

Tobacco Industry Political Activity and Tobacco Control Policy Making in Texas: 1980-2002

Meredith L. Nixon, BA
Stanton A. Glantz, PhD

Institute for Health Policy Studies
University of California, San Francisco
San Francisco, CA



May 2002

Supported in part by National Cancer Institute Grants CA-61021 and CA-87472 and grants from the Robert Wood Johnson Foundation and the Richard and Rhoda Goldman Fund. Opinions expressed reflect the views of the authors and do not necessarily represent the sponsoring agency or the Institute for Health Policy Studies. Copyright 2002 by M. Nixon and S. Glantz. Permission is granted to reproduce this report for nonprofit purposes designed to promote the public health, so long as this report is credited. This report is available on the World Wide Web at <http://www.library.ucsf.edu/tobacco/tx/> . Reports on additional states and countries are available at <http://www.library.ucsf.edu/tobacco/states.html> .

EXECUTIVE SUMMARY

- The tobacco industry has been active in Texas politics for over 25 years. It spends money on lobbying, campaign contributions, legislative events and gifts in order to gain favor with the legislature and attempt to control the agenda set for tobacco control efforts.
- Political campaign contributions—reported only by Philip Morris—have remained high throughout the 1990s. Philip Morris reported contributing \$556,250 to legislative, judicial and statewide candidates between 1988 and 2001. In recent years, their contributions to statewide officeholders and judicial candidates have decreased as their legislative contributions have increased. In each election cycle, 1998-1999 and 2000-2001, Philip Morris contributed \$51,000 to legislative candidates.
- The 3 largest lifetime recipients of campaign contributions in the legislature were all Senators: David Cain (\$8,250, D-Mesquite), Ken Armbrister (\$5,500, D-Victoria), and Chris Harris (\$5,500, R-Arlington). The largest recipient of tobacco money from the statewide offices was former Lt. Governor Bob Bullock who received \$36,500 from the tobacco industry from 1988-1996.
- The tobacco industry has also spent heavily on lobbying, although it is impossible to calculate the exact amounts. When lobbyists' report their fees to the Texas Ethics Commission, they are only required to report a fee range for each of their clients, not the exact amount that they were paid by each client. For example, a lobbyist would select between the ranges of \$0-\$10,000, \$10-\$25,000, \$25-\$50,000, etc. However, given these estimates, we can determine that from 1993-2001, the tobacco industry spent between \$4,660,000-\$9,640,000 on lobbyists' fees to influence the legislature.
- Texas' only statewide tobacco control laws are Senate Bill 55 (by Senator Zaffarini, D-Laredo) and House Bill 119 (by Rep. Hirschi, D-Wichita Falls), both passed during the 1997 legislative session. SB 55 is the "Texas Tobacco Law" which establishes strict penalties for retailers who sell tobacco to minors and for minors in possession of tobacco products. The tobacco industry fought heavily against the legislation. The provisions in SB 55 which impose penalties upon minors are controversial among public health advocates because they distract attention from retailers and clerks who sell tobacco to minors. HB 119 is an ingredient disclosure bill, requiring manufacturers who sell tobacco products in Texas to report their ingredients to the Texas Department of Health.
- The tobacco industry uses allies like the Texas Restaurant Association, the Texas Retailers Association and the Texas Association of Business and Chambers of Commerce (TABCC) in order to shield its involvement in tobacco control issues. Restaurant owners are mobilized to oppose smoking restrictions and retailers testify against youth access and advertising restrictions. The TABCC opposed the state's lawsuit against the tobacco industry, with coaching on the issue from tobacco industry lobbyists.
- The tobacco industry has partnered with and heavily sponsored the activities of the Texas Civil Justice League (TCJL) in order to enact tort reform legislation which protects the

industry from prosecution. In the tort reform and products liability legislation during the 1993 and 1995 sessions, the tobacco industry and TCJL limited punitive damage awards and the rights of plaintiffs to sue the tobacco industry for smoking-related illnesses.

- In 1996, then- Attorney General Dan Morales was the third Attorney General to sue the tobacco industry. He settled the case in 1998, prior to the 46 state settlement known as the Master Settlement Agreement. Texas' suit against the industry resulted in a \$17.3 billion dollar settlement. From the money that the state has received as of 2001 (\$1.8 billion), only \$30 million has been spent on tobacco control programs from 1999-2001.
- In 1999, the state legislature deposited \$200 million into a tobacco trust fund to be used for statewide tobacco control programs. However, the legislature only allowed for the interest on that money to be spent for tobacco control (about \$9 million annually). The Texas Department of Health, charged with developing a tobacco control program with that small amount of money, was required to focus their efforts in East Texas.
- The Texas Department of Health comprehensive tobacco control program has been very successful, however, their attempts to secure more funding and expand the program statewide have failed. In 2001, the Legislature only increased funding for the program to \$12 million annually. The Centers for Disease Control's Best Practices recommends that a state with the size and population of Texas should spend between \$103 million - \$180 million annually for an effective tobacco control program.
- Texas' only statewide smoking regulations, the 1975 Clean Indoor Air Act, sets up minimum standards for smoke-free public places. All of the state's effective smoking regulations have been passed by local governments. Most of the regulations simply establish smoking and nonsmoking sections in workplaces and restaurants.
- In recent years, several communities, including some surrounding the state capitol in Austin and the West Texas town of El Paso, establish 100% smoke-free public places, including workplaces and restaurants. El Paso's smoking ordinance, passed in 2001, also establishes smoke-free bars, the first ordinance of its kind in Texas.
- Beginning with the initiative of a sixth grade student, Lubbock enacted a strong clean indoor air ordinance. The tobacco industry, working with the Restaurant Association and Libertarians, opposed the ordinance. After the city council enacted the ordinance, the Libertarians forced a referendum. Tobacco control advocates mounted a vigorous defense and the ordinance was ratified by voters in May, 2002, with 64% voting for it.
- While tobacco control advocates, generally working through the voluntary health agencies, are showing increasing aggressiveness and effectiveness in working at the local level, they are still unwilling to confront the tobacco industry's allies in the state legislature, which explains their failure to force Texas to mount a strong state tobacco control program despite the millions of dollars made available by the state's tobacco settlement.

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INTRODUCTION

The tobacco industry has been actively involved in Texas politics for over 25 years. Although their involvement extends as far back as the 1950s and 1960s, they solidified their position in the mid-1970s when Texas passed its first and only state Clean Indoor Air Act. From that time forward, the industry has attempted to buy influence in the legislature, recruit smokers and fund grassroots organizations, ensure that their product and company names are well known to school children and young adults, and defeat any smoking regulations introduced throughout the state. Only recently have substantial tobacco control efforts been sustained to work against the tobacco industry's influence. Most of the effective tobacco control efforts have been enacted at the local level by concerned community groups and public health advocates. The state legislature in Austin—a bastion for big money and big business—has not been consistent or committed to passing statewide smoking restrictions or tobacco control programs and public health groups have not been aggressive in pushing the legislature or administration to do so.

Texas is the nation's second largest state as well as its second most populous. From 1990-2000, the population of Texas increased by 20 percent to 20 million people. Texas also has the eleventh largest economy in the world—the state budget for the 2001-2002 biennium is \$101.9 billion. (1) However, for those two years, only \$14 million was reserved for tobacco control efforts in a state where 22.4% of adults and 32.7% of high school students identify themselves as current smokers.(2) This trend towards heavy youth smoking is especially disturbing considering that almost all of the statewide tobacco control activities are directed towards curbing youth smoking. As illustrated in Figure 1, Texas' per capita cigarette consumption remained fairly steady from 1995-1998 but began decreasing more rapidly from 1998-1999, following the national averages for decreasing smoking rates.

Besides the Texas Department of Health youth smoking prevention pilot program, which is limited to East Texas and funded by the state's tobacco settlement money, there is no activity at the state level, where the tobacco lobby is firmly entrenched.

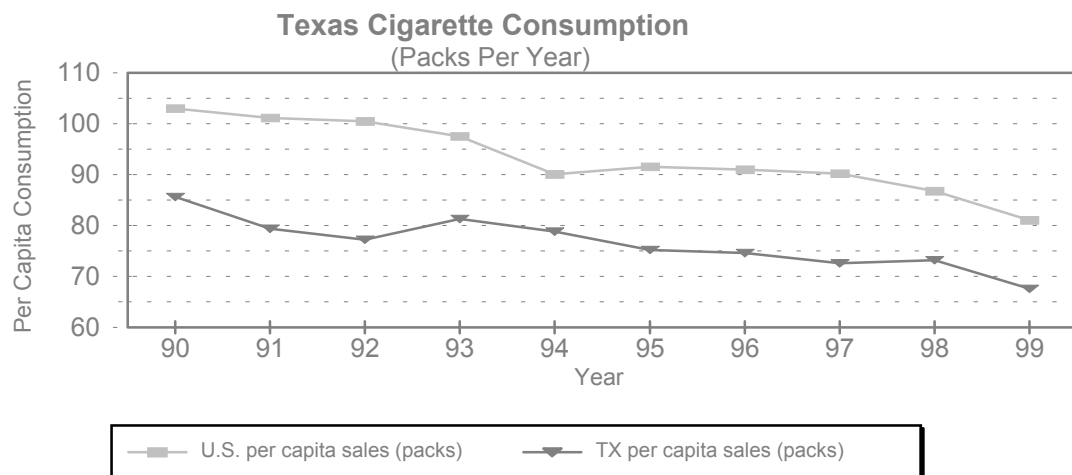


Figure 1. Per capita consumption in Texas remained relatively steady from 1995-1998, decreasing significantly only after the receipt of settlement money and the beginning of the Texas Department of Health's anti-tobacco pilot program. Source: (137)

The role that tobacco industry campaign contributions play in this inactivity is difficult to determine. Texas has no contribution limits for individuals donors. While corporate contributions from inside the state are technically banned, corporations are allowed to create political action committees (PACs) and funnel money through these sources directly to the candidates. Corporations headquartered outside of the state are under no restrictions to create PACs or even report their donations to the Texas Ethics Commission, the organization which nominally tracks in-state contributions. Because of this situation, it is very difficult to represent accurately the amount of tobacco (and other corporate) money that goes into Texas campaigns from the out-of-state tobacco companies.

The state legislature has only approved two programs for tobacco control, one of which is severely underfunded. In 1997, the legislature passed SB 55, a youth access bill which increased punishments and fines for merchants selling to minors and minors in possession of tobacco products. The bill was not preemptive of local governments, which is one of the tobacco industry's favorite tactics for weakening legislation. SB 55 is controversial among public health advocates because instead of focusing attention on sellers and store owners who flout the law and sell tobacco to minors, the bill splits its enforcement by criminalizing kids and making possession of tobacco products by minors a Class C misdemeanor—a low level misdemeanor which carries a maximum fine of \$500.

In the 1999 session, the legislature appropriated \$200 million from the state's first payment of \$2.5 billion from the settlement of the state's lawsuit against the tobacco industry into a tobacco control account. However, only the interest on that money can be used for tobacco control education efforts. As a result, the Texas Department of Health (TDH) received only \$9 million annually (59 cents per capita) for the first two years of their education programs. During the 2001 session, that appropriation was increased to \$12 million per year (67 cents per capita). In contrast, the Centers for Disease Control's Best Practices for Tobacco Control recommends an annual expenditure for Texas of \$100-\$280 million or \$5-\$15 per capita. With such limited funds, the TDH's education program is limited to a few areas of the state. Within those areas, the program has been demonstrated to be effective, with more comprehensive programs being more effective at reducing tobacco use.

If fully funded at levels adequate to take the program state-wide, it could substantially decrease smoking and the associated deaths throughout the state. Despite this proof of effectiveness, the legislature has not expanded the program to cover the entire state or expanded the focus of the program beyond children. Although several voluntary health organizations lobbied the legislature in 2001 to significantly increase the program, their results were not sufficient to expand the program statewide.

Most of the successful tobacco control efforts in Texas have been engaged by local advocates working through governments and with support from the voluntary health associations. Only 40 cities have smoking restrictions for workplaces, but only 8 of those create 100% smoke-free workplaces. Workplace smoking restrictions are very important in reducing exposure to secondhand smoke. In a workplace smoking study released in August 2001 in the *Journal of Occupational Health and Environmental Medicine*, Texas was ranked 32nd in the nation for smoke-free workplace coverage. In 1999, 66% of workers in Texas reported that their workplaces had smoke-free policies. (3)

Fifty-seven cities have restaurant smoking restrictions, although most are minimal and only establish smoking and non-smoking areas. Only 9 of those cities establish 100% smoke-free restaurants. Coalitions in Dallas and Houston have tried unsuccessfully to pass restaurant smoking restrictions. Smaller communities have been increasingly successful in passing strict 100% smoke-free restaurant ordinances. Many of the “bedroom communities” or suburbs outside of the state capital in Austin successfully passed smoking restrictions in 2000 and 2001. In conservative West Texas, the cities of Lubbock and El Paso enacted 100% smoke free restaurant ordinances in June 2001. Lubbock’s ordinance has been passed and withstood a referendum challenge at the polls, but will not take full effect until 2004. El Paso, currently with one of the strictest ordinances in the state, ended smoking in all public places including restaurants, bars and all workplaces effective January 2, 2002.

The role of money and campaign contributions in Texas politics is pervasive and the tobacco industry is a large contributor to this atmosphere. The *Texas Observer*, which reports on the legislature and Texas government, detailed in February 2001 that:

In 20 years the cost of Texas statewide elections and legislative races has quintupled to \$121 million;

Half of this money comes from just 629 individuals and PACS that contributed at least \$25,000 per election cycle;

Incumbents outspend challengers 2 to 1, with the biggest spender winning at least 90 percent of the time; and

House members raise 80 percent of their funds outside their districts, with half coming from just 10 business zip codes...(4)

The tobacco industry injects money into the system each year in the form of contributions to legislators, political parties and lobbying expenses. Table 1 summarizes the industry’s political expenditures from 1988-2001.

THE PARTY SYSTEM IN TEXAS

Any discussion of government and legislation in Texas must contain an analysis of the unique party system that exists there. For over 100 years (from 1874-1978), Texas was a one-party state. After the Civil War, people in the defeated South would only support Democratic candidates. In Texas, there were virtually no Republicans in the congressional delegations or the state, county and municipal governments during that 100 years. As late as 1964 there was only 1 Republican in the state legislature in Austin. Although the state was and continues to be very conservative, there were many conservative Democrats to appeal to those voters. From 1874 until 1978, when Republican William P. Clements, Jr. won the governorship, the Democrats had controlled every statewide office. A victory in the Democratic primary in Texas was a victory in the general election. In fact, the primaries were more heavily contested than the general elections since the only competition for office was among fellow Democrats. Because there was only one party in the Legislature, Texas never developed the traditional party leadership positions that exist in other state legislatures and the U.S. Congress. Legislative power is centralized in two offices—Speaker of the House and Lieutenant Governor. There are no

Table 1. Summary of Tobacco Industry Political Expenditures from 1988-2001								
	1988-89	1990-91	1992-93	1994-95	1996-97	1998-99	2000-01	Grand Total
Legislature	\$25,100	\$23,100	\$40,300	\$19,000	\$38,250	\$51,000	\$51,000	\$247,750
Political Parties	info not available	info not available	\$125,000	\$195,000	\$56,000	\$36,000	\$47,000	\$459,000
Judicial	\$23,500		\$5,000					\$28,500
Statewide Races	\$14,000	\$21,000	\$14,000	\$15,500	\$10,500	\$500	\$2,000	\$77,500
Totals	\$62,600	\$44,100	\$136,800	\$194,500	\$104,750	\$87,500	\$58,000	\$688,250
Lobbying: Minimum Maximum	info not available	info not available	\$710,000 \$1,485,000	\$650,000 \$1,420,000	\$1,135,000 \$2,280,000	\$1,000,000 \$2,100,000	\$1,165,000 \$2,355,000	\$4,660,000 \$9,640,000
Source: Texas Ethics Commission. Lobbying expenses are reported by range								

Majority and Minority Leaders.

This heavily Democratic tradition was mirrored throughout the South, tracing its roots back to Reconstruction after the Civil War, which was led by the Republican party. Although they were Democrats, Southern Democrats were generally more conservative than their Northern counterparts. This split in the Democratic party began to diminish in the late 1970s and early 1980s as the conservative members of the Democratic party began to age and retire. Many who were left, like Texas' U.S. Senator Phil Gramm, switched parties and embraced the Republicans in order to appeal to the conservative voters in Texas. Most of the remaining Democrats were liberals and would form the base of today's Democratic party. This more liberal Democratic party was less palatable to the conservative majority of voters in Texas.

From the late 1970s through the 1990s, Republicans in the state began to make progress in wresting control away from the Democrats. Although Clements lost his reelection bid to Democrat Mark White in 1982, he regained the governorship in 1986. Democrat Ann Richards won the office in 1990, but she lost to George W. Bush in 1994. When Bush was reelected in 1998, he became the first Republican governor in the history of the state to win back-to-back terms. He brought with him Republican candidates to fill all of the statewide offices. In 1996, the Republicans gained control of the Texas Senate for the first time, and by the 2001 session, they were only 4 seats short of a majority in the House. In the November 2002 elections for the legislature, many insiders expect the Republicans to gain control of the Texas House of Representatives.

Because of this shift in power over the past twenty years, the tobacco industry has also had to adjust its strategies and contributions. During the 1970s and 1980s, they did not contribute significant amounts to Republican candidates because Democrats dominated the Legislature. Since the early-1990s however, they have begun to divide their contributions more evenly between Democrats and Republicans. In 1999, for the first time, they contributed more heavily to Republican candidates for the legislature. See Figure 2 for a representation of this

shift in contributions. Their efforts and foresight in contributing to Republicans has been rewarded. Texas is now a majority Republican state with a near majority in the Legislature and control of all the statewide offices.

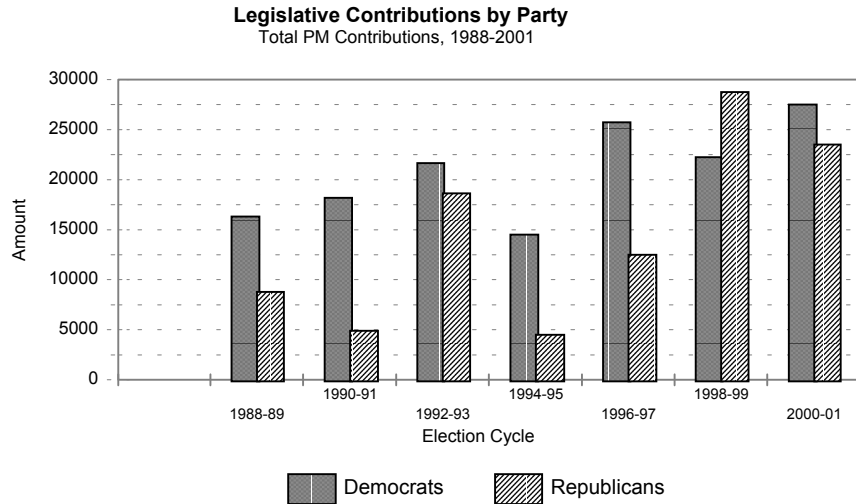


Figure 2. Tobacco industry contributions to Republican candidates and officeholders have been increasing in recent years. Source: Texas Ethics Commission

THE TOBACCO INDUSTRY’S INFLUENCE IN THE STATE LEGISLATURE

The Texas state legislature, in the capitol of Austin, is a body which has over the years often been tainted by corruption and scandal.* The Legislature was intended from the beginning to consist of “citizen legislators” not professional politicians. There are 181 members of the Legislature—150 House members and 31 Senators. They meet only in odd numbered years for a 140-day session. During that time they must pass the biennium state budget as well as all other legislation that will be required to run the state during the next 590 days that will pass before the Legislature is in session again.

Unique legislative rules also add to the hectic atmosphere in the Capitol. The state Senate operates without a calendar for votes. In the House, the Calendars Committee schedules votes and has a great deal of power over what goes to the floor. In the Senate, however, there is no formalized calendar. At the beginning of every session, the Senate passes a Housekeeping Resolution which contains the rules for that particular session. This includes the election of the

* Many political reform measures in Texas, including the open records statute, grew out of the 1971 Sharpstown, Texas bribery scandal. Houston millionaire developer Frank Sharp had his bank issue unsecured loans to Texas legislators in 1969 to ensure the passage of two favorable banking bills. The scandal and subsequent criminal trial resulted in the conviction of Gus Mutscher, speaker of the state House of Representatives, (1969-1972) a Mutscher aide, and another member of the House. They were convicted of "conspiring to accept bribes in the form of loans from Sharpstown Bank in exchange for passing the bills Sharp wanted." Mutscher’s successor, Bill Clayton (D-Springlake) was also indicted, but acquitted, of bribery. The next speaker, Gib Lewis (D-Ft. Worth) was forced to resign amidst an ethics scandal when he failed to acknowledge his ownership in a Ft. Worth company and accepted an undisclosed monetary “gift” from an accounting firm which handled his taxes. The current speaker, James “Pete” Laney, who has served from 1993-2001, is the first Speaker in over 30 years who has not been indicted or left office in disgrace.

Senate officers, the powers given to the Lt. Governor and the requirements for bringing a bill to the floor of the Senate for a full vote. Each session the Senators vote to require that each bill can only be brought to the floor through a 2/3 majority vote. Since there are only 31 Senators, a 2/3 majority requires 21 votes. Eleven senators can therefore block *any* issue from coming to the floor for a vote.

In addition, because of the time constraints of each session, every legislative deliberation is accelerated. Most legislators do not have the time to become well versed on every issue, and they routinely depend on lobbyists for much of their information. In many infamous cases, lobbyists have actually written the legislation that was intended to reform their industries. All state legislatures operate under extreme time constraints, but in Texas, since the legislature meets so infrequently, the pressures of the legislative session are magnified.

In a Philip Morris memo for the southwest region entitled “Defensive and Offensive Strategies,” from the office of Victor Han, the Director of Communications for Philip Morris USA Corporate Affairs, the industry outlines their 1991 plan to gain leverage with the Legislature and the statewide officers. In 1990 the state legislature raised the tobacco tax rate from 25 to 41 cents. Part of PM’s 1991 legislative plan was to avoid any other tax increases.

Executive Branch: Our best and, perhaps, only hope to combat a consumer excise tax increase in 1991 is to help elect a Republican Governor who is a “no new Taxes”, George Bush, Jr./Bill Clements kind of guy. We will not do anything until after the March primary, check out the survivors, and go with the Republican candidate. The Democratic candidates, including at least State Treasurer Ann Richards and Attorney General Jim Mattox, may not be electable in November, due to their extreme liberalism. [Richards was elected in 1990 over Republican Clayton Williams.]

Comptroller: The current Comptroller, Bob Bullock is vehemently pro cigarette tax and repeatedly beat us over the head in the media during the last session....Unfortunately, he is extremely likely to be our new Lt. Gov., which I will address later. Our new comptroller—the person to whom the Governor and legislators look to for the state’s financial guidance—will be John Sharp. *The plan is to give early and large campaign contributions to Sharp, thereby jumping on the bandwagon early and at the very least buying Sharp’s silence when it comes to locating new revenues.*

Lt. Governor: Short of Chappaquidick, there is nothing we can do to prevent Bullock from becoming Lt. Governor, nor can we temper his stand on tobacco tax increases. So we have to deal with the Senators instead.

Senate: We have a plan to get the magic number of 12 Senators (The TX Senate has 31 members; however under the procedural rules of the upper chamber, a 2/3 vote is required to pass any measure. Therefore 11 senators (12 to 13 to be safe) can block consideration of tax increases and other proposals [and we want them] to be very sympathetic to us....

House: We will always concentrate on the Senate but there are things we can do in the House that will be of major benefit to us. We will continue to cater to the Speaker [Gib Lewis] and his pet projects, as well as to the five or six committee chairs that have and will help us. We must keep in mind that one of these committee chairs will be speaker in 1993. That covers leadership changes, now for specifics.

POLITICAL CONTRIBUTIONS

We will spend \$16,000 in Sept. - Dec. 1989 and will request another \$15,000 for 1990. We will concentrate on the races for Governor, Comptroller, key Senators, and key House Committee chairs. Where profitable, we will also give to Republican House races because those types are more likely to be “no new taxes” candidates....

Events: In Texas, some events are worthwhile, but the benefits are so much greater with trips and campaign contributions. I give out tickets to PM events and they are much appreciated but don't have much of an impact. However, we continue to try and develop inventive ways to ingratiate PM with legislators. As one example, immediately upon adjournment of the regular session, we distributed to each of the 181 Senate and House members a copy of The Capitol Story, which is an attractive photographic history of the statehouse. This unusual gift was much appreciated by legislators and their families. I even got 4 or 5 phone calls to thank us....

Organizations of Elected Officials: *We always give to the various caucuses and this type of contribution does buy political clout.* (italics added) (5)

This memo shows the extent to which the industry has exploited procedural weaknesses and campaign contributions to dominate the legislature and the statewide offices in Texas. It is also noteworthy because the industry openly acknowledges the importance of money in buying a politician's support or silence.

TOBACCO POLICY SCORES

Our previous state reports have included tobacco policy scores to describe legislators' positions on tobacco control. A score of 0 indicates a pro-tobacco legislator while a score of 10 indicates a pro-tobacco control legislator. These scores are based on ratings obtained confidentially from individuals who work in public health or are involved with the legislature on issues related to tobacco control. In preparation for this report, the majority of the people asked to assess the scores were wary of doing so, despite the fact that the scoring was confidential, because they feared it might compromise their position with the Legislature. Many people expressed their reluctance to possibly anger influential legislators by exposing their ties to the tobacco industry.

