably more than any state in the country. (13)

As a result of the more vigorous enforcement efforts, Synar noncompliance rates of Mississippi outlets who sold tobacco products to minors has dropped from 40% to 29% from federal fiscal year 1997-2000 (Table 7).

TABLE 7. Mississippi Synar Noncompliance Rates from Federal Fiscal Year 1997-2000

FY1997	FY1998	FY1999	FY2000
40.0%	30.5%	32.7%	28.7%

Source: United States Center for Substance Abuse Prevention

Tobacco Cessation Programs

There are two major components to the tobacco cessation effort in Mississippi. One component is the establishment of a Tobacco Quitline funded by the Partnership, which provides toll-free telephone (1-877-4US2ACT) counseling for individuals interested in quitting tobacco use. (86) This tobacco cessation hotline was the fifth established in the nation and was patterned after the California Smoker’s Helpline that had been operating for more than ten years as part of that state’s tobacco control program. Counselors answering phone calls are licensed social workers and counselors. Services provided by the Tobacco Quitline include follow-up counseling to combat problems of recidivism for those who have quit using tobacco. (86) In the first year of operation from January to December 2000, the Quitline received 2,975 new inquiry calls with 44% of callers who participated in a counseling and follow-up session either cutting back or quitting smoking. (105)

A second component of the cessation program, was the creation with the cooperation of the University of Mississippi Medical Center of the A Comprehensive Tobacco Program (ACT Center). The ACT Center, which opened in November 1999 was specifically oriented toward cessation of youth smoking. The ACT Center trains health care providers on how to conduct tobacco prevention and treatment services. (86) The ACT Center also provides individual and group treatment for youth and adults. In addition, the ACT Center also sponsors research on the scientific causes of tobacco use. (86)

Community Education Efforts

Community based programs to counter tobacco use have been divided between Community Youth Partnerships (CYP), Faith Based Initiatives, and Targeted Projects. The Community Youth Partnerships were established in 1998 to empower young people to be involved in local and regional antitobacco education efforts. (86) Each of the local partnerships set their own agendas and events within the following requirements:

CYPs must include at least 25% of youths in their membership to ensure that kids are represented in their community’s fight against tobacco;

CYPs must represent the diversity of their community in racial/ethnic/geographic orientation to encourage integration of groups that in other venues are often kept separate;

CYPs must work in the areas of increasing youth-led activities, engaging local policy makers, and

establishing or increasing community health education and tobacco cessation programs;

CYP members must attend quarterly training seminars in Jackson to learn the latest antitobacco program information in their individual communities. (86)

In assessing the role, number, and strength of CYPs in Mississippi's antitobacco effort, Attorney General Mike Moore stated:

One of the programs that we have through the Partnership is that we formed about thirty-four, I think, of Community Youth Partnership coalitions throughout the state. Actually every county is covered now with a local organization that does everything: education, prevention programs, cessation programs. I mean they're kind of cheerleaders on the local level on these efforts and they're the ones that got the local ordinances passed and they're pretty active. They're continuing to grow, we continue to fund them. They're our strength, really, I would say.(86)

While one of the goals of the CYPs has been to promote racial and ethnic diversity, that effort so far, has been mixed. Vivien Carver, Interim Executive Director for the Partnership for a Healthy Mississippi explained:

How successful have we been at that? It depends on the CYP. For example, in Coahoma County, there's a white woman that is the project director and an African-American woman who is the project director for another coalition. But in terms of the kids they serve. I mean it's almost completely balanced in terms of racial mix and you would never know that there's any kind of problem. There are other areas where we had one county who had a CYP, there was an African-American minister that was in charge of the CYP. He came to us and said, you know, I want you to take the money back. I cannot get the white kids to participate and it's not fair. And so he told us who we ought to put in that might do a better job at having a mix. So there are pockets. (15)

Carver also indicated, in this effort to promote racial and ethnic diversity, that 41% of the project directors of CYPs are African-Americans. (15)

In the first year of operation in 1999, CYPs conducted over 300 educational awareness activities in every county in Mississippi. (86) In 2000, the CYPs had 34,275 youth and adults participate in antitobacco community education efforts. (86) On a statewide basis, one of the most significant efforts by CYPs was convincing the Mississippi legislature to enact a tobacco use ban on all school property.

