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Tobacco Control Policy Making in Wisconsin:
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This report is the latest in a series of reports that analyze tobacco industry campaign contributions, lobbying, and other political activity in California and other states. The previous reports are:

- M. Begay and S. Glantz. *Political Expenditures by the Tobacco Industry in California State Politics* UCSF IHPS Monograph Series, 1991.
- M. Begay and S. Glantz. *Political Expenditures by the Tobacco Industry in California State Politics from 1976 to 1991*. UCSF IHPS Monograph Series, 1991.
- B. Samuels and S. Glantz. *Tobacco Control Activities and the Tobacco Industry's Response in California Communities, 1990-1991*. UCSF IHPS Monograph Series, 1991.
- M.E. Begay and S.A. Glantz. *Undoing Proposition 99: Political Expenditures by the Tobacco Industry in California Politics in 1991*. UCSF IHPS, 1992.
- S.A. Glantz and L.R.A. Smith. *The effect of ordinances requiring smokefree restaurants on restaurant sales in California*. UCSF IHPS Monograph Series, 1992.
- M.E. Begay, M. Traynor, S. A. Glantz. *Extinguishing Proposition 99: Political Expenditures by the Tobacco Industry in California Politics in 1991-1992*. UCSF IHPS, 1992.
- M.E. Begay, M. Traynor, S.A. Glantz. *Tobacco Industry Political Expenditures in California State Politics, January-June, 1993*. UCSF IHPS, 1993.
- M.E. Begay, M. Traynor, S.A. Glantz. *Tobacco Industry Political Expenditures in California in the 1991-1992 Election*. UCSF IHPS, 1993.
- M.E. Begay, M. Traynor, S.A. Glantz. *The Twilight of Proposition 99: Preauthorization of Tobacco Education Programs and Tobacco Industry Political Expenditures in 1993*. UCSF IHPS, 1994.
- H. Macdonald and S. Glantz. *Analysis of the Smoking and Tobacco Products, Statewide Regulation Initiative Statute*. UCSF IHPS, 1994.
- H. Macdonald, M. Traynor, S. Glantz. *California's Proposition 188 : An Analysis of the Tobacco Industry's Political Advertising Campaign*. UCSF IHPS, 1994.
- S. Aguinaga, H. Macdonald, M. Traynor, M. Begay, S. Glantz. *Undermining Popular Government: Tobacco Industry Political Expenditures in California 1993-1994*. UCSF IHPS, 1995. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/tobexp>)
- M. Begay, and S. Glantz. *Question 1: Tobacco Education Outlays From the 1994 Fiscal Year to the 1996 Fiscal Year* UCSF IHPS 1995. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/q1>)
- F. Monardi, E. Balbach, S. Aguinaga, S. Glantz. *Shifting Allegiances: Tobacco Industry Political Expenditures in California, January 1995 - March 1996*. UCSF IHPS 1996 (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/sa>)
- F. Monardi, A. O'Neill, and S. Glantz. *Tobacco Industry Political Activity in Colorado 1979 - 1995*. UCSF IHPS 1996. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/co>)
- F. Monardi, and S. Glantz. *Tobacco Industry Political Activity in Washington 1983 - 1996*. UCSF IHPS 1996. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/wa>)
- F. Monardi, and S. Glantz. *Tobacco Industry Political Activity and Tobacco Control Policy Making in New Jersey 1982 - 1995*. UCSF IHPS 1997. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/nj>)
- E. Balbach, F. Monardi, B. Fox, S. Glantz. *Holding Government Accountable: Tobacco Policy Making in California, 1995-1997*. UCSF IHPS 1997. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/ca9596/>)
- S. Aguinaga-Bialous and Stanton A. Glantz. *Tobacco Control in Arizona 1973-1997*. UCSF IHPS 1997. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/az/>)
- F. Monardi, and S. Glantz. *Tobacco Industry Political Activity and Tobacco Control Policy Making in Pennsylvania 1979 - 1996*. UCSF IHPS 1997. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/pa>)
- B.J. Fox, J.M. Lightwood, S.A. Glantz, *A Public Health Analysis of the Proposed Resolution of Tobacco Litigation*. UCSF IHPS 1998. (Available on the World Wide Web at <http://www.library.ucsf.edu/tobacco/ustl/>)
- L. Goldman, and S.A. Glantz. *Tobacco Industry Political Activity and Tobacco Control Policy Making in Oregon 1985 - 1997*. UCSF IHPS 1998. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/or/>)

EXECUTIVE SUMMARY

- * The tobacco industry is a major political and legal force in Wisconsin through campaign contributions, lobbying and litigation.
- * The tobacco industry is a major source of campaign contributions to legislative candidates, state constitutional office candidates, and political party committees. In the 1987-88 election cycle, the tobacco industry directly contributed \$9,079 to legislators and candidates. In the 1995-96 election cycle the tobacco industry directly contributed \$41,125.
- * A majority of tobacco industry campaign contributions to legislative candidates and political parties have shifted from the Democratic party to the Republican party. In the 1987-1988, 1989-1990, and 1991-1992 elections cycles, the tobacco industry contributed 47%, 30% and 44%, respectively, of their legislative and political party contributions to the Republican party. During the 1993-1994 and 1995-1996 electoral cycle, the tobacco industry contributed 51% and 62%, respectively, of their legislative and political party contributions to the Republican party.
- * A relationship exists between tobacco industry campaign contributions and state legislative behavior. The more money a legislator receives, the less likely he or she will support tobacco control efforts.
- * Several health related groups, such as the Health and Hospital Association, the Wisconsin Association of HMOs, and the Employer Health Care Cooperative Alliance, are represented by many of the same lobbyists as the tobacco industry. This pattern of representation raises the possibility of conflict of interests among lobbyists who represent the tobacco industry and health groups.
- * Madison was the first city in Wisconsin to pass a smokefree restaurant ordinance. Middleton and Shorewood Heights, suburbs of Madison, have also passed smoke free restaurant ordinances. Attempts at other smokefree ordinances have failed.
- * Fond du Lac passed a ban on self service displays in 1991. However, a state circuit court and a state appellate court ruled that a 1985 state law preempts localities from passing more stringent local ordinances regarding minors' access to tobacco.
- * Tobacco control efforts in Wisconsin have been characterized by a series of isolated initiatives with little structure or institutional support. This failure of the public health community to develop an institutional base capable of following through on victories or retooling from defeats may explain the lack of progress in tobacco control in Wisconsin.

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INTRODUCTION

Although Wisconsin has lower lung cancer rates than the rest of the United States, lung cancer rates in Wisconsin have been increasing since 1979 [1]. Despite the growing awareness that second hand smoke is dangerous [2], few Wisconsin counties and municipalities *do not* have 100% smokefree government buildings [3]. Despite substantial public support for ending smoking in restaurants in Wisconsin [4], only a few Wisconsin communities have ordinances that require restaurants to be 100%

smokefree. Wisconsin also ranks sixth highest among the 50 states in the number of children exposed to secondhand smoke in the home (28%) [5]. In addition, cigarette sales have fallen slower in Wisconsin than in the rest of the United States [6]. During the 1980s, per capita cigarette sales in Wisconsin were substantially below the rest of the United States (Figure 1). During the 1990s, per capita sales of cigarettes in Wisconsin leveled off and have been rising and, since 1993, exceeded the national average.

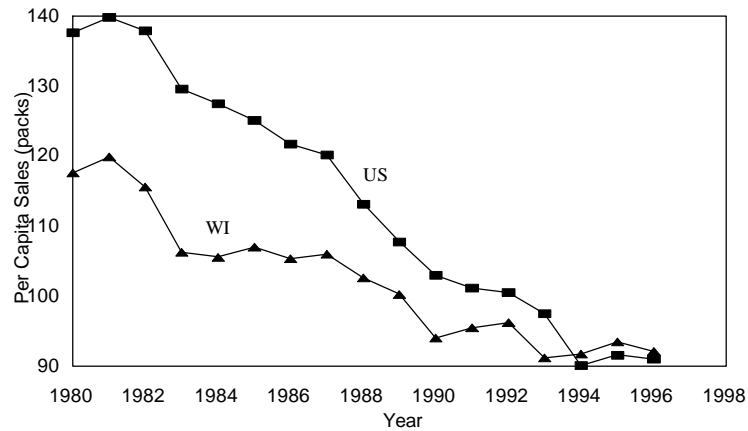


Figure 1. *Per capita cigarette consumption has not declined as quickly in Wisconsin compared to the rest of the United States.*
 Source: Tax Burden on Tobacco, 1997 (The Tobacco Institute)

The tobacco industry has made contributions to political parties and legislative and state constitutional candidates since 1987. (Wisconsin started collecting lobbying expenditures in 1991) As shown in Figure 2 and Table 1, the tobacco industry doubled its political expenditures during the 1991-1992 electoral cycle compared to the 1989-1990 electoral cycle. This increase in political activity may have been the result of increased efforts of tobacco control advocates at the local level. In Madison, the city passed a smokefree ordinance that applied to restaurants in 1992. The tobacco industry also favored

smokers rights

Tob. Ind. Contributions in Wisconsin
 (Not including Lobbying)

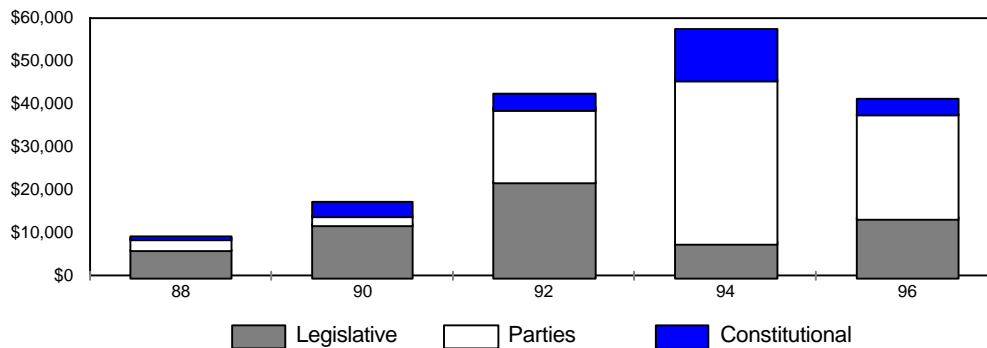


Figure 2. *Tobacco industry political expenditures rose rapidly during the 1991-1992 electoral cycle.*

Table 1. Summary of Tobacco Industry Contributions in Wisconsin

	1987-92	1993-94	PM	UST	WBGA	MILLER	RJR	STC	TI	Petroleum C-Store	1995-96	Grand Total
Legislative	\$40,043	\$7,863	\$3,750	\$4,050	\$5,600					\$125	\$13,525	\$61,432
Constitutional	\$6,850	\$11,750	\$500	\$3,000	\$100						\$3,600	\$22,200
Parties	\$21,764	\$37,800	\$13,000	\$2,000	\$8,950					\$50	\$24,000	\$83,564
Lobbying	\$1,203,429	\$826,867	\$379,412			\$298,678	\$121,344	\$75,000	\$127,881	\$430,191	\$1,432,507	\$3,462,802
TOTAL	\$1,272,085	\$884,280	\$396,662	\$9,050	\$14,650	\$298,678	\$121,344	\$75,000	\$127,881	\$430,367	\$1,473,632	\$3,629,997

legislation that was being discussed during the early 1990s. The Wisconsin legislature passed a smokers' rights bill in 1992. There has also been no progress in enacting ordinances that restrict tobacco access to minors. In 1991, Fond du Lac passed an ordinance restricting sales of cigarettes to youth, but the Wisconsin courts interpreted a 1985 state law as preempting local activity in the area of restricting minor's access to tobacco products.