Although this fear made the collection of scores more difficult, we were able to gather samples from people who have dealings with the legislature in many different capacities. Table 2. lists the 2001 legislators with the lowest (most pro-tobacco) and highest (pro tobacco control) policy scores. Throughout this report, when legislators are identified, their tobacco policy scores will be listed as well. See Appendix Table A-12. for a complete list of 2001 legislators and their policy scores. New legislators who had not yet voted or shown their position on tobacco issues did not receive scores.

In contrast to some of the health groups, the tobacco industry had no reluctance about grading the performance of individual legislators. A strategy memo from 1990, also found in Victor Han's office, entitled “Political Power Assessment”, identifies the most powerful, most friendly (to tobacco), and least friendly (to tobacco) legislators in Texas. Additionally, the memo identifies how close the industry's relationships are to these legislators. A ranking of 0-3 is provided for each legislator, with 0 indicating no relationship and 3 indicating a strong

Table 2. Most Pro- and Anti-Tobacco Legislators, 2001							
Most Pro Tobacco				Most Pro Tobacco Control			
Officeholder	Party	House	Policy Score	Officeholder	Party	House	Policy Score
J.E. "Buster" Brown	R	S	0	Fred Bosse	D	H	9
Frank Corte, Jr.	R	H	0.5	Lon Burnam	D	H	10
Charlie Howard	R	H	0.5	Norma Chavez	D	H	9
Bob Hunter	R	H	0	Yvonne Davis	D	H	9
Suzanna Gratia Hupp	R	H	0	Harryette Ehrhardt	D	H	9
Carl Isett	R	H	0	Helen Giddings	D	H	9
Mike Krusee	R	H	0	Bob Glaze	D	H	9
Sidney Miller	D	H	0	Vilma Luna	D	H	9
Elvira Reyna	D	H	0	Mike Moncrief	D	S	9
John Shields	R	H	0	Elliot Naishtat	D	H	10
D.R. "Tom" Uher	D	H	0	Dora Olivo	D	H	10
G.E. "Buddy" West	R	H	0.5	Judith Zaffarini	D	S	9.6

relationship. The memo (6) is reproduced here in table format:

Political Power Assessment				
Category/Name	Party	House/ Senate	Position/Committee	Relationship
Most Powerful Legislators:				
Chet Brooks	D	S	Chairman, Health	1
Kent Caperton	D	S	Chairman, Jurisprudence	1-2
Ike Harris	R	S	Chairman, Economic Development	2
Bill Hobby	D	S	Lieutenant Governor	1
Bob McFarland	R	S	Chairman, Criminal Justice	1
John Montford	D	S	Chairman, State Affairs	1
Hugh Parmer	D	S	Chairman, Intergovernmental Relations	2-3
David Cain*	D	H	Chairman, Transportation	2
Bruce Gibson	D	H	Chairman, Finance	1

Category/Name	Party	House/ Senate	Position/Committee	Relationship
Lena Guerrero \$	D	H	Vice Chairman, State Affairs	2-3
Pete Laney [future Speaker]*	D	H	Chairman, State Affairs	2
Gib Lewis #	D	H	Speaker	2
Dan Morales [future AG]	D	H	Ways & Means	1
Rick Perry [future Lt. Gov & Gov]	D	H	Judicial Affairs	2-3
Jim Rudd	D	H	Chairman, Appropriations	1
Stan Schlueter \$	D	H	Chairman, Ways & Means	2
Terral Smith	R	H	Chairman, Natural Resources	1-2
Jack Vowell	D	H	Appropriations	0
Ric Williamson	D	H	Transportation	2
Least Friendly Legislators:				
Chet Brooks	D	S	Chairman, Health	1
[J.E] Buster Brown*	D	S	Jurisprudence	2-3
Eddie Bernice Johnson	D	S	Education & Health	1-2
Erwin Barton	D	H	Chairman, Human Services	0
Senfronia Thompson*	D	H	Chairman, Rules & Resolutions	1
Friendliest Legislators:				
Richard Anderson	D	S	Economic Development	3
Ken Armbrister*	D	S	Economic Development	3
Gonzalo Barrientos*	D	S	Education	2
Temple Dickson	D	S	Replacing Sen. Grant Jones	0
Bob Glaskow	D	S	Chairman, Rules	1
Bob McFarland	R	S	Chairman, Criminal Justice	1
Hugh Parmer	D	S	Chairman, Intergovernmental Relations	2-3
Craig Washington	D	S	Criminal Justice	1
Fred Agnich	R	H	Environmental Affairs & Energy	1-2
Weldon Betts \$	D	H	Labor & Employment Relations	3
John Gavin	D	H	Chairman, Insurance	0
Dudley Harrison	D	H	Chairman, Agriculture & Livestock	1
George Pierce	R	H	Chairman, Urban Affairs	1

Category/Name	Party	House/ Senate	Position/Committee	Relationship
Barry Telford*	D	H	Corrections & Public Safety	1
* Indicates this person is still in the legislature as of 2001. \$ Indicates this person worked or works in 2000-2001 as a tobacco lobbyist. # Indicates this person worked or works as a lobbyist for the Texas Civil Justice League, a tobacco industry affiliated group. Source: (6)				

THE TOBACCO LOBBY

The tobacco lobby in Texas is well organized and entrenched. From 1995-2000, Philip Morris, RJ Reynolds, Smokeless Tobacco Council and US Tobacco continuously employed lobbyists in Austin. From 1995-1997 the Tobacco Industry Labor Management Council, an organization created by the tobacco industry to strengthen its ties to organized labor to support the industry's political agenda, retained a lobbyist, and the Tobacco Institute had a lobbyist from 1995 until they were forced to disband in 1998. Most recently, Brown & Williamson hired a lobbyist in 1997 and Lorillard retained the same lobbyist to work for them in 1999. At the peak of their lobbying expenditures in 1997, when major youth access legislation was passed in the legislature, the tobacco industry spent somewhere between \$895,000 and \$1,710,000 solely for their lobbyists' fees (See Table 3 and Appendix Table A-11).

Although lobbyists work for many different clients at once, they are required to report their fee ranges paid by each individual company. See Appendix Table A-11 for a complete list of individual lobbyists and their fee ranges.

The tobacco industry is strategic about selecting its lobbyists. Philip Morris lobbyist Stan Schleuter is the former Chair of the House Ways and Means Committee. In 1989 he resigned from his legislative seat following an IRS investigation of his tax returns. Philip Morris discusses the impact of Schleuter's resignation in their Government Affairs Weekly Report, dated September 22, 1989 and received by R.W. Murray, then President and Chief Operating Officer of Philip Morris. In the report, Betsy Giles of the Government Affairs Division, Southwest Region describes how Schleuter resigned following "the question [of whether] he should have claimed lobbyist-funded trips as income."⁽⁷⁾ Schleuter immediately went to work for the tobacco industry. One of the obscure rules of the Texas Legislature allows that all former members of the Legislature retain their floor privileges during the session. While other lobbyists are prohibited from entering the floors of the House and Senate, a lobbyist who used to be a member of the Legislature can take their client's interests right onto the floor during debate or voting. ⁽⁸⁾

RJ Reynolds' lobbyists Robert Johnson, Jr. and Gordon Johnson are the sons of former Senate Parliamentarian Robert Johnson, Sr. The elder Johnson worked for former Lt. Governor Bob Bullock and was his longtime friend. Philip Morris' former lobbyist Neal "Buddy" Jones was a longtime staffer for Speaker Gib Lewis. This kind of influence and access is extremely valuable and ensures that the tobacco industry is always a major force in state politics.

Table 3. Summary of Tobacco Industry Expenditures for Lobbyists' Fees, 1993-2001*
(Data Reported by Fee Range—Minimum on Top, Maximum Below)

Company	1993-1994	1995-1996	1997-1998	1999-2000	2001	Total
Philip Morris**	\$285,000 \$555,000	\$580,000 \$1,225,000	\$805,000 \$1,570,000	\$655,000 \$1,225,000	\$235,000 \$485,000	\$2,560,000 \$5,060,000
RJ Reynolds Tobacco Company	\$200,000 \$400,000	\$200,000 \$400,000	\$300,000 \$510,000	\$150,000 \$300,000	\$10,000 \$25,000	\$860,000 \$1,635,000
Smokeless Tobacco Council	\$0 \$80,000	\$25,000 \$120,000	\$40,000 \$140,000	\$20,000 \$100,000	\$10,000 \$55,000	\$95,000 \$495,000
Brown & Williamson Tobacco Corporation			\$60,000 \$125,000	\$20,000 \$50,000	\$10,000 \$25,000	\$90,000 \$200,000
Lorillard Tobacco Company				\$20,000 \$50,000		\$20,000 \$50,000
U.S. Tobacco Corp.***		\$0 \$60,000	\$100,000 \$200,000	\$135,000 \$275,000	\$360,000 \$735,000	\$595,000 \$1,270,000
Tobacco Institute (eliminated in 1998)	\$225,000 \$450,000	\$60,000 \$135,000	\$110,000 \$245,000			\$395,000 \$830,000
National Smokers Alliance			\$10,000 \$25,000			\$10,000 \$25,000
Tobacco Industry Labor Management Council		\$25,000 \$50,000	\$10,000 \$25,000			\$35,000 \$75,000
Grand Totals	\$710,000 \$1,485,000	\$890,000 \$1,990,000	\$1,435,000 \$2,840,000	\$1,000,000 \$2,000,000	\$625,000 \$1,325,000	\$4,660,000 \$9,640,000

* Lobbyists' fees are reported to the Texas Ethics Commission by range, thus it is impossible to have a precise number for expenditures on lobbying. The amounts reported here represent the minimum and maximum that each company could have spent in the fee range.

**Philip Morris includes the following: Philip Morris Management Company, Philip Morris, Inc. and Philip Morris USA. Philip Morris' lobbying on behalf of Miller Brewing Company and Kraft Foods is not included.

***US Tobacco Corp. includes US Tobacco Co., Inc. and UST Public Affairs, Inc.

[Data compiled by and received from Texans for Public Justice, www.tpj.org and from the Texas Ethics Commission]

CAMPAIGN CONTRIBUTIONS

Tobacco industry campaign contribution data are available at the Texas Ethics Commission (TEC) and at their web site (<http://www.ethics.state.tx.us/>). Information for the 1998 election cycle was also obtained from Texans for Public Justice (in conjunction with the Public Citizen) at their web site (<http://www.tpj.org>). TEC requires all candidates and political action committees to register and provide contribution information periodically throughout the election cycle. State law forbids legislators from accepting contributions during the legislative session.* For this report, paper and microfiche records, housed at the Texas Ethics Commission,

* This practice was only eliminated after an 1989 legislative scandal. In that year, the Texas Senate was voting on a bill to dismantle worker's compensation rights. Lonnie "Bo" Pilgrim, owner of Pilgrim's Pride Chicken walked onto the floor of the Senate and handed out \$10,000 checks to the senators who were wavering on the bill. The press complained loudly

were searched from 1980 to 2001.

No contributions from the tobacco industry to political candidates were found at the Texas Ethics Commission between 1980 and 1986. Texas' contribution laws technically ban corporate contributions, but only from corporations within the state. Corporations outside of the state are not regulated and are not required to disclose their contributions. In-state corporations can donate to political campaigns if they establish a Political Action Committee (PAC) which would give the actual contributions. The Philip Morris USA Texas PAC was not organized until 1987 so technically the Philip Morris Management Company was not supposed to contribute prior to 1987. The other major tobacco companies, RJ Reynolds, Brown & Williamson, Lorillard Tobacco and American Tobacco, do not have PACs organized in Texas. Without in-state PACs, the tobacco industry can contribute virtually anonymously to political candidates. They are, however, required to disclose their contributions on their federal filings to the Federal Elections Commission (FEC). RJ Reynolds has contributed to political candidates in Texas and reported their contributions to the FEC. FEC filings were examined to determine if the tobacco industry was making contributions in this manner. For the purposes of this report, however, we have concentrated our efforts only on contributions reported in Texas.

Lobbyists must file monthly reports detailing all of their expenditures and gifts made to legislators. However, they are not required to disclose *which* clients financed their activities. When a lobbyist works for several, oftentimes more than ten, clients, it is impossible to determine who is paying for some of the most egregious solicitation of the legislature. In addition, lobbyists are not required to disclose the exact fees that they earn from each client. Their fees are reported by range, i.e. 0-\$10,000; \$10,000-25,000; \$25,000-50,000. This situation makes it impossible to determine exactly how much each tobacco company spent on lobbying in Texas. However, we will report these fee ranges as well as any other information it is possible to determine about the monetary expenses that the industry utilizes to maintain its position in Texas.

The companies and organizations reported here as the "tobacco industry" include American Tobacco Company, Brown and Williamson Tobacco Corporation, Lorillard Tobacco Company, Philip Morris, Inc., National Smokers Alliance, RJR Nabisco, Inc., Smokeless Tobacco Council, The Tobacco Institute, Tobacco Industry Labor Management Council, and U.S. Tobacco, Inc.*

Tobacco Contributions to Political Parties

Texas' campaign finance laws ban corporate campaign contributions from within the state. On the surface, this law would seem to be a hindrance to political parties who oftentimes receive large corporate contributions from companies doing business in Texas. However,

about his actions, and the senators were forced to return the money. However, even without the money, the bill still passed. (8)

* For the period of 1989-2001, the American Tobacco Company spent nothing on campaign contributions or lobbying in Texas.

corporations can subvert this law by donating to parties under Section 253.104 of the Texas Election Code Ann. This section allows political parties to accept corporate contributions if those contributions are used to: “defray normal overhead and administrative or operating costs incurred by the party; or administer a primary election or convention held by the party.” (9) This money can be used for almost any expense except advertising, media and specific campaigns. Prior to the creation of the Texas Ethics Commission in 1992, political parties were not required to report corporate contributions and no records exist of corporate contributions before 1992.

The Texas Democratic Party, as the only party in power throughout most of the 20th Century, did take large tobacco industry contributions. All of the data available from the Texas Ethics Commission verifies that these contributions were corporate and could not be used for individual candidates. Table 4 details these contributions from 1992-1995. The Texas Democratic Party stopped accepting tobacco contributions in 1996.

Table 4. Tobacco Industry Contributions to the Texas Democratic Party, 1992-1995		
Company	Date	Amount
Philip Morris Management Corp.	August 27, 1992	\$25,000
Philip Morris Management Corp.	March 2, 1993	\$25,000
Philip Morris Management Corp.	March 23, 1994	\$25,000
Philip Morris Management Corp.	September 2, 1994	\$25,000
Philip Morris Management Corp.	June 23, 1995	\$25,000
Philip Morris Management Corp.	September 28, 1995	\$25,000
Grand Totals		\$150,000
Source: Texas Ethics Commission		

Internal tobacco industry documents also reveal contributions to the Texas Democratic Party as well as the party’s actions on behalf of the tobacco industry. On December 20, 1993, Tina Flourney of Philip Morris sent a memo to Jack Dillard, the Texas Governmental Affairs Director for Phillip Morris, regarding her “94 commitment...[to give] \$25,000 to the Texas Democratic Party.”(10) A year and a half later, on June 16, 1995, Flourney sent another \$25,000 contribution to Robert Slagle, Chairman of the Texas Democratic Party, stating that:

As you know, this is a corporate contribution from the Philip Morris Management Corporation. Therefore, pursuant to Texas Election Code Ann. Sec. 253.104, these funds may only be used to defray normal overhead and administrative or operation costs incurred by the Party, or to administer a primary election or party convention, and are not to be used for any other political purpose.

Philip Morris is pleased to support the Texas Democratic Party. If we can be of further assistance, please let us know.(11)

In addition to giving the tobacco industry support on state issues, these large contributions can give the tobacco industry more vocal support on federal issues. Just a month and a half after receiving the \$25,000 contribution from Philip Morris, on August 1, 1995, Texas Democratic Party Chairman Robert Slagle sent a handwritten letter to then-President Bill Clinton in opposition to the Food and Drug Administration's (FDA) proposed regulation of the tobacco industry. A copy of this letter appears in Philip Morris' archives:

Dear Mr. President,

I have read that the FDA wishes to have regulatory authority over the tobacco industry. This strikes me as being a bad idea—the equivalent of mixing manure and sugar; it doesn't help the manure any and it ruins the sugar.

If FDA is given regulatory authority, it will conclude (as it already has) that tobacco is not good for you. What then? Do we require some doctors to write prescriptions for smokers who won't quit? Do we ban it and create a black market paradise for people who will engage in illicit activities if there is a profit to be made? Would all this work out as well as Prohibition did?

With the Republicans wanting to patrol bedrooms and deciding whether women should have choice over their reproductive organs, and, with all the propaganda about "getting the government off people's backs," do we really want to start down a road like this?

I would rather be the Party of education on this than the party of coercion. I am aware of the arguments about public health costs, etc, but we are already perceived as being too ready to tell people what to do. More education combined with the social pressure already [in] existence seems to be a better choice.

I remain, your friend,
Bob Slagle (12)

The tobacco industry was calling in support from many different groups and allies to oppose any FDA regulation of tobacco.

In 1996, Bill White, the new Texas Democratic Party Chairman, announced that the party would no longer accept tobacco contributions. He made his decision on the heels of Attorney General Dan Morales' lawsuit against the tobacco industry. In a Houston *Chronicle* article he maintained that:

he [thought] tobacco giant Philip Morris was the biggest corporate contributor to the party last year. He said he was not sure how much tobacco money the party accepted before he came on board, but that he wanted to avoid the appearance of any undue influence from the industry. (13)

Of course, his decision could not prevent individual Democratic candidates from accepting tobacco money, and most have continued to do so. (See Appendix Tables A-1 to A-7)

The Republican Party of Texas, after so many years as a non-existent force in state politics, began to receive large tobacco contributions in the early 1990s (Table 5). From

Table 5. Tobacco Industry Contributions to the Texas Republican Party, 1992-2000		
Company	Date	Amount
Philip Morris Management Corp.	July 15, 1992	\$25,000
Philip Morris Management Corp.	January 18, 1993	\$25,000
Philip Morris Management Corp.	May 28, 1993	\$20,000
Smokeless Tobacco Council	June 2, 1993	\$5,000
Philip Morris Management Corp.	May 3, 1994	\$25,000
Philip Morris Management Corp.	September 8, 1994	\$25,000
Philip Morris USA	December 22, 1994	\$30,000
Philip Morris Management Corp.	November 22, 1995	\$15,000
Philip Morris Management Corp.	September 5, 1996	\$25,000
Tobacco Institute	April 28, 1997	\$5,000
Philip Morris Management Corp.	November 17, 1997	\$25,000
Tobacco Institute	December 4, 1997	\$1,000
Brown & Williamson	August 26, 1998	\$5,000
Philip Morris Management Corp.	January 20, 1999	\$16,000
Philip Morris Management Corp.	January 20, 1999	\$10,000
Brown & Williamson	April 8, 1999	\$5,000
Philip Morris Management Corp.	February 11, 2000	\$30,000
Philip Morris Management Corp.	February 11, 2000	\$5,000
Lorillard Tobacco Corp.	February 22, 2001	\$1,000
UST Public Affairs*	May 31, 2001	\$10,000
Brown & Williamson	September 26, 2001	\$1,000
Philip Morris Management Corp.	January 24, 2002	\$15,000
Grand Totals		\$324,000
*UST Public Affairs is the U.S. Tobacco Company Source: Texas Ethics Commission Reports, 1992-2002		

1992-2000, the Texas Republican Party accepted \$324,000 in campaign and corporate contributions from the tobacco industry, including a \$15,000 contribution from Philip Morris in 1994 which was not found in the Texas Ethics Commission records. (Table 5). On December 20, 1994, Craig L. Fuller, Philip Morris' Senior Vice President for Corporate Affairs and their main public spokesman sent a letter and a \$15,000 contribution to Tom Pauken, Chairman of the Republican Party of Texas which was not found in the Texas Ethics Commission filings. (14)

Contributions to State Legislators

Most of the contribution information available from the Texas Ethics Commission (TEC) is from the Philip Morris USA Texas Political Action Committee (PAC). The other companies do not have organized PACs in Texas. If the organizations' national PAC donates to Texas elections, they are not required to report that information to the TEC. This situation makes it virtually impossible to obtain complete campaign contribution information for all of the tobacco companies. The amounts reported in this report, therefore, should be treated as

estimates of the lower bound of campaign contributions. The actual amounts are likely to be substantially larger. However, even if the smaller companies did not give campaign contributions to state legislators and officeholders, they did spend money on lobbying efforts in an attempt to gain influence in the state government. (See The Tobacco Lobby)

Table 6 lists the ten 2001 legislators who have taken the most contributions from Philip Morris throughout their careers. Table 7 lists the legislators from the 2001 session who have not accepted tobacco contributions. Appendix Tables A-1 to A-7 list all of the reported tobacco contributions to legislative candidates from 1988-2001.

Contributions to Legislative Leaders

Unlike most other state legislatures and the U.S. Congress, the Texas Legislature does not have traditional party leadership roles like Majority and Minority Leaders and Whips. The traditional duties of these offices, in other states and the U.S. Congress, include gathering votes among party members, helping to set the party's legislative agenda, and assigning members to committees. Since the Democrats dominated the state for over 100 years, there would have been no member to even serve as the Minority (Republican) leader in the Legislature. In Texas, most of those leadership responsibilities are handled by 2 people—the Speaker of the House and the Lieutenant Governor, who runs the Senate. Since these powers are not disbursed like in other legislatures, these two offices are very powerful.

Officeholder	Party	House	1988-2001 Contributions
David Cain	D	S	\$8,250
Ken Armbrister	D	S	\$5,500
Chris Harris	R	S	\$5,500
Edmund Kuempel	R	H	\$4,750
Gonzalo Barrientos	D	S	\$4,100
Pete Laney (spk.)	D	H	\$4,000
John Whitmire	D	S	\$4,000
Frank Madla	D	S	\$3,750
Troy Fraser	R	S	\$3,500
Eddie Lucio, Jr.	D	S	\$3,500
Source: Texas Ethics Commission reports			

Table 7. 2001 Legislators Who Have Never Taken Tobacco Contributions					
Officeholder	Party	House	Officeholder	Party	House
Leo Berman	R	H	Glen Maxey	D	H
Fred Bosse	D	H	Brian McCall	R	H
Lon Burnam	D	H	Ruth Jones McClendon	D	H
Ron Clark	R	H	Jim McReynolds	D	H
Myra Crownover	R	H	Tommy Merritt	R	H
Mary Denny	R	H	Sidney Miller	D	H
Joe Driver	R	H	Mike Moncrief	D	S
Robert Duncan	R	S	Paul Moreno	D	H
Jim Dunnam	D	H	Elliott Naishtat	D	H
Al Edwards	D	H	Joe Nixon	D	H
Harryette Ehrhardt	D	H	Jim Pitts	D	H
David Farabee	D	H	Bill Ratliff [Lt. Gov. in 2001]	R	S
Domingo Garcia	D	H	Richard Raymond	D	H
Charlie Geren	R	H	Elvira Reyna	D	H
Helen Giddings	D	H	Paul Sadler	D	H
Roberto Gutierrez	D	H	Gene Seaman	R	H
Fred Hill	R	H	Florence Shapiro	R	S
Juan Hinojosa	D	H	Todd Smith	R	H
Scott Hochberg	D	H	John Smithee	R	H
Terri Hodge	D	H	Burt Solomons	R	H
Chuck Hopson	D	H	Dale Tillery	D	H
Jesse Jones	D	H	Sylvester Turner	D	H
Jim Keffer	R	H	G.E. "Buddy" West	R	H
Ann Kitchen	D	H	Miguel "Mike" Wise	D	H
Lois Kolkhorst	R	H	Arlene Wohlgemuth	R	H
John Longoria	D	H	Zeb Zbranek	D	H

Source: Texas Ethics Commission Reports

The Speaker of the House is selected in the traditional legislative manner—by the legislators themselves. At the beginning of each legislative session, the entire House votes for the Speaker. Although these elections—if the job is open—can get very competitive, usually if

the Speaker’s party retains the majority after each election, then he will be reelected to the post for the upcoming session. After the election of the Speaker, the House members vote on the powers to grant to the Speaker’s office. These generally include committee assignments, scheduling of bills and parliamentary powers. Between 1975 and 2002, there have been only 3 Speakers (all Democrats) in the Texas House of Representatives—Bill Clayton (1975-1983); Gib Lewis (1983-1993); and James “Pete” Laney (1993-2001).

The powers and duties of the Lt. Governor’s office are slightly different than the Speaker. The Lt. Governor is elected by the entire state. His constitutional duties require that he serve as President of the Senate and as Governor if the Governor is ill or absent from the state. However, the Lt. Governor is primarily a member, and the President, of the Senate. The Lt. Governor’s office in Texas is unlike that of other state legislatures where the officeholder is just a figurehead and the real power to control bills is in controlled by the Majority and Minority Leader. Since these positions do not exist in Texas, the Lt. Governor is granted those powers and his position is regarded by many legislative insiders as more powerful than the Governor’s, since he has so much influence over shaping and guiding legislation.

Since the Lt. Governor is independently elected, it is possible for the officeholder to be of a different party than the majority party in the Senate, but this has never happened before since historically most officeholders were Democrats. In 1998, the Lieutenant Governor’s office was won by a Republican, Rick Perry. At the same time, the Senate switched parties and was held by the Republicans.