The Faith-Based Initiative component of antitobacco education efforts in Mississippi is reflective of the strong cultural and religious traditions of Mississippi. (86) The Faith-Based Initiatives were established in 1999 and provides request for proposal grants of \$2,500 to faith based organizations to provide antitobacco education classes and programs to youth. (86) In 1999, the Partnership for a Healthy Mississippi awarded grants to 54 faith-based organizations to serve 35 to 50 youth each. (86) According to Attorney General Mike Moore, by 2001, the Faith-Based Initiatives program had expanded to:

300, 350 churches [Figure 4] so far that are involved with this thing. And the faith-based effort, I say 90% of those are black churches. Which we have gotten more interest in the



Figure 4. Each filled in square equals one church in a county engaging in faith based activities. *Source: Partnership for a Healthy Mississippi.*

black churches then we have, and it's worked well. I mean you send them \$2,000 bucks and they, they do this curriculum. They have day camps and week camps for the kids. I mean, even after you don't fund them anymore, they continue to have it. They got the curriculum, they continue to make it part of their Sunday School. I mean, it's worked real well. (13)

According to Rhonda Lampkin, Governmental Relations Specialist for the Partnership for a Healthy Mississippi, the historical reason for congregations of these churches to be involved is:

I mean you know, again, based on what I know about the civil rights era. I wasn't even born during that time—but the churches played a very pivotal role in blacks getting the vote and integrating the schools and communities, just I don't think it could have happened without church involvement. Because a lot of African-Americans really trust their ministers and seem to be heavily influenced by what they say. So, if you get churches involved in supporting an issue, that means that it's something good. Because of religious implications of God, in God we trust, the pastor or the minister is a shepherd. So we're his flock and we want to be followers. (11)

Rhonda Lampkin and her colleague Kelly Davis, also a Governmental Relations Specialist for the Partnership for a Healthy Mississippi further described the highly political role that African-American ministers and ministers in general play in Mississippi politics as the following:

Rhonda Lampkin: As I said, churches are deeply entrenched in our culture here. Especially, me, being an African-American speaking from that perspective. In fact churches were the meeting place of many people during the civil rights era. They [African-American ministers] were very active in the civil rights movement. And of course, you know that there should be a separation of church and state, but it has been our experience that you can't really get anything done without involving the churches.

Kelly Davis: And the ministers are real involved in politics. Over here, we voted on our state flag [which has a confederate symbol on it]. So many supported this; just in our current mayor's race in Jackson, you will hear on the news, a group of fifty ministers.....

Rhonda Lampkin: Endorse it [the new flag without a confederate symbol]. Well, I don't know the denominations those folks represented. But you had just a number of ministers come out in support of the new flag because of the implications associated with changing the flag as they relate to attracting new industry into the area and creating new jobs and trying to bridge the racial gap. I mean that seemed to be a very divisive symbol, the current 1894 flag, which of course prevailed in the end. And our churches are about healing and bringing communities together, and for that reason, I think that flag had the ministers come out in support of the new flag. (11, 106)

In combination with the highly political role that African-American ministers play in Mississippi society was their specific motivations to become involved with tobacco control efforts. According to Attorney General Mike Moore this motivation of the ministers of African-American churches was primarily due to a combination of Protestant Christian Predestination Doctrine that holds that to obtain personal salvation, a person must not be sinful (including

treating your body like a temple) and non-religious public health and humanitarian concerns. (13)

A third component of the community education effort has been the funding of Targeted Projects operated by existing community organizations. The Partnership for a Healthy Mississippi provides grants of \$10,000 to \$500,000 for individual anti-tobacco community education efforts. (86) Organizations that have been funded in the second year of operation have ranged from 4-H clubs to the Girl Scouts (Table 8).

School Programs

Another component of the anti-tobacco efforts are school and youth anti-tobacco education programs in public schools and some private schools. (107) In furtherance of this goal, the Partnership for a Healthy Mississippi has provided the University of Southern Mississippi's Center for Tobacco Prevention with a grant to train teachers about age specific tobacco control school health education approaches. The curriculum provided in this program was designed to complement existing educational school curriculums in the sciences and social sciences. (86) The primary youth efforts sponsored by the Partnership are school programs tailored to two particular age groups including: Reject All Tobacco (R.A.T.) for kids age six to eleven; and Students Working Against Tobacco (S.W.A.T.) for students aged twelve to seventeen. The R.A.T. and S.W.A.T. programs were also designed to work in tandem with the Partnership for a Healthy Mississippi's counter marketing youth campaign (described in greater detail in the section below). (86)

Other school-based programs that have been utilized include the CDC-endorsed Towards No Tobacco (TNT) curriculum for seventh and eight graders in health and science classes. (86) Another school-based program for youth in grades nine to twelve that has been used has been FRONTLINE (located at www.wedrawtheline.com). FRONTLINE uses themes of rebellion against tobacco industry manipulation as a means to encourage antitobacco advocacy by youth in this age range. (86, 87) An additional program supported by the Partnership for a Healthy Mississippi, which provides antitobacco information to schools as well as adults throughout Mississippi is the Tobacco Education Resource Center (TERC). (86) TERC was established by the Mississippi Academy of Family Physicians/Family Health Foundation of Mississippi. TERC operates as a clearinghouse that provides antitobacco educational materials including, brochures, videos, posters, research papers, and fact sheets. This information is provided at no cost. (86)