Overall, tobacco control efforts in Wisconsin have been characterized by a series of isolated initiatives with little structure or institutional support. This failure of the public health community to develop an institutional base capable of following through on victories (like the Madison smoke free ordinance) or retooling from defeats (like the preemption decision on youth access) may explain the lack of progress in tobacco control in Wisconsin.

TOBACCO POLICY SCORES

A "tobacco policy score" was estimated for each member of the 1995-1996 legislature to quantify his or her record on tobacco control issues. On a scale of 0 to 10, a score of zero represents an extremely pro-tobacco legislator and a score of 10 represents an extremely pro-tobacco control legislator. Five individuals who have expertise in tobacco control and the Wisconsin state legislature provided ratings of legislators in the 1995-1996 legislature. The average for each legislator is reported.

We chose to quantify legislative behavior with the tobacco policy score rather than examining individual votes because few tobacco-related issues are voted on by every member of the Legislature and simply examining recorded votes does not capture other ways in which a legislator can influence the outcome regarding a proposed piece of legislation, such as controlling what committee a bill goes to or the offering of friendly or hostile amendments.

In the Senate, Senator Fred Risser (D-Madison) and Senator Alice Clausing (D-Menomonie) had the highest tobacco policy score, 9.6. Senators Gary George (D-Milwaukee), and Brian Rude (R-Coon Valley) had the lowest policy scores (most pro-tobacco industry) in their chambers, 1.2 and 1.4, respectively. In the Assembly, Assemblywoman Judith Robson (D-Beloit) had the highest tobacco policy score, 10.0. Assemblywoman Barbara Gronemus (D-Whitehall) had the lowest policy score, 0.5.

The distribution of tobacco policy scores was normally distributed (bell shaped curve) with a mean tobacco policy score of 5.3 (median, 5.3) and a standard deviation of 2.4. Members of two houses had similar mean policy scores (Assembly: mean 5.4, standard deviation 2.3, n=99; Senate: mean 5.1, standard deviation 2.7, n=33; $p>.10$). Democrats had significantly higher tobacco policy scores than Republicans (Republicans: mean 4.4, standard deviation 2.1, n=69; Democrats: mean 6.3, standard deviation, 2.4, n=65; $p<.01$). Wisconsin is similar to other states where tobacco policy scores are divided along party lines, with Republicans being more pro-tobacco than Democrats [7-12].

Wisconsin lobbyists employed by the tobacco industry have also rated members of the Wisconsin state legislature with a similar rating system. A listing of legislator ratings by tobacco lobbyists for the 1995-1996 legislative session was found at the state capital building. (A copy of this document can be found at <http://www.execpc.com/~jlohman>.) The Wisconsin tobacco lobbyists rate legislators on a scale of one to five. One is the lowest score, meaning that the legislator is not favorable toward the tobacco industry point of view. Five is the highest score, indicating that the legislator is favorable toward the tobacco industry. The correlation is between our tobacco policy score and the tobacco lobbyist ratings is very strong ($r= -.81$, $p<.001$). The high correlation indicates that there is a significant amount of agreement between tobacco lobbyists and the individuals who contributed to the tobacco policy score

concerning how Wisconsin legislators regard tobacco issues. This high correlation represents an external validity check on our tobacco policy scores as a measure of legislative behavior on tobacco control issues.

TOBACCO INDUSTRY CAMPAIGN CONTRIBUTIONS

Campaign Contribution Data

Data on tobacco industry statewide political expenditures were obtained from disclosure statements filed with the Wisconsin State Elections Board from 1987-88 through 1995-1996 election cycles using archival records and disclosure statements available at the Wisconsin State Elections Board. The 1987-1988 election cycle is the first cycle that the tobacco industry made political contributions in Wisconsin. Direct contributions to legislators, constitutional officers, and statewide political parties and party committees are reported. Records for contributions to candidates at the local level were not available. The following organizations were included as "tobacco industry" sources of funds: Brown and Williamson Tobacco Corporation, Lorillard Tobacco Company, Philip Morris Inc., Wisconsin Better Government Action Committee (which has the same address as Miller Brewing Company in Milwaukee and receives most funds from Philip Morris), Miller Brewing Company (a subsidiary of Philip Morris Inc.), RJR Nabisco Inc., Smokeless Tobacco Council, The Tobacco Institute, U.S.T. Public Affairs, and Petroleum Marketers Association of Wisconsin / Wisconsin Association of Convenience Stores. In previous reports [7-13] we had not included Philip Morris subsidiaries, such as Miller Brewing Company, as a source of tobacco industry funds. Miller Brewing company is included in this report because it has actively lobbied on tobacco control issues in Wisconsin. In the Directory of Registered Lobbying Organizations prepared by the Wisconsin Ethics Board, Miller Brewing Company's Lobbying Interest is described as "Any matter affecting the brewing, food or tobacco industries [14]." Oscar Mayer Corporation is also a Philip Morris subsidiary, but they did not contribute campaign funds in Wisconsin. The Petroleum Marketers Association of Wisconsin / Wisconsin Association of Convenience Stores have lobbied on bills relating to tobacco regulation, cigarette taxes, and vending machines [15].

Contributions to State Legislators

Direct tobacco industry contributions to legislators and legislative candidates reached a peak of \$21,975 during the 1991-1992 election cycle. Appendix tables A-1 through A-5 list contributions to legislators and legislative candidates since the 1987-1988 election cycle. As shown in Figure 2, tobacco industry contributions to legislators almost doubled in 1991-1992 compared to the 1989-1990 election cycle. This increase coincides with increased activity of both tobacco control activists and tobacco industry political activity. In 1991, the city of Madison passed a clean indoor air ordinance that eventually led to all restaurants becoming smokefree in Madison. The state legislature also passed "smokers' rights" legislation during the 1991-1992. Campaign contributions to legislators has dropped since 1992.

During the late 1980s and early 1990s, most tobacco industry campaign contributions to state legislators were distributed to Democrats who controlled both houses of the legislature. After Republicans won control of the Assembly in the 1994 election, a majority of campaign funds were distributed to Republican legislators. (A recall election in 1996 shifted control of the Senate to the Democrats in 1996. A special election to replace a Democratic Senator in 1998 shifted control back to the Republicans in 1998). In the 1987-1988, 1989-1990, and 1991-1992 elections cycles, the tobacco industry contributed 28%, 34% and 36%, respectively, of their legislative contributions to Republican legislators and candidates. During the 1993-1994 and 1995-1996 electoral cycle, the tobacco industry contributed 55% and 63%, respectively, of their legislative contributions to the Republican legislators and candidates. The Democrats

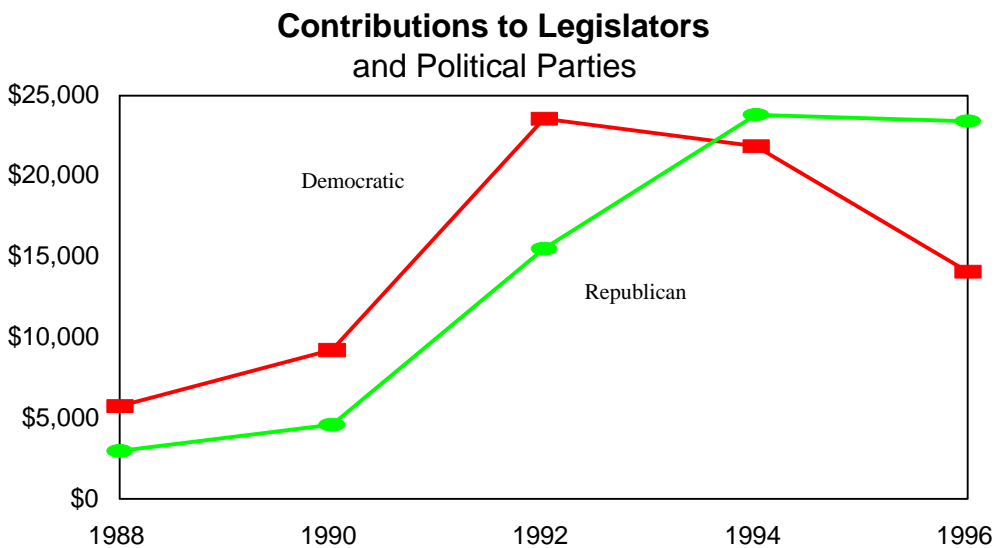


Figure 3. Tobacco industry contributions to Republican candidates and the Republican party surpassed contributions to Democratic legislators and the Democratic party during the 1993-1994 electoral cycle.