The 31 Texas Senators vote on the powers to assign to the Lt. Governor at the beginning of every session. These generally are the same powers assigned to the Speaker of the House. Because the Lt. Governor has such significant power to influence legislation, his office is regarded as the most powerful in Texas, surpassing that of the Governor. Since 1973, there have only been 4 Lieutenant Governors of Texas: Bill Hobby, Jr. (D, 1973-1990); Bob Bullock (D, 1991-1999); Rick Perry (R, 1999); and Bill Ratliff (R, 2000-2001). Perry and Ratliff were the first Republicans to hold the office since 1845. Perry ascended to the Governorship when George W. Bush was sworn in as President. With a vacancy to fill in the Lt. Governor’s

Table 8. Tobacco Industry Contributions to Texas Speakers of the House and Lt. Governors, 1987-2001			
Officeholder	Office and Years Held	Party	Contributions
Gib Lewis	Speaker, 1983-1993	D	\$2,500
Pete Laney	Speaker, 1993-2001	D	\$4,000
Bill Hobby, Jr.	Lt. Governor, 1973-1990	D	none found
Bob Bullock	Lt. Governor, 1991-1999	D	\$36,500
Rick Perry	Lt. Governor, 1999	R	\$2,500
Bill Ratliff	Lt. Governor, 2000-2001	R	\$0
Source: Texas Ethics Commission Reports			

position, the members of the Texas Senate chose Ratliff from among their ranks to fill the position. This was the first time in Texas history that the Senate had exercised this right.

The tobacco industry has always tried to cultivate strong relationships with both the Speaker and the Lt. Governor. They have donated campaign contributions and supported the issues that were important to these officeholders. (See Table 8.)

In Philip Morris' 1990 strategy memo, "Defensive and Offensive Strategies," quoted earlier in this report, they assert that they will "...continue to cater to the Speaker [Gib Lewis] and his pet projects..." as well as courting the powerful committee chairs in the House who might ascend to the Speakership. (5) Speaker Gib Lewis (D-Ft. Worth) who held that office from 1983-1993, was generally regarded by the industry as a close ally. In an RJ Reynolds memo dated July 19, 1990 found in the office of Joe Murray III, a Regional Director in the State Government relations office, he outlines the industry's plan for the upcoming 1991 legislative session. One of their main concerns was the tax increase passed by the legislature during the 1990 special session.

Texas politics will heavily influence the course of any tobacco tax increase proposal, since a new governor [Ann Richards-D] will be sitting when the legislature convenes in January 1991. Industry efforts should focus on maintaining the excellent relationship with Gib Lewis, longtime Speaker of the Texas House, and a strong friend of the industry.(15)

When Lewis was forced to resign his office in 1993 (after being indicted for accepting monetary gifts from his accounting firm), the tobacco industry hired him as a lobbyist for the Texas Civil Justice league, a very close ally that they used to enact tort reform legislation in Texas. (See Tort Reform) Lewis was paid \$75,000 to lobby for tort reform in the 1993 legislative session, just months after he was forced to leave office.(16)

Pete Laney (D-Hale Center), who took over the speaker's office in 1993, has not had as close a relationship with the tobacco industry, but he has accepted \$4,000 in contributions from the industry over his legislative career. Laney was the former chair of the House State Affairs Committee, which historically received many tobacco control bills and rarely passed them through the committee.

The industry's relationship with the Lt. Governor's office has traditionally involved much greater contributions. Beginning in 1988, Philip Morris began contributing to Bob Bullock (D) who was the state Comptroller. In 1990, when Bill Hobby retired after 17 years as Lt. Governor, Bullock won the office. The tobacco industry was not thrilled with his election. Although they had donated \$1,000 to Bullock in 1988 in his race for Comptroller, they felt that he was a supporter of tobacco tax increases and not someone that they wanted as Lt. Governor. Again from their 1990 "Defensive and Offensive Strategies" memo they assert that:

The current Comptroller, Bob Bullock is vehemently pro cigarette tax and repeatedly beat us over the head in the media during the last session Unfortunately, he is extremely likely to be our new Lt. Gov...(5)

Once Bullock became Lt. Governor, however, the tobacco industry decided to support him

heavily. Bullock was a proponent of tort reform, which the tobacco industry was pushing heavily in 1991 and 1993 with cooperation from the Texas Civil Justice League. From 1990-1999, the tobacco industry contributed \$35,500 to Bullock's campaigns making him the largest recipient of tobacco money during that time period. The industry was also successful in passing tort reform legislation in the 1993 and 1995 sessions. (See Tort Reform)

The industry has not spent as much to develop relationships with the most recent Lt. Governors, both Republicans. Rick Perry was elected to the office in 1999 after Bullock retired. He received \$2,500 from the tobacco industry from 1994-2000. Prior to 1999 he held the office of Commissioner of Agriculture, and in 2000 he ascended to the Governorship when George W. Bush became President. In 2001, the Senate elected Bill Ratliff (R-Mt. Pleasant) to fill the vacancy in the Lt. Governor's office. Ratliff has never received tobacco contributions.

Contributions to Committee Members

Committee membership in the Texas Legislature is assigned by the Speaker and the Lt. Governor based on the seniority system, without regard to party membership. The chairs of committees are also assigned by the Speaker and the Lt. Governor and generally, but not always, reflect the majority party of the respective house. There are 7 committees (House State Affairs, House Appropriations, House Public Health, House Ways and Means, Senate State Affairs, Senate Health and Human Services, and Senate Finance) who have jurisdiction over tobacco issues.

In the House, the State Affairs Committee is one of the most powerful and broadly defined, with jurisdiction over:

- (1) questions and matters of state policy;
- (2) the administration of state government;
- (3) the organization, powers, regulation, and management of state departments and agencies;
- (4) the operation and regulation of public lands and state buildings;
- (5) the organization, regulation, operation, and management of state institutions;
- (6) the duties and conduct of officers and employees of the state government;
- (7) the duties and conduct of candidates for public office and of persons with an interest in influencing public policy (*i.e. tobacco industry lobbyists*);
- (8) the operation of state government and its agencies and departments; all of above except where jurisdiction is specifically granted to some other standing committee;
- (9) access of the state agencies to scientific and technological information....(17)

The House State Affairs Committee also has jurisdiction over several state agencies, including the Texas Ethics Commission (TEC), which is responsible for collecting and maintaining campaign contribution records. The Chair of State Affairs is generally one of the most powerful members in the Legislature. The past chair, James "Pete" Laney (D-Hale Center) has been the Speaker of the House since 1993. The tobacco industry has historically cultivated strong relationships with members of the State Affairs Committee, and most of the tobacco control bills introduced in the Legislature have died in this committee.

The remaining House committees, Appropriations, Public Health and Ways and Means,

also receive tobacco bills every session. The Appropriations Committee is responsible for all bills and resolutions which appropriate money from the state treasury. The Public Health Committee is charged with the protection of public health as well as supervision over state health agencies, including the Texas Department of Health (TDH) and the Texas Cancer Council. The Ways and Means Committee has jurisdiction over any bill or resolution which seeks to raise revenue or levy taxes.(18)

In the Senate, the rules for committees are more relaxed. The official rules set up the standing committees but do not dictate which bills will be assigned to those committees. The Lt. Governor, however, generally assigns bills to the appropriate committee for consideration. The committees in the Senate which consider tobacco bills include Health and Human Services, Finance, and State Affairs.

When tobacco bills are considered in committees, there is generally an intense lobbying effort by the tobacco industry to ensure that bills favorable to the industry will be passed. Occasionally, health groups will also lobby to try and ensure that the public health is protected through effective tobacco control legislation. The tobacco bills which were introduced in the 74th through the 77th legislative sessions (1995-2001) will be discussed below based on the house in which they originated and the committee to which they were initially assigned. Tobacco industry contributions to committee members who had dealings with and voted on the bills are also disclosed below. Committee membership listed below applies to the 2001 session unless otherwise noted. Former members who might have worked on tobacco bills, in sessions prior to 2001, will be included and their terms of service noted.

Specific votes by specific members in these important committees are not reported by the Texas Legislature in their literature or website, so we cannot relate individual legislator's votes to tobacco industry contributions.

House State Affairs Committee

The House State Affairs committee has 15 members—7 Democrats and 8 Republicans. The 2001 members who have not accepted tobacco contributions were: Vice-Chair Sylvester Turner (D-Houston, TPS 7), John Longoria (D-San Antonio, TPS 6), Brian McCall (R-Plano, TPS 6), Ruth Jones McClendon (D-San Antonio, TPS 8), and Tommy Merritt (R-Longview, TPS 5). The following members did accept tobacco contributions. (Table 9)

1995 Tobacco Legislation in House State Affairs Committee

The major tobacco bills considered by the House State Affairs Committee during the 1995 session were HB 2460 and HB 2973 both authored by Curtis Seidlits (D-Sherman, TPS 2) who received \$2,950 from the tobacco industry from 1990-1995. Seidlits was also the Chair of the State Affairs Committee during the 1993 and 1995 legislative sessions. (19)

Member/Position	Party	District	Contributions	Tobacco Policy Score
Steven Wolens/Chair	D	Dallas	\$250	7.5
Kevin Bailey	D	Houston	\$1,200	8
Kim Brimer	R	Ft. Worth	\$2,500	3.5
David Counts	D	Knox City	\$1,300	5
Tom Craddick	R	Midland	\$1,000	2
Debra Danburg	D	Houston	\$1,600	8
Paul Hilbert	R	Houston	\$1,350	4.5
Bob Hunter	R	Abilene	\$500	0
Delwin Jones	R	Lubbock	\$800	4
Kenny Marchant	R	Carrollton	\$500	3.5
Curtis Seidlits (former Chair)	D	Sherman	\$2,950	2

HB 2460 was a minor's access bill with the following major provisions: 1) employees, not employers were criminally responsible for selling tobacco to minors; 2) children in possession of tobacco products can be charged with a misdemeanor; and 3) local governments are preempted from passing stricter ordinances. The bill included all the provisions that the tobacco industry advocates. The industry's main goals are to ensure that store owners are not held liable for selling tobacco to minors and to preempt local governments from taking stronger action. HB 2460 passed the House and Senate State Affairs Committees with votes of 12-0 and 7-1, respectively. The bill passed both houses and was sent to Governor George Bush. Bush vetoed the bill on June 16, 1995, largely because of the preemption clause. (See George W. Bush) (19)

HB 2973, also by Seidlits, would have regulated smoking in restaurants and other public places. However, the bill only required that smoking and non-smoking sections be designated in restaurants with more than 50 seats. The bill also stipulated that:

The nonsmoking area in a restaurant must be separated, *where feasible*, from a smoking area by at least four feet. Nonsmoking area must also be ventilated, *where feasible*, and situated so that the air from the smoking area is not drawn into or across the nonsmoking area... (emphasis added) (19)

The bill would have also preempted any local legislation which was adopted after January 1, 1994. This pro-tobacco industry piece of legislation would have dismantled most of the successful restaurant ordinances being considered around the state.

Many people testified for and against the bill in a public hearing on April 3, 1995. Those

testifying for the bill included two tobacco industry allies, George Benda from the Texas Restaurant Association and Dane Harris from the Texas Association of Business and Chambers of Commerce (TABCC). The health groups and representatives from cities with stricter smoking ordinances who testified against the bill were: Councilman Paul Barker from the City of West Lake Hills, Charles Clawson from the City of Arlington, Cindy Antolik from the Smokeless Texas Coalition (also with the American Cancer Society), Chet Brooks (former Chair of the Senate Health Committee, D-Harris Co.), and Jay Doegy from the Arlington City Attorney's office.(19).

The State Affairs Committee passed the bill by a vote of 11-2 and it was sent to the House Calendars Committee, which would have to schedule it for a vote on the floor before it could be considered by the entire House. Rep. Seidlits, under pressure from then-Governor Bush, neglected to schedule a vote on the bill in the Calendars Committee, and it died. Bush was acting under advice from the American Cancer Society and in support of the local governments' ability to enact their own legislation. (See George W. Bush)

1997 Tobacco Legislation in the House State Affairs Committee

In 1997, the Legislature passed SB 55, the youth access bill, and HB 119, the cigarette ingredient disclosure bill, both of which were considered in the House State Affairs committee. HB 119 by John Hirschi (D-Wichita Falls, TPS 10) required the tobacco companies to disclose to the Texas Department of Health all ingredients in cigarettes and tobacco products distributed in Texas, except those regarded as trade secrets under federal law. HB 119 passed the State Affairs Committee 11-1 and the Senate Health and Human Services Committee by 7-3. Governor Bush signed the bill into law on June 20, 1997. (19) (See State Legislation and SB 55)

Representative Hirschi also introduced HB 912 in that session. HB 912 would have removed the exemption for tobacco products from the 1993 Products Liability Act. (See Tort Reform for greater detail on this issue). This act stipulated that tobacco products were inherently unsafe and prevents Texans for suing tobacco companies for injuries received from using their products. Hirschi's bill asserted that tobacco should not qualify for an exemption for the following reasons:

1. The "inherently unsafe" product defense does not apply in cases where a defendant has suppressed material information relevant to a product's safety, so that the consumer does not possess full knowledge of the product's inherent dangerousness.
2. The "inherently unsafe" defense does not apply where an otherwise dangerous product contains especially hazardous ingredients, or in cases where the defendant has failed to make the product safer.(19)

HB 912 could have seriously undermined the tobacco industry's legal position in Texas and exposed them to lawsuits from sick smokers. The bill passed the State Affairs Committee by a vote of 8-1 and was sent to the Calendars Committee where it died. (19)

For the 1999 and 2001 legislative sessions, no tobacco bills originated the House State

Affairs Committee.

House Committee on Public Health

The House Public Health Committee has 9 members—7 Democrats and 2 Republicans. The 3 members of the committee for the 2001 session who have never taken tobacco contributions were: John Longoria (D-San Antonio, TPS 6), Glen Maxey (D-Austin, TPS 8.5), and Arlene Wohlgemuth (R-Burleson, TPS 2). The remaining 6 members’ contributions are detailed in Table 10.

Officeholder/Position	Party	District	Contributions	Tobacco Policy Score
Patricia Gray/Chair	D	Galveston	\$1,000	8
Garnet Coleman/Vice Chair	D	Houston	\$1,000	8
Jaime Capelo	D	Corpus Christi	\$250	5
Dianne White Delisi	R	Temple	\$750	6
Bob Glaze	D	Gilmer	\$500	9
Carlos Uresti	D	San Antonio	\$1,000	n/a

The House Public Health Committee did not hear any tobacco bills for the 1995, 1997 and 1999 legislative sessions. During those years, tobacco bills were generally sent to the House State Affairs Committee. The Public Health committee heard 2 tobacco bills during the 2001 legislative session. HB 290 and HB 1728, both by Glen Maxey (D-Austin, TPS 8.5) would have prohibited smoking in restaurants and state hospitals, respectively. Both bills died in the committee and did not receive support from the voluntary health associations. The health groups were of the opinion that the bills had no chance to pass the Legislature and that the state in general was not ready for smoke-free restaurants. (19)

The lack of tobacco bills and activity in the House Public Health committee is one of the major problems in trying to pass tobacco control legislation in Texas. The committee which should have the most power over tobacco control is most often left out of the process. Tobacco control is also seen as a general state/fiscal issue instead of a health concern.

House Committee on Ways & Means

The House Ways & Means Committee has 11 members—4 Democrats and 7 Republicans. The only 2001 session committee members who did not take tobacco contributions were Vice Chair Brian McCall (R-Plano, TPS 6) and Jim Keffer (R-Eastland, TPS 5). The remaining members accepted between \$500 and \$1,500 each, as detailed in Table 11.

Officeholder/Position	Party	District	Contribution	Tobacco Policy Score
Rene Oliveira/Chair	D	Brownsville	\$1,500	n/a
Dennis Bonnen	R	Angleton	\$500	6
Tom Craddick	R	Midland	\$1,000	2
Yvonne Davis	D	Dallas	\$1,500	9
Will Hartnett	R	Irving	\$500	3
Talmadge Heflin	R	Houston	\$1,400	1
Paul Hilbert	R	Houston	\$1,350	4.5
Tom Ramsay	D	Mt. Vernon	\$1,500	5
Allan Ritter	D	Nederland	\$750	n/a

During the 1995 and 1997 legislative sessions, the House Ways & Means Committee did not hear any tobacco bills. In 1999, the committee heard HB 3600 by Ruth Jones McClendon (D-San Antonio, TPS 8) and Senfronia Thompson (D-Houston, TPS 6.5). The bill closed a loophole in the Texas tax statute which allowed people entering the country to bring in one carton of cigarettes tax-free. HB 3600 required that all cigarettes brought into the country must be charged the state tobacco tax of 41 cents per pack. Joe Ratcliff, the lobbyist for the Texas Association of Wholesale Distributors and a tobacco industry ally, testified in support of the bill because it would have eliminated a financial incentive to buy cigarettes across the border in Mexico. The bill passed the committee by a vote of 11-0, was passed through the legislature and signed by the Governor on June 16, 1999. (19)

In 2001, the Ways & Means Committee heard two major tobacco bills relating to the way in which smokeless tobacco products are taxed in Texas. HB 3650 by Senfronia Thompson (D-Houston, TPS 6.5) would have shifted the smokeless tobacco tax rate from 35 % of the manufacturer's list price to 40% of the distributor's purchase price. This would have cleared up ambiguities that existed over the tobacco companies' list prices and reduced the burden of retailers who were required to collect and pay the tax on smokeless tobacco products. HB 3650 was left pending in the committee. (19)

Thompson's bill was overshadowed by another, more controversial change in the tax structure for smokeless tobacco. HB 3382 by Yvonne Davis (D-Dallas, TPS 9) would have changed the smokeless tobacco tax from a price based to a weight based tax. This measure was supported by the State Comptroller, Carole Keeton Rylander (R) who claimed that the new tax would dramatically increase revenues for the state and be a more balanced tax system. U.S. Tobacco, the nation's largest manufacturer of smokeless tobacco was in favor of the measure because it would have forced their low priced competitors to raise their prices. The bill passed the Ways & Means Committee by a vote of 6-2, after much discussion and debate. It went to the Calendars committee and died there. (19) (See Tobacco Tax section for more detail)

House Appropriations Committee

The Appropriations Committee consists of 27 members—18 Democrats and 9 Republicans. The 2001 committee members who did not accept tobacco contributions were: Vice Chair George West (R-Odessa, TPS 0.5), Ray Allen (R-Grand Prairie, TPS 5), Helen Giddings (D-Dallas, TPS 9), Roberto Gutierrez (D-McAllen, TPS 7), Scott Hochberg (D-Houston), Glen Maxey (D-Austin, TPS 8.5), Jim McReynolds (D-Lufkin, TPS 8), Paul Moreno (D-El Paso, TPS 8), Jim Pitts (R-Waxahachie, TPS 5), Todd Smith (R-Bedford, TPS 5), and Sylvester Turner (D-Houston, TPS 7).

The House Appropriations Committee also has 2 subcommittees—Health and Human Services and Tobacco—which deal with tax issues related to tobacco as well as the appropriation of settlement money to different state agencies. The Subcommittee members who did not accept tobacco contributions were: Glen Maxey who serves on both subcommittees and Helen Giddings and Roberto Gutierrez from the Tobacco subcommittee. Table 12 details the contributions made to the House Appropriations committee members as well as their membership in the two subcommittees.

For the 1995 and 1997 legislative sessions, the committee did not hear any tobacco bills. In the 1999 session, the House Appropriations Committee was responsible, along with the Senate Finance Committee, for crafting the Tobacco Settlement Permanent Trust Account. HB 1161 by Rep. Junell (D-San Angelo, TPS 2.25) and Sen. Ratliff (R-Mt. Pleasant, TPS 4.5) created the trust fund and establishes that the state comptroller is responsible for managing the account. The Department of Health is also responsible for reporting to the legislature about their use of funds from the account. HB 1676 by Junell and Ratliff created the Permanent Fund for Tobacco Education and Enforcement, deposited \$200 million dollars into the account, and stipulated that only the interest on that money could be used for tobacco control. The bill also created similar trust funds for Children and Public Health and for Emergency Medical Services and Trauma. Both trusts can only use the interest earned on the principle to fund their programs. (19)

HBs 1161 and 1676 unanimously passed the Appropriations Committee and the Senate Finance Committee. They went into effect on August 30, 1999. (See *Appropriating the Settlement Money* for more detail.)

In 2001, the Appropriations Committee HB 3244 by Pete Gallego (D-Alpine, TPS 7.3). This bill was a housekeeping bill which clarified that the Texas Department of Health could temporarily transfer money between their tobacco endowments if the TDH determines that the money is needed for cash management purposes. The bill passed unanimously in Appropriations and Senate Finance and went into effect on September 1, 2001. (19)

Senate Committee on State Affairs

The Senate State Affairs Committee does not have the same power that the House Committee has. Many tobacco bills which should be given to the Health Committees in the House are shunted off to State Affairs where they can die quietly. In the Senate, however, health bills are generally given to the Health and Human Services Committee and the State Affairs

Table 12. Tobacco Industry Contributions to 2001 House Appropriations Committee and Subcommittee Members					
Officeholder/Position	Party	District	Subcommittee Membership	Contribution	Tobacco Policy Score
Robert Junell/Chair	D	San Angelo		\$500	2.3
Ray Allen	R	Grand Prairie		\$900	5
Garnet Coleman	D	Houston	Health	\$1,000	8
Dianne White Delisi	R	Temple	Tobacco	\$750	6
Craig Eiland	D	Galveston	Health, Tobacco	\$500	4
Jessica Farrar	D	Houston	Tobacco	\$500	8
Ismael “Kino” Flores	D	Mission	Tobacco	\$500	8
Pete Gallego	D	Alpine	Tobacco	\$2,000	7.3
Bob Glaze	D	Gilmer	Health/Chair	\$500	9
Peggy Hamric	R	Houston		\$1,000	5.5
Talmadge Heflin	R	Houston	Tobacco	\$1,400	1
Kyle Janek	R	Houston	Health, Tobacco/Chair	\$500	4
Tracy King	D	Uvalde		\$500	5
Vilma Luna	D	Corpus Christi		\$500	9
Anna Mowery	R	Ft. Worth		\$1,000	3.5
Joseph Pickett	D	El Paso		\$1,000	7
Robert Puente	D	San Antonio	Tobacco	\$1,500	8

Committee is generally given bills that relate to state administration, state employees and elections. The committee also receives bills on miscellaneous topics that do not fit into the other committee categories, for example, state speed limits, special license plates, or political advertising. Occasionally the Senate State Affairs Committee will receive tobacco bills, especially ones that preempt local governments and attempt to set minimum state standards for smoking regulations.

The only 2001 committee member who has not received tobacco contributions was Chair Florence Shapiro (R-Addison, TPS 5). The remaining members’ contributions are detailed in Table 13.

The only tobacco control bill heard by the Senate State Affairs committee during the 1995-2001 legislative sessions was HB 2460, the minor’s access bill by Curtis Seidlits

Officeholder/Position	Party	District	Contribution	Tobacco Policy Score
Carlos Truan/Vice Chair	D	Corpus Christi	\$2,000	7
Ken Armbrister	D	Victoria	\$5,500	1
John Carona	R	Dallas	\$2,400	3.5
Troy Fraser	R	Abilene	\$3,500	3
Mario Gallegos, Jr.	D	Houston	\$2,800	4
Chris Harris	R	Arlington	\$5,500	4.5
Frank Madla	D	San Antonio	\$3,750	5
Eliot Shapleigh	D	El Paso	\$1,000	7.6

D-Sherman, TPS 2). The bill was preemptive and was vetoed by Governor Bush on June 16, (1995. (19) (See House State Affairs and George W. Bush for more detail).

Senate Committee on Health & Human Services

The Senate Health & Human Services committee has 9 members—5 Democrats and 4 Republicans. The only 2001 member who has not accepted tobacco contributions was Chair Mike Moncrief (D-Ft. Worth, TPS 9). The remaining members and former Chair Judith Zaffarini (D-Laredo, TPS) have accepted tobacco money, detailed in Table 14. Although she has accepted tobacco contributions, Zaffarini is considered to be one of the state’s most ardent tobacco control supporters.

During the 1995 legislative session, the committee considered only 1 tobacco bill—SB 65 by Moncrief (D-Fort Worth, TPS 9). The bill required that all public buildings and hearings should be smoke-free. After passing the Senate, the bill was sent to the House State Affairs Committee where it died. Moncrief would introduce the same bill in 1997 as SB 64. (19)

During the 1997 session, the committee was responsible for crafting SB 55, Texas’ minor’s access law. Senator Zaffarini (D-Laredo, TPS 9.6), the chair of the committee for the 1997 session, authored the bill. (See State Legislation, Senate Bill 55 for more detail.) Also in that year, the committee passed SB 64 by Senator Moncrief (D-Fort Worth, TPS 9). SB 64, like SB 65 in 1995, would have set standards for smoking in public buildings and at public meetings. The bill analysis summarized the smoking regulations set for these locations:

Currently, Texas is one of only six states that does not have a law prohibiting or restricting smoking in state office buildings. In a survey of 24 large Texas state agencies conducted prior to the 73rd Legislature, Regular Session, 23 had some type of smoking policy: 14 had entirely smoke-free buildings and nine allowed smoking in designated areas such as cafeterias, restrooms, or private offices. This bill creates a more uniform smoking policy for state agencies by phasing in a prohibition of smoking in state buildings and at public hearings held by state agencies.(19)

Table 14. Tobacco Industry Contributions to 2001 Senate Health and Human Services Committee Members				
Officeholder/Position	Party	District	Contribution	Tobacco Policy Score
John Carona/Vice Chair	R	Dallas	\$2,400	3.5
David Bernsen	D	Beaumont	\$1,000	n/a
Mario Gallegos	D	Houston	\$2,800	4
Chris Harris	R	Arlington	\$5,500	4.5
Frank Madla	D	San Antonio	\$3,750	5
Jane Nelson	R	Flower Mound	\$1,000	6.6
Eliot Shapleigh	D	El Paso	\$1,000	7.6
David Sibley	R	Waco	\$2,000	5.5
Judith Zaffarini (former Chair)	D	Laredo	\$3,000	9.6

SB 64 passed through the Senate Health & Human Services Committee, passed the entire Senate and passed the House State Affairs Committee. It was then sent to the House Calendars Committee where it died.