Another school-based program funded through the Partnership for a Healthy Mississippi is the school nurse program. Fifty-two nurses have been located in public schools throughout the state to provide tobacco prevention and education. (86) Their job duties, however, were not restricted to just tobacco, but include addressing a variety of health care needs including illegal drug use, premarital sex, and alcohol abuse. (86, 87)

TABLE 8. Partnership for a Healthy Mississippi Funded Targeted Projects in 2000

Organization	Location
Boy Scouts	22 Counties in Central MS.
Boys and Girls Clubs	Batesville, Corinth, Tupelo, West Point, Greenwood, Greenville, Jackson, McComb, Gulf Coast, Pascagoula, Meridian, Collins, Hattiesburg
100 Black Men of the Delta	Greenville County and Washington County
100 Black Men of Jackson	Metro Jackson
Jackson State University National Youth Sports Program	State of Mississippi
Young Life	Hinds, Rankin, and Madison Counties
Fellowship of Christian Athletes	Madison County
Youth Empowerment Systems	Hinds County
NOT HERE	Metro Jackson
South Panola School Distract and Risque Business Team	Statewide and National Conferences
Girl Scouts of Middle MS	24 South MS Counties
TABOO	Natchez and Adams Counties
PEEDF	MS Delta
4-H at Mississippi State University	State of Mississippi
4-H at Alcorn State University	Southeast Mississippi
Source: Partnership for a Healthy Mississippi	

Counter-Marketing Media Campaign

According to Elizabeth Mavar, Vice President of Public Relations at the public relations firm of Maris, West, and Baker located in Jackson, which has been hired by the Partnership for a Healthy Mississippi to conduct youth counter marketing efforts in Mississippi (in accordance with the guidelines established in the Chancery Court decree), the counter marketing advertisements were developed by a:

review process that we went through, they [the research firm, Archetype Discovery] gave us all of that information and basically, it's based on two age groups, age of reason being 6 to 11 years old

and age of rebellion ages 12 to 17 years old. Pretty self-explanatory. The younger kids are more likely to take an antitobacco message. They'll accept it for what it is. They'll believe it when you teach it to them. If they're taught it in school, they want to go home and teach it to their parents. Much more, much easier to approach with a message like this. The age of rebellion, more typical of teenagers. They're not going to believe what you tell them. They're more against authority. They don't want to feel like they're being told what to do. (108)

These age categories or archetypes were determined to be the most appropriate as a result of independent research by Archetype Discovery that the Partnership for a Healthy Mississippi commissioned in tandem with research conducted by Maris, West, and Baker. (108) Elizabeth Mavar stated that this occurred because:

We don't do anything without talking to kids. We'll come up with concepts, get the concept in front of kids, and find out what they respond to and what makes them react and what they can relate to. If kids don't like it, we don't do it because that's our target and that's obviously who we are after. So, in addition to the research that the Partnership provides, we've done some pretty intensive on-going focus groups with kids. We've worked with a couple of different companies and some independent researchers. We've done, initially we did some so called depth and triads where you get two kids in a room and get pretty detailed with them. (108)

As a result of this research, it was found that the two themes that resonated the best with kids were a reinforced and ongoing media message of tobacco industry manipulation of kids and the severe health effects of tobacco use. (108)

In addition, the "Age of Reason" *RAT* ads aimed at younger children, engaged these youngsters by approaching them with simple and entertaining facts that they could remember. (86) The "Age of Rebellion" *Question It* ads encouraged teenagers to ask questions and rebel against a product and industry that targets them. (86)

Mississippi 2000 and 2001 Youth Tobacco Survey and Evaluation

By 2000, the results of the Mississippi Youth Tobacco Survey on this youth antitobacco effort had begun to show some positive effects. (107) The number of current smokers (defined as having smoked cigarettes on one or more occasions in the past thirty days) in eighth grade dropped in a statistically significant manner from 29% in 1999 to 18.5% in 2000. (107) Also, the percent of high school students who reported ever smoking one cigarette dropped in a statistically significant manner from 77.2% in 1999 to 71.5% in 2000. (107)

Despite these two promising trends, a number of other important indicators indicated no statistically significant changes in youth tobacco use by 2000. This included no statistically significant changes for all public and private school students (versus only eighth graders) who smoked one or more cigarettes in the past thirty days; and for all public school students and private high school twelfth graders who used smokeless tobacco on one or more days in the past thirty days. (107)

By 2001, however, further percentage reductions in tobacco use were reported as

analyzed from 1999-2001 for public middle school students who reported current tobacco use on one or more days in the past thirty days. These included a reduction of 26.7% in current tobacco use, 30.4% in current cigarette use, 35.3% percentage-point in current cigar use, 44.4% in smokeless tobacco use, and 38.5% in current cigarette use by middle school boys. (7)

Conclusion

While mostly focusing on youth and not on adults, the Partnership for a Healthy Mississippi's comprehensive CDC best practices program provides a sound programmatic model of how states can establish a comprehensive tobacco control effort if they decide to limit the focus to children. By 2000, Mississippi ranked second in the nation for per capita spending on tobacco control efforts and was one of only six states to meet the minimum CDC recommended per capita amount to spent on tobacco control efforts. (109) The projected 2001 Mississippi spending on tobacco control continued to be above CDC recommended spending amounts.