TABLE 2. TOBACCO INDUSTRY RECIPIENTS RECEIVING \$500 OR MORE IN 1995-1996						
Officeholder	Party	House	Total	Tobacco Policy Score	Tobacco Lobbyist Score	
Rude Brian D.	R	S	\$1,000	1.4	5	
Hoven Timothy	R	A	\$900	4.0	3	
Shibilski Kevin	D	S	\$750	2.4	1	
Welch Robert	R	S	\$650	2.0	5	
Foti M.	R	A	\$650	3.8	3	
Vrakas Daniel P.	R	A	\$550	5.7	3	
Kreuser James E.	D	A	\$550	4.3	5	
Lorge William	R	A	\$550	2.3	5	
Kunicki Walter J.	D	A	\$500	1.3	4	
Jensen Scott R.	R	A	\$500	4.1	2	
Jauch Robert	D	S	\$500	6.6	3	

Wineke	Joseph S.	D	S	\$500	5.2	3
Porter	Cloyd A. Rosemary	R	A	\$500	2.3	5
Potter	y	D	A	\$500	6.2	3
Kaufert	Dean R.	R	A	\$500	2.0	5
Johnsrud	DuWayne	R	A	\$500	2.3	5

of the Senate in a special recall election in 1996 in which a Republican was recalled and was replaced by a Democrat.

After the 1992 elections, the tobacco industry shift to the Republican party was reflected in both contributions to legislators and political parties (Figure 3). In the 1987-1988, 1989-1990, and 1991-1992 elections cycles, the tobacco industry contributed 47%, 30% and 44%, respectively, of their legislative and political party contributions to the Republican party. During the 1993-1994 and 1995-1996 electoral cycle, the tobacco industry contributed 51% and 62%, respectively, of their legislative and political party contributions to the Republican party.

Table 2 provides a list of the top recipients of tobacco industry money in 1995-1996. Of the sixteen recipients who received more than \$500 in 1995-1996, ten were Republicans and six were Democrats. The average tobacco policy score for the top recipients was 3.5 (standard deviation, 1.7). Senator Brian Rude and Assemblyman Timothy Hoven (R-Port Washington) were the largest recipients of tobacco industry contributions in 1995-1996.

Legislative Leaders

As in other state legislatures, the tobacco industry wishes to maintain a close relationship with legislative leadership [7-13]. Most Assembly and Senate leaders have received tobacco industry money (Table 3). Both Assembly and Senate leaders have low to moderate tobacco policy scores (pro tobacco industry).

In the Senate, the Democratic party had control of the legislature during the 1997-1998 legislative session until a special election on April 7, 1998. Assembly member Mary Lazich (R-New Berlin) won a special election to replace Lynn Adelman (D-Mukwonago) who resigned to accept a judicial appointment. Senate President Brian Rude (R-Coon Valley), received \$1,000 from UST in 1995-1996. Rude also has the lowest tobacco policy score (pro tobacco industry) in the state Senate, 1.4. The other Republican leaders also have low to moderate tobacco policy scores. In the Assembly, the tobacco industry contributed \$500 to Speaker Scott Jensen (R-Waukesha) and \$650 to Majority Leader Stephen Foti (R-Oconomowoc) in the 1995-1996 electoral cycle. Assemblywoman Bonnie Ladwig (R-Racine), the Assistant Majority Leader, and Senator Alan Lasee (R-Rockland) are the only legislative leaders to have

never accepted tobacco industry contributions.

Legislative Committees

Joint Finance Committee -- The Joint Finance Committee is the most powerful committee in the Wisconsin legislature [16]. It consists of eight Senators and eight Assembly members. They are responsible for approving and amending the Governor's budget proposals and for making spending and revenue decisions. Currently there are twelve Republicans and four Democrats serving on the Joint Finance Committee. Five members received tobacco industry contributions during the 1995-96 election cycle (Table A-6). Dean Kaufert (R-Neenah) was the top recipient of tobacco industry contributions among Joint Finance Committee members in 1995-1996 (\$750, tobacco policy score = 2.4). The Joint Finance committees recommended cigarette tax increases in 1995 and 1997. The cigarette tax increased by six cents to 44 cents in 1995 and increased by 15 cents to 59 cents in 1997.

Assembly Urban and Local Affairs Committee -- In 1994, the Assembly Urban and Local Affairs Committee unanimously passed a bill (AB 516) that would have overturned the 1987 Access to Cigarettes Law which the Wisconsin Court of Appeals interpreted as preempting local ordinances regulating youth

Table 3. 1998 Wisconsin Legislative Leadership

Senate Leadership		Officeholder	Party	Dist.	1987-92	1993-94	PM	UST	WBGA	1995-96	Grand Total	Tobacco Policy Score	Tobacco Lobbyist Score
President	Rude, Brian	R	32	\$200				\$1,000		\$1,000	\$1,200	1.4	5
President Pro Tempore	Lasee, Alan	R	1							\$0	\$0	2.4	4
Majority Leader	Ellis, Michael	R	19	\$300						\$0	\$300	2.6	5
Asst. Majority Leader	Farrow, Margaret	R	33	\$100						\$0	\$100	5.3	2
Caucus Chair	Drzewiecki, Gary	R	30					\$250	\$250	\$250	\$250	2.0	4
Minority Leader	Chvala, Chuck	D	16	\$100						\$0	\$100	8.8	1
Assembly Leadership													
Speaker	Jensen, Scott	R	32	\$800				\$500		\$500	\$1,300	4.1	2
Speaker Pro Tempore	Freese, Stephen	R	51		\$50					\$0	\$50	4.0	3
Majority Leader	Foti, Steven	R	38	\$150	\$250		\$500	\$150	\$650	\$1,050	\$1,050	3.8	3
Asst. Majority Leader	Ladwig, Bonnie	R	63							\$0	\$0	5.0	
Caucus Chair	Green, Mark	R	4					\$250	\$250	\$250	\$250	3.7	4
Caucus Vice-Chair	Vrakas, Daniel	R	33		\$250	\$400		\$150	\$550	\$800	\$800	5.7	3
Minority Leader	Kunicki, Walter	D	8		\$500			\$500	\$500	\$1,000	\$1,000	1.3	4
					\$1,650	\$1,050	\$400	\$2,000	\$1,300	\$3,700	\$6,400		

access to tobacco products. The bill did not progress after it was reported out of committee. In the 1997-1998 session, the committee consists of three freshman who had not received tobacco industry contributions (Table A-7). Only Antonio Riley (D-Milwaukee) and Steve Wiekert (R-Appleton) received tobacco industry contributions during the 1995-1996 legislative session.

Assembly and Senate Judiciary Committees -- The Judiciary Committees have considered a number of tobacco control issues over the past several years. During the 1997-98 session, the Senate Judiciary committee passed SB 313, which would redefine the 1987 minors' access to cigarettes law which has been interpreted by the Wisconsin judicial system as being preemptive. SB 313 has passed the Senate and is being considered by the Assembly. The Judiciary committees also considered and passed smokers' rights legislation in 1992.

In 1995-1996, only two Assembly Judiciary members, Chair Mark Green (R-Green Bay) and Daniel Vrakas (R-Hartland) received contributions from the tobacco industry (Tables A-8 and A-9). The only member to have never accepted a tobacco industry contributions was Barbara Notestein (D-Milwaukee). In the Senate Judiciary committee, two of the five current members have received tobacco industry contributions during the 1995-1996 legislative session. Lynn Adelman (D-Mukwonago), former chair of the committee, also never accepted a tobacco industry contributions. Lynn Adelman resigned in December 1997 to become a federal judge.

Legislative Tobacco Group

Starting in the 1993-1994 session a group of legislators concerned about issues revolving around tobacco began to informally meet every two or three weeks during the legislative session to discuss the status of tobacco control legislation [17]. Rep. Judy Robson (D-Beloit), a former chair of the Assembly Health Committee, started this bipartisan group. Besides Robson, other members of this informal, bipartisan group were Frank Urban (R-Brookfield, also a physician), Fred Risser (D-Madison), Rebecca Young (D-Madison), Scott Walker (R-Wauwatosa), and Peter Bock (D-Milwaukee).

State Constitutional Officers and Judges

Governor Tommy Thompson (Republican) has had close ties to the tobacco industry. Thompson has received \$17,950 in direct tobacco industry contributions since 1987 and over \$60,000 in direct tobacco industry contributions, contributions from employees, and from tobacco industry lobbyists [18]. In addition, Thompson has received gifts from the tobacco industry in indirect ways. As former head of the National Governor's Association, Philip Morris paid for trips to southern Africa in 1995 and Australia in 1996. The trips were worth \$16,000 and the funds were funneled through three non-profit groups [18]. Phone records indicate that the Governor's office keeps in close contact with Andrew Whist, a Philip Morris senior Vice President [18]. Since 1992, Andrew Whist has sent a dozen invitations for Thompson to attend special events in New York or abroad, honoring foreign dignitaries. In 1995, Governor Thompson also line item vetoed a no smoking policy in the seating areas in a bill that approved financing for the new Brewer's stadium -- Miller Park, scheduled to open in the year 2000. (However, in March 1998, the Milwaukee Brewers announced that there will be no smoking in the current stadium's seating area, as well as the future Miller Park). Compared to governors in other states that we have studied (California, Colorado, Washington, Pennsylvania, Ohio and New Jersey) [7-13, 19], Governor Thompson has a very close relationship with the tobacco industry.

Other state constitutional offices have received contributions from the tobacco industry.

Lieutenant Governor Scott McCallum (Republican) has received \$300 since 1987. Former Attorney General Donald Hanaway (Republican) received \$300 in 1990 and current Attorney General James Doyle (Democrat) received \$250 in 1994. James Doyle filed a lawsuit against the tobacco industry on February 5, 1997 in order to recover Medicaid expenses related to treating smokers' illnesses. Wisconsin was the twenty-first state out of forty states to file a lawsuit against the tobacco industry.

Wisconsin Supreme Court Justices are elected to ten year terms. Judicial elections in Wisconsin are non-partisan races. Justices Donald Steinmetz and Janine Geske have received \$3,000 and \$500 respectively, from tobacco industry sources.