During the 1999 legislative session, the committee heard 5 tobacco bills, 4 of which were enacted into law. Senator Zaffarini (D-Laredo, TPS 9.6) introduced SBs 15, 16 and 17 which clarified some of the ambiguities in SB 55 from the 1997 session: SB 15 removed the sale of loose cigarettes from the list of Class A misdemeanors. This measure would make it more difficult for kids to obtain loose cigarettes, which were fairly accessible to them. SB 16 stipulated that local law enforcement agents, not just the state comptroller's office or county sheriffs, could participate in enforcement of SB 55; and SB 17 clarified the procedure used to charge offending retailers with violations of the law. All the bills were passed and went into effect on September 1, 1999. (19)

Also in 1999, the Senate Health and Human Services Committee passed SB 451 by Armbrister (R-Victoria, TPS 1). SB 451 amended the law regarding direct access to cigarettes in businesses where minors are prohibited. The Legislative bill analysis reported that:

...Texas law permits direct access to cigarettes and tobacco products in a facility or business that is not open to persons younger than 18 years of age at any time. Minors are allowed to enter a package store when accompanied by an adult. This bill will exempt holders of package store permits from the provision prohibiting direct access to tobacco products.(19)

In Texas, hard liquor can only be sold in restaurants, bars and liquor stores (package stores). This bill said that tobacco products could be sold in liquor stores even though minors are allowed to enter the stores if accompanied by an adult. SB 451 passed both houses and went into effect on September 1, 1999. (19)

The final 1999 tobacco bill which originated in this committee was SB 1291 by Zaffirini (D-Laredo, TPS 9.6). SB 1291 related to the Texas Department of Health and their authority to initiate a tobacco control program throughout the state. This bill would have given more autonomy to the TDH and allowed them to run a comprehensive program which did not need to be focused on children. The bill passed the Senate Health and Human Services Committee and the House State Affairs Committee, but it died in the House Calendars Committee. Instead, the legislature adopted the bills by Rep. Junell (D-San Angelo, TPS 2.25) and Senator Ratliff (R-Mt. Pleasant, TPS 4.5) which placed more restrictions on the TDH. (19) (See House Appropriations Committee and Appropriating the Settlement Money)

The Senate Health and Human Services Committee did not hear any tobacco bills during the 2001 session.

Senate Committee on Finance

The Senate Finance Committee has 13 members—6 Democrats and 7 Republicans. The only 2001 session member who has not accepted tobacco contributions was Robert Duncan (R-Lubbock, TPS 5). The remaining members' tobacco contributions are detailed in Table 15.

The Senate Finance Committee did not hear any tobacco bills during the 1995 session. For the 1997 session, the committee passed SB 1266 by Senator Armbrister (R-Victoria, TPS 1). This bill would have clarified the duties of the comptroller in levying and collecting cigarette taxes. In 1996, the office of state treasurer was abolished and the powers of the office were transferred to the state comptroller. SB 1266 would have changed the statutory law to reflect the comptroller's new powers and eliminated other archaic records. The bill passed the Senate Finance committee and the House Ways & Means Committee, but did not pass in the full House.(19)

In 1999, along with the House Appropriations Committee, the Senate Finance Committee passed HBs 1161 and 1676 by Rep. Junell (D-San Angelo, TPS 2.25) and Senator Ratliff (R-Mt. Pleasant, TPS 4.5) which created the Permanent Fund for Tobacco Education and Enforcement, deposited \$200 million dollars into the account, and stipulated that only the interest on that money could be used for tobacco control.(19) This limitation that only the interest be used effectively ensured that Texas would be limited to a very small tobacco control program. (See Appropriating the Settlement Money for more detail.)

In 2001, Senator Rodney Ellis (D-Houston, TPS 8.5), the Chair of the Senate Finance Committee, introduced SB 1688 which was a companion bill to HB 3382 (See House Ways & Means Committee). SB 1688 would have also changed the tax system for smokeless tobacco from 35% of the manufacturer's price to a weight-based tax. This would have equalized the prices between the major brands owned by U.S. Tobacco and the discount brands. The bill was never reported out of the Finance Committee. (19)

Table 15. Tobacco Industry Contributions to 2001 Senate Finance Committee Members				
Officeholder/Position	Party	District	Contribution	Tobacco Policy Score
Rodney Ellis/Chair	D	Houston	\$1,000	8.5
Chris Harris/Vice Chair	R	Arlington	\$5,500	4.5
Gonzalo Barrientos	D	Austin	\$4,100	4.3
Troy Fraser	R	Abilene	\$3,500	3
Tom Haywood	R	Wichita Falls	\$1,000	4
Mike Jackson	R	Pasadena	\$2,000	3.5
Jon Lindsay	R	Houston	\$1,000	n/a
Eddie Lucio	D	Brownsville	\$3,500	3.3
Steve Ogden	R	College Station	\$1,350	6
Carlos Truan	D	Corpus Christi	\$2,000	7
John Whitmire	D	Houston	\$4,000	4
Judith Zaffirini	D	Laredo	\$3,000	9.6

Contributions to Statewide Officers

State officeholders, like legislators and other public officials, are prime targets of the tobacco industry. From 1988-2001, the tobacco industry contributed \$77,500 to state officeholders, and they expected cooperation and support from them in return. In their 1990 “Defensive and Offensive Strategies” memo quoted above, Philip Morris details how they will help support the Republican candidate for Governor and Comptroller and that their contributions can ensure support or silence from these officers.

...Our best and, perhaps, only hope to combat a consumer excise tax increase in 1991 is to help elect a Republican Governor who is a “no new Taxes”, George Bush, Jr./Bill Clements kind of guy. We will not do anything until after the March primary, check out the survivors, and go with the Republican candidate....
 ...Our new comptroller—the person to whom the Governor and legislators look to for the state’s financial guidance—will be John Sharp. *The plan is to give early and large campaign contributions to Sharp, thereby jumping on the bandwagon early and at the very least buying Sharp’s silence when it comes to locating new revenues [by taxing tobacco products].* (5), italics added]

The industry’s viewpoints on using contributions to buy allegiance and/or silence from officeholders has not changed since 1990.

While the industry has given to more statewide Republican candidates and officeholders, they have given the majority of their contributions to 2 Democrats: Lt. Governor Bob Bullock and Governor Ann Richards. Table 16 summarizes the tobacco industry’s contributions to

Table 16. Tobacco Industry Contributions to Statewide Officeholders, 1988-2001			
Officeholder	Office Sought	Party	Contributions
Bob Bullock	Comptroller/Lt. Governor	D	\$36,500
George W. Bush	Governor	R	\$1,000
Bill Clements	Governor	R	\$5,000
Susan Combs	Agriculture Commissioner	R	\$1,000
Kay Hutchinson	Treasurer	R	\$2,500
Gary Mauro	Governor	D	\$1,000
Dan Morales	Attorney General	D	\$2,000
Rick Perry	Agriculture Commissioner/Lt. Governor	R	\$2,500
Ann Richards	Governor	D	\$12,000
John Sharp	Comptroller	R	\$13,500
Barry Williamson	Railroad Commissioner	R	\$500
Source: Texas Ethics Commission Reports			

statewide officeholders from 1988-2001. See Appendix Table A-10 for more detail.

The industry contributed the most money to Democrat Bob Bullock from 1991-1996, when he was serving as Lt. Governor. During that time he had a great deal of influence over what legislation was approved by the Texas Senate, and the industry was heavily pushing their tort reform packages. Bullock was a supporter of the issue and his involvement was very important. The tobacco industry was willing to spend in order to ensure his continued support. (See Contributions to Legislative Leaders and Tort Reform)

Governor Richard's relationship with the tobacco industry was also touch and go. When she was first elected, the tobacco industry regarded her as a threat and not someone who would be a strong ally. However, they continued to donate to her campaigns even when she was running against George W. Bush in 1994. When Richards lost that race to Bush, she soon went to work for the lobbying firm of Verner, Liipfert, Bernhard, McPherson & Hand in Washington D.C. That firm was hired by the tobacco industry and was paid \$7.2 million in the first half of 1998 to kill a proposed national tobacco settlement. Richards was given the task of recruiting liberal Democrats to oppose the settlement.(20)

The other major recipient of tobacco contributions was Comptroller John Sharp (R). The industry contributed \$13,500 to Sharp's campaigns between 1989 and 1996. They were especially interested in buying his silence or support on the issue of tobacco taxes. In 1997, when the Senate was passing SB 55, the minor's access bill, one compromise reached was to switch the enforcement of the bill from the Texas Department of Health to the Comptroller's office. Although this was seen by many as a positive move, since the Comptroller is an elected official, in reality this must have been a blessing for the tobacco industry. Instead of having a

public health official who was dedicated to the issue enforcing the bill, they would have Sharp, who had been a longtime ally and had accepted thousands of dollars in tobacco contributions. The voluntary health agencies accepted the change without complaint.

Tobacco's Relationship with George W. Bush

While he was Governor (1994-2000) and during his campaign for president, Bush made no excuses for the fact that he was heavily tied to the tobacco industry. His pro-business, anti-regulation beliefs would be enough to endear him to the tobacco industry, but Bush has gone even further by actively courting the industry's money and influence.

George Bush's political career began in earnest in 1993 when he decided to run for Governor of Texas. In 1976, at the age of 27, he ran for the U.S. congressional seat in West Texas oil town of Midland. He lost that race, however, to a more experienced, conservative Democrat. In the early 1980s he encouraged investors to back him in two oil companies which could never find oil and in 1989 found other wealthy backers to help him purchase the Texas Rangers in Arlington, TX.

Bush toyed with the idea of running for Governor in 1990, shortly after he bought the Rangers. Philip Morris wanted him to run and were prepared to back him financially if he chose to do so. In their 1990 strategy memo from Victor Han's office, quoted in detail earlier, they assert that:

Our best and, perhaps, only hope to combat a consumer excise tax increase in 1991 is to help elect a Republican Governor who is a "no new Taxes", George Bush, Jr./Bill Clements kind of guy. (5)

However, Bush chose to wait until 1994 to make his bid and in 1990, Democrat Ann Richards was elected Governor. Near the end of her term, in September 1994, she had approval ratings around 60 percent and she could help claim credit for the fact that, as political writer Molly Ivins asserts:

...crime was down, school scores were up, the economy was humming, there were no new taxes, and throughout this favored land the sun was shining bright. Nine weeks later she was out of office.(8)

It was the 1994 Republican revolution, and George Bush had won his first political office. He was only the third Republican in the state's history to be elected Governor. Much of his success was due to his advisors, chief among them political strategist Karl Rove, and to his focus on issues like tort reform (a particular favorite of the tobacco industry).

Rove, who had worked for the elder George Bush on many of his campaigns, began advising George W. Bush in 1993 during his first campaign for the Governorship. At the same time, he was a paid consultant for Philip Morris. Rove began working with Philip Morris in 1991 when they asked him to consult with them about political strategies and the likely outcomes of important elections in Texas. His firm, Karl Rove & Company, based in Austin, worked for Philip Morris and was paid between \$2,000-\$3,000 a month from 1991-1996. (21)

Rove's political expertise and experience were useful to Philip Morris, and he would

report directly to Jack Dillard, a former PM lobbyist and director of their Texas Government Affairs division about upcoming elections and legislation that the industry should support or oppose. Dillard was also involved in the industry's effort to enact tort reform in Texas through the Texas Civil Justice League, which was heavily supported – and may have been organized by – the tobacco industry as part of its national campaign to enact state laws insulating the tobacco industry from liability for the death and disease it causes (See Tort Reform) From 1995-1996, Rove worked for both Philip Morris and as the director of the Governor Bush Committee, a fund-raising and political consultant group designed to support the Governor's reelection.(21)

In a deposition that Rove gave on August 26, 1997 for Texas' lawsuit against the tobacco industry, he asserted that at no time did he give PM information that he received through his work with the Governor. He also testified that he did not relay to the Governor any information that he received from PM. Bush knew of Rove's double role but informed him that he did not want to hear anything about the "tobacco issue."(21)

Rove's ties to Philip Morris became even increasingly public when it was revealed that he participated in the release of a controversial "push poll" in 1996. This political technique involves the use of workers who claim to be gathering public opinion poll information, but in reality they are spreading negative charges against opponents. Philip Morris developed a push poll in 1996 to spread rumors and false information about then Attorney General Dan Morales, who was planning to file the state's lawsuit against the tobacco industry. After hearing the information, respondents rated the Attorney General's planned lawsuit as a very low priority. The poll was developed by Public Opinion Strategies, a Virginia consulting firm.(22) Their summary of the findings indicated that, after hearing the negative information on Morales:

The lawsuit is opposed by a strong majority of Texans, and they express skepticism over the motives of the attorney general on this issue. Dan Morales is in good shape politically, but he has some areas of softness, and others of outright vulnerability. The lack of support for the lawsuit—especially since it is being filed by private lawyers who stand to gain after contributing to the attorney general's campaign—is a clear vulnerability for the attorney general.
(22)

Rove was present at a PM meeting where the poll was discussed and plans were made to release it to Morales and other Texas politicians.(21) A PM lobbyist eventually gave a copy of the poll to Morales, in the hopes of dissuading him from filing the proposed lawsuit against the tobacco industry. Morales filed the state's claim in federal court two months later. Although Rove claimed to have limited knowledge of the contents of the poll and its release, he did deliver a copy to the Governor's assistant, Joe Allbaugh. Allbaugh claimed to have put the poll in the trash without giving it to the Governor.(21, 22)

While he was campaigning for President, Bush often spoke on tobacco issues. In an August 1999 appearance in North Carolina he pledged to support the federal tobacco price-support system. Reflecting the tobacco industry's position, he also said:

I don't think we should raise the cigarette taxes at the federal level. I believe the state ought to do a better job of informing children of the hazards of smoking. But we have recognized that there are some adults, once properly warned, who

choose to smoke.(23)

Bush did not implement his ideas about state responsibility for youth anti-smoking programs in Texas—he refused to support health officials when they recommended a \$60 million annual smoking prevention program in 1999, instead supporting the \$10 million legislative alternative. This amount is far below what the CDC recommends for a comprehensive program in Texas. (See Appropriating the Settlement Money)

Advocates working with the legislature attribute much of his pro-tobacco stances to the influence of tobacco money and Karl Rove. While Bush may be personally in favor of more tobacco control ordinances, especially in regards to minor’s access, he is considered to be fiscally and financially allied with the tobacco industry.

While Bush often supports most of the same issues as the tobacco industry — particularly tort reform and opposing large scale tobacco control programs — he has also opposed the tobacco lobbyists on occasion. During the 1995 legislative session, the tobacco industry supported two bills (HB 2973 and HB 2460) which would have stifled tobacco control in Texas. These bills, which nominally regulated smoking in restaurants and tobacco sales to minors, were very weak and contained preemption clauses, which would have stopped all the successful tobacco control work being done at the local level in Texas.

One of the tobacco industry’s favorite strategies to defeat effective smoking regulations at the local level is to enact weak statewide bills which preempt other ordinances by stating that the local governments cannot pass stricter controls than the state. By 1995, there were already smoking restrictions creating 100% smoke-free restaurants, some with ventilation requirements, in Austin, Wichita Falls, and Arlington. Wichita Falls and Arlington also had minor’s access laws. If HBs 2973 and 2460 had passed, they would have eliminated those ordinances.

Representative Curtis Seidlits (D-Sherman, Chair of the State Affairs Committee, TPS 2) authored both bills. He received \$2,950 from the tobacco industry from 1990-1995. His restaurant bill (HB 2973) would have established smoking and non-smoking sections in all restaurants with more than 50 seats, with no ventilation or enclosed space provisions.(24)

This bill would have provided no protection from secondhand smoke in restaurants.

After hearing from representatives of the American Cancer Society in his former home of Midland who urged him to protect local governments’ right to legislate this issue, Bush promised to eliminate the bill. A few days later, the author “forgot” to schedule an important vote on the bill and it died. Bush later claimed credit for the incident.(25) The minor’s access bill (HB 2460) actually passed both the House and Senate and made it to the Governor’s desk. Bush vetoed the minors access bill, in support of his stance that local governments should retain control over such issues.

These actions demonstrate that, while Bush usually supports big business such as tobacco, he occasionally breaks ranks to maintain his other guiding principle — smaller government and more local control.

While he was Governor, Bush accepted \$1,000 from the Philip Morris USA Texas PAC in 1996. However, during his presidential campaign, the Center for Responsive Politics reported that Bush received more tobacco money than any other candidate, over \$90,000 from 1999-2000. (26)

TOBACCO INDUSTRY ALLIANCES

As elsewhere, the tobacco industry uses allies and front groups to give them additional support as well as to mask their involvement in particularly sensitive issues. An undated Tobacco Institute document that lists their “Allies and Coalitions” includes several Texas professional organizations:

- Texas Hotel/Motel Association
- Austin Chamber of Commerce
- Texas Retail Grocers Association,
- Texas Association of Tobacco and Candy Distributors
- WIFE [Women Involved in Farm Employment]
- Texas Restaurant Association
- Texas Merchandise Vendors Association
- Texas AFL-CIO
- Southland Corporation [owners of 7-11 stores]
- Texas Municipal League
- Texas Association of Broadcasters
- Texas Society of Association Executives
- Gannett Outdoor Advertising (27)

Tobacco and the Texas Restaurant Association

The Texas Restaurant Association (TRA) is an especially important ally for the tobacco industry in its fights against smoke-free legislation, particularly smoke-free restaurants and bars. The TRA serves as a conduit for tobacco industry propaganda claiming that smoke-free laws will hurt the hospitality business, despite the fact that scientific research on the subject directly refutes these claims (87,88).

In particular, in 1993, after the Austin suburb of West Lake Hills initiated a 100% smoking restriction in restaurants, the Texas Department of Health conducted a study which found that, a year after the ordinance went into effect, restaurant sales for the city had either increased or remained constant. (87) Similar studies in California using sales tax data as an indicator of restaurant revenues have found that smoking restrictions do not result in lost business for restaurants or bars. (See Local Activities Section)

The Texas Restaurant Association, with financing from Philip Morris’ Accommodation Program, conducted the *1997 Statewide Smoking Awareness* survey in an attempt to prove that people in Texas were opposed to smoking restrictions of any kind. The survey results were widely reported by the TRA and Philip Morris because 50% of those polled thought that business owners, not government, should set smoking policies. (28) It also found that the majority of people polled agreed with the following statements:

“We should find a way to accommodate both smokers & non-smokers in

hospitality establishments.”

“Smoking areas in hospitality establishments should be separate from non-smoking areas, but should be equally appealing.”

“Smoking issues can be solved through common courtesy.”

“Smoking areas should be provided in hospitality establishments.”

“Smokers and non-smokers should respect each other’s choices.”(28)

These goals of accommodating both smokers and non-smokers are the key messages of Philip Morris’ Accommodation Program, which was created as an alternative to smoke-free legislation and has been championed for many years by the Texas Restaurant Association.

The TRA received the literature and signs for the Accommodation Program from Philip Morris and then distributed it free of charge to their members. In a form letter from TRA President Bill Daniels and Executive Vice President Richie Jackson, they describe the program to their members:

The Texas Restaurant Association supports proactive solutions to the concerns affecting our industry. One such solution is The Accommodation Program. The philosophy of The Accommodation Program is simple: to provide a balanced, fair approach to addressing the needs of both non-smokers and smokers through the use of designated smoking and non-smoking areas. The centerpiece of the program is the Accommodation Logo. When proprietors display this attractive and easily-recognized symbol, they are telling their patrons that both non-smokers and smokers are welcome and will be accommodated.

To participate in the program, simply review the enclosed brochure, display the decal on your window or door and return the reply card to indicate that you have done so. You will then receive, free of charge, “Eight Steps to Becoming an Accommodating Restaurant,” a detailed Source Book that will give you tips on how to accommodate non-smokers and smokers. You will also receive a technical bulletin with suggestions on the operation and maintenance of your HVAC systems for enhanced ventilation. Wall plaques, counter cards and table tent cards are also available at no charge.

This program is an opportunity for us to demonstrate that we know best how to accommodate our customers’ preferences. We do not need government mandates. Instead, we need a balanced, fair approach to addressing the needs of both non-smokers and smokers alike. We therefore urge you to participate in The Accommodation Program so that we can meet the needs of all our customers.(29)

The Accommodation Program has been used by Philip Morris in all 50 states and in countries around the world. It espouses egalitarian goals but in reality does nothing to protect people from secondhand smoke in restaurants.

A 1997 Philip Morris document entitled Ally Sponsorships found in Eric Ostern’s office details how much money they spent to convince their allies to embrace the Accommodation Program. A handwritten note on the title page reveals that “[s]ponsorships are NOT: advertising,

direct mail solic[itation], [or] trade show exhib[its].”(30) The 1997 estimated costs to promote the Accommodation Program in Texas were:

Association Sponsorship description	Estimated Cost
Texas Restaurant Association	
-Trade show exhibit & sponsorship	\$26,680*
-Advertising	-Included in sponsorship
-Solicitation/Symbol Rec mailing	<u>\$ 2,750</u>
-Subtotal	\$29,430
Texas Hotel & Motel Association	
-Advertising	\$1,400
-Solicitation/Symbol Rec mailing	<u>\$1,100</u>
-Subtotal	\$2,500
Texas BPA [Business Professionals of America]	
-Trade show exhibit	-NA
-Solicitation/Symbol Rec mailing	<u>\$110</u>
	\$110
TOTAL	\$32,040
*\$25,000 paid in 1996 (30)	

In addition to championing the Accommodation Program, the Texas Restaurant Association also actively works with the tobacco industry to defeat smoke-free legislation at the local level. In an April 9, 1997 email from Eric Ostern of Philip Morris, he explains how PM uses the TRA and other “ambassadors” to work against local smoking ordinances:

I don’t believe we have ambassadors in Ft. Worth specifically—we do have folks in Corpus Christi, El Paso, Houston, Plano and Rising Star.... What we can & will do is speak w/our contact at the TX Rest. Association to identify some potential folks who may be able to assist your efforts [against the proposed smoking ban in Ft. Worth].(31)

The TRA has proved valuable to the tobacco industry for their ability to mobilize restauranteurs and businesspeople to oppose any kind of smoking restrictions. Their work can also provide a shield to hide the tobacco industry’s involvement.

In some cases, the tobacco industry and TRA bring in expert witnesses to testify at city council meetings where smoking legislation is being discussed. In a series of 1993 memos between Tina Walls, Vice President of Philip Morris State Government Affairs and Jack Dillard, Southwest Regional Director of Philip Morris Government Affairs, they discussed how Indoor Air Quality (IAQ) “experts” should be obtained to help defeat or pass weak smoking ordinances.

From Tina Walls to Jack Dillard:

A number of us met...to review a pilot program to test approximately 30 business sites, including workplaces, restaurants, etc. for IAQ and to provide recommendations to these businesses as to how they can adjust their IAQ to accommodate both smokers and nonsmokers. This program was originally

proposed so that the company can refer businesses, who have contacted PM with questions concerning the EPA announcement and/or who would like to accommodate smokers and nonsmokers, to experts who can assist them with their IAQ questions. Another objective of the proposal is to provide success stories for you as you try to maintain or pass accommodation language in your region.

From Jack Dillard to Tina Walls:

I don't have much in the way of specific requests or suggestions, at this point, but you have identified precisely what the needs are. One specific item: I could use help in trying to identify a local IAQ expert in Texas who could be retained by the Tx. Restaurant Assn. To serve as an expert witness appearing before local city councils when the subject of a restaurant smoking ban is on the table.

From Tina Walls to Jack Dillard:

An excellent request!!! Thanks.(32)

Other Third Party Alliances

The Accommodation Program was not the tobacco industry's first effort to hide its involvement in the policy making process by working through third parties. In a 1985 Monthly Report from the Tobacco Industry's Southwest Regional Director, Terry Frakes, he relays his efforts to build relationships with third party allies.

Groups that I have made contact with and who have promised to help or assist [us] include:

- * Texas Hotel/Motel Association
- *Texas Restaurant Association
- *Texas Retail Grocers Association
- *Texas Association of Builders
- *Texas Building Owners and Managers Association
- *Texas Bowling Proprietors Association
- *Southwest Food Industry Association
- *Texas Merchandise Vending Association
- *Texas Association of Tobacco & Candy Distributors (33)

The tobacco industry's fondness for employing third party groups was also explained in a 1994 document entitled "A Grassroots Political Action Program for Brown & Williamson Tobacco Corporation," which was prepared at the request of Ernest Pepples, Sr. Vice President. The report details B&W's nationwide use of grassroots or front groups to oppose higher cigarette taxes, smoking restrictions, and advertising bans.