Despite these successes, the program presently does not deal with adults, particularly the young adults that were rapidly becoming the focus of tobacco industry marketing efforts in the late 1990's. (110, 111)

Tied to these budgetary trends, of course, is the need for effective and astute mobilization and advocacy for such programs. Initially, due to the strong initial legal support by Attorney General Mike Moore with the subsequent development of a plan to establish the Partnership for a Healthy Mississippi by Mike Moore in conjunction with a variety of health and nonhealth groups and individuals that was later approved by the Chancery Court, Mississippi continued to maintain a vigorous antitobacco program. A concerted lobbying effort to maintain the program's funding levels above CDC recommended best practices levels by Attorney General Mike Moore and health advocates has, so far, continued this trend in fiscal year 2001.

State and Local Clean Indoor Air Legislation

It has been the longstanding policy of the tobacco lobby to oppose or weaken all clean indoor air legislation by promoting a policy known as "accommodation" in which public establishments are allowed, on a voluntary basis, to set aside places for smokers and non-smokers. A second key feature of this weak voluntary program is to also pass state legislation that preempts stronger local clean indoor air ordinances. (33, 112) While publicly the tobacco lobby claims that its accommodation program is based on fairness to smokers and nonsmokers; (24) privately, as early as 1978, a study done for the Tobacco Institute highlighted had quite a different reason for opposing stringent and supporting weak clean indoor air laws:

What the smoker does to himself may be his business, but what the smoker does to the non-smoker is quite a different matter. This we see as the most dangerous development yet to the viability of the tobacco industry that has yet occurred ... The strategic and long run antidote to the passive smoking issue is, as we see it, developing and widely publicizing clear-cut, credible, medical evidence that passive smoking is not harmful to the non-smoker's health."(113)

This attack by the tobacco industry on the validity of *any* secondhand tobacco smoke as being a known cause of tobacco related disease and deaths has continued to occur despite later documentation in an U.S. Environmental Protection Agency report in 1992 that classified secondhand smoke as a Class A carcinogen known to cause cancer in humans and a California Environmental Protection Agency (EPA) report in 1997 that confirmed and extended the EPA's earlier findings. (114, 115) In response to these reports and others, the tobacco industry has engaged in an ongoing and relentless public relations, lobbying, and litigation campaign to discredit a large body of scientific research that demonstrates that second hand smoke is a serious health threat to non-smokers. (116)

In Mississippi, as everywhere else, Ronald Morris, Regional Vice President of the Tobacco Institute, reported that the tobacco lobby has historically been active in opposing any legislation that would place restrictions on smoking in public places. (24) Their efforts have been very successful with very few restrictions for clean indoor air enacted by the state legislature. (24) Instead, as is true in all other states, the tobacco industry has pushed for its voluntary accommodation program in Mississippi. (25)

The weak state law passed in 1964 prohibited pipe or cigar smoking on passenger buses (but not cigarette smoking). (117) It was not until 2000 that two new state clean indoor air laws were introduced and enacted in Mississippi.

One bill, which was introduced in January 2000, by Representative Alyce Clarke (D-Jackson) proposed to end smoking in the state capitol. (118) In support of this bill, Representative Clarke argued, "I'm hoping that the time is right, that we'll do the right thing. We have enough studies that show what smoking does." (118) On February 1, 2000, this bill was approved by the House Public Health and Welfare Committee and sent to the full House. (118) Arguing in opposition to the bill was Representative Billy Broomfield (D-Moss Point) who stated:

All you're creating is a huge ashtray with cigarettes and match stems. You're going to create an eyesore that doesn't look good for the Mississippi Capitol. (118)

Further lobbying support for the legislation came from organized health groups and the Partnership for a Healthy Mississippi. According to Elizabeth Barber, Executive Director of the American Lung Association of Mississippi the main public opposition to the bill came from several state legislators, many of whom were smokers. (16)

On May 2, 2000 the House approved this bill with the Senate approving the same bill later that month. (119) Under the new version of the bill, the House and Senate expanded this clean indoor air legislation to include not only the state capitol building, but other state office buildings. (119)