Political Parties

Wisconsin election laws limits contributions to candidates to \$500 per candidate per election (\$500 for primaries and \$500 for general elections). However, campaign contributions to political parties or party committees are not limited. From the 1987-88 electoral cycle to the 1991-1992 electoral cycle, most contributions to political parties (Table A-10) went to Democratic party committees. The tobacco industry contributed slightly more money to Republicans during the 1993-1994 electoral cycle (\$19,450 to Republican committees and \$18,350 to Democratic Committees. During the 1995-1996 electoral cycle, 62 percent of tobacco industry party contributions were given to Republican committees, \$14,950 to Republicans and \$9,050 to Democrats.

Lobbying

Data on lobbying expenditures came from lobbying disclosure statements filed with the Wisconsin Ethics Board. Lobbying data from tobacco industry sources were first available in 1991. Lobbying expenditures have been the tobacco industry's largest political expenditure in the state of Wisconsin (Table 1).

Table A-11 summarizes lobbying expenditures in Wisconsin at the state level. Since 1991, the tobacco industry has spent over \$3.4 million in lobbying expenditures in Wisconsin. In 1995-96, Philip Morris, Miller Brewing, RJ Reynolds, Smokeless Tobacco Council, and the Petroleum - Convenience Store Marketing Association paid over \$1.4 million to lobbyists in the state of Wisconsin. Among the lobbying firms most used by the tobacco industry, Philip Morris has employed Bill Gerard, Joe Czerwinski, Elizabeth Buchen, the Wiswell Group and the firm Atinsky, Kahn, Sicula and Teper; RJ Reynolds has employed Michael Vaughn; Smokeless Tobacco Council has employed Patrick Essie; Miller Brewing has employed Martin Schreiber (Martin Schreiber is a former governor of Wisconsin); Paul Lucas and the Wiswell Group; the Tobacco Institute has employed the firm DeWitt, Ross and Stevens; and the Petroleum Convenience Store Marketers have employed Broydrick and Associates.

Several health related groups are represented by many of the same lobbyists as the tobacco industry. In addition to Philip Morris, Elizabeth Buchen also represents the Health and Hospital Association of Wisconsin. Michael Vaughn, who represents RJ Reynolds, also represents the Wisconsin Association of HMOs. Patrick Essie, who represented the Smokeless Tobacco Council and now represents UST Public Affairs, also represents the Employer Health Care Cooperative Alliance. This pattern of representation raises the possibility of conflict of interests among lobbyists who represent the tobacco industry and health groups [20].

THE RELATIONSHIP BETWEEN CAMPAIGN CONTRIBUTIONS AND LEGISLATIVE POLICY MAKING

There is a statistical relationship between tobacco industry campaign contributions and the tobacco policy scores, with the campaign contributions affecting tobacco policy scores. We sought to test the hypothesis that campaign contributions sway legislators to be sympathetic toward the tobacco industry's point of view, while at the same time, the tobacco industry rewards those legislators that have helped it in the past. We tested the hypotheses also utilizing the tobacco lobbyist scores. Simultaneous equations regression using two stage least squares was used to test the hypothesis that campaign contributions were affecting legislative behavior simultaneously with behavior affecting contributions [7-13] during Wisconsin's 1995-96 legislative session.

The simultaneous equation regression model contains two equations. One equation predicts the tobacco policy score (dependent variable) from the amount of campaign contributions in that election cycle (independent variable). The second equation predicts campaign contributions (dependent variable) from the tobacco policy scores and a variable representing legislative leaders to allow for the possibility that legislative leaders received greater campaign contributions than members in general. (This analysis is only based on direct contributions to legislators. It does not include money contributed to political parties.)

Table 4 presents the results of this analysis. For every \$100 a legislator received, his or her tobacco policy score dropped (i.e., became more pro-tobacco industry) by an average of -0.82 in 1995-96 legislative session. In other words, the more money a legislator received, the more pro-tobacco industry the legislator became. Republican legislators significantly lower policy scores than Democratic legislators for the same amount of tobacco industry funds. Tobacco policy scores did not significantly affect the level of campaign

TABLE 4. SIMULTANEOUS EQUATIONS RESULTS FOR TOBACCO POLICY SCORES AND 1995-1996 CAMPAIGN CONTRIBUTIONS				
Dependent Variable = Tobacco Policy Score				
Variable	Coefficient	St. Error	t	p
Contributions (in hundreds of dollars)	-0.82	.41	-2.01	.05
Republican Legislators	-1.65	.45	-3.66	<.001
Intercept	6.95			
Dependent Variable = Campaign Contributions (in dollars)				
Tobacco Policy Score	-15.4	18.2	-0.85	.39
Leadership	189.8	82.3	2.31	.02
Intercept	171.6			

Dependent Variable = Tobacco Policy Score
n=132
R ² = .16 for tobacco policy score; R ² = .07 for campaign contributions.

contributions in the 1995-1996 legislative session, although legislative leaders did receive more campaign contributions than other state legislators.

These results are comparable to previous findings of the effects of tobacco industry campaign contributions on the California, Colorado, Massachusetts, New Jersey, Ohio, Pennsylvania and Washington legislatures [7-13]. These studies found a simultaneous relationship between tobacco policy scores and tobacco industry campaign contributions.

TOBACCO CONTROL LEGISLATION IN THE 1980S

In 1983, the Wisconsin legislature passed the Clean Indoor Air Act (Wisconsin Act 211, Section 101.123). At the time it was passed, it was considered a progressive piece of legislation [21]. By 1998 standards, it is weak. While it has been amended over time, the Act restricts smoking in public and privately owned buildings except in areas where a designated smoking area has been established with a sign posted stating that smoking is allowed. The Act does list places where smoking is completely prohibited, restricted except in designated areas, and places where smoking is permitted. Smoking is completely prohibited in physicians' offices, motor buses, and day care centers when children are present. Smoking is restricted, except in designated places, in state and local government buildings, public or privately owned offices, educational facilities, hospitals, retail establishments, indoor movie theaters, elevators, waiting rooms, restaurants that do not hold alcohol beverage licenses, inpatient health facilities, and mass transit. The Act specifically permits smoking in the following places: areas that have been designated as smoking areas, offices or rooms where the main occupants are smokers, even if non-smokers are periodically present, restaurants holding "Class B" liquor licenses, bowling alleys, rooms or halls for private functions, taverns with a "Class B" liquor license, any manufacturing facility, and correctional institutions.

There is a \$10 fine for any person "willfully" smoking in an area where smoking is prohibited and after being advised that smoking is prohibited by an employee of the facility. Local law enforcement officers have the power to enforce the Clean Indoor Air Act. The Act does not preempt school districts, counties or municipalities from enacting ordinances or policies that are more stringent than state law [22].

In 1987, the Wisconsin legislature passed Wisconsin Act 336 (Sections 938.983 and Sections 134.66). This act prohibited the purchase and possession of tobacco by a minor, prohibited the sale of tobacco to a minor, and placed restrictions on vending machine placement. In contrast to the Wisconsin Clean Indoor Air Act, this law does preempt localities from passing ordinances that are more stringent than state law. Section 134.66(5) the language reads

(5) Local ordinance. A county, town, village or city may adopt an ordinance regulating the conduct regulated by this section only if it *strictly conforms* to this section. A county ordinance adopted under this subsection does not apply within any town, village or city that has adopted or adopts an ordinance under this subsection (emphasis added).

The author of the bill, Senator Fred Risser (D-Madison), did not intend for the bill to be preemptive and the issue of preemption was never raised during legislative discussions [23]. Nevertheless, the tobacco industry successfully argued that this statute was preemptive in *US Oil et al v. City of Fond du Lac* (discussed below). There have been legislative attempts to amend the statute, but those attempts have not been successful (discussed below).

TOBACCO CONTROL ACTIVITY AT THE LOCAL LEVEL

Despite general public support for smokefree environments [2] and no statewide preemption of clean indoor air laws, few Wisconsin communities have smokefree government buildings and even fewer communities have enacted ordinances making workplaces, public places or restaurants smokefree. Among cities and villages, only 42 percent have enacted a smokefree policy in government buildings and 5 percent have made government buildings completely smokefree [3]. Among the 72 county governments, 33 percent have 100 percent smokefree county buildings [3] (Table 5).

The city of Sheboygan passed a smokefree municipal building ordinance in 1997. The public works' union and the firefighters' union have argued that their collective bargaining agreements state that smoking is allowed in designated areas. However, John Becker, the assistant city attorney, does not believe the council action violated the unions' contracts. Council members did not overturn the smokefree ordinance and recommended that the unions follow the normal grievance procedure [24].

As described below, the city of Madison and the towns of Middleton and Shorewood Heights enacted ordinances to make restaurants smokefree. As a result of the local tobacco control activity in Madison in 1991, the tobacco industry may have been particularly concerned about other local ordinances being passed in Wisconsin. In a Philip Morris memorandum that was released during the Minnesota lawsuit, Philip Morris executives considered Wisconsin, along with 13 other states, a place where local ordinances might challenge the ability to sell tobacco products. The memorandum labeled Wisconsin and the 13 other states and "most immediate and serious challenges" [25].

However, there has not been as much local activity after the Madison ordinance by the Philip Morris executives feared. In contrast to Madison, where significant grassroots support was mobilized to enact a smokefree restaurant ordinance, there has been little coordinated effort by tobacco control activists to generate similar support for more strong smokefree ordinances. Many tobacco control activists are active in trying to convince restaurants of the benefits of becoming voluntarily smokefree, with the hope that once more people experience smokefree environments, there will be greater demand for smokefree policies [26]. There has been little systematic activity on passing clean indoor air ordinances because many tobacco control activists have concentrated on reducing youth smoking rates because they believe this cause is less controversial [27].

Local tobacco control coalitions in Lacrosse and Beloit, in 1995 and 1996 respectively, unsuccessfully attempted to convince their city council to pass a smokefree restaurant ordinance. In 1998, WISH (Wisconsin initiative on Smoking and Health) received a \$100,000 grant (titled "Project Mooove") from the National Center for Tobacco Free Kids to hire a field director to provide support to local coalitions and activists promoting smokefree policies in their communities. The state division of the American Cancer Society also received a Smokeless States grant from the Robert Wood Johnson Foundation that will be used to provide assistance to coalitions and activists on state and local tobacco control efforts.