Note on Using Third Parties. Activating third parties offers insulation to the company from direct criticism. Even though the third parties are sought out and activated through company funded efforts, it will be the third parties actually doing the lobbying. To the extent that third party statements are made by the individuals involved, zealots cannot successfully attack their efforts because these individuals speak their own mind. The potential downside is that the company will be accused of fraud. The other side will allege misrepresentation of the dangers of smoking and that there is a financial effort being made to

oppose the forces of righteousness. There is always a risk in such activities, but a risk that can be contained with proper supervision and a risk that should be taken because of the urgency of the need.

Building Grassroots. There is a great importance in communicating the tobacco message, along with the B&W message, through a strengthening of the industry coalition, especially in the tobacco states—growers’ groups, farm bureaus, co-ops, warehousemen—and to strengthen these relations in order for this coalition to present tobacco issues to Members of Congress and to the state legislatures. In the non-tobacco growing states [such as Texas], it is essential to tie in with wholesalers, retailers, suppliers, etc. There is importance in having two-way communications with these groups, and to look at industry issues at large, with PM and RJR, for example. The issue of rallying stop-and-go stores, grocers, retailers, truck stops, vending operators and the entire scheme of suppliers and others is the meaning of grassroots. (34)

The tobacco industry has successfully employed all of these tactics in their efforts to defeat smoke-free ordinances and tobacco taxes in Texas.

In addition to collaborating with the allied organizations listed above to fight legislation, Philip Morris made financial commitments to the Texas Chamber of Commerce; in 1993 it committed to make a \$75,000 donation to the Chamber. (10)

Tobacco and the Media

The tobacco industry actively courted the media in Texas to try and develop sympathetic coverage. In a December 14, 1995 memo to David Laufer of Philip Morris from Julian Read and Terry Young of the Read Poland Associates, an Austin public relations and advertising agency, regarding the Texas Press Association Meeting, they discuss ways in which they can curry favor with the Texas media.

As noted..., Philip Morris has the only hospitality suite at the [Texas Press Association] meeting, which attracts some 300 editors and publishers. We also operate a booth in the exhibit hall.

The past two years we have provided food products (Jell-O, Kool Aid, Toblerone, Crystal Light, coffee, caramels, etc.) to the attendees. We also have handed out appropriate literature at the booth. In the hospitality suite, we have a full bar and heavy hors d’oeuvres on two nights....*In the past, we have had packages of cigarettes available...*

There also was some discussion to provide each attendee with one of those one-pound Toblerone bars instead of the sampling, *but that obviously does not provide a variety of Philip Morris products which we prefer....*

We are confident that this project will once again provide worthwhile results in providing a unique opportunity to relate closely to an important media audience group. We estimate the total budget, including the added advance mailing, to range between \$13,000 and \$15,000. (emphasis added) (35)

A subsequent memo between the same parties on the topic of the Texas Press Association meeting noted that “[s]ince it is the only hospitality suite, Philip Morris has become quite a

favorite among the many newspaper editors who attend this major TPA event.”(36)

In addition to their direct interaction with the media at the annual TPA convention, Philip Morris, with the help of Read-Poland Associates, attempted to gain the media’s support for their Action Against Access (AAA) program. The AAA program, begun in 1994, was Philip Morris’ nationwide attempt to subvert meaningful youth access legislation. In a June 29, 1995 memo from Read-Poland to Philip Morris, they outline which media outlets in Texas received the AAA materials.

We personally distributed media kits [for Action Against Access Program] to numerous media outlets in Austin, including key members of the Texas Capitol Press Corps. Hopefully, the message will result in follow-up local coverage to an important issue.

A breakdown of the coverage includes:

Austin-American Statesman: Jerry Mahoney, Business Editor, who was targeted by Philip Morris, New York. Stuart Eskanzis, Capitol reporter who covered smoking issues during legislative session. Arnold Garcia, Editor of the Editorial Page, for possible editorial follow-up.

Associated Press: Mike Holmes, chief correspondent.

Dallas Morning News: Rich Oppel, business writer assigned to Capitol.

United Press International: Mark Langford, Capitol bureau chief.

Fort Worth Star-Telegram: Carlos Sanchez, Capitol correspondent.

Long News Service: Bill Kidd, owner/editor (columnist for 26 Texas dailies).

San Antonio Express-News: Matt Flores, reporter from San Antonio, personally carried kits to business desk and editorial page editor.

Freedom Newspapers: Rickey Dailey, bureau chief.(37)

It is worth noting that these are reporters who cover *politics*, not education, despite the fact that AAA is nominally an educational program. The tobacco industry also attempted to use the program to subvert effective youth access legislation in other states, notably Nevada.

TORT REFORM AND THE TOBACCO INDUSTRY

Perhaps the most effective pairing of tobacco industry money with an allied organization concerns tort reform (procedures meant to limit civil suits against corporations) and product liability standards (the standards used to determine when consumers can sue corporations for faulty and dangerous products). In an anonymous report from the Tobacco Institute, dated July 1989, the industry spelled out their position on tort reform.

The industry supports state tort reform and product liability reform efforts. It believes that the civil justice system is in need of reform in the states to establish a more equitable, fair, and predictable environment so that U.S. businesses can operate with more certainty and efficiency both at home and abroad.(38)

Philip Morris expanded on this idea in a November 6, 1992 memo from Ellen Merlo, Vice President of Corporate Affairs, entitled “Products Liability Reform Legislation”. Under the heading of “Essential Elements of Product Liability Legislation,” they enumerate the following goals for upcoming legislation around the country:

1. It is essential that the statute govern all products liability actions, irrespective of the theory upon which the suit is brought. This will prevent plaintiffs from “pleading around” the provisions in the statute.
2. The statute must provide that a manufacturer is liable only if the plaintiff proves that the product was defective and that the defect caused the harm. This will help prevent courts and juries from presuming causation and awarding damages when a product is not defective. The defect requirement ensures that a jury cannot impose liability merely because it believes that a non-defective product is simply too dangerous to be marketed.
3. The statute must also set forth clear rules for determining when a product is defective....
4. In failure-to-warn actions, legislation should require the plaintiff to demonstrate that the defendant failed to provide information that a reasonable person would have included based on the identifiable risks at the time of manufacture....
5. In design defect actions, a defendant would only be liable if the plaintiff proves that an alternative design was available that would have prevented the harm without reducing the usefulness of the product....
6. *The statute should also provide that a manufacturer is not liable if a product cannot be made entirely safe (e.g., knives) and the inherent risk posed by the product is known, or reasonably should have been known, to product users.*
7. The statute should also provide that compliance with government standards creates a presumption of non-defectiveness in design defect or failure to warn actions....
8. The legislation also typically provides that non manufacturing sellers shall not be help liable unless they exercised some control over the product design or manufacture. This provision—which has been adopted in over 20 states—is not only fair, *but its inclusion in the legislation provides needed political support from local retailers and wholesalers.* (39), (italics added)

Later in the same document, Philip Morris details their “Checklist of Priority Issues Concerning Tort Reform and Product Liability,” in general order of importance. The very first issue is tobacco manufacturer liability (specifically listing tobacco as an inherently dangerous product from excluding them from lawsuits), followed by product liability standards, limiting punitive damages and contingency fees, and placing caps on damage award amounts.(39)

In 1989 and especially during several sessions in the 1990s, the tobacco industry and the Texas Civil Justice League (TCJL) attempted to institute these “reforms” and pushed the legislature to enact legislation to protect businesses from litigation. Several other tobacco-allied organizations are members of TCJL including the Texas Association of Business & Chambers of Commerce, Texas Municipal League, Texas Retailers Association, and the Texas Restaurant Association. Jack Dillard, Regional Director of Government Affairs for Philip Morris, sits on the TCJL Board of Directors. Also included were several health-related organizations — the Texas Hospital Association and the Texas Medical Association. These groups were seeking to limit medical malpractice claims against their members.(40) In the 1993 and 1995 legislative sessions, TCJL finally succeeded in passing tort reform through the legislature and effectively insulated the tobacco industry from any product liability lawsuits in Texas.

The 1993 tort reform legislation package included product liability and forum non conveniens legislation. Limiting product liability means that the manufacturer is not liable for

damages caused by inherent features of a product whose risks are well known to consumers. According to the legislation, this category includes tobacco, sugar, alcohol, butter and other products which are classified as inherently dangerous and which consumers should know to be unsafe. Forum non conveniens legislation means that Texas judges can dismiss personal injury or wrongful death lawsuits in cases which would appropriately be tried in a different state or country. Lt. Governor Bob Bullock (D, received \$36,500 in tobacco contributions) pushed through these bills in a very heavy-handed fashion. He had decided at the beginning of the 1993 session that he would draft the legislation and then work out the details in several closed door sessions with representatives from the Texas Civil Justice League and the Texas Trial Lawyers Association. The resulting legislation was then sponsored unanimously by the entire Senate under Bullock's orders. (41) This was Bullock's way of eliminating debate on the issue and is a good indicator of the power of the Lt. Governor's office. The legislation was sponsored in the House by Representative Curtis Seidlits (D-Sherman, TPS 2) who also sponsored limited smoking regulations which were favorable to the tobacco industry. (See House State Affairs Committee)

The 1995 tort reforms included limiting punitive damage awards, allowing for proportionate responsibility among defendants, limiting where cases can be filed, rejecting frivolous lawsuits, and narrowing medical liability. Of these, the limitations for punitive damages and proportionate responsibility were most favorable to the tobacco industry. Without the threat of large punitive damages against them and with the opportunity to prove that they were not responsible for the majority (over 50%) of the damages to the plaintiff, it is much more likely that suits against the tobacco industry will be severely limited and difficult to win. While the tobacco industry was making themselves practically invulnerable to prosecution, the Texas Medical Association, through their membership in TCJL also benefitted by limiting medical malpractice claims and punitive damage awards. They were noticeably silent on the tobacco issue. Table 17 details the 1995 tort reform legislation package.

Even after these victories for the tobacco industry and tort reform, TCJL continued to lobby for more lawsuit limitations in the 1999 legislative session. In a January 27, 1999 memo, Larry LeClair, Director of Legislative Affairs for the American Tort Reform Association (ATRA) enclosed a copy of ATRA's *1999 State Tort Reform Outlook* for their corporate members.(42)

The Texas section included the following predictions for the future of tort reform in Texas.

After enacting substantial reforms in 1995...Texas continues to be a favorable venue for reforms in 1999. Spearheading this effort will be the Texas Civil Justice League (TCJL). TCJL is not only instrumental in shepherding legislation but in creating successful PACs to ensure pro tort reform candidates are elected to the executive, legislative and judicial branches of the state government.

TCJL's legislative agenda for 1999 will address the following measures: class action lawsuits, multiple punitive damages for the same act or course of conduct; third party liability for workers compensation; premises liability; product liability; government standards defense; contingency fees; judicial and judgment reforms; early offer settlement; and Y2K liability protections.

Table 17. 1995 Tort Reform Legislation, Sponsors, and Tobacco Industry Contributions				
Legislation	Authors and Sponsors	Tobacco Policy Scores	Campaign Contributions	Provisions of Legislation
HB 668	Rob Junell (D-San Angelo)	2.25	\$500	Reforms procedures and conditions for damages under the Deceptive Trade Practices Act (DPTA)
	Todd Hunter (D-Corpus Christi)	n/a	\$0	
	Robert Duncan (R-Lubbock)	5	\$0	
	Pete Gallego (D-Alpine)	7.3	\$2,000	
	Teel Bivens (R-Amarillo)	4.5	\$2,000	
HB 971	Todd Hunter (D-Corpus Christi)	n/a	\$0	Increases difficulty of filing suit against doctors and health providers for medical malpractice
	Rob Junell (D-San Angelo)	2.25	\$500	
	Robert Duncan (R-Lubbock)	5	\$0	
	Craig Eiland (D-Galveston)	4	\$500	
	David Sibley (R-Waco)	5.5	\$2,000	
SB 25	David Sibley (R-Waco)	5.5	\$2,000	Limits punitive damages to twice the actual damages plus non-economic damages. Total award cannot exceed \$750,000
	Rob Junell (D-San Angelo)	2.25	\$500	
SB 28	David Sibley (R-Waco)	5.5	\$2,000	Institutes joint and several liability. Joint defendants can only be liable for their portion of damages, not total damages.
	Robert Junell (D-San Angelo)	2.25	\$500	
SB 31	Eddie Lucio (D-Brownsville)	3.3	\$3,500	Provides penalties including attorney's fees, court costs and damages for frivolous lawsuits.
	Curtis Seidlits (D-Sherman)	2	\$2,950	
SB 32	John Montford (D-Lubbock)	n/a	\$1,000	Limits the venues in which lawsuits can be filed.
	Robert Duncan (R-Lubbock)	5	\$0	

Source: Texas Ethics Commission and (19)

The political climate continues to be very positive. Newly elected Lt. Governor Rick Perry (R) will succeed retiring Lt. Governor Bob Bullock (D) as President of the Senate. Like Bullock, Perry is an ardent supporter of tort reform. In the House, Speaker Pete Laney (D) continues to be a supporter and has worked closely with Governor George W. Bush (R) on a bipartisan basis to enact reforms. (42)

The document also lists the influential people involved in tort reform in Texas – Ralph Wayne, President of the TCJL; Robert Howden, State Director of the National Federation of Independent Business (NFIB), Texas; Art Roberts, Senior Vice President of the Texas State Chamber of Commerce; and Kimble Ross, Vice President for Public Policy at the Texas Medical

Association. (42) Ross' wife, Lisa Barsumian Ross, was a lobbyist for the Tobacco Institute from 1991-1993.

TCJL can be so effective at tort reform lobbying in part because of the large contributions that they receive from the tobacco industry. TCJL has not reported contributions from the tobacco industry on their TEC PAC filings and has even asserted that these contributions, if they exist, are minimal. In a February 8, 1993 article in the *Austin American-Statesman*, TCJL Executive Director Ralph Wayne denied that most of their money comes from tobacco interests. He also declined to release information on their funding. (43)

Internal tobacco industry documents, however, prove that the 5 major tobacco companies as well as the Tobacco Institute contributed heavily to the TCJL to fund basic overhead expenses, lobbying, and media efforts. In 1992, a Memorandum to the Policy Committee of TCJL identified the political advisors for the organization as lobbyists for Philip Morris, RJ Reynolds, and the Tobacco Institute. These advisers suggested a lobbying team for the 1993 session as well as compensation rates. One of the lobbyists was former House Speaker Gib Lewis (1983-1993, D-Ft. Worth) who was to be paid \$75,000 to lobby for tort reform. (16)

TCJL's funding, like other coordinated efforts by the tobacco industry, seemed to be divided by market share, with the two largest companies, Philip Morris and RJ Reynold's paying the largest percentage of the costs. A confidential memo from Keith Teel of Covington & Burling, sent March 23, 1993 to Ellen Merlo of Philip Morris, detailed the cost sharing agreements between the tobacco companies to fund TCJL.

	American	B&W	Lorillard	PM	RJR
Counsel	20%	20%	20%	20%	20%
Coalition***	10%	10%	10%	35%	35%

***Including counsel and consultants paid through TCJL. American and Lorillard will each pay a maximum of \$50,000 towards consultant costs and \$40,000 for counsel fees in Texas. (44)

This memo does not reveal dollar amounts that were sent to TCJL. However, a 1990 Lorillard document entitled "Budget Projections Summary, June 1990-December 1990" gives the budget predictions for industry contributions to TCJL, presented in Table 18:

Table 18. Grand Total Estimated Industry Contribution to TCJL and Industry Counsel and Consultants		
<u>1990 Budget</u>	<u>1990 Total Projection</u>	<u>1991 Budget Projection</u>
\$1,883,408	\$1,883,408	\$3,047,000
Source: (45)		

After 1991, internal tobacco industry documents from Philip Morris and Lorillard indicate that the tobacco industry was spending over a million dollars during legislative session years for lobbying and counsel fees and between \$300,000 and \$400,000 per year when the legislature was not in session. (46) (47)

At the same time that TCJL claimed that it was not heavily funded by the tobacco industry, it continued to accept membership dues, counsel fees and operation expenses from the 5 major tobacco companies. The tort reform effort was also organized by Covington & Burling, a large tobacco industry law firm and APCO Associates, a national public relations firm. The tort reform movement was also being supported in other states as part of a nationwide, multimillion dollar campaign by the tobacco industry. These companies stood to gain the most from any tort reform legislation, and they contributed to the effort to dismantle consumer protections in Texas in order to guard their own interests.

STATE TOBACCO TAXES

As they have done throughout the nation, one of the tobacco industry's legislative goals in Texas has been to defeat any proposed increase in the tobacco tax. In the early 1980s they achieved this goal through their Tobacco Action Network (TAN) as well as vigorous lobbying from the different tobacco companies and the Tobacco Institute. Even when they failed to completely defeat cigarette tax increases, they did manage to decrease the size of the proposed increase.

As of 2002, the cigarette tax rate in Texas was 41 cents per pack. The last time the tax was raised was in 1990. From 1971 to 1984, there were no tax increases in the state of Texas. In 1982, when Democrat Mark White was running for Governor, he promised to enact a 24% pay raise for public school teachers. After he was elected, he discovered that, in order to pay for that and other campaign promises, he would need to raise taxes or significantly cut state spending. The Texas constitution requires a balanced budget for every biennium, and the pay raise alone could have cost up to \$1 billion.(48)

In order to finance the teachers' pay raise, White proposed raising the cigarette tax and other "sin taxes." In the 1983 legislative session, he recommended raising the tax by 5 cents. The tobacco industry lobbied hard to defeat the proposal. In two memos about the 1983 legislative session, one from December 13, 1983 entitled "1984 Legislative Plans" and the other from May 15, 1984 memo, entitled "Texas Legislative Report," from Judy Wiedemeier, Regional Vice President of the Tobacco Institute (TI) to Hurst Marshall, Vice President of the Tobacco Institute, she discussed the then-current tax situation.

Governor White proposed a tax package for the 1983 session which included, among other items, a five cent per pack increase in the cigarette tax. It was possible for our lobbyist to help kill that package mainly because the House leadership (the Speaker [Gib Lewis] & the Chairman of the House Ways & Means Committee [Stan Schleuter]) was not convinced that a tax increase was really needed—and because the 24% pay increase was not one of their election planks. Thus, when the 1983 session ended, the Governor was determined to find a way to finance the public education promises.(48)

Directly after the 1983 adjournment, White decided to create a Select Committee on Public Education which would study the education system, decide what reforms should be instituted, and give recommendations for how to fund these reforms. A conservative chairman was

appointed for the committee, billionaire businessman Ross Perot,* and he announced that the committee would be very thorough in its assessments. (49) The committee met for nine months, and on April 19, 1984, issued its recommendations, including a final expenditure recommendation of \$2.5 billion. (48)

These recommendations were shocking to many in the legislature. The state was already facing decreasing revenues and the need for a balanced budget. Where would they find over 2 billion *new* dollars? The Director of the Legislative Budget Office, Jim Oliver, recognized the fiscal dilemma that the state was facing. He pointed out that even without changes to existing appropriations bills, that state spending would increase by over \$800 million for the 1985-86 biennium. There was no room in the current budget for any extra spending. (48)

Governor White decided to call a special summer tax session in 1984 to address these issues. On May 12, 1984, Governor White, Lt. Governor Bill Hobby (D) and Speaker Gib Lewis (D-Ft. Worth) held a press conference to announce the special session and their plans for raising the additional funds. One of their proposals was an “excise tax increase on cigarettes from 18.5 cents to 23.5 cents per package....” (48) This was the same proposal that the Governor had made the previous year, which Speaker Lewis had refused to support.

After the 1983 session, Lewis had been convinced to support the tax increase. The tobacco industry was distressed by his change of heart. Judy Wiedemeier, Regional Vice President of the Tobacco Institute (TI) in on-going memos to Hurst Marshall, Vice President of the Tobacco Institute, assessed the situation.

The additional bad news was the commitment of the Speaker to the Governor, saying that if he could have one cent earmarked for cancer research...that he would support the entire package....Governor White is strongly anti-tobacco and anti-smoking. He feels there is no political downside to any sin taxes, especially cigarettes. (48)

Speaker Lewis’ reversal on the issue was genuine. In October 1983, his press secretary, Dick Merkel, had major surgery for lung and esophagus cancer. As a favor to Merkel, Speaker Lewis decided to push for cancer research funds and established the Legislative Task Force on Cancer in Texas, which was also threatening to the tobacco industry. (50)

The Task Force on Cancer had its first meeting on April 12, 1984. The 51 member task force included legislators and politically and civically active members. Tobacco Institute representatives attended and observed the meeting and TI’s main lobbyist, Gaylord Armstrong, was able to keep tabs on the Task Force because of his personal connections to many of the members. The Task Force discussed the lack of statewide smoking regulations and the need for a statewide school education program on tobacco. (50)

* This was the first of many forays into politics and the public education system for Ross Perot. In the early 1990s he proposed the controversial Robin Hood tax plan where rich school districts would redistribute much of their wealth to poorer districts. In 1992 he created the Reform Party and initiated his first run for President.

The Tobacco Institute worked tirelessly to defeat the proposed tax increases which would have funded the task force's recommendations to the Legislature. In her July 11, 1984 memo to Hurst Marshall, entitled "Texas Special Session Analysis," Judy Wiedemeier details the Tobacco Institute's efforts:

*TI's Legal Counsel, Gaylord Armstrong and Joe Ratcliff, were involved in personal contacts with members of the Texas legislature. These men have outstanding contacts and a commitment to our industry....

*An effort was made to enlist the support of the major grocery store chains....

*Wiedemeier spoke with Pam Sederholm, Director of Governmental Affairs for Southland Corporation [owners of 7-11 stores] and set up a meeting in Dallas....

*An important component of our coalition was WIFE (Women Involved in Farm Economics)....The WIFE leaders agreed to encourage members across Texas to immediately begin contacting their state legislators.....

*Joe Ratcliff, Executive Vice President of the Texas Association of Tobacco & Candy Distributors, is one of our two lobbyists in Texas. The distributors groups is one of the only true allies we have currently. The distributors agreed to support and initiate efforts across the state, especially through the press, to oppose major new tax efforts....(51)

Despite activating their allies and forming a coalition, the industry was unsuccessful.

On June 26, 1984, Chairman Stan Schlueter (D-Killeen, and a future PM lobbyist) of House Ways & Means introduced House Bill 122 which included "a removal of the state sales tax exemption on cigarettes and a one-cent increase in the state cigarette excise tax dedicated for cancer research." (51) On June 28, at the request of the Texas Parks and Wildlife Department, another one-cent increase in the cigarette tax was added to the bill to support the construction of urban parks. (51) The House passed the bill on June 30. In the Senate, an amendment was offered by Senator Ed Howard (D-Texarkana) to remove the dedication for cancer research. This money would now go into the General Fund to support education and highway construction. The Senate approved of the change and the House concurred on July 3, 1984. (51)

While the legislature did succeed in passing a 2 cent cigarette tax increase, the goals of the increase were not completely met. There would be extra money for education programs and to supplement the state budget, but the Speaker's goal of improving cancer research throughout the state was not met. None of the former cigarette tax revenue in Texas would be spent on cancer research, cessation, or tobacco control programs.

The Legislative Task Force, which presented its final recommendations entitled the *Texas Cancer Plan* to Speaker Gib Lewis in October 1984, recommended a plan of legislative, regional and local action to reduce cigarette smoking. Their plan would have cost \$13.5 million to implement in its first year. (52) In 1985, the legislature adopted the plan and created the Texas Cancer Council, and agency within the Texas Department of Health, whose goals are to increase education, promote early screening and detection, improve quality of treatment, and expand cancer research. In 1991, the Texas Cancer Council became independent of the TDH.

In 1987, the tax was raised to 26 cents and in 1990 to the level it was at in 2002 (41 cents). After the 1989 legislative session, the state was facing an extreme budget crisis. Taxing tobacco was seen as the lesser of two evils when compared with the possibility of enacting a statewide income tax. On January 17, 1991, Randy Morris, Regional Director of the Tobacco Institute sent a memo to his Senior Legislative Analyst, Michele Boisse detailing the industry's plan to avoid future tax increases.

....Given the incredibly precarious and difficult financial situation of the state of Texas, any further reminders of the industry's potential as a politically-safe target for more tobacco tax increases will also be negative....many persons and interests throughout Texas, and the legislative and executive branches of government, still see tobacco as a fine candidate for an additional \$.10 per pack tobacco tax increase....Gaylord [Armstrong, Texas TI legislative counsel] also believes it is very likely for special sessions to occur in Texas this year, following the end of the regular session, and to include such politically explosive subjects as congressional redistricting and the continuing Texas financial difficulties. Hence, any avoidance of reminders of tobacco and its programs and potential for revenue enhancement can only help our cause in Texas. (53)

In 1990, Texas' tax rate of 41 cents per pack of cigarettes was one of the highest in the nation. In 2002, it was in the bottom 1/3 of the states nationwide. In the 1997 session, Representative John Hirschi (D-Wichita Falls, TPS 10) introduced House Bill 2844 which sought to raise the tobacco tax to \$1.00 to fund public education. His bill was referred to the House Revenue and Public Education Funding Subcommittee where it died at the end of the session.

Each year Texas collects over \$1 billion in tobacco taxes, none of which is spent on public health programs or tobacco education.