Under the provisions of the weak bill, which was signed later in May 2000 by Governor Musgrove, smoking in state office buildings and the state capitol building in a provision identical

to the goals of the tobacco lobby's weak accommodation program were restricted to: "designated smoking areas," which was defined as: enclosed private offices, designated employee break areas, and designated outdoor areas. (120) Signs were also required to be displayed indicating the designated smoking and nonsmoking areas. According to the bill, a "reasonable effort" was purportedly to be made (without additional funding to make these improvements) to either ventilate or physically block smoke from reaching non-smokers. (Ventilation without total room enclosure has been shown not to work in other public areas such as airports. (121)) The Mississippi Division of State Archives was allowed to remain smokefree because it holds many sensitive books and documents. (120) Methods of enforcement and penalties for violation of these weak provisions included posting signs for designated smoking and nonsmoking areas and removing persons who smoke in nonsmoking areas. (121) The bill (121) also contains narrow preemption language (unless it is interpreted by a future court decision to preempt more public areas besides state office buildings) that restrict local governments from passing stronger ordinances in relation to smoking in state office buildings. Section 5 of the bill specifically states that: "This section expressly preempts to the state the regulation of smoking in state office buildings and supersedes any municipal or county ordinance on the subject." (16, 122)

Another bill, HB 641, proposed to end tobacco use on school property including in teachers' lounges and sports arenas. (123) The bill, which was strongly supported by the teen anti-tobacco group FRONTLINE, State Health Officer Ed Thompson, and Attorney General Mike Moore (123) was introduced in February 2000 by Representative Bobby Moody (D-Louisville). (123) Arguing in support of the bill, Representative Moody stated, "I thought people paid to go to a football game or watch people play basketball to watch the high school children participate in sports [instead of using tobacco]." (123)

In March 2000 the bill passed the House 77-41. Speaking in opposition of the bill on the House floor was Representative Charlie Capps (D-Cleveland), a cigar smoker, who stated, "The bill is an example of legislators trying to micro manage local school policies." (123)

Major campaigning and lobbying in support of passage of this bill in the House came primarily from youth associated with the Partnership for a Healthy Mississippi's FRONTLINE and CYP programs. (11, 106) Specific efforts in this campaign included two major rallies of 1000 and 1600 youth at the state capital in 2000 and individual lobbying by young people of state legislators. (11, 34, 106) Vital technical support on how to properly lobby legislators along with technical assistance on press relations was also provided by staff from the Partnership for a Healthy Mississippi and Attorney General Mike Moore. (11, 16, 106)

On April 10, 2000, with continued support and lobbying coming from Attorney General Mike Moore and State Health Officer Ed Thompson, the Senate passed the legislation ending smoking on school property but limited the law to public schools and removed private schools from the law and sent it back to the House for further consideration. (124) The House adopted this bill shortly thereafter without any significant changes and the law was signed into legislation shortly after by Governor Musgrove.

Local Clean Indoor Air Legislation in Mississippi

With the exception of preemption of local governments passing stricter ordinances for state office buildings, none of the state clean indoor air laws have preempted stricter local ordinances. (13) However, according to a report by the National Cancer Institute (125) there are no major local clean indoor air ordinances covering workplaces, restaurants, bars, and enclosed public places in Mississippi as of August 2000. (125) Major local clean indoor air ordinances is defined by the National Cancer Institute as the “the protection of nonsmokers from the health effects of secondhand smoke.” (125) This lack of substantial local ordinances is reflective of a historical lack of coordinated and vigorous organizing by health groups to enact such local ordinances.

As the grassroots efforts to enact state legislation to end tobacco use on school property clearly indicated, such efforts continue to be possible both at the state level and also the local level where it takes considerably fewer political resources to mobilize to enact a clean indoor air ordinance. Due to the lack of local preemption of local clean indoor air ordinances, health advocates in Mississippi could develop a coordinated and politically astute campaign to pass local clean indoor air ordinances throughout the state, which would take considerably fewer political resources than a state campaign. Such a campaign has proven effective in other states because the tobacco lobby would be required to spread its political resources much thinner than at the state level where it can exert much greater centralized political influence on state government. These campaigns are also powerful educational tools for tobacco control generally.

Should Mississippi tobacco control advocates chose to pursue a campaign to enact local ordinances, they can expect the tobacco industry to renew its efforts to preempt the rights of local communities to enact clean indoor air ordinances.

CONCLUSION

The modernizer influences of a new generation of politicians like Mike Moore have spilled over into tobacco control reform efforts. These efforts, which emphasize governmental action and regulation have been strongly opposed by many low tax, free enterprise traditionalists such as Governor Kirk Fordice. Despite the rise of the modernizers influence in Mississippi tobacco policy making, that does not mean that their influence is absolute as witnessed by Mississippi’s low tobacco excise rate, very weak state and nonexistent local clean indoor air ordinances (except the new state clean indoor air ordinance that ended tobacco use on school property) and the product liability “reform” legislation that was lobbied for by the tobacco lobby and other business interests.