Madison Clean Indoor Air Ordinance

The city of Madison, Wisconsin's state capital, was Wisconsin's first city to pass a smokefree ordinance to end smoking in all restaurants. Two Madison suburban communities, Middleton and Shorewood Heights, followed Madison in passing similar smokefree ordinances.

Before Madison considered a smokefree ordinance, the University of Wisconsin developed

Table 5. 100% Smokefree Municipal and County Buildings in Wisconsin, 1996.			
100% Smokefree Municipal Buildings			
Abbotsford	Deerfield	Melrose	Shawano
Appleton	Elmwood City	Muskego	Sister Bay
Ashland	Fox Point	New Berlin	South Milwaukee
Baraboo	Franklin	New Glarus	St. Francis
Bayfield	Gillett	Niagara	Sturtevant
Bayside	Glenwood City	Omro	Tomah
Beaver Dam	Hudson	Onalaska	Twin Lakes
Berlin	Hurley	Ontario	Two Rivers
Black Earth	Jefferson	Plover	Verona
Brillion	Kimberly	Portage	West Milwaukee
Brodhead	Kohler	Poynette	Wind Point
			Wisconsin
Butler	Loyal	Prarie du Chien	Rapids
Columbus	Madison	Princeton	
100% Smokefree County Buildings			
Adams	Iowa	Sauk	
Ashland	Jefferson	Trempeleau	
Barron	Kewaunee	Vilas	
Burnett	Manitowac	Walworth	
Chippewa	Marquette	Washburn	
Crawford	Oconto	Waupaca	
Door	Ozaukee	Waushara	
Dunn	Rusk	Winnebago	
<i>Source: Aako, Eric, Patrick Remington, Jamie Calomon, Sarah Brazin, and Liz Ford. Smok-free Workplaces, Wisconsin Municipal and County Government Buildings, 1996. Wisconsin Medical Journal. November 1997.</i>			

smokefree policies. Ira Sharenow, a graduate student, worked with Chancellor Donna Shalala (currently U.S. Secretary of Health and Human Services) and with student government representatives to develop smokefree policies in all academic buildings and in most areas of the Memorial Student Union between 1990 and 1991. In 1991, 58 percent of voting students favored a referendum to make most areas of the Student Union smokefree. Sharenow then began an effort to convince the Madison City Council to develop smokefree policies for most public areas [26, 28].

Late in 1991, Sharenow started by talking to Alderman Ken Golden about the possibility of having several public areas in the city of Madison become smokefree. Alderman Ken Golden began having informal discussions with other City Council members for several months [29] while Sharenow gathered information about other local ordinances around the country from Americans for Nonsmokers' Rights. Although Sharenow tried to convince Council President Hank Lufler to make all restaurants and workplaces smokefree, Lufler suggested that the proposed ordinance only include restaurants.

In March, 1992, the City Council's Health Committee began to hold preliminary hearings on a bill to limit smoking in restaurants. Later in the year, the Common Council Organizational Committee also held hearings. Visible opponents of the proposed ordinance included the Wisconsin Tavern Association, the Wisconsin Restaurant Association, and individual tavern owners. A group who just identified themselves as the "Hospitality Coalition" also provided testimony against the ordinance [28]. They were represented by Michael Christopher who later admitted that he was being funded by Philip Morris [28]. As in other jurisdictions [30-33], the Restaurant Association claimed that sales would go down 30 percent if the ordinance was passed. Even though the proposed ordinance did not include bars, the Wisconsin Tavern Association and tavern owners argued that there would be a domino effect and that they would be the next target to become smokefree. Susan Schoenmarklin of the American Cancer Society became involved in organizing grassroots support for the ordinance. Most of the testimony in favor the ordinance was from local residents. Schoenmarklin, who received information from Americans for Nonsmokers' Rights, presented information to the Madison city council that other cities that adopted similar ordinances did not lose revenue because of smokefree ordinances. There was slightly more testimony in support of the proposed ordinance than testimony that opposed the proposed ordinance [28, 29]. The Health Committee voted in favor of the ordinance with little opposition [28].

The most aggressive opposition against the ordinance occurred after the Health Committee approved the proposed ordinance. Philip Morris had contributed to a grassroots effort to phone Madison residents about the alleged harmful effects of the proposed ordinance. The callers also made the claim that "health zealots" were behind the proposed ordinance. The callers making the phone calls did identify themselves as being from Philip Morris [28].

Susan Schoenmarklin and the supporters of the ordinance also engaged in phone banking to educate Madison residents. They also distributed leaflets throughout Madison. They also found some restaurant owners or managers who were in favor of the proposed ordinance, particularly a manager of a Subway restaurant. However, most restaurants who were already smokefree did not support the ordinance because owners and managers were afraid that they would lose many of their customers who liked smokefree environments if all restaurants became smokefree.

In October, the full Common Council, in front of a large audience, voted in favor of the ordinance 13-8-1. The ordinance would have made all restaurants smokefree, except for the bar areas of restaurants. However, Mayor Paul Soglin, who had previously supported the proposed ordinance, threatened to veto it. After examining the ordinance, he announced that he had several concerns about the bill. Soglin accepted tobacco industry arguments and expressed concern that the ordinance would hurt local businesses. Working with Council members, Mayor Soglin convinced members to reconsider the ordinance at a meeting on December 15. The Council weakened the ordinance to allow exemptions for restaurants with less than 30 seats. However, all restaurants would eventually have to be smokefree by 1995. Mayor Soglin signed the ordinance after these changes were made. All aspects of the phase in have been implemented, and as of 1995, all restaurants in Madison are smokefree.

One reason Madison was successful in passing the ordinance was that grassroots efforts at educating residents and convincing residents and council members to support the bill took place very early in the process. In this case, the tobacco industry did not get heavily involved until the middle of the political process. Because supporters of the ordinance had developed a solid foundation of grassroots supporters early, most council members remained supportive of the ordinance despite the tobacco industry's campaign. In addition, Madison residents tend to be highly educated and have a lower smoking rate than other Wisconsin residents. While there was a significant amount of work that was done by supporters, the issue of having smokefree restaurants was not as contentious as compared to other cities that have considered smokefree ordinances. After Madison passed their smokefree ordinances, the towns of Middleton and Shorewood Heights, both suburbs of Madison passed smokefree restaurant ordinances.

However, there has been little coordinated effort to pass smoke free restaurant ordinances in other Wisconsin communities.

Fond du Lac's Ordinance Against Self Service Cigarette Displays

As part of the ASSIST project in Wisconsin (described below), a coalition of public health and tobacco advocates formed in Fond du Lac county in October 1992. With a grant of \$500 from the statewide ASSIST project, the Fond du Lac County coalition decided to administer a compliance survey in Fond du Lac County to determine the extent in which children were able to obtain tobacco products from Fond du Lac County retailers and vending machines. There were several reasons why the Fond du Lac Coalition decided to administer a compliance survey. First, Joe Cismoski, who had been a graduate student at the University of Minnesota School of Public Health, was familiar with the research done by Jean Forester at the University on the extent minors were able to purchase cigarettes. Second, the coalition felt that there would be little controversy in the community because the compliance check study was focused on children, rather than other tobacco control activities [27]. The compliance survey was administered in January, 1993. The results of the compliance survey revealed that children successfully purchased cigarette products 59 percent of the time [27].

The results of the compliance survey were discussed at a March, 1993 city council meeting. At this meeting the council members decided to adopt the state statute regarding the sale of tobacco products to minors to the local level, which many other Wisconsin communities had also done. The state statute was Wisconsin State Statute 134.66, passed in 1987, a) requires signage stating that sales to minors are illegal, b) prohibits sales of low cost or free samples to minors, and c) prohibits vending machine placement within 500 feet of a public or private school or any place open to minors (unless in plain view or immediate vicinity of an employee). As noted above, the statute also contains a provision permits local ordinances that "strictly conform" to state law.

By adopting the state statute to the local level, the amount of bureaucracy in enforcing the law would be reduced. Previously, if there was a violation, a local law enforcement official would have to write a ticket under the state law. This process is more time consuming. But if a locality adopts the state statutes as part of their local code book, enforcement is less cumbersome. Local law enforcement officials would still write a ticket, and the locality could keep the revenue. However, the Fond du Lac ordinance did not include the state section about penalizing children because members of the coalition wanted retailers to bear more responsibility for selling to children. There was public discussion at the meeting. One adult, who wore a Boy Scout uniform to the testimony, opposed the ordinance. This individual was a Boy Scout leader, but he was also a salesperson for RJ Reynolds. Eleven people, mostly parents, testified in favor of the ordinance. The ordinance to adopt the state statute passed unanimously.

A related controversy over proposed tobacco control ordinances in Fond du Lac revolved around a police lieutenant, Michael Mullinex, who also owned a cigarette vending machine company named United Vending Co. The Fond du Lac County Tobacco Control Coalition argued that Mullinex's business interests might affect police department policy in enforcing illegal tobacco sales enforcement [5]. Mullinex's business also had one unlicensed vending machines in some Fond du Lac locations [5]. However, Mullinex argued, "I have never tried to use my position {in the police department} to improve or better my position as a businessman" [5].

Besides adopting the state statute to the local level, councilman Jim Treleven expressed the view, based on the results of the survey, that vending machines should be outlawed completely in Fond du Lac County. Treleven, a smoker, was concerned about preventing access of tobacco products to minors. Councilman Jim Treleven, the city Attorney, Marian Sheridan, a nurse with the county health department, and Joe Cismoski, an Alcohol, Tobacco, and Other Drugs Programs Coordinator with the Fond du Lac public schools, met in the following months to discuss what additional measures could be taken to reduce minors access to tobacco. The city attorney surmised that the 1987 law preempted localities from banning vending machines. However, the statewide law did not address self service displays. Therefore, an ordinance was drafted to eliminate self service displays and require that tobacco products be behind the counter.

Before the ordinance was introduced to the council, Fond du Lac County Coalition members attempted to gather support for the proposed ordinance. They asked retailers who sold cigarette products to sign a petition in support of the ordinance. Over 50 percent of retailers signed the petition. They conducted a survey (non-scientific) and found overwhelming support for the ordinance.

Three days before the council was going to consider the proposed ordinance, RJ Reynolds sent a letter, via Federal Express, to 135 tobacco retailers in Fond du Lac County. The letter stated that if the ordinance passed, their retail outlet would lose revenue. Many retailers who signed the petition in support of the ordinance withdrew their support [27].