Other Tobacco Taxes

In 1991, the Legislature amended the State Tax Code to require that all vendors of cigarettes and tobacco products obtain a retail tobacco permit from the State Treasury Department. The permit is free and was not intended to help raise revenue for the state; it was meant to aid the Treasury Department in collecting cigarette taxes. The Tobacco Institute was able to influence the process to turn the regulation into one that preempted the ability of local communities to tax tobacco products or retailers, meeting an important tobacco industry policy objective.

In a 1993 Philip Morris memo, Jack Dillard (PM's Texas Government Affairs Director) explained the system and how the Attorney General's legal opinion of the Tax Code had unanticipated benefits for the tobacco industry.

The summary of the A.G.'s ruling is, as follows: "A home-rule city ordinance, which establishes a licensing system for the retail sale of cigarettes and other tobacco products, is preempted by Sections 154.101(h) and 155.041(h) of the Tax Code, which provides that permits to engage in business as a retailer of cigarettes and other tobacco products shall be governed exclusively by the Tax Code. *The Tax Code, as the exclusive authority for the issuance of permits for engaging in business as a retailer of cigarettes, preempts provisions of a city*

ordinance licensing tobacco products retailers.”

The amendment to the tax code was drafted by Gaylord Armstrong, T.I. lobbyist, in cooperation with the State Treasury Department. *Although it was drafted with preemption in mind, the amendment was non-controversial in the legislature because potential opponents failed to recognize its broader implications.* (54), (emphasis added)

In legal matters in Texas, the Attorney General’s opinion is binding upon the state unless challenged in court. The city of Arlington, which had already adopted another revenue-generating method of regulating tobacco retailers, was forced to return those fees and drop their marketing restrictions.

Smokeless Tobacco Taxes

In one of the first attempts to change the system on which snuff-tobacco is taxed, the State Comptroller Carole Keeton Rylander (R) supported a bill by Yvonne Davis (D-Dallas, TPS 9) in 2001 to change from a price-based tax system (currently at 35% of the manufacturer’s price) to a weight-based tax system. HB 3382 would have greatly benefitted U.S. Tobacco which currently dominates 81 percent of the snuff tobacco market in Texas. Discount brands, which are taxed by price and are considerably cheaper, would have seen their prices increase tremendously if they were taxed by weight. This would have equalized the prices of the major brands and the discount brands, destroying any competitive edge that the cheaper brands enjoyed. Rylander received \$2500 from U.S. Tobacco in 2000, prior to the legislative session and her support of the bill. (55)

The House Ways & Means committee discussed the bill in an April 4, 2001 public hearing. Testifying for the bill was Robert Shepard of U.S. Tobacco and Kevin Koch of McLane Company, a large distributing firm. Testifying against the bill were Bob Fackler and Mark Triplet from the Smokeless Tobacco Council. Even with a large lobbying effort by U.S. Tobacco, the bill died in committee during the 2001 session. (55)

OTHER STATE LEGISLATION

Texas’ only statewide smoking restrictions were passed in 1975. They are weak and, except for not including preemption of local ordinances, are consistent with the tobacco industry’s strategies at the time. The act, SB 59, declares that:

A person commits an offense if he is in possession of a burning tobacco product or smokes tobacco in a facility of a public primary or secondary school or an elevator, enclosed theater or movie house, library, museum, hospital, transit system bus, or intrastate bus,...plane, or train which is a public place. (56)

The bill did not preempt local governments from passing stricter ordinances or regulating tobacco in other public places. No additional smoking restrictions have been passed by the state legislature since 1975.

Texas has enacted 3 other statewide tobacco control laws. The first, passed in 1995 prohibits smoking on public school grounds, by students, faculty and staff. The second, SB 55

(known as The Texas Tobacco Law) was passed in 1997. It is one of the most controversial youth access laws in the country because it criminalizes possession of tobacco by minors (a policy favored by the tobacco industry). The final act, also passed in 1997, is an ingredient disclosure bill – interesting primarily for the tactical way in which it helped tobacco control advocates enact SB 55.

Youth Access Legislation

The youth-oriented provisions of SB 55 include: making it illegal for anyone under 18 to buy, use or possess tobacco products; requiring any minor in violation to attend an 8-hour tobacco education class and perform community service; and levying a fine of up to \$250 for minors in possession of tobacco products. Failure to attend the education class and fulfill the community service requirement could result in suspension of the minor's drivers license and insurance. (19) These provisions are controversial among public health advocates. Criminalizing kids is seen as an excessively punitive measure and it can detract from more important punishments for retailers. Although this provision is one that the industry likes to promote, it was included voluntarily in SB 55.

Retailer requirements include: charging the offending sales clerk with a Class C misdemeanor; requiring age verification and signage about the law; restricting vending machines; eliminating free samples to minors and packs that contain less than 20 cigarettes (kiddie packs); requiring a retail permit; and levying fines from \$500-\$1,000 for violations or permit revocation. The funds collected from the retail permits and the fines go towards administration, enforcement and tobacco education programs. SB 55 also prohibits outdoor tobacco advertising within 1,000 feet of a church or school. (19)

During the 1997 legislative session, the tobacco industry lobbied fiercely to kill SB 55. Publicly, they agreed with the goal of limiting youth access to tobacco and even introduced their "Action Against Access" program, a voluntary retailer education program which they initiated in nationwide in 1995.

The anti-tobacco forces were, however, equally determined to pass the legislation. Beginning in 1995, public health professionals and the voluntary health organizations contributed money to start the Tobacco Education Project (TEP), a broad-based coalition with the explicit goal of enacting new statewide tobacco laws. They elected as their president Dr. Donna Bacchi (see Local Activities–Austin and Lubbock) who had helped pass Austin's restaurant smoking restrictions. Between the 1995 and 1997 sessions, then Chair of the Senate Health and Human Services Committee, Sen. Judith Zaffarini (D-Laredo, TPS 9.6), at the request of then Lt. Governor Bob Bullock, chaired an informal committee to propose ways to curb youth smoking. When the legislative session commenced in 1997, her work became the basis for SB 55. The official sponsors of the bill were Rep. Hugo Berlanga (D-Corpus Christi) and Sen. Zaffarini. (57)

The tobacco industry started their lobbying campaign prior to the beginning of the 1997 session. On July 16, 1996, Jack Dillard (PM's Regional Director for Government Affairs) sent a memo to Debra Stephens of the Philip Morris USA Section Sales Office in Houston regarding the proposed ordinance and his defensive actions to several of his colleagues.

I submitted a letter to the [Senate Health and Human Services] committee on July 11 explaining the PM Action Against Access Program and its legislative objectives and included copies of four bills enacted in other states which we recommended to the committee for their consideration. We also provided them with a press kit on the PM federal initiative. Immediately prior to that, we had provided the committee staff, per their request, with a list of retailers and trade associations which might be interested in this issue. The staff was to have contacted each of those and HEB [a large grocery store chain] was included on this list.

The committee has a deadline of Sept. 1 to formulate recommendations. At last report, they were planning another hearing in August to solicit testimony from interested parties. At that hearing, hopefully retailers and/or their trade associations will offer testimony. Otherwise the hearing may be totally dominated by health groups. If HEB, or any other retailer, wants input into this process, they would be well advised to go ahead and testify and/or offer written recommendations and not wait for the committee to draft its legislation. *If they wait, they may have missed the opportunity to influence the committee report.*

No decision has been made on whether PM will offer testimony at the August hearing but we continue to be in close communication with Sen. Zaffarini and the committee staff.(58) (italics added)

The industry's lobbying and "education" effort would not stop there.

The main goal for TEP and the bill's sponsors was to isolate the tobacco industry by neutralizing all of the bill's other opponents. The bill was not preemptive, and the tobacco industry as well as the Texas Retailer's Association wanted a weaker bill that would limit the power of local governments. The industry and the retailers remained allied until two other tobacco bills, introduced in the house by Rep. John Hirschi (D-Wichita Falls, TPS 10) split their lobbying team and their efforts in separate directions. (57)

Hirschi introduced a bill to remove tobacco protections from the 1993 tort reform measures but the bill never made it out of committee. His other bill, HB 119, required that tobacco companies disclose ingredients and additives in their products to the Texas Department of Health. While HB 119 was moving through the House, SB 55 was bogged down in Zaffarini's committee. (57) When SB 55 was in danger of losing the Sen. Health and Human Services Committee, Sen. Chris Harris (R-Arlington, TPS 4.5) stepped in with the compromise version that would eventually be enacted. This version included only slight modifications from the original, but its sponsor was an unexpected advocate for tobacco control. (59)

Sen. Harris had previously had his staff working against SB 55. During the committee hearings and debates, however, there was increased media coverage of the debate on the youth access bill. At one point, Alan Bergh from WFAA, ABC Channel 8 in Dallas, at the urging of the lobbyist for Tobacco Free Kids, decided to follow the tobacco industry lobbyists and film them talking with legislators. The tobacco lobbyist would ask the legislators to leave the hearing rooms, and then the cameras would follow them and catch them whispering in hallways. On the nightly news (which was picked up all over the state on CBS and NBC) pictures of the tobacco lobbyists were shown as they were "working" the legislators. During the voice over, the announcer would give the names of the lobbyists and how much money they received to lobby

for the tobacco industry. (60) Such attention is never beneficial to tobacco companies or legislators.

To follow up the story, Bergh interviewed Cindy Antolik, the lobbyist for the American Cancer Society and asked if she was able to get as much attention from the legislators as the tobacco industry lobbyists were. She laughed and said that she has to wait for the tobacco lobbyists to call them off the floor, then she can try to talk with the legislators on their way back into the chamber. (60)

After this coverage and his own meetings with Susan Longley, a Phillip Morris lobbyist, Sen. Harris, himself a heavy smoker, in a complete shift of policy, decided to endorse the bill and introduce his own version to the committee. In his public statements, he claimed to have been pondering the issues involved with SB 55 and had finally decided that it was the right thing to do. (59)

An advance copy was leaked to the public health groups and they were surprised to note that the bill was indeed legitimate. It retained retailer fines, clerk punishments, and youth restrictions and excluded preemption. (59) It shifted enforcement measures to the Comptroller's office from the Commissioner of Health; the health groups saw this shift as a benefit as the Comptroller was an elected official and could be held accountable for any mishandling of the law. (57) This shift, however, is a change that the tobacco industry seeks because financial officials have less interest in enforcing health regulations than public health agencies. In 1995, the state comptroller was John Sharp who had received \$13,500 in tobacco industry contributions.

While SB 55 was being voted out of committee and unanimously passed by the Senate, HB 119 was passing the House. The bills switched houses and now the tobacco lobbyists were forced to split their efforts to defeat both bills. They did not succeed. All of the tobacco industry-sponsored amendments were defeated and both bills were sent to Governor Bush and signed.

The success in the 1997 session indicated how effective the public health community could be when they were organized, funded and publicized the tobacco industry's efforts at manipulating the legislature. Unfortunately, these same groups would not be so successful in their efforts ensure adequate settlement money to fund tobacco control programs.

THE TOBACCO TRIAL AND ITS SETTLEMENT

Then-Attorney General Dan Morales (D, 1991-1998) first became involved in tobacco litigation when, in 1994, he filed suit against five fast-food restaurant chains — McDonald's, Kentucky Fried Chicken, Long John Silver's, Taco Bell, and Burger King — and forced them to institute non-smoking policies in their Texas franchises. Prior to the time when many fast food chains instituted smoke-free policies nationwide, he was concerned with the fact that many children were present in these restaurants and that they were being exposed to secondhand smoke. (His effort was part of a coordinated effort by several attorneys general.) In his complaint, specifically against Burger King but applicable to all the defendants, Morales asserted:

Burger King invests substantial amounts of money to create a corporate image receptive to and solicitous of children and families. By designing restaurants with play areas and by engaging in children-directed promotions, Burger King not only attracts people with small children, it also encourages them not simply to eat, but to stay in the restaurant for longer periods of time. Despite the fact that Burger King markets these restaurants to entice families with small children (customers who cannot legally smoke), Burger King allows smoking in the majority of its restaurants. Because Burger King does not provide separate ventilation systems for its smoking customers, tobacco smoked in these facilities may be hazardous to non-smoking customers, particularly children.

Burger King does not require its facilities to be smoke free, if not required by local ordinance. Burger King does not provide separate ventilation systems for smoking and non-smoking customers. As a result, non-smoking customers are exposed to secondhand smoke. Thus, from a public health standpoint, seating segregation of smokers from non-smokers is meaningless.

Burger King does not provide adequate warnings to consumers about the possible dangers of secondhand smoke. Burger King does not notify consumers that they do not have separate ventilation systems.

However, Burger King does not allow smoking in its corporate headquarters. For the corporation, it has a no smoking policy for the health and safety of its employees. In addition, Burger King does not allow its restaurant employees to smoke either while working or in the restaurant at all. These no smoking policies do not extend to the consumers who patronize their restaurants, including the children who are particularly susceptible to smoke related maladies.

Burger King is legally obliged to adopt smoking policies that will protect their children consumers, as well as all non-smoking consumers, from environmental tobacco smoke. (61)

Morales and the other attorneys general eventually persuaded the companies to change their policies and to avoid going to trial. McDonald's (and Arby's and Dairy Queen, not mentioned in the suit) agreed that all of their corporate franchises nationwide would be smoke-free. At the same time, Attorneys General across the country were determining the best ways to bring suit against the tobacco companies. (62)

Morales decided to bring Texas into the action, but in a different way than most of the other suits. Many of the suits were brought in state court, but Morales decided to file his suit in Federal Court. He filed the Eastern District of Texas in Texarkana. The Federal Court appealed to him for several reasons. He wanted to charge the tobacco industry under the federal Racketeer Influenced and Corrupt Organizations Act (RICO) for collaborating to deceive the public about the dangers of tobacco use. He also wanted to take advantage of the accelerated docket track (commonly called the "rocket docket") that had been instituted in many federal districts. With this system, litigants are allowed a limited amount of time to conduct discovery — document production, depositions, and interrogatories. In Texas state courts, tobacco defendants would have been able to use discovery to delay cases for several years; under the federal system they would be forced to go through the normal process without delay. (62)

Philip Morris did not quietly accept the Attorney General's decision to sue the tobacco industry. In March 1996 they urged the Texas Association of Business and Chambers of Commerce (TABCC) and Texans for Civil Justice (TCJL) to denounce the AG's lawsuit as another instance of lawsuit abuse. In a document obtained by the Texas Medical Association, Jack Dillard (PM) coaches the two groups on the appropriate wording for their press releases. Dane Harris, president of TABCC, contends in his press release that:

This is not just about tobacco. This type of lawsuit sets a very dangerous precedent. It opens the door to similar suits against other lawful businesses. We consider the Attorney General's action to be ill-considered and profoundly anti-business. (63)

TCJL's proposed statement, attributed to Chairman Ralph Wayne, was more personal. He asserted that:

Dan Morales is falling into a trap set by trial lawyers.... The trial lawyers in Texas are too powerful to be stopped by legislative reform alone, especially when they have other allies in state and local government I'm afraid that Dan Morales has turned the Attorney General's office into a high-dollar employment agency for some of the state's wealthiest trial lawyers....(63)

Philip Morris and Jack Dillard did not approve of the tone in the TCJL press release, and, consequently, it was never issued. Dillard had several complaints and suggestions to make regarding the appropriate attitude to take in their "attack" on the Attorney General – it should not be recognizable as an attack but rather as a suggestion for the proper course of action.

As we discussed, this statement is way too strong and personal in its approach. It would have to be toned down. Therefore, I am also sending you the revised version of what I provided today to Dane [Harris of TABCC] which is much less highly charged. You may want to make some of these points but in your own words or in a different way. However, I do have one suggestion. It would certainly seem to be a fair comment for TCJL to point out that this sort of action by the A.G. is going against the grain and moving in exactly the opposite direction from the real progress that has been achieved in recent years implementing tort reform and in limiting the lawsuit abuses promoted by big name trial lawyers. (63)

It was ironic for Philip Morris to be accusing someone else of lawsuit abuses and using big name trial lawyers. When Morales initially conceived of the idea of the case and approached most of these big law firms, they all declined to become involved on the state's side. They were already working for the tobacco companies. (62)

During the trial, Morales received no support from other elected officials in Texas. In fact, then-Governor George Bush and many legislative leaders actively worked to thwart the lawsuit. Morales was publicly criticized for hiring outside counsel to help with the prosecution as well as the contingency fee agreements he made to retain that help. In the 1999 legislative session, after the settlement, bills were introduced to prohibit or limit the ability of the Attorney General to engage outside counsel.

In a poll taken by the Fort Worth *Star Telegram* on June 30, 1996, most of the

respondents condemned the Attorney General's suit against the tobacco industry. By a margin of 2-1, those polled were opposed to the tobacco lawsuit; a 4 to 1 ratio of the respondents felt that smokers should not be allowed to sue the tobacco industry. (64) The tobacco industry also conducted their own "push poll" to disseminate negative information about Morales in order to dissuade him from pursuing the lawsuit. (See George W. Bush)

Regardless of public opinion, Morales continued with his suit. He arranged to depose much of the industry's lobbying team in Austin and subpoena their records. Many of these lobbyists worked for health concerns as well and decided to quit in order to avoid the appearance of a conflict of interest. (65) Morales never conducted extensive this searching or depositions. He deposed Karl Rove, Governor Bush's and Philip Morris' political consultant in August 1996. However, up to the date when the trial was to begin, Morales had not deposed Jack Dillard, Philip Morris' chief lobbyist in Texas. By the time jury selection was beginning, Morales had started the settlement negotiations.

The Texas case was the third to settle, after Mississippi and Florida, and before Minnesota and the nationwide Master Settlement Agreement (MSA). Morales negotiated a settlement that provided payments to Texas to provide partial reimbursement for the costs to taxpayers of smoking-induced illnesses. The payments were defined by a formula based on the estimated costs of illness, changes in tobacco sales, and inflation and continued indefinitely. These payments amounted to an estimated \$15.3 billion for the first 25 years. The settlement also included a "Most Favored Nations" clause which would allow Texas to apply to their settlement more favorable terms if any subsequent state was granted them. See Table 19. for a complete list of the settlement terms.

Right before the settlement was completed, two legislators, future Lt. Governor, then Senate Finance Committee Chair Bill Ratliff (R-Mt. Pleasant) and House Appropriations Chair Kyle Junell (D-San Angelo), made a motion in federal court to intervene in the settlement process. Morales had stipulated in the settlement agreement that some of the money would be used for children's health programs and tobacco control. The legislators, feeling that the Attorney General had superseded their right to appropriate the money, took him to court. They eventually dropped their complaint so as not to delay the receipt of settlement money from the industry. Morales, Ratliff and Junell agreed to the following conditions and appropriations for the settlement money, expanded upon in the "Memorandum of Understanding" which ended the case of *Ratliff v. Morales*.

\$151 million or other such amounts as needed for the purpose of providing funding, in conjunction with the federal government, for the Children's Health Insurance Program pursuant to Title XXI of the Social Security Act; \$200 million from the General Revenue Fund, less amounts spent for that purpose during the current biennium, to fund the tobacco pilot program for the purpose of supporting smoking cessation programs, enforcement of juvenile smoking laws, counter-marketing promotional efforts directed toward youth, general anti-tobacco educational programs, and other similar initiatives;... (67)

In addition, the settlement called for \$530 million to be spent to create public health and research centers at 10 different state universities. The legislature enacted these provisions in the 1999 session.

Table 19. Texas' Tobacco Settlement Provisions	
Settlement Date	January 1998
First year payment	\$1.01 billion plus \$264 million for anti-tobacco pilot program
Average annual payment	\$540 million
Billboards, transit advertisements, and stadium advertisements	Quickly remove all within 1000 feet of schools or playgrounds; remove all within approximately six months; state allowed to substitute anti-tobacco ads
Vending Machines	Industry agrees to support legislation eliminating vending machines except in adult-only facilities
Retailer Licensing	Industry agrees to support strengthening civil penalties for sales of tobacco to children
Youth Penalties	Industry agrees to support increased penalties for possession of tobacco by children (pro-industry concession)
Anti-tobacco Pilot Program	\$264 million, directed at youth with a duration period of at least 24 months after a reasonable start-up period.
Other anti-tobacco programs	\$200+ million for smoking cessation, enforcement of youth access, discouraging youth smoking, and general anti-tobacco educational programs
Other public health programs	children's health, cancer research, substance abuse, indigent health costs, etc.
Release	complete
Protection of witnesses	Industry agrees not to take legal action against witnesses or whistle blowers
Document disclosure	Existing confidentiality designations shall remain undisturbed until Dec. 31, 1999. After then, any party to the action may make motions with respect to these material. Counsel can seek disclosure of this material in other actions.
Source: (66)	

At the end of the trial and settlement, the legislature and the Attorney General had agreed to spend around \$2.75 billion dollars of the settlement money on health issues, but only \$200 million dollars for tobacco control.

Fighting over Attorneys' Fees

In 1996, before starting his lawsuit against the tobacco industry, then-Attorney General Dan Morales negotiated a contingency fee agreement with several private law attorneys — Walter Umphrey, John O'Quinn, Wayne Reaux, John Eddie Williams, and Harold Nix (collectively called the Big Five)— to shoulder the financial burden for bringing the suit. They agreed to front all of the expenses and research for the case under a contingency fee arrangement. If the state won the case or the case settled, they would get 15 percent of the award to the state. If the state lost the case, the lawyers would get nothing and would not be

reimbursed for their expenses. (62)The state did not use any tax revenues to finance the suit.

The contingency fee agreements were made public before the settlement, but it was only after the amounts were released and the trial lawyers were set to receive billions of dollars that the Governor and several legislators decided to impede the process.

In 1998, Attorney General Morales (who had already decided not to run for reelection that year) negotiated the settlement with the tobacco industry to total \$17.64 billion: \$15.3 billion for the state of Texas, \$2.3 billion for the private lawyers, and \$40 million to cover the lawyers' legal expenses. These amounts corresponded to the 15% contingency agreement that the lawyers had reached in 1996. However, then-Governor George Bush and seven Texas legislators, including future Lt. Governor Bill Ratliff (R-Mt. Pleasant, TPS 4.5), argued before the Federal Court in Texarkana that the lawyers fee amounts were excessive and that all of that money rightfully belonged to the state of Texas.

Bush was joined in his efforts by Republican John Cornyn (at the time a candidate for Attorney General; he was elected in November, 1998). Morales fought against their involvement by asking U.S. District Judge David Folsom, who had presided over the case since 1996 and had accepted all of the terms of the settlement, to sanction Bush, Cornyn, the seven legislators and their attorneys up to \$25 million for their interference in the case and the settlement. (68) The threat of such large sanctions convinced the Governor and his allies to withdraw their objections and let the settlement commence.

Cornyn, however, after winning the race for Attorney General, rejoined the battle over contingency fees. In December 1998, the attorneys were awarded \$3.3 billion in fees by an arbitration panel in Washington, D.C. This award would be paid by the tobacco companies over a 20 year period. (69)

In addition to the controversy over this large award to the Big Five, there was a lingering controversy over Morales' decision to include another lawyer in the case and to fight for attorney's fees for him. Marc Murr, who had been a friend of Morales' for over 20 years, did not participate in courtroom appearances or depositions. In addition, his fee agreement was not made public prior to the start of the trial. Murr claimed to have worked with Morales on the strategy of the case and to draft the settlement agreement, however, the Big Five disputed this claim and said that he had little or no role in the lawsuit. In December 1997, Murr asked for \$520 million dollars from a state arbitration panel for his role in the case. He was awarded \$260 million. However, when the arbitration was sent to the federal panel (which was also handling the Big Five's arbitration and awarded them \$3.3 billion), Murr's award was reduced to \$1 million dollars. (70)

At the same time, Morales was being accused of additional improper conduct by Joe Jamail, a famous Houston trial attorney who was interviewed but not hired to work on the case. Jamail claimed that Morales solicited \$1 million from all the lawyers he interviewed for the case. The money, Jamail claimed, was to be used for public relations and to fight tobacco industry attacks on the lawsuit. Morales and the Big Five denied Jamail's allegations. (71) However, these controversies encouraged the FBI and Attorney General Cornyn to open investigations into Morales' actions. (70)

On May 5, 1999, in a federal court document, Cornyn claimed that Morales had helped Murr receive his award by backdating one of his contracts and forging another. Morales denied the allegations. The next day, Murr dropped his claims for attorney's fees and returned the \$1 million dollars that he had received.(72) (73) Federal prosecutors in Austin and Houston also investigated the issue of Murr's contracts and Jamail's accusations, empanelling grand juries and subpoenaing records from Cornyn. As of May 2002, no charges had been filed against Morales or Murr.

And while the attorneys were arguing over billions of dollars, the legislature decided to strike back and preempt this situation from arising again. At the end of the 76th legislative session (1999), the House and Senate both approved a measure to limit the rights of the Attorney General to hire outside counsel. The restrictions were added as an amendment to SB 178, a large spending restrictions bill and were written by Sen. Troy Fraser (R-Abilene, TPS 3). The amendment required that the Legislative Budget Board approve all contingency fee arrangements for lawsuits where the state could be awarded more than \$100,000. The amendment also limited the amount of contingency fee awards and required that all moneys won by the state, including attorney's fees, be deposited in the General Revenue fund and be appropriated by the legislature. Governor Bush signed the bill at the end of the 1999 session.(74)

This action by the Legislature had wide-ranging implications because it provided further insulation for business against the kind of concerted legal action by states in association with the private bar that had occurred in the tobacco litigation.