These three laws reflect a traditionalist political agenda oriented toward little or no government regulation of businesses. The success of effective and vigorous future tobacco control efforts in Mississippi, will undoubtedly hinge on whether political modernizers like Mike Moore remain in office and whether health groups will mobilize politically at the grassroots in

tandem with insider legislative lobbying to fight to win legislative battles. If they continue the momentum from their recent political victory in enacting a law ending tobacco use on school property, which combined legislative lobbying with astute grassroots outsider lobbying in similar future campaigns at the local and state levels, then their possibility for future policy successes will be good.

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APPENDIX A-1. CONTRIBUTIONS MADE TO LEGISLATIVE OFFICEHOLDERS AND CANDIDATES IN 1992-1995

Name	House	Party	District	B/W	PM	RJR	STC	UST	TI	LOR	Total	
Barnett, Les	H	R	116								\$0	
Bean, Jim	S	R	44				\$500	\$500	\$200		\$1,200	
Blackmon, Barbara	S	D	21		\$200						\$200	
Blackmon, Edward	H	D	57		\$200		\$500	\$200			\$900	
Bryant, Phil	H	R	59	\$650							\$650	
Canon, William	S	R	17				\$500				\$500	
Carter, N. Brad	S	R	33	\$650							\$650	
Clarke, Alice	H	D	69		\$200						\$200	
Cobb, Kay	S	R	9		\$200				\$200		\$400	
Coleman, Linda	H	D	29		\$200						\$200	
Comans, Raymond	H	D	78		\$200						\$200	
Dearing, Bob	S	D	37		\$400						\$400	
Denny, Bill	H	R	64		\$700						\$700	
Endris, Glenn	H	D	117		\$500						\$500	
Ford, Tim	H	R	18		\$500		\$500				\$1,000	
Foster, Ted	H	D	15		\$700						\$700	
Frierson, Gary	H	D	93		\$200						\$200	
Grady, Hershhal	H	D	98		\$400						\$400	
Graham, Walter	S	D	3						\$350		\$350	
Hall, Dick	S	R	25		\$400						\$400	
Harden, Alice	S	D	28		\$200				\$200		\$400	
Hines, Warren	H	D	50		\$500						\$500	
Holden, Rita	H	D	24		\$200						\$200	
Holland, Steve	H	D	16		\$500						\$500	
Horhn, John	S	D	26		\$200						\$200	
Huggins, Robert	S	R	14	\$450			\$500				\$950	
Johnson, Robert	S	D	38	\$450							\$450	
Kirby, Dean	S	R	30		\$400						\$400	
Martinson, Rita	H	R	58		\$200						\$200	
Mc Innis, Mack	H	D	105		\$400						\$400	
Minor, William	S	D	2	\$600	\$500		\$500				\$1,600	
Moody, Robert	H	D	43	\$550	\$1,500						\$2,050	
Musgrove, Ronnie	S	D	10		\$400						\$400	
Rotenberry, Clint	H	D	77		\$400						\$400	
Saucier, Gene	H	R	101	\$400							\$400	
Scoper, Vince	S	R	42		\$400						\$400	
Scott, Morris	H	D	6		\$300						\$300	
Short, Bob	H	D	113		\$400						\$400	
Shows, Bobby	H	D	89		\$400						\$400	
Smith, Robert	S	D	35			\$750					\$750	
Vince, Robert	H	D	99	\$750							\$750	
Watkins, Larry	H	D	108		\$400						\$400	
Woodfield, Clyde	S	D	48				\$500	\$500			\$1,000	
TOTAL					\$4,500	\$12,300	\$750	\$3,500	\$1,200	\$950	\$0	\$23,200