At the council meeting, 20 people spoke in favor of the ordinance and 16 people spoke against the ordinance. Retailers testified against the ordinance. Parents, students, representatives from the American Cancer Society, members of the county medical society, local health department employees, members of the state ASSIST coalition, and school district employees testified in favor of the ordinance. Some of the observers and testimonials from other parts of the state hoped that if the ordinance did work in Fond du Lac, they would like to try to pass a similar ordinance in their towns or cities [5, 27]. The proposed ordinance lost 3 to 4.

James Treleven, who proposed the self service ban, was so furious that the ordinance did not pass that he resigned from the City Council before the meeting was finished. In a statement to the press Treleven exclaimed "This issue is so important to me. My grandpa, my uncle, my aunt all died of cancer. And these guys who have never smoked a day in their life tell me the bottom line is money. We're putting money over addicting our kids" [34]. Treleven accused Councilmen Michael Schmall, John Townsend, and Darwin Schmidt of placing business concerns over children's health concerns. According to Treleven, Councilmen John Zeller voted against the proposal because Zeller votes against anything Treleven proposes out of spite [34]. Zeller, however, responded that the ordinance was not comprehensive enough.

On December 1, 1993, the council passed ordinance 2694 (4 to 3). Minors would be fined \$25 for possession of cigarettes. Adults would be fined \$0 to \$500 for selling or giving cigarettes to children. The new ordinance also ended self service displays and mandated inspections by the police department. Mike

Schmall and John Townsend co-sponsored the ordinance. Schmall argued that since state law penalizes vendors and children, so should their ordinance [35].

All sides interested in the ordinance were unhappy with Ordinance 2694. The Fond du Lac County Tobacco Control Coalition did not want minors being fined. They wanted retailers who were illegally selling cigarettes to be held responsible. The police department did not want to be issuing fines because they felt it might take away from other police activities. Retailers feared that they would lose thousands of dollars in promotional fees from tobacco firms if single cigarette packs were kept behind the counter. Finally, tobacco firms claimed that sales would be reduced by 10 percent and the effort to ban self service cigarette displays was being orchestrated by “anti-tobacco zealots” [5].

One section of the ordinance, the elimination of self service displays, became the basis of a lawsuit by convenience store retailers because state statute said nothing about self service displays. Tobacco control advocates argued that since self service displays were not mentioned in the state statutes (in contrast to vending machines), the elimination of self-service displays could be included in an ordinance. On the other hand, retailers argued since the language on self service displays did not *strictly conform* to the state statute, it could not be include in an ordinance. This section of Ordinance No. 2694 read

It shall be unlawful for any person to offer for sale any tobacco product other than in cartons by means of self-service merchandising or by means other than vendor assisted sales. All sales of any tobacco product other than in cartons or other than by vending machines must be made in such a manner that requires the vendee to specifically ask for the tobacco product and all other sales shall be unlawful.

The retailers decided to sue the city of Fond du Lac. The plaintiffs in the case were U.S. Oil Inc., Express Convenience Center, Enge’s Beer and Liquor, EZ Mart, Farrel’s Red Owl, Lauer’s Food Inc., Lauer’s Food Mart Inc., Ma and Pa’s Grocery Express, Merwin Fuel Mart, QSO Inc., Stop and Shop Food of Fond du Lac, Inc. and Warra Enterprises. They were represented by Thomas L. Shriner Jr. and Michael B. Brennean of the firm Foley and Lardner.

The city of Fond du Lac was represented by James A. Flader, the Assistant City Attorney and Maria K. Myers and James Jorrissen of the law firm Davis and Kuekman. The judge was John W. Mickiewicz, Circuit Court Branch 1. The hearing took place on October 27, 1994.

The plaintiffs made four arguments. First, while they stated that they did not want to encourage teen smoking, the ordinance restricted the ability of the retailer to sell tobacco products to adults. Second, although cities and towns are responsible for the health and welfare of their citizens, cities and towns are under the authority of the state legislature. The state legislature has passed regulations concerning tobacco, such as vending machine placement, signage and identification requirements. Third the plaintiffs cited *Walker v. Janesville*, a case involving minor’s possession of alcohol in an automobile, as a precedent. The legislature had made it illegal for a minor to possess alcohol in an automobile. The city of Janesville passed a law that would make possession of alcohol in a car by anyone illegal if there was a minor in the car. The state Supreme Court struck the law down because it was a greater restriction than state legislation. The plaintiff made the point that the state law required “strict conformity.” Fourth, the plaintiffs argued the benefits of a statewide policy. They argued that as the United States national government does not want each state to have its own commercial policy, retailers do not want to deal with laws in several municipalities. Retailers would prefer one statewide law. Having to deal with finding out the various laws of several communities would mean higher prices for adults and lower profits for retailers.

The plaintiffs argued, “ We believe that the kind of ordinance that the city of Fond du Lac has passed here will turn into a crazy patchwork of competing legislation around the state, with an obvious adverse effect on the interests of business people like the plaintiffs in this case” [36]. These arguments are standard tobacco industry arguments for state laws preempting local tobacco control ordinances.

The lawyers representing the city of Fond du Lac argued that the Wisconsin statute did not preempt Fond du Lac from enacting a more stringent ordinance. First, the defense argued that the statewide concern for uniformity was only relevant for Department of Revenue concerns, such as in the area of taxation. Second, the defense used the *Janesville v. Garthwait* case as an example where the state did not preempt localities from enacting ordinances that related to traffic regulations that were more stringent than state law. The state had passed legislation dealing with noise from mufflers and horns. But in the *Janesville v. Garthwait* case the court argued that the state law does not preempt localities from passing ordinances, that deal with other motor vehicle noise such as acceleration of the engine or squealing of tires. The defense also cited Wisconsin’s broad “home rule” powers cited Article 3 in the Wisconsin state Constitution and 62.11(5) of the Wisconsin Statutes. Wisconsin statute 62.11(5) states that the powers of the cities can only be limited by the state by “express language.” Hence, the plaintiffs are responsible for bearing the burden of proof that the ordinance is invalid beyond a reasonable doubt. The defense also pointed out that the city of Fond du Lac attempted to strictly conform with state laws in the areas where state law is specific. State law is specific regarding vending machine placement. But since there was nothing about self service displays in the state statutes, Fond du Lac decided to pass an ordinance regarding that concern.

In October 27, 1994, Circuit Court Judge John Michiewicz concluded that Fond du Lac’s ordinance was more restrictive than state law and that Wisconsin statute *does* preempt local laws regarding the sale, distribution, and possession of tobacco products.

In January 1995, the Fond du Lac City Council decided to appeal Judge Michiewicz’s decision. Besides Jim Flader, the Assistant District Attorney handling most of the case, the University of Wisconsin Law School, the American Lung Association, Wisconsin Division, and the League of Municipalities also provided assistance in the appeal.

On January 10, 1996, the Court of Appeals (District 2) upheld the Circuit Court decision that favored U.S Oil and the convenience store owners. The judges agreed with the argument made by the convenience stores owners’ lawyers that the Fond du Lac ordinance was invalid because state law had preempted the area of tobacco distribution. The city of Fond du Lac had argued that the Wisconsin Supreme Court in the *Garthwaite* decision allowed the city of Janesville to enact ordinances regarding traffic laws that were not specifically mentioned in state statute. The lawyers for U.S. Oil and the convenience store owners argued that the statute language for traffic regulations and tobacco distribution were different. The appellate court partially agreed with the interpretation by U.S. Oil’s lawyers interpretation. In their decision, the Appellate Court stated that

After searching the relevant statutes, we conclude that the strict conformity language within the tobacco regulations must be read as withdrawing municipalities’ ability to act outside state mandates. Contrary to the City’s position, we believe that the state rules are comprehensive cite [37].

The appellate court specifically focused on Wisconsin State Statute 134.66(5) which states that “A county, town, village or city may adopt an ordinance regulating the conduct regulated by this section only if

it *strictly conforms* to this section {emphasis added}.”

The City of Fond du Lac concluded that it would be too risky to attempt to appeal the case to the Wisconsin Supreme Court. This defeat effectively ended local action to control youth access to tobacco products in Wisconsin.

Eliminating Tobacco Advertising in Milwaukee

The city and county of Milwaukee have made several decisions to reduce the amount of outdoor tobacco advertising. The first decision was to eliminate tobacco advertising on Milwaukee county buses. Bonnie Sumner, a Milwaukee tobacco control activist and consultant, suggested the elimination of tobacco advertising on county buses to several county supervisors. Sumner presented evidence supplied by Joe Cherner (of Smokefree Educational Services in New York City) to the board that ending tobacco advertising on buses did not adversely affect revenues in the cities such as Portland, (Oregon) San Jose, Salt Lake City; and San Francisco [38]. Supervisors Anthony Czaja (a smoker) and Anthony Zielinski (a non smoker) cosponsored the amendment during the Milwaukee County Budget process. Tobacco advertising accounted for \$50,000 in revenue for the transit system. However, Thomas Kujawa, the managing director of the Milwaukee County Transit System did not oppose the measure, being confident that the revenue would be made up by other advertisers [38].

While there was no controversy in removing tobacco advertising from county buses, a proposal to end tobacco and alcohol outdoor advertising received more attention. In July, 1997, City of Milwaukee Alderman and Common Council President John Kalwitz and Alderman Marvin Pratt proposed that most tobacco and alcohol advertisements on billboards be ended in the City of Milwaukee. Kalwitz and Pratt introduced the measure after discussing the issue for several months with Bonnie Sumner and after a billboard ban in Baltimore was upheld in federal court in May 1997.

The proposal was immediately supported by the Wisconsin Initiative on Smoking and Health (WISH), the Tobacco Free Wisconsin Coalition, and the state division of the American Cancer Society. These groups encouraged their members to contact their alderman to support the ordinance and organized rallies at City Hall attended by children and a broad range of individuals and organizations was recruited to work on this effort and to testify at the public hearing. Individuals and groups that testified at the hearing include the Greater Milwaukee County Tobacco-Free Coalition, the Midtown Neighborhood Association, the City of Milwaukee Health Department, the Black Health Coalition, the Wisconsin Public Health Association, the Drug and Alcohol Awareness Committee, the Latino Institute, the Franklin Health Department, WISH, Representative Peter Bock, Dr. Becky Wang-Chang, and County Supervisor Terrance Herron.