The bickering over attorney's fees as well as the publicity created by SB 178 were seen by political insiders to be an attempt to discredit Morales and drive him out of office. Although he had already decided not to run for reelection to the Attorney General's office, as a popular Democrat and the highest Latino officeholder in the state, he was seen as a threat to the Republicans if he chose to run for Governor or the U.S Senate. These attempts did not deter him; Morales announced his candidacy for the 2002 gubernatorial elections at the end of 2001, but he lost in the primary election. The allegations of wrongdoing and backlash from the tobacco trial plagued him throughout the election.

The Battle for Settlement Money

As with other state legislatures, receiving billions of dollars from a settlement with the tobacco industry was quite enticing. Many people had pet projects that they wanted to fund and the legislature wanted to use the money to supplement the General Revenue (GR) fund. In this atmosphere where everyone wanted to grab funding for pet programs, there were three contentious issues that needed to be resolved. First, the trial lawyers who assisted the state in their case were working under a contingency agreement, but no one could agree on how much money they should actually receive. Second, the state was experiencing a budget shortage because of recent tax cuts. Many legislators and then-Governor George Bush wanted to use the money to supplement the budget and pay for some underfunded programs. Third, public health advocates and the Texas Department of Health wanted to ensure that some of the settlement money would be used to fund anti-tobacco programs.

Supplementing the State Budget with Settlement Money

The State of Texas has the 11th largest economy in the world, with an 2001-02 biennium budget of \$101.9 billion dollars. Most of that revenue is raised through property and sales taxes. There is no state income tax, and many Texas politicians have committed political suicide by proposing to enact a state income tax. The late Lt. Governor Bob Bullock once compared the Texas tax system to a stool with only two legs, with a gaping hole where the third leg, income tax, should be. As a result, the entire structure was always in danger of tipping over. Any attempt to alter the system, especially since school funding and other programs depended almost entirely on property taxes, would ultimately result in a crash.

In 1997 Governor George Bush tried to change the system and take advantage of a large budget surplus. He advocated cutting school property taxes, raising state sales taxes, and replacing the antiquated corporate franchise tax with a business tax that would have been more inclusive and included previously exempt groups like partnerships (e.g., law firms). The net result would have been a \$3 billion dollar tax cut. The legislature decided to scale back his plan and just implement a \$1 billion property tax cut, a cut to the budget surplus for that biennium. Bush supported the plan and promptly took credit for it.(75)

The plan backfired. The counties, afraid of losing money for school funding, immediately raised their property taxes to compensate for the state decrease. Now, no one saw a tax cut and the state lost \$1 billion for the next budget. At the same time, the state was under a federal judge's mandate to restore funding for the federal Children's Health Insurance Program (CHIPs) which provides health insurance to children whose parents earn too much to qualify for Medicare but not enough to afford private insurance. The federal government paid \$3 for every \$1 the state spent on CHIPs. Bush, however, had raised the eligibility requirements for the program so that over 200,000 children who were formerly qualified had been rejected from the program to reduce state costs. (8) The court order required that these children's coverage be reinstated.

The state now faced a financial emergency, and into this atmosphere came a cash cow: the first settlement payment from the tobacco industry. In 1999, Texas received its first settlement payment of \$1.3 billion. Each year following, the state will receive between \$326 million and \$580 million for the tobacco companies. (76)

Appropriating the Settlement Money

The fight in the 1999 and 2001 legislative sessions to appropriate settlement money for tobacco control efforts was largely unsuccessful. Public health advocates requested an annual appropriation of \$60 million to fund a statewide comprehensive anti-tobacco program. This would have been \$3 per capita spending (on the very low end of CDC Best Practices recommendations for Texas). Any programs that require funding by the state of Texas must be put into the biennium budget. Without that step, a program can be authorized but not funded and essentially die from lack of revenue. With that in mind, the legislature created a permanent Tobacco Education Enforcement Trust fund (HB 1161, 1999) and deposited \$200 million from the settlement into the account. This action implemented the agreement reached in the Memorandum of Understanding by AG Morales, Sen. Ratliff (R-Mt. Pleasant) and Rep. Junell

(D-San Angelo). The legislature, however, also had to appropriate funds from that account in order for it to be used for tobacco control efforts. In order to minimize the size of the tobacco control program, the Legislature only appropriated the *interest* from this account, only \$9 million per year.

During testimony by Texas Department of Health (TDH) officials to the House Appropriations and Senate Finance Committees, Rep. Rob Junell (D-San Angelo) and Sen. (now Lt. Gov.) Bill Ratliff (R-Mt. Pleasant) both demanded proof that comprehensive programs actually worked before they would agree to anything close to full funding for the TDH. Instead of spending the \$200 million in the trust fund on tobacco control, as agreed to in their Memorandum of Understanding, they appropriated only the interest from the trust fund (annually \$9 million), and requested that the TDH conduct a pilot program to determine the effectiveness of such programs. The Tobacco Education Project (TEP) chaired by Dr. Donna Bacchi and including members from the voluntary health organizations, lobbied the legislature to receive more funding for tobacco control and education programs, but their efforts were unsuccessful.

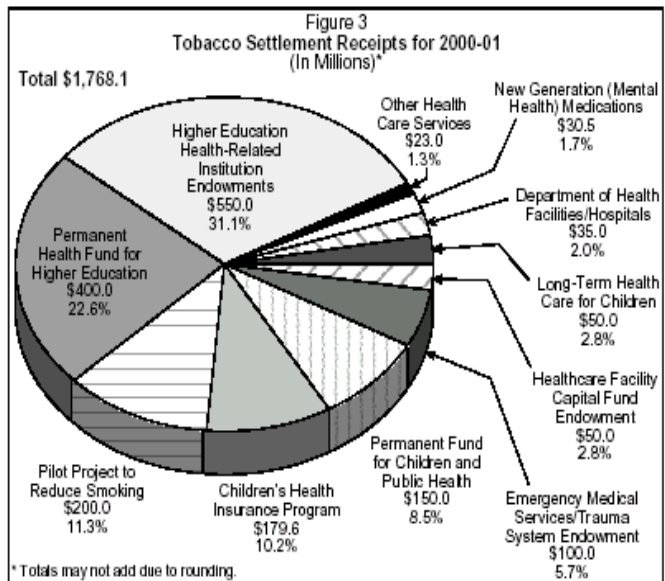


Figure 3. The Texas Legislative Budget Board released their budget estimates for the 2000-2001 biennium in January 1999. Although they credit the Pilot Program to Reduce Smoking as receiving \$200 million, that money is in a trust fund and only the interest can be spent for tobacco control. (1)

The remainder of the first settlement payment has been spent on other health-related programs:

- \$450 million for Texas counties to help pay for indigent health-care .
- \$324 million for the Children's Health Insurance Program
- \$350 million for a Higher Education Trust Fund
- \$595 million for endowments to 13 medical schools.
- \$100 million for the Emergency Medical Services Fund.
- \$50 million for the Rural Health Facility Fund.
- \$45 million for the Higher Education Nursing Fund.
- \$25 million for the Minority Health Research Fund.
- \$25 million for the Community Hospital Improvement Fund.(77)

Since 1999, Texas has only spent 1% of the \$2 billion from the first settlement payment on tobacco control efforts, far less than it spent on these other, unrelated, programs. The programs that the Legislature did fund, however, pose no threat to tobacco industry sales. See Figure 3 at right.

During the 2001 session, the TDH presented their findings (and overwhelming success) of their pilot program in East Texas (see Texas Department of Health Anti-Tobacco Programs).

Junell and Ratliff (now Lt. Gov.) were forced to admit the success of the program. However, the legislature only appropriated an additional \$3.5 million (bringing the total annual expenditure to \$12.5 million) for the program. In 2001, the Texas Legislature increased their tobacco control funding from 59 cents per capita to 64 cents. This ranks Texas 39th in the nation for tobacco control funding (Table 19). This is not enough money to expand the program statewide, and it will continue to be localized in a small portion of the state.

In the 2001 legislative session, the health advocates created a coalition called TRUST (TRUST stands for Tobacco Reduction Using Settlement, Texas) which again lobbied the legislature to receive more settlement money. Although they succeeded in getting an additional \$3.5 million for the TDH program, their efforts were again thwarted in the legislature. After the 2001 session, TRUST applied for and received a Smokeless States grant from the Robert Wood Johnson Foundation to help pass effective local smoking ordinances in Texas.

Table 20. Texas Settlement Spending for Tobacco Control Programs			
Total Settlement Payments Received through December 2001	Settlement Payments Received in 2001	FY 2002 Funding for Tobacco Prevention and Control (Percentage of CDC Minimums)	CDC Minimum Annual Funding Recommendation
\$1.92 billion	\$339 million	\$12.5 million (12.10%)	\$103 million
(76)			

THE DEPARTMENT OF HEALTH TEXAS TOBACCO PREVENTION INITIATIVE

In 1999, the TDH, was charged with conducting a pilot program to demonstrate that it was possible to impact smoking rates in Texas, (adult smoking rates but primarily children’s smoking rates) and report back to the legislature. The Legislature ignored the existing evidence that comprehensive programs were effective and charged TDH with not only developing and testing a single integrated program, but also testing the individual components. The TDH identified the following program areas to test: school and community programs, cessation, enforcement and media (low and high levels). TDH chose East Texas and Harris County (which includes Houston) to conduct the study because “the regions experience a high rate of lung cancer and other tobacco-related diseases and they contain demographically diverse populations that are heavily targeted by the tobacco industry.” (78) TDH tested the program components in a variety of ways in 18 different communities, listed in Table 21 and shown on Figure 4.

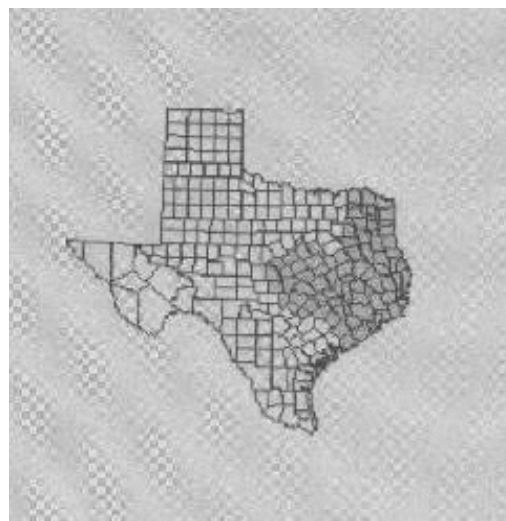


Figure 4. The shaded areas of East Texas show where the TDH pilot program is focused. (78)

The program was focused on 11-12 year olds in 6th grade based on initial research that found that this was a critical time for initiation to tobacco use. The program activities took many different forms, including a youth summit to design an anti-smoking mascot, to law enforcement

training seminars, a telephone quit line, to media campaigns aimed at the diverse population of the region, and were generally very successful. The Youth Media Campaign, “Tobacco is Foul,” was developed by teenagers and was widely used in the program region. Initial analysis of the media campaign was conducted by the Texas Department of Health and reported to the Legislature. The TDH reported that 65% of 6th graders had daily exposure to the youth media campaign. The program’s initial findings revealed the following:

*The number of youth using tobacco in Texas is extremely high, especially when compared to the usage level among adults. Initial research indicates an alarming 32 percent of high school students are current cigarette smokers, compared to 22 percent of adults.

Table 21. Texas Tobacco Prevention Initiative–Pilot Program Components					
Community Site	Low Level Media	Intensive Media	Enforcement	Cessation	School & Community
Tyler		X			
Lufkin			X		
Waco				X	
Texarkana					X
Longview		X	X		
Bryan-College Station		X		X	
Beaumont		X			
Port Arthur		X	X	X	X
E. Harris County	X			X	
Galveston County	X			X	
S. Harris County	X		X		
Brazoria County	X		X		
NW Harris County	X				X
Montgomery/ Waller County	X				X
Fort Bend	X		X	X	X
W. Harris County	X		X	X	X
NE Harris County	X				
Liberty County Chambers County	X				

Source: (78)

*Among youth, sixth-graders are most at risk of becoming smokers.

*Local business, civic and community leaders recognize youth tobacco use as a serious problem and want to implement prevention programs, but resources have not been available.

*Isolated interventions are difficult to implement. Local communities want a variety of programs that address the needs of current tobacco users and youth along with establishing policies that make it easy not to smoke.

*It takes time to prepare community leaders in strategies of tobacco prevention and control and ten to establish and coordinate programs before significant behavioral change can be seen. At baseline community tobacco control and prevention programs were limited or non-existent.

*People are ready and responding well to tobacco control and prevention programs.

*Infrastructure development is needed.

*There are too few youth cessation programs.

*Public participation in media and program development is key.

*TDH is building a strong infrastructure for delivering community-level programs.(78)

In an analysis of the effects of the program conducted by the University of Texas, Houston Health Science Center in 2000, they found that the program was most effective in areas with all comprehensive elements including a high level of media. UT Houston's study isolated the program elements to determine that the media campaign, when combined with other elements, had a significant effect on reducing tobacco use among 6th graders. They reported that:

To determine whether high level media campaigns significantly enhance the effects of school-community and multiple programs, the fourteen study areas were divided into four distinct media-program groups:

- (1) six areas with no media or low level media and no programs or single cessation or enforcement programs,
- (2) three areas with high level media and no programs or single cessation or enforcement programs,
- (3) three areas with no media or low level media and school-community or multiple programs,
- (4) two areas with high level media and school-community or multiple programs.

The average proportional changes in these four groups of areas were 35%, 24%, 44% and 60%....The high level media campaign appears to have significantly enhanced prevention effect in the areas where school-community and multiple programs were provided. The highest level of activity yields the greatest prevention effect. (79)

Despite the success of the comprehensive pilot program and the lobbying effort by the TRUST Coalition and the health groups, the Texas Legislature refused to significantly increase funding or expand the scope of the TDH program in 2001.

LOCAL TOBACCO CONTROL ACTIVITIES: SUCSESSES AND FAILURES THROUGHOUT THE STATE

Smoking restrictions in Texas have been passed at the local level ever since 1972, before the state got involved by passing the (weak) Clean Indoor Air Act in 1975. In 1972, the district and county courts in Abilene decided to end smoking in their new courtrooms in to keep them looking and smelling clean. In an article from the *Abilene Texas Evening Reporter News* entitled “Pant Suits Okay, But No Smoking in New Courtrooms,” the new rules are discussed as “changing times.”

Giving in to the fashions of the times—if not to women’s libbers—local judges have decided that slack suits may now be worn in the courts of Taylor County. But at the same times, they’ve taken a harder line approach with tobacco. According to the amended rules of decorum adopted by judges of the district and county courts, there will be no smoking in courtrooms of the new \$3 million courthouse....When he first went through his new courtroom several weeks ago, Judge Daniel joked that “the first thing I’m going to do is get a screwdriver and take those ashtrays off the back of the seats. Aw, I’m not going to take them off now...but they are not going to be used.” During the trial of Texas House Speaker Gus Mutchler, which drew a full courtroom in the old courthouse each day, Judge Daniel had restricted smoking to the attorneys and the jury. But, under the amended rules, even that is out. “The rules apply to everybody. Even the judges,” Judge Daniel said. (80)]

Of course, smoking was still allowed in the hallways and other areas, but a significant step had been taken nonetheless.

Smoke-free Environments: Restaurants and Other Workplaces

During the 1980s, Texas communities began restricting smoking in public places, including restaurants, and this trend accelerated during the 1990s .The most comprehensive regulations, passed in 2001 in the conservative west Texas towns of Lubbock and El Paso end smoking completely respectively in restaurants and restaurants, bars, and all public places. Table 22 summarizes local tobacco control ordinances in Texas as of February 2002. Appendix Table A-13 details all of the smoking local ordinances throughout the state. The American Cancer Society and Americans for Nonsmokers’ Rights have been very active in supporting the local communities in Texas who attempt to enact smoking regulations.

The tobacco industry carefully tracked smoking ordinances throughout the state. In a February 14, 1998 memo from Jack Dillard, Government Affairs Director for Philip Morris to several other PM strategists, he describes the local ordinances in Texas. The memo discusses whether Texas would be an appropriate state in which to survey the public regarding their approval or disapproval of restrictive local ordinances. While there have been advancements and stricter ordinances passed in smaller towns from 1998-2002, the cities he discusses have seen little or no change in their smoking policies.

I’m a little perplexed by the statement that TX was selected because it is a more restricted environment. There is no state law in TX which regulates smoking in the workplace or in hospitality venues. Out of over 1,000 cities and towns,

Table 22. Local Tobacco Control Ordinances in Texas						
Community	Year Enacted, Recently Amended	Restaurants Restrictions	Minimum % Restaurant Smoke-free	Bar Restrictions	Minimum % Bar Restrictions	Other Types of Workplaces Covered and Percentage Smoke-free
Arlington	1998	Yes	70%***	No		All
Austin	1994	Yes	100%*	No		All (100% smoke-free)
Bryan	2001	Yes	0%	No		None
Carrollton	1998	Yes	100%***	No		None
College Station	2001	Yes	50%	No		None
Corpus Christi	1993	Yes	70%	No		All
Dallas	1993	Yes	0%	No		All
El Paso	2001	Yes	100%	Yes	100%	All
Ft. Worth	1997	Yes	50%	No		All
Houston	1994	Yes	0%	No		All
Hurst	1986	Yes	0%	No		None
Irving	1997	Yes	30%	No		All
Kerrville	1987	Yes	0%	No		All
Lubbock	2001	Yes	100%**	No		All
New Braunfels	2001	Yes	100%	No		Public (100% smoke-free)
N. Richland Hills	1987	Yes	0%	No		None
Plano	1995	Yes	100%***	Yes	100%	None
Richardson	1988	Yes	0%	No		All
San Antonio	1992	Yes	0%	No		None
West Lake Hills	1993	Yes	100%	No		All
Wichita Falls	1994	Yes	100%***	No		All (100% smoke-free)
<p>*See Austin section for explanation of that city's time restricted smoking regulations. **See Lubbock section; ordinance does not take full effect until 2004. ***Allows for smoking rooms with separately enclosed ventilation systems, otherwise requires 100% smokefree. Source: Americans for Nonsmokers' Rights Foundation (81)</p>						

approximately 200 have local ordinances regulating smoking in some form or fashion. All but approximately 10 of those could be described as accommodation ordinances, allowing for smoking in designated areas, and do not include ventilation requirements. In all of the remaining municipalities, there are no restrictions on smoking period. And, since counties do not have ordinance making powers in TX, there are no regulations in unincorporated areas.

Geographically speaking, the vast majority of the land mass in unincorporated.

Nevertheless, if TX is selected for this test, I should point out that the three cities recommended (Dallas, Houston, San Antonio) currently have in place very reasonable accommodation ordinances with no ventilation requirements....

If selecting a state with a highly restrictive smoking environment is important to this test, TX would be the wrong state to pick....(82)

In the next four years, Texas' cities would pass many more effective ordinances, especially in the communities around Austin and in the west Texas cities of Lubbock and El Paso. However, the three largest cities mentioned in Dillard's memo, Houston, Dallas and San Antonio, would remain stagnant on the issue. Dillard's approval of their ordinances shows how ineffective they are.

Local Smoking Ordinance Successes

Austin

In the state capitol of Austin, where legislative bills to regulate smoking often die quickly in the House State Affairs Committee, the city government passed restaurant smoking restrictions in 1994. The mayor at the time, Bruce Todd, decided that he wanted to pass a smoking ordinance and do it quickly before the opposition could organize. Not surprisingly, when he announced his plans in December 1993, restaurant and bar owners complained that they were being left out of the process. He convened a committee to address these concerns and asked Dr. Donna Bacchi, the medical director of Community Health Services for the city of Austin, to chair the committee. (83)

Mayor Todd, who felt that he had the votes in the City Council, decided that the process should move as quickly as possible. Dr. Bacchi's committee, which included representatives from the voluntary health agencies, Heart, Lung, and Cancer, as well as restaurant, bar, bingo parlor and bowling alley owners, deliberated and heard from speakers about the health risks of second hand smoke and the supposed economic effects of smoking restrictions. No evidence was provided by the restaurant owners to support their claims that they would lose business. The committee then presented a report with all of the information that they gathered and presented it to the City Council. (83)

In February 1994, the City Council held a public hearing before they were scheduled to vote on the issue. Over 300 people signed up to speak at the hearing, which last from 5:00 pm until the mayor ended the session at 1:30 am. The majority of citizens spoke in favor of the ordinance, with a vocal minority of restaurant and bar owners in opposition.

After the public hearing, the council voted on and passed a compromise ordinance proposed by Council Member Ronney Reynolds. The other council members voting for the compromise were Council Members Brigid Shea, Max Nofziger and Jackie Goodman. Mayor Todd and Council Member Gus Garcia voted against the compromise; both were in favor of a total ban.

Ordinance # 940217-D contained many exemptions and time restrictions which were confusing for business owners. The ordinance required that restaurants were required to be 100% smoke-free from 6 am-2pm. From 2pm-6am, there was limited smoking allowed in restaurants if there were separately enclosed and ventilated smoking rooms. Without these smoking rooms, restaurants were required to be smoke-free. For bars, there was limited smoking allowed from 2pm-10pm if there was a separate ventilation and air filtration system, but after 10pm a bar could allow smoking. Some establishments, such as bowling alleys and bingo parlors, could have smoking if they installed separately enclosed and ventilated smoking rooms. Music venues were also required to have 25 % of their shows nonsmoking. The ordinance also banned smoking in city buildings and airports, established that no employer could force an employee to work in a smoking section, restricted smoking within 15 feet of entrances to public buildings and restricted vending machines in places where minors are present.

As elsewhere, the tobacco industry maintained a low profile, instead working through the Texas Restaurant Association in their bid to maintain the “restaurant owners should be able to decide for themselves” argument. Their main activity, it seems, was monitoring the progress of the ordinance and reporting on disgruntled business owners.

In April 1996, Mayor Todd once again sponsored a tobacco ordinance which passed the city council unanimously. The ordinance was a precursor to Senate Bill 55, passed by the state legislature in 1997, and served as a model for that legislation. The health groups headquartered in Austin, the American Lung Association, American Heart Association, and American Cancer Society, conducted a successful campaign for the ordinance, urging people to call City Hall with their support. (84)

The youth access ordinance banned cigarette vending machines except in places where minors were prohibited from entering. The ordinance also mandated that store owners and employees must post signs that tobacco products can only be purchased by those over 18 and that they must check identification, and required that all tobacco products be placed behind the counter. Convenience store owners and vending machine companies testified against the ordinance. Southland Corporation, owners of 7-11 stores, testified that they would lose the product placement bonuses which the tobacco industry distributes if they are forced to move cigarettes behind the counter. Indeed, the ban on self-service cigarettes was very detrimental to the tobacco industry. (84)

After the ordinance passed, Philip Morris began developing a strategy to combat this and other successful local smoking ordinances in Texas. In a May 20, 1996 memo entitled “City Ordinances/Tobacco Restrictions and Threats” from John L. Love, Section Sales Director of Philip Morris USA in Houston, to his section personnel, he describes the tactic PM plans to use to fight against local smoking ordinances and youth access laws.

Situation

Several Texas cities and communities (Austin city the most recent) have passed ordinances that affect how we do business. According to recent reports, many other cities are considering similar ordinances that could restrict our ability to effectively execute our marketing plans and strategies.

Issues

How will we prevent or reduce future city ordinances from being passed?
How will we execute a marketing plan if restrictive ordinances are passed?
Will we have to plan to address future attempts to pass legislation?....

City of Austin..

All local Austin PM residents will continue to be encouraged to attend and speak at all meeting where there is an opportunity to revise the current Austin ordinance. [We] will continue to keep key customer HEB [a large supermarket chain] involved with Region Government Affairs, who will assist in developing a proposed revision to the current ordinance.

Benefits/Effectiveness

The Section will have a strategy that includes a pro-active plan and a live network that could potentially reduce the chance for future unfair restrictions from passing that would have an impact on our marketing plans and strategies. It will give us an opportunity to identify those customers who have concerns about unfair restrictions and want to defeat local anti-smoking legislation. A closer working relationship will be developed between field sales, Region Government Affairs, and our customers.

The plan will give us the best weapon against anti-smoking legislation (advance warning).

Help educate customers about the negative effect of anti-smoking legislation.

Measurement

The effectiveness of the final plan will be measured by how many proposals we are able to impact.(85)

After the restaurant ordinance had been in effect for several years, Jack Dillard described the Austin ordinance in a February 24, 1998 memo regarding Texas' local ordinances.

Austin: This must be the nation's only time based ordinance (i.e., you can smoke in restaurants at dinner but not breakfast or lunch). It was carefully crafted to exempt the late night crowd at live music venues, since Austin prides itself on being "the live music capitol of the world." Unlike Arlington and Ft. Worth, there is no detailed description of what is meant by a separate ventilation system or ail filtering equipment. In practice, many restaurants in Austin have designated smoking areas between 2 p.m. and 10 p.m. It is hard to tell which of these are actually in compliance with the ordinance, but clearly, some of them are not....It does not appear that the city health department has been very aggressive in its enforcement, which may be due, in part, to some of the ambiguities.(86)

Since 1998, many restaurants have decided to forgo the time restrictions and simply go 100% smoke-free. Because of this situation, Austin has a reputation for having a much stricter smoking ordinance than it actually does. This reputation, and the positive community response to smoke-free restaurants, has made it easier for the surrounding communities to enact smoking

restrictions.