APPENDIX A-2. CONTRIBUTIONS MADE TO LEGISLATIVE OFFICEHOLDERS AND CANDIDATES IN 1996-1999

Name	House	Party	District	B/W	PM	RJR	STC	UST	TI	LOR	Total	Tobacco Policy Score	
Barnett, Les	H	R	116							\$200	\$200	8.7	
Bean, Jim	S	R	44				\$1,000				\$1,000	N.A.*	
Blackmon, Edward	H	D	57		\$200						\$200	8.0	
Browning, Nickey	S	D	3				\$500				\$500	5.7	
Bryan, Hob	S	D	7				\$1,000				\$1,000	4.0	
Canon, William	S	R	17				\$1,000				\$1,000	3.0	
Carlton, Neely	S	D	22				\$500				\$500	9.8	
Eaton, Blaine	H	D	79		\$200						\$200	2.8	
Flaggs, George	H	D	55		\$200						\$200	10.0	
Foster, Ted	H	R	15				\$500				\$500	N.A.	
Fredericks, Frances	H	D	119					\$200			\$200	9.5	
Frierson, Herb	H	D	106				\$500				\$500	3.3	
Gollott, Thomas	S	D	50		\$1,000						\$1,000	4.3	
Gordon, Jack	S	D	6				\$1,000		\$200		\$1,200	6.3	
Grist, Joey	H	D	23				\$500				\$500	8.7	
Hall, Dick	S	R	25						\$500		\$500	N.A.	
Hamilton, E. Glenn	S	R	15				\$500				\$500	6.0	
Harden, Alice	S	D	28		\$200						\$200	8.5	
Holland, Steve	H	D	16				\$500				\$500	2.8	
Horhn, John	S	D	26		\$200				\$250		\$450	7.8	
Jennings, Wanda	H	R	7		\$200						\$200	9.3	
Kirby, Dean	S	R	30				\$500				\$500	5.5	
Minor, William	S	D	2				\$500				\$500	6.0	
Moffatt, Tommy	S	R	52		\$200						\$200	6.7	
Moody, Robert	H	D	43				\$1,000				\$1,000	9.3	
Nunalee, Alan	S	R	6				\$500				\$500	8.5	
Posey, Lynn	S	D	36		\$200						\$200	6.0	
Rayborn, W.L.	S	D	39				\$500				\$500	N.A.	
Scott, Omeria	H	D	80		\$200						\$200	9.0	
Simmons, Willie	S	D	13		\$200				\$200		\$400	10.0	
Smith, Ferr	H	D	27		\$200						\$200	7.7	
Smith, Robert	S	D	35				\$500				\$500	7.8	
Thames, Billy	S	D	34				\$500				\$500	5.3	
Tollison, Gray	S	D	9				\$500				\$500	6.3	
Watson, Percy	H	D	103				\$500				\$500	8.0	
Woodfield, Clyde	S	D	48				\$500				\$500	N.A.	
TOTAL					\$0	\$3,200	\$0	\$13,000	\$200	\$1,150	\$200	\$17,750	

* Not Available.

APPENDIX A-3. CONTRIBUTIONS MADE TO LEGISLATIVE OFFICEHOLDERS AND CANDIDATES IN 2000-January 2001

Name	House	Party	District	B/W	PM	RJR	STC	UST	TI	LOR	Total	Tobacco Policy Score
Perkins, Willie	H	D	32			\$100					\$100	8.7
Woods, Tommy	H	R	13			\$300					\$300	8.0
Chism, Gary	H	R	40			\$100					\$100	2.3
Carmichael, Videt	S	D	33				\$1000				\$1000	7.3
TOTAL						\$500					\$1500	

APPENDIX A-4. MEMBERS OF THE 2000-2001 LEGISLATURE WHO REPORTED THEY DID NOT RECEIVE TOBACCO INDUSTRY CONTRIBUTIONS

Legislator	Chamber	Party	Tobacco Policy Score
Bailey, Willie	H	D	8.7
Baker, Larry	H	D	7.3
Banks, Earle	H	D	8.0
Barbour, Jep	H	R	8.0
Barnett, Jim	H	D	9.3
Barnett, Les	H	R	8.7
Blackmon, Barbara	S	D	8.5
Blackmon, Edward	H	D	8.0
Bowles, William	H	D	3.0
Bloomfield, Billy	H	D	7.7
Brown, Cecil	H	D	5.5
Browning, Nickey	S	D	5.7
Byran, Hob	S	D	4.0
Burton, Terry	S	D	8.5
Cameron, Tom	H	I	4.0
Canon, Bill	S	R	3.0
Capps, Charlie	H	D	2.8
Carlton, Neely	S	D	9.8
Chamberlin, Robert	S	R	8.0
Chaney, Mike	S	R	7.7
Clark, Robert	H	D	9.0
Clarke, Alyce	H	D	10.0
Coleman, Linda	H	D	9.3
Coleman, Mary	H	D	8.7
Compretta, J.P.	H	D	8.3
Creel, Jamie	H	D	7.7
Cuevas, Scottie	S	D	5.7
Cummings, Ricky	H	D	7.3
Davis, Lee	H	R	7.0
Dawkins, Deborah	S	D	10.0
Dearing, Bob	S	D	4.8
Dedeaux, Dirk	H	D	2.8
Denny, William	H	R	3.3
Dickerson, Tommy	S	D	7.0
Dickson, Reecy	H	D	9.0
Eads, John	H	D	8.0
Eakes, Mike	H	D	2.3
Eaton, Blaine	H	D	2.8
Ellington, Jim	H	R	2.8
Ellis, Tyrone	H	D	8.3
Ellzey, Joe	H	D	3.3
Espy, Chuck	H	D	9.3
Evans, James	H	D	6.7
Farris, Ron	S	R	7.7
Fillingame, Joey	H	R	3.0
Flaggs, George	H	D	10.0
Fleming, Erik	H	D	9.0
Ford, Tim	H	D	6.3
Formby, Mark	H	R	3.0
Franks, Jamie	H	D	7.3
Frazier, Hillman	S	D	9.5
Fredericks, Frances	H	D	9.5