However, billboard companies, ad agencies, Miller Brewing Company, and the Metropolitan Milwaukee Association of Commerce were critical of proposal. Dan Jaffe of the Association of National Advertisers argued that the proposal was probably illegal. Jaffe stated, “We also believe in a free society that you should be able to advertise to adults legal products, and these are both legal products. That does not mean there are some {billboards} that are not inappropriate. Those should be singled out and attacked” [39]. Mike Brophy, communications director for Miller Beer, expressed concern for reducing access to cigarettes and alcohol to children, but found it odd that the alderman would introduce a proposal that would “demonize” a product (beer) that was a significant part of Milwaukee’s history [39]. A spokesperson for the Metropolitan Milwaukee Association of Commerce argued that the ban would be a violation of free speech and would negatively affect the local economy [40].

Before the Common Council voted on the bill on March 3, 1998, the proposal was changed to restrict tobacco advertising but not alcohol advertising. The Council voted 11 to 5 to restrict outdoor tobacco advertisements on billboards in the city of Milwaukee. The only exceptions would be sporting events, conventions, interstate highways, and in industrial areas as long as the billboards are 500 feet away from schools, churches and playgrounds. Since the passage of the ordinance, a group has been meeting consisting of representation from the City of Milwaukee Health Department, the Deputy Building Inspector (the agency charged with enforcement), and members of the Milwaukee Tobacco Free Task Force. The plan is to develop educational materials for both retailers and the public explaining the ordinance and asking for cooperation including reporting of violations.

ASSIST in Wisconsin

Project ASSIST (American Stop Smoking Intervention Study) is a project funded by the National Cancer Institute (NCI) that began in 1991 and is scheduled to end in 1999. ASSIST is being implemented in seventeen states, including Wisconsin. The goals of ASSIST are to reduce the adult smoking prevalence to 17% or less by 1998 and to reduce the youth smoking initiation rate. ASSIST seeks to change the public acceptance of tobacco use. ASSIST also works on the development and involvement of community tobacco control coalitions, through schools, work sites, community groups, health care organizations and the community.

Before Wisconsin had applied for an ASSIST grant in 1989, there was little organization of public health groups concerned about tobacco. There was little advocacy at the local level for clean indoor air laws or limiting children's access to tobacco products. There was some statewide legislation passed during the 1980s in the areas of clean indoor air, youth access, and raising cigarette taxes. However, progressive minded politicians were much more responsible for tobacco control policy making than public health groups [41].

When applying for the ASSIST grant, it was determined that most money would be distributed to local coalitions. Pat Remington, a medical epidemiologist at the University of Wisconsin Madison, led an effort to apply for the ASSIST grant. It was expected that local coalitions would be most active in attempting to address policy concerns particularly related to smoking cessation [41]. The original intent in applying for the ASSIST grant was to emphasize smoking cessation more than youth prevention [41]. The main goal was to help smokers quit, and it was believed that the focus was to be on supporting local clean indoor air laws. Youth prevention was also considered an important goal, but it was not to be the main focus [41]. However, after money was distributed to local coalitions, many local coalition members wanted to change the focus to youth prevention because they believed that there would be more community support for efforts to prevent minors from starting to smoke. Despite the presence of ASSIST in Wisconsin, there has not been substantial progress in either reducing youth smoking or advocacy for clean indoor air.

INFLUENCE ON COMMUNITY GROUPS BY PHILLIP MORRIS SUBSIDIARIES IN WISCONSIN

Besides campaign contributions, Philip Morris Inc. has distributed grants to many cultural, educational, employment and minority groups throughout Wisconsin. These grants are usually distributed by Philip Morris' subsidiary Miller Brewing. In 1991, Miller Brewing distributed about \$900,000 to Wisconsin organizations such as the Milwaukee chapter of the NAACP, Children's Hospital of Wisconsin, United Way of Greater Milwaukee, Summerfest, the University of Wisconsin-Oshkosh, Milwaukee's Ko-Thi Dance Company, the Madison Civic Center, the Milwaukee Art Museum, the Milwaukee Public

Library, and Juneteenth Day celebrations in Milwaukee [42].

Some African American leaders in Wisconsin have been particularly concerned about donations from Philip Morris discouraging these groups from engaging in tobacco control activities. James Mosely, former executive director of “Fighting Back Initiative,” a Milwaukee central city anti-drug abuse center, argues that the donations to minority arts groups attempts to promote good will and to legitimize tobacco products [42]. State Assembly member Johnnie Morris-Tatum (D-Milwaukee) also states that grassroots organizations should not accept tobacco donations. According to Morris-Tatum, “We can’t hold tobacco companies accountable on the one hand and take money with the other. It becomes easy money. We need to say no” [42]. Many African American leaders in other states and cities have been critical of the methods the tobacco industry has utilized to market tobacco products to African Americans. The African American community in Philadelphia was particularly successful in mobilizing against R.J. Reynolds’ attempt to market a new brand of cigarettes (Uptown) to the African American community [13].

Spokespersons for Miller Brewing company and some recipients of the donations have argued that the claims of hidden influence are not substantiated. Mike Brophy, a spokesperson for Miller Brewing Co. has argued that there are no strings attached to philanthropic contributions. They argue that Miller Brewing is just trying to be a good corporate citizen [42].

STATE LEGISLATION IN THE 1990S

Preemption

In 1987, the Wisconsin state legislature passed a bill that would fine retailers who sell tobacco to youth, fine children who buy tobacco, and limit vending machine placement to areas that are always in sight of the clerk. This type of weak vending machine law is promoted by the tobacco industry [9].

As mentioned earlier, the courts have interpreted this law as preemptive, meaning that communities cannot pass an ordinance that is more stringent than the state law. State Senator Fred Risser (D-Madison), who was the sponsor of the 1987 legislation, did not intend for the legislation to be preemptive [23]. At the time, neither legislators, the tobacco lobby, nor health advocates discussed the issue of preemption [23]. However, since the Fond du Lac case, that is how the law has been interpreted by the Wisconsin courts. Several legislators, particularly those involved in the informal “legislative tobacco group” are interested in overturning the law so that it is no longer preemptive.

The first attempt to overturn the preemptive state law was in 1994. Representative Peter Bock (D-Milwaukee) introduced Assembly Bill 1092, which would have allowed municipalities to adopt ordinances regulating the purchases, possession, sale or giving of cigarettes or tobacco products. AB 1092 was first referred to the Assembly Urban and Local Affairs committee which held public hearing on the bill on February 16, 1994. Representative Peter Bock, who was not on the committee, testified in favor of the bill. Shawn Krueger of the American Heart Association also testified in favor of the bill. Pat Essie of the Smokeless Tobacco Council testified against the bill. Other groups that registered in favor of the bill were the Wisconsin Counties Association, the American Cancer Society, the American Lung Association, and the City of Milwaukee. Groups that registered against AB 1092 were the Wisconsin Grocers Association, the Smokeless Tobacco Council and R.J. Reynolds. The bill passed the 10 person committee unanimously on March 8, 1994. The bill was then referred to the Assembly Rules Committee, but was never released.

In 1996 a special legislative council committee was formed to study the topic of minors’ access to tobacco products. This committee was made of legislators, state health department employees, and

community members. The committee recommended that 1) state statute be revised so that vending machines would only be allowed in places where minors were never allowed to enter, 2) only allow sales of tobacco products where the retailer or retailer's employee assists the purchaser with the tobacco product (prohibit self service displays) 3) increase license fees from \$5.00 to \$50.00, 4) money raised from the license fees would be used to fund compliance checks to determine the rate that minors are sold cigarettes, 5) increase the excise tax on cigarettes to \$1.00 per pack, 6) revise the state statute so that localities may pass local ordinances that are more stringent on state law, and 7) ban outdoor advertising of tobacco products [43].

Several of these recommendations were drafted into proposed legislation (SB 313 and SB 314). SB 313 dealt with increasing the license fees, allowing local communities to use the funds from licence fees for compliance checks, and limiting vending machine placement to areas where minors are not allowed to enter. SB 314 would have allowed localities to pass ordinances that were stronger than state law. Both bills passed the Senate Judiciary committee. SB 313 was amended in the Senate to increase license fees to \$100. It passed both the House and the Senate and was signed by Governor Thompson on April 28, 1998. SB 314 was not scheduled for a floor vote by the Senate.

Smokers' Rights

In 1992, Wisconsin passed a bill that would guarantee protections of workers that were smokers, a priority for the tobacco industry at the time. A coalition of some conservative and liberal legislators, some elements of the labor movement, and the American Civil Liberties Union (ACLU) formed to get this legislation passed. The ACLU received substantial financial support for this activity from the tobacco industry [44, 45]. During the early 1990s, the tobacco lobby was promoting smokers' rights legislation in several state legislatures. The issue also arose because many public employee contracts were dealing with the issue of whether certain employees, particularly fire and police officials, should be allowed to smoke during off hours. Some municipalities were concerned about having police and fire officers be in the best health as possible. Business organizations such as the Wisconsin Manufacturers and Commerce, and some health groups such as the Wisconsin division of the American Cancer Society spoke out against the bill [28]. However, the coalition in favor of the bill was better organized and made a much stronger effort at getting the bill passed than the opponents of the bill [23]. Although Governor Tommy Thompson is considered to be a strong "pro-business" governor, he did not side with business on this issue and signed the bill into law [28].

Cigarette Taxes

Wisconsin has incrementally increased the cigarette tax in recent years. The latest increase came in 1996 as part of the biennial budget process, where the increase in the cigarette tax rose 15 cents, from 44 cents to 59 cents, although there was a proposal to increase the tax to a dollar per pack of cigarette. However, this cigarette tax increase, as well as previous cigarette tax increases, have been the result of balancing the state budget, rather than an attempt to discourage cigarette use [23, 46].

In 1997, the Wisconsin legislature also appropriated one million dollars to a newly created fund called the Melvin Fund. Thomas Melvin was a former state legislative clerk who had died of lung cancer. The fund is directed toward tobacco education in schools.

WISCONSIN'S LAWSUIT AGAINST THE TOBACCO INDUSTRY

On February 7, 1997, Attorney General James Doyle (Democrat) announced that he would file a

lawsuit against the tobacco industry to recover Medicaid expenses for treating smoker's illnesses. Wisconsin was the twenty-first state out of forty states to file a lawsuit against the tobacco industry. The defendants in the lawsuit are Philip Morris Inc., R.J. Reynolds Tobacco Co., Brown and Williamson Tobacco Co., The Tobacco Institute, B.A.T. Industries, Lorillard Tobacco Co., Liggett and Myers Inc. United State Tobacco Co. and The Council for Tobacco Research USA Inc. Besides trying to recover Medic-aid costs regarding tobacco related illnesses, the State of Wisconsin is also making claims of deceptive advertising, misrepresentation, antitrust, unjust enrichment, and public nuisance violations [47]. It is estimated that Medicaid expenses related to smoking has cost the Wisconsin \$125 million per year [47].

CONCLUSION

As far as the environment for tobacco control activity, Wisconsin is unique compared to other states that we have studied. First, because of economic hardships that Wisconsin experienced in the 1980s, many state political leaders, particularly Governor Thompson, want to promote a positive business image for the state. Since Philip Morris subsidiaries, such as Miller Brewing, Oscar Mayer and Kraft Foods are large employers in the state of Wisconsin, many political leaders do not want to advocate stringent tobacco control policies that might irritate Philip Morris executives [26]. Second, the Governor Tommy Thompson has a very close relationship with the tobacco industry. This close relationship contrasts to most states that we have studied where most governors do not appear that close to the tobacco industry [7-13, 19]. On the other hand, there are several state legislators that are very committed to trying to make tobacco control a high priority on the governmental agenda. While this is certainly not a majority of legislators, in contrast to other states [7-13, 19], most state legislatures have either no strong advocates or only one or two strong advocates for tobacco control. Finally, in contrast to other states where a locality passed tobacco control ordinance and other localities followed with similar ordinances [7-9, 12], there has been little tobacco control activity after Madison implemented a smokefree restaurant ordinance. Whereas Madison tobacco control activists generated public support for a smokefree ordinance, tobacco control activists in other communities have not mobilized support for strong clean indoor air ordinances.

Despite several individual initiatives and isolated successes, such as the Madison restaurant ordinance, the Fond du Lac point of sale ordinance, and Milwaukee's advertising limitations, there has been little broad based tobacco control effort in Wisconsin. Despite the fact that Wisconsin is an ASSIST state, tobacco control advocates have failed to develop a strong institutional base. These factors combine to explain the relative lack of progress in tobacco control in Wisconsin.

REFERENCES

1. Kujak, J.L. and P. Remington, *Trends in Lung Cancer Mortality Among Men and Women, Wisconsin and the United States, 1979-1994*, in *Wisconsin Medical Journal*. 1997. p. 30-33.
2. Gallup Organization, *Survey of the Public's Attitudes Toward Smoking.*, . 1992, The Gallup Organization: Princeton, NJ.
3. Aako, E., et al., *Smoke-free Workplaces, Wisconsin Municipal and County Government Buildings, 1996*, in *wisconsin Medical Journal*. 1997. p. 34-36.
4. Yoast, R. and P. Remington, *Wisconsin Public Opinion Regarding Clean Indoor Air Policies*. *Wisconsin Medical Journal*, 1995(November): p. 624-625.
5. Rosenberg, N., *28% of State Children Exposed to Smoke*, in *Milwaukee Journal Sentinel*. 1997: Milwaukee. p. 1, 7.
6. Tobacco Institute, *The Tax Burden on Tobacco*, . 1996, The Tobacco Institute: Washington D.C.
7. Monardi, F., A. O'Neill, and S.A. Glantz, *Tobacco Industry Political Activity and Tobacco Control Policymaking in Colorado: 1979-1995*, . 1996, Institute for Health Policy Studies, University of California San Francisco: San Francisco.
8. Monardi, F., et al., *Shifting Allegiances: Tobacco Industry Political Expenditures in California, January 1995 - March 1996*, . 1996, UCSF Institute for Health Policy Studies: San Francisco, CA.
9. Monardi, F. and S. Glantz, *Tobacco Industry Political Activity and Tobacco Control Policymaking in Washington: 1983-1996*, . 1996, Institute for Health Policy Studies , University of California San Francisco: San Francisco.
10. Monardi, F. and S. Glantz. *Tobacco Industry Campaign Contributions and Legislative Behavior in Several States*. in *Annual Meeting of the American Political Science Association*. 1996. San Francisco, CA.
11. Monardi, F. and S. Glantz. *Tobacco Industry Campaign Contributions and Legislative Behavior in Seven States*. in *Annual Meeting of the American Public Health Association*. 1996. New York, New York.
12. Monardi, F.M. and S.A. Glantz, *Tobacco Industry Political Activity and Tobacco Control Policymaking in New Jersey: 1982-1995*, . 1997, Institute for Health Policy Studies , University of California San Francisco: San Francisco.
13. Monardi, F.M. and S.A. Glantz, *Tobacco Industry Political Activity and Tobacco Control Policymaking in Pennsylvania: 1983-1996*, . 1997, Institute for Health Policy Studies, University of California San Francisco: San Francisco.
14. Wisconsin Ethics Board, *Directory of Registered Lobbying Organizations*, . 1997, Wisconsin Ethics Commision: Madison.
15. Wisconsin Ethics Commision, *Principal's Statement of Lobbying Activities and Expenditures: Petroleum Marketers Association of Wisconsin / Wisconsin Association of Convenience Stores.*, . 1996, Wisconsin Ethics Commision: Madison.
16. Hedlund, R., *The Wisconsin Legislature*, in *Wisconsin Government and Politics*, W. Crane and A.C. Hagensick, Editors. 1991, Department of Political Science, University of Wisconsin Milwaukee: Milwaukee.
17. Ahrens, D., *Interview with Fred Monardi*, . 1997.
18. Schultz, S. and D. Bice, *Philip Morris Helped Fund Trips*, in *Milwaukee Journal Sentinal*. 1997: Milwaukee.
19. Balbach, E.D., et al., *Holding Government Accountable: Tobacco Policy Making in California, 1995-1997*, . 1997, Institute for Health Policy Studies, University of California - San Francisco: San Francisco.
20. Goldstein, A. and B. NS, *State tobacco lobbyists and organizations in the United States*.

- American Journal of Public Health, 1996. **86**(8): p. 1137-42.
21. Remington, P., *Wisconsin's Clean Indoor Air Act*. Wisconsin Medical Journal, 1990.
 22. Ritsche, D., *The Regulation of the Sale and Use of Tobacco in Wisconsin*, . 1997, Legislative Reference Bureau: Madison.
 23. Risser, F., *Interview with Fred Monardi*, . 1997.
 24. Lemke, J., *Council Refuses to Relax Smoking Ban*, in *The Sheboygan Press*. 1997: Sheboygan.
 25. Malmgren, K.L., *Expanded Local Programs*, . 1992, Philip Morris.
 26. Lohman, J., *Interview with Fred Monardi*, . 1997.
 27. Sheridan, M. and J. Cismoski, *Interview with Fred Monardi*, . 1997.
 28. Schoenmarklin, S., *Interview with Fred Monardi*, . 1997.
 29. Sharenow, I., *Interview with Fred Monardi*, . 1997.
 30. Glantz, S.A. and L.R. Smith, *The effect of ordinances requiring smoke free restaurants on restaurant sales in California*, . 1992, University of California San Francisco: San Francisco.
 31. Glantz, S.A., *Response to tobacco industry criticisms of the effect of ordinances requiring smoke free restaurants on restaurant sales in California*, . 1992, University of California San Francisco: San Francisco.
 32. Traynor, M., M. Begay, and S.A. Glantz, *New Tobacco Industry Strategy to Prevent Local Tobacco Control*. Journal of the American Medical Association, 1993. **270**(4): p. 479-486.
 33. Samuels, B.E., et al., *Philip Morris's Failed Experiment in Pittsburgh*. Journal of Health Politics, Policy and Law, 1992. **17**(2): p. 329-351.
 34. Breister, P., *Treleven Quits: Tobacco Resolution Rejected*, in *The Reporter*. 1993: Fon du Lac. p. A1, A3.
 35. Breister, P., *New Youth Smoking Ordinance on Council agenda*, in *The Reporter*. 1993: Fon du Lac.
 36. State of Wisconsin Circuit Court, *U.S. Oil Inc. et al. vs City of Fon du Lac*, . 1994: Fon du Lac County.
 37. State of Wisconsin Court of Appeals, *U.S. Oil Inc. et al v. City of Fon du Lac*, in *Court of Appeals Decision*, N. 95-0213, Editor. 1996.
 38. Schuldt, G., *Plan would ban tobacco ads from county buses*, in *Milwaukee Journal Sentinel*. 1997: Milwaukee.
 39. Nichols, M., *Proposed billboard restrictions elude Miller*, in *Milwaukee Journal Sentinel*. 1997: Milwaukee.
 40. Held, T., *Debate over tobacco advertising ban heats up*, in *Milwaukee Journal Sentinel*. 1998: Milwaukee.
 41. Remington, P., *Interview with Fred M. Monardi*, . 1997.
 42. Rowen, J., *Is Philip Morris' Philanthropy A Smoke Screen?*, in *Milwaukee Journal*. 1994: Milwaukee. p. 1, 4.
 43. Joint Legislative Council and S.C.o.M.a. Tobacco, *Recommendations of the Joint Legislative Council's Special Committee on Minors and Tobacco*, . 1997, State of Wisconsin Joint Legislative Council: Madsion.
 44. Kluger, R., *Ashes to Ashes*. 1997, New York: Vintage Books.
 45. Fahs, J., *Cigarette Confidential*. 1996, New York: The Berkely Publishing Group.
 46. Ranous, J. and M. Cassidy, *Interview with Fred Monardi*, . 1997.
 47. Murphy, K., *Judge gives go ahead for state's tobacco suit*, in *Milwaukee Journal Sentinel*. 1998: Milwaukee.