Frierson, Herb	H	D	3.3
Furniss, Delma	S	D	6.0
Gadd, Jack	H	D	4.0
Gibbs, David	H	D	3.3
Gollott, Tommy	S	D	4.3
Gordon, Jack	S	D	6.3
Green, David	H	D	7.3
Grist, Joe	H	D	8.7
Guice, Daniel	H	R	5.5
Hamilton, Frank	H	D	7.3
Hamilton, Glenn	S	R	6.0
Harden, Alice	S	D	8.5
Harrison, Esther	H	D	8.0
Harvey, Billy	S	D	7.3
Henderson, Clayton	H	D	6.0
Hewes, Billy	S	R	7.5
Holland, Steve	H	D	2.8
Holloway, Gregory	H	D	9.3
Horhn, John	S	D	7.8
Horne, Tommy	H	I	4.3
Howell, Bobby	H	R	3.0
Huddleston, Robert	H	D	8.3
Hudson, Joey	H	D	4.3
Huggins, Robert	S	R	6.5
Hyde-Smith, Cindy	S	D	10.0
Ishee, Roger	H	R	7.3
Jackson, Sampson	S	D	8.7
Janus, Michael	H	R	3.3
Jennings, Wanda	H	R	9.3
Johnson, Robert	S	D	9.3
Johnson, Tim	S	R	7.8
Jordan, David	S	D	9.7
Ketchings, Andrew	H	R	3.7
King, Tom	S	R	7.7
Kirby, Dean	S	R	5.5
Lee, Ezell	S	D	5.7
Little, Travis	S	D	7.5
Livingston, David	H	D	6.0
Lott, Michael	H	R	4.7
Malone, Bennett	H	D	7.0
Maples, Percy	H	R	7.7
Markham, J. B.	H	D	7.3
Martinson, Rita	H	R	7.5
Masterson, Chester	H	R	9.0
Mayo, John	H	D	9.3
McBride, Warner	H	D	9.0
McCoy, William	H	D	7.7
Mettetal, Nolan	S	D	7.7
Michel, Walter	S	R	7.3
Middleton, Chuck	H	D	8.3
Miles, William	H	D	8.0
Mitchell, Randy	H	D	8.0
Moak, Bobby	H	D	7.8
Moffatt, Tommy	S	R	6.7
Montgomery, Keith	H	R	3.7

Montgomery, Pat	H	D	8.0
Moody, Bobby	H	D	9.3
Moore, John	H	R	3.7
Moore, O.K.	H	D	4.0
Morris, Leonard	H	D	8.0
Moss, Harvey	H	D	7.3
Myers, David	H	D	8.7
Nettles, Clem	H	D	2.5
Nicholson, Billy	H	D	4.0
Nunnelee, Alan	S	R	8.5
Peranich, Diane	H	D	8.5
Pierce, Randy	H	D	8.3
Posey, Lynn	S	D	6.0
Read, John	H	D	3.7
Reeves, John	H	R	8.0
Reynolds, Tommy	H	D	9.7
Roberson, Rob	H	R	5.0
Robertson, Tommy	S	R	1.7
Robertson, Valeria	H	R	7.7
Robinson, Eric	H	R	1.7
Robinson, Walter	H	D	8.7
Rogers, Ray	H	R	6.5
Ross, Charlie	S	R	3.3
Rotenberry, Clint	H	R	4.0
Rushing, Zack	H	D	7.0
Ryals, Donny	H	D	5.7
Scoper, Vince	S	R	6.7
Scott, Eloise	H	D	10.0
Scott, Omeria	H	D	9.0
Shows, Bobby	H	D	5.0
Simmons, Willie	S	D	10.0
Simpson, James	H	R	4.5
Smith, Carmel	H	R	7.5
Smith, Charlie	H	I	4.0
Smith, Clayton	H	R	4.7
Smith, Ferr	H	D	7.7
Smith, Jeffrey	H	D	7.3
Smith, Robert	S	D	7.8
Snowden, Greg	H	R	3.0
Stevens, Mary Ann	H	D	9.3
Stogner, Joseph	S	R	7.3
Straughter, Rufus	H	D	9.3
Stringer, Johnny	H	D	4.7
Taylor, Joe	H	D	7.3
Thames, Billy	S	D	5.3
Thomas, Sara	H	D	8.0
Tollison, Gary	S	D	6.3
Turner, Bennie	S	D	7.3
Wallace, Tom	H	D	9.3
Walls, Johnnie	S	D	9.3
Ward, Greg	H	D	8.0
Warren, Joe	H	D	4.0
Watson, Percy	H	D	8.0
Weathersby, Tom	H	R	7.0
West, Phillip	H	D	2.7

White, John	S	D	4.0
White, Richard	S	R	5.3
Whittington, May	H	D	9.7
Williamson, Gloria	S	D	9.3
Young, Charles	H	R	5.3
Zuber, Henry	H	R	8.3