Bedroom Communities and the Hill Country around Austin

The suburbs surrounding the Austin area, called the “bedroom communities,” and the Texas Hill Country towns, extending for 100 miles around Austin, have been active in their passage of smoke-free ordinances. The first ordinance passed in this area, in West Lake Hills, went into effect on June 1, 1993. The ordinance requires a “100% smoke-free environment in all commercial establishments to which the public has access, including all restaurants and restaurants with bar areas.” (87)

The Texas Department of Health conducted a study of restaurant revenues in West Lake Hills from 1992-1994. (87) TDH obtained their data from the Texas Comptroller’s office, and found that, like in similar studies across the country and contrary to the predictions of the tobacco industry and its allies in the TRA, the implementation of a smoke free restaurant law did not have a negative economic effect on restaurant sales. (88) The study was released in 1995 and may have helped reassure other Central Texas communities. Shortly afterwards, the surrounding communities moved to enact smoking restrictions.

New Braunfels and Leander’s ordinances, passed in 2000 and 2001, respectively, require 100% smoke-free restaurants. (89) While front groups and tobacco industry manipulation spring up in larger cities considering ordinances, these small communities have had very few problems enacting their ordinances. Representatives from the American Cancer Society and the Texas Department of Health testified at public hearings regarding the ordinances and found that there was minimal opposition to creating smoke-free environments, coming mostly from conservative, anti-government individuals.

Community opposition to the ordinances has been very slight, due in most part to the success of Austin’s smoke-free ordinance. Many of the people who live in these communities, commute to Austin for work. Since Austin had broken ground with their ordinance and people were more used to smoke-free environments, the surrounding towns were able to enact strict ordinances with little to no opposition.

Arlington

Arlington, the third largest city in the Dallas-Ft. Worth Metroplex, has ended smoking in restaurants without separately ventilated and enclosed smoking rooms since 1993. Along with Austin’s time based ordinance, this was one of the first cities in Texas to attempt to create 100% smoke-free restaurants.

Arlington’s earliest attempt to regulate smoking came in 1985, when Council member (later Mayor) Richard Greene introduced an ordinance to create smoking and non-smoking areas in restaurants and workplaces. The tobacco industry organized an opposition movement through its TAN (Tobacco Action Network) local group. In an August 29, 1985 memo from Roger L. Mazingo of the Tobacco Institute to the TAN State Activities Policy Committee, he describes their actions against the ordinance.

PLAN OF ACTION

Direct Lobbying. Local counsel Toby Goodman has met with the sponsor and the Mayor and is arranging one-on-one meetings with all members of the City Council.

Legislative Support. A meeting has been held with the President of the Arlington Hotel/Motel Association. There is no local restaurant association, but meetings have been held with representatives of area restaurants.

Representatives of both groups have been in contact with members of the City Council. The field staff will coordinate letters and phone calls from TAN volunteers, members of the Arlington Hotel/Motel Association and area restaurateurs.

ACTION REQUESTED

Request permission to ask member company TAN volunteers to:

1. Write immediately to members of the Arlington City Council....Attached is the letter to TAN Activists and suggested points to make in their letters....
2. Place phone calls to members of the City Council.
3. Upon request of local counsel, attend public hearings before the City Council.
4. Upon request of local counsel, collect signatures on petitions in opposition to the proposed ordinance.

Upon review of the lobbying laws of the City of Arlington and the State of Texas, Covington & Burling [the tobacco industry's national law firm] has determined that the actions requested herein do not require participants to register as legislative agents/lobbyists. (90)

It is interesting to note that the tobacco industry took advantage of the fact that people acting on its behalf did not have to register as lobbyists, thus minimizing the industry's visible involvement.

Despite the efforts of the tobacco industry, the City Council adopted Ordinance No. 85-217 in October, 1985. The ordinance required restaurants with over 100 seats to designate non-smoking areas. Other employers were also required to designate non-smoking areas in their workplaces. The ordinance prohibited smoking in schools, elevators, public meeting rooms, theaters, auditoriums, and indoor retail and service lines. (91) At the time, this was a reasonably strong ordinance by national standards.

Five years later, in 1990, the makeup of the City Council changed to reflect the young, upper-middle class character of Arlington. Richard Greene, who proposed the 1985 smoking ordinance was elected Mayor and Rocky Walton, a strong proponent for smoking regulations, was elected to the City Council. The Council asked city staff to study further ways to limit smoking and to draft an ordinance for their review. The City Council held a public hearing on January 8, 1991 on the proposed smoking ordinance amendment which designated only 30% of restaurant space could be smoking, required separately ventilated smoking rooms for new

restaurants, limited the placement of tobacco vending machines and mandated that they be equipped with locking devices (a compromise position on vending machines that the tobacco industry generally accepted because these locking devices did not affect the ability of minors to purchase cigarettes from vending machines), and revoked tobacco licenses for retailers who sold tobacco to minors.* (91)

At the public hearing, representatives from city restaurants complained about limiting smoking sections. Vending machine companies and gas station owners complained about regulating vending machines and revoking tobacco licenses; tobacco industry representatives spoke on the supposed economic impact of smoking restrictions. Proponents of the ordinance, including groups like Arlington Citizens for Clean Air, a small grassroots organization, and the Texas Department of Health testified that the public increasingly supported smoking ordinances and increased smoking restrictions. Despite the controversy surrounding the ordinance, created in part by tobacco industry claims that the city's restaurants would lose business, the City Council adopted it in January 1991 as Ordinance Nos. 91-15 and 91-18. (91)

After passing the ordinance, the City Council decided to gather additional information on how far Arlington residents wanted to go in restricting smoking. The Council placed initiated a non-binding referendum on the May 1991 ballot asking the following questions:

1. Should the City regulate smoking in the workplace if desired by the employees; and
2. Should the City prohibit smoking in all indoor places open to the general public? (91)

Voters overwhelmingly approved both measures by 75%, but it would take another two years for the Council to eliminate smoking in restaurants and workplaces.

Later that year, the council amended the smoking regulations again to specify that bars, bingo parlors, billiard halls, nightclubs and adult clubs were not required to provide non-smoking sections if minors under 18 were not permitted in the establishments at any time. This was the City Council's only retreat on the smoking issue, but it was significant and it had unintended consequences. Some restaurants in Arlington decided to restrict minors so that they could offer unrestricted smoking. (92)

In 1993, the Arlington City Council passed three more important smoking ordinances. The first, on February 2, 1993 prohibited smoking in outdoor service lines and outdoor sports facilities and amphitheaters. This ordinance, No. 93-07, restricted smoking, except in designated areas:

* See Tobacco Tax section. The tobacco industry supported an amendment to the State Tax code requiring that only the state can issue or revoke tobacco retailer permits. Attorney General Dan Morales concluded that Arlington's licensing provision was preempted by the state law, but that regulating location or banning vending machines was not prohibited by state law. Arlington has continued to enforce the vending machine provisions in the ordinance. (91)

....at school district athletic facilities, the amphitheater at Six Flags over Texas amusement park, Maverick Stadium at the university of Texas at Arlington, and the new ballpark for the Texas Rangers [called The Ballpark at Arlington]. The school districts, the university, and the Texas Rangers [at the time owned by future Governor George W. Bush] were supportive of the regulations. (91)

The City Council was now ready to pass increased workplace smoking restrictions.

In March 1993, the Council passed Ordinance 93-25, which restricted workplace smoking to separately ventilated and enclosed smoking rooms. All common workplace areas were designated as non-smoking. Specifically, the ordinance placed the burden of compliance on the employer, not the employee. There was little opposition to the ordinance among workplaces since most had been smoke-free for some time. (91)

Finally, in December 1993 the City Council proposed its toughest smoking restrictions to date. All restaurants, not choosing to install separately ventilated and enclosed smoking rooms would be required to be smoke-free. Bars and other adult establishments were subject to the same standards unless minors were prohibited from entering.* In that event, these establishments could designate up to 30% of their floor space as smoking areas. The ordinance also ended the sale of tobacco products in vending machines. (91) There was intense opposition to the proposal from restaurants, bars and the tobacco industry.

Two new groups — the Arlington Restaurant Association and the Arlington Beverage Association — made up primarily of small restaurant and bar owners, organized to oppose the regulations, claiming that they could lose substantial amounts of business to neighboring cities. The tobacco industry has sponsored front groups in the past to mask their involvement in local issues. In 1979, they created the Beverly Hills Restaurant Association in response to a smoke-free ordinance being considered in California. The tobacco industry has also created the Empire State Tavern and Restaurant Association in New York and the Northwest Business and Labor Alliance in Washington State.

Tom Lauria, a representative of the Tobacco Institute in Washington, DC, testified before the council that the smoking restrictions would severely disadvantage Arlington businesses. Despite these objections, the council passed the restrictions by a vote of 6-3.** (91)

After the ordinance was adopted, the City faced a variety of challenges. Vending machine companies sued the city in February 1994 claiming that the ban on vending machines was preempted by the Texas Tax Code's licensing provisions, even though Attorney General Dan Morales had determined that this was not the case. By that time, however, several council members had softened their position on the issue and the city agreed to allow vending machines

* In Texas, minors may enter drinking and other adult establishments if they are accompanied by an adult. Arlington's ordinance required these establishments to enforce a no-minors provision if they wanted to continue to allow smoking.

** Council member Elzie Odom, who became Arlington's Mayor in 1997, voted against the smoking restrictions.

in areas not accessible to minors or the general public. The manufacturers of air filtration systems also lobbied the city to amend the ordinance to not require separate, outside exhaust ventilation systems. They wanted restaurants to be allowed to install the cheaper, “clean and purify” air filtration systems. (91)

The City Council also bowed to the pressure of the bowling alleys who claimed that they would lose tournaments to other cities unless they were treated like bars and adult establishments and allowed to designate up to 30% of their floor area for smoking. The bowling alley that complained failed to tell the council that a charity bowling tournament that they were hosting had told them they must be smoke-free during the several days of the tournament.(91)

Despite the health implications of accommodating these small interest groups, the City Council voted 5-4 on July 19, 1994 to allow filtration instead of ventilation systems only if a restaurant enclosed separate smoking rooms and to allow bowling alleys to meet the same standards as bars and adult-themed venues (Table 23). Despite the Council’s move to weaken the smoking ordinance, most restaurants in Arlington have chosen to go smoke-free instead of installing ventilation or enclosing separate smoking rooms. (91)

Table 23. Arlington’s Restaurant Smoking Restrictions
Restaurant owners must choose between:
1. Installing ventilation systems that pump smoky air outside.
2. Installing less expensive filtration systems that treat the air and enclosing separate smoking rooms.
3. Completely ending smoking.
Source: (91)

The Arlington City’s Attorney’s office conducted a field study on the impact of the smoking regulations, published in October 1994. Their findings were positive for tobacco control.

What effect has Arlington’s smoking regulations had upon businesses? Have they lost large amounts of customers to other cities as a result of the regulations as predicted by the tobacco industry? When The Ballpark in Arlington opened in April, 1994, the public announcement that smoking was not permitted except in designated areas on the concourse was greeted with applause. At the time of the baseball strike, attendance averaged over 40,000 per game. Of the 350 restaurants in Arlington at the beginning of 1994 when the ventilation requirements were mandated, 39 had installed ventilation or filtration devices which permit them to operate designated smoking areas, and 6 provided outdoor smoking areas. During that period from 1993 to [October 1994], approximately 25 major new restaurants have opened. The only reported decline in business was from those establishments dependent primarily on bar bills. Major restaurants which depend primarily on food sales prefer to be smoke-free unless they have substantial bar areas. Designated smoking areas continue to have an abundance of seating at peak times. One restaurant having a ventilated designated smoking area becomes nonsmoking during peak times on weekends. Fast food restaurants invariably became smoke-free and new fast food establishments continue to proliferate with no shortage of business....(91)

Arlington Citizens for Clean Air, a grassroots group led by David Fusco, also conducted interviews with the managers from several local restaurants on February 25, 1994. The restaurants included Tia’s Tex-Mex Restaurant, Luby’s Cafeteria, Black Eyed Pea, and the Olive

Garden, all of whom were very positive about the smoke-free ordinance. None of the restaurants had seen a decline in sales and all had decided to be completely smoke-free instead of enclosing smoking rooms. (93)

Arlington's example discredited the tobacco industry's claim that the restaurant business would be harmed if tough smoking restrictions were implemented. Arlington's success with their smoke-free ordinances inspired other communities to attempt smoking ordinances as well.

Wichita Falls

Wichita Falls is a community of 100,000 in North Central Texas, near the Oklahoma border. In 1994, a coalition under the leadership of then-Representative John Hirschi (D-Wichita Falls) decided to lobby the City Council to enact restaurant smoking restrictions. The coalition was a grassroots effort among concerned citizens and physicians, with support from the local chapter of the American Cancer Society. Opposed to the ordinance was the North Texas Restaurant Association, with support from the Texas Restaurant Association in Austin, and the tobacco industry.

The tobacco industry kept tabs on the coalition's efforts and the Tobacco Institute reported in their December 15, 1994 Stateline report that:

On 12/6, Wichita Falls, TX City Council banned smoking in public places and workplaces...restricted smoking in restaurants to enclosed rooms equipped with separate ventilation systems. (94)

The ordinance was approved by a 4-3 vote in the City Council. In addition to protecting all workers by prohibiting smoking in offices and public places, it also prohibited self-service tobacco displays in retail stores. The tobacco industry immediately mobilized a petition drive to repeal the ordinance.

The Tobacco Institute again reported in Stateline, June 22, 1995, on the status of the repeal effort.

...1/5/95 Citizens submitted signatures in referendum drive to place ordinance on spring ballot. City Clerk has 45 days to verify signatures. City Clerk announced on 2/17 that referendum drive to overturn smoking ordinance lacks necessary signatures (1,500), citizens have 15 days to submit additional signatures to place smoking restrictions on ballot. The city clerk has until 3/17/95 to certify the rest of the signatures needed to bring the tough smoking ordinance to a vote. The city council has decided to await the outcome of all this and do nothing for 90 days. This ordinance has been placed on the 5/6/95 ballot. (95)

In the days before the election, the tobacco industry conducted a "public awareness" campaign to educate voters in Wichita Falls about the smoking issue.

In a Philip Morris Smokers' Advocate Action Alert, prepared by Jack Dillard, they urge concerned citizens to vote to repeal the smoking ordinance. The flyer also promotes Philip Morris' accommodation message for restaurants by mentioning the need to accommodate

smokers and non-smokers at least 4 times.

On Saturday, May 6, smokers and nonsmokers who believe in fairness will get a chance to repeal Wichita Falls' smoking ban, which now prohibits smoking in city restaurants, offices, workplaces and just about all indoor public areas.

It is vital that all voters who disapprove of the city's repressive smoking ordinance vote FOR REPEAL of the ban on May 6!

Wichita Falls' smoking ban is unfair to smokers and bad for the city's business community. The ordinance discourages visitors, branding Wichita Falls as an inhospitable city run by zealots.

Business owners know better than the government how to accommodate smokers and nonsmokers in their establishments. They should have the right to create smoking policies that make sense for them, their employees and their customers instead of being dictated to by local authorities.

Anti-smoking activists are already marshaling their forces and spreading misinformation in an attempt to prevent repeal of the ban.

But smoking bans go way too far! The way to accommodate the preferences of smokers and non-smokers is to provide separate, designated areas, not to prohibit smoking entirely.

The vote on May 6 is about fairness, accommodation and good business sense. It makes no sense to discriminate against one-quarter of the adult public simply because a small minority of activists is opposed to all tobacco use.

Please don't forget to go to the polls May 6 and vote FOR common sense — vote FOR repeal of the ban.

Remember, a "FOR" vote repeals the ban and allows Wichita Falls to become a sane, accommodating city once more.

Don't sit this one out! Those opposed to repeal may be a minority, but they will be out in full force on election day. If we forget to vote, you can be sure they won't.

Vote now or vote on election day — **BUT VOTE!**

Send the message that the citizens of Wichita Falls still believe in fairness, common courtesy and good old -fashioned common sense. (emphasis original) (96)

Regardless of the efforts made by the tobacco industry, the citizens of Wichita Falls voted overwhelmingly to retain the ordinance and all of its provisions, 61% to 39%. The tobacco industry has a long history of forcing referendums to oppose local ordinances.

Fort Worth

Ft. Worth is the second largest city in North Texas, behind its close neighbor Dallas to

the east. Ft. Worth considered its first smoking ordinance in 1986. The ordinance proposed to create smoking and non-smoking sections in restaurants, make public areas in workplaces smoke-free, and require employers to set written smoking policies.

The tobacco industry successfully counter-attacked. In a February 26, 1986 memo from Terry Frakes, Regional Director of the Tobacco Institute to Stan Bowman of the Tobacco Institute, he explains how the tobacco industry and its allies were able to dilute the ordinance and get their weaker version passed by the council:

On Tuesday, February 25th, the Fort Worth City Council, on a unanimous vote passed a restrictive smoking ordinance. The ordinance, as introduced, had two parts. The first dealing with public places and the second having to do with the workplace.

The major provisions of part one were:

1. Restaurants with a seating capacity of 50 or more must provide a non-smoking section.
2. Smoking would be banned in cashier areas and over the counter sales areas of retail establishments, except those establishments with less than 500 square feet or only one person on duty.
3. The owner of any public establishment not exempted, would have to set a written policy on smoking and make it available for inspection by employees and the public.
4. Ban smoking in conference rooms, meeting rooms, or public service areas of city owned facilities....

Part two stated that an employer may designate any workplace or portion thereof as a non-smoking section. If he makes such a designation, it would be unlawful for any person to violate the policy.

On February 11th, a public hearing was held on the proposed ordinance. After numerous complaints from local businesses, especially the Restaurant Association and Hotel/Motel Association, the council established a 10 member ad-hoc committee comprised of 5 anti-smokers and 5 representatives of area businesses, to work out their differences.

The following changes were made in the proposed ordinance and included in the language finally passed by the council on February 25th.

1. Minimum restaurant seating was raised from 50 to 125.
2. Businesses would no longer have to establish a written smoking policy.
3. If a restaurant with seating under 125, decides not to designate a smoking area, the owner must post a sign stating that the restaurant does not provide a non-smoking section.
4. Any failure by an owner, operator, manager or employee to report a violation or to take action against an individual shall not constitute a

violation of the ordinance.

Because of our effort and those of our coalition partners all of these changes were secured without any changes being made in the already weak workplace section which had been targeted by the anti-smokers. (97)

The tobacco industry successfully watered down the proposed ordinance and ensured that restaurant owners who did not enforce the ordinance would not be punished.

In 1989 and 1993, the City Council amended this ordinance. In 1989, the amendment defined in greater detail the areas of a restaurant that must be smoke-free, provided for penalties and fines for violation of the ordinance, and required that all workplaces designate smoking and non-smoking areas with smoking being prohibited in all common areas. (98) These provisions remedied the weaknesses that were present in the previous ordinance.

In 1993, the City Council also prohibited smoking in all offices and food areas of city buildings. (99)

It was not until 1996 that health groups in Ft. Worth decided to initiate a serious effort to eliminate smoking in restaurants and workplaces. Prior to 1996, restaurants and workplaces were only required to designate smoking and non-smoking areas, with most common areas being smoke-free. In 1996, a new coalition called "Put it Out Texas" formed to run a local youth-oriented cessation and prevention program. They also partnered with the American Cancer Society, Tarrant County Public Health Department, American Lung Association, Ft. Worth Public Health Department, Texas Department of Health, American Heart Association, the Texas Parent Teacher Association, the YWCA, local Boys and Girls Clubs and a number of area physicians to attempt to pass stricter smoking regulations in Ft. Worth. (100)

The proposed ordinance would have completely eliminated smoking in restaurants after a phase-in time of 2 to 3 years. Because of opposition from the Fort Worth Restaurant Association and its president, David Shaw, a provision was added to the ordinance to allow smoking in restaurants with separate ventilation systems, with a phase-in time of 3 years for restaurants to install the systems. Philip Morris arranged to have an Indoor Air Quality specialist on hand to testify regarding ventilation systems. In a May 1, 1997 email from Ted Lattanzio of Philip Morris to his colleagues also working on local ordinances, he requested their help in finding expert witnesses.

Need an IAQ specialist for the upcoming hearing in Fort Worth, TX, Tuesday, 5/6, 7 PM. Person needs to be able to explain that proper ventilation/IAQ is adequate to avoid restrictions....Also, Texan would be preferred. (101)

The city council voted 6-2 on May 20, 1997 in favor of the compromise ordinance. Table 24 summarizes the provisions of the ordinance.

The ordinance also contained youth access requirements, vending machine restrictions, advertising and sampling or single cigarette restrictions which mirrored state laws such as SB 55.

Table 24. Ft. Worth Smoking Ordinance 13009

Location	Provisions
City Owned Buildings	All enclosed buildings owned or leased by the City of Fort Worth shall be designated nonsmoking with no designated smoking areas.
Public Places	Smoking is prohibited in public places including, but not limited to, city buildings, elevators and stairwells, public transportation and transit depots, service lines, retail establishments except for tobacco stores, businesses, museums and libraries, day care centers, performance halls and movie theaters, sports arenas and convention centers, public meeting rooms and chambers, school buildings, health care facilities, common areas in office buildings, apartment buildings and nursing homes, and polling places.
Workplaces	All workplaces must be smoke-free, however, an employer may designate a smoking areas provided that the area is separately enclosed and ventilated, contains an air purification system, and does not allow transfer of air to non-smoking or common areas. All employees within the smoking section must be smokers.
Restaurants (Prior to December 31, 1999)	Non-smoking areas in restaurants must be separated from smoking areas by a minimum of 4 feet, must be ventilated where feasible, and must be situated so that air from the smoking section is not drawn into the non-smoking section. If a restaurant opens or undergoes construction after the effective date of the ordinance, it will be required to have an air purification and separate ventilation system in the smoking area. Restaurants with 50 seats or less are exempt but must post signs saying that a non-smoking area is not available.
Restaurants (After January 1, 2000)	All restaurants shall be non-smoking, but may designate smoking areas if those areas do not exceed 50% of the floor area and are equipped with air purification or separate ventilation systems. Restaurants with 50 seats or less are exempt.
Adult-Entertainment Centers, Billiard Halls, Bingo Parlors and Bowling Alleys	Smoking is prohibited unless minors are not allowed to enter at any time or there is a designated smoking area with an air purification system or a separate ventilation system.
No regulations	Bars, private residences, hotel and motel rooms, retail tobacco stores and enclosed meeting or assembly rooms used for private functions.
Source: (102)	

Jack Dillard of Philip Morris described the Ft. Worth ordinance in his February 28, 1998 strategy memo on local Texas smoking ordinances.

Effective Jan. 1, 2000, a designated smoking area in a restaurant must be equipped with an air purification system or a separate ventilation system, as defined in the ordinance. Restaurants with a maximum seating capacity of 50 seats or less are exempt. Until Dec. 31, 1999, these requirements only apply to new construction or to an existing restaurant which undertakes a major renovation after the effective date of the act. A restaurant bar or lounge must comply after 1/1/2000 with the same requirements but free standing bars are totally exempt from the ordinance. There are specific provisions in the new ordinance relating to bowling centers (also to adult entertainment establishments, billiard halls and bingo parlors). They may have designated smoking areas if the area is equipped with an air purification system or a separate ventilation system, as defined in the ordinance. Also, they are totally exempt from the ordinance if they are not open to persons younger than 18 years of age at any time.

....Our retained local consultants worked hard on this ordinance (in cooperation with the TX Restaurant Assn.). Obviously, we would have preferred no ventilation requirements at all, but the compromises which were worked out protected the interests of our customers as best we could. The ventilation provisions are styled after the Arlington ordinance and allow restaurants to choose between separate ventilation systems for designated smoking areas or filtration systems that treat the air. Not regulated are enclosed meeting or assembly rooms in restaurants, hotels, motels and other public places while the entire room is being used for a private function. (86)

Since the ordinance went into full effect in restaurants on January 1, 2000, it has been quite successful. Many restaurants have chosen to become smoke-free instead of installing the ventilation systems.

Plano and Carrollton

Carrollton and Plano, suburbs of Dallas, both passed strong smoking ordinances in 1994. Both ordinances eliminated smoking in restaurants and other public places and were highly controversial. Carrollton, after facing extreme pressure from restaurant owners, rescinded their ordinance in 1998. In December 1998, the City Council determined that restaurants could have smoking areas if they were separately enclosed and ventilated and the smoking section occupied no more than 30 percent of the seating. Smoking is still forbidden in billiard halls, bingo parlor, food stores, theaters, sporting facilities, and day-cares. (103)

Plano's smoking ordinance, enacted in November 1994, was scheduled to go into effect in June 1995. Before that time, 5 local restaurants—Bavarian Grill, Game Day Sports Café, Jack Astor's Bar & Grill, Slider and Blues, and Shoney's—and the Holiday Inn sued the city claiming that the ordinance discriminated against their businesses. The restauranteurs claimed that they were losing business to restaurants in Garland and Richardson, less than 2 miles from Plano. They also objected to the ordinance because it exempted private country clubs and hospitals, which were allowed to have smoking areas. (104) Enforcement of the ordinance was halted during the dispute.

State district Judge Verla Sue Holland ordered the parties into mediation during the summer of 1995. In August 1995, the city agreed to modify its ordinance to allow smoking if business have separately enclosed rooms and ventilation or purification systems. The lawsuit was dropped in September as a result of the agreement. (105)

El Paso

El Paso, the western-most city in Texas, is also the state's sixth largest. Until 2001, El Paso had one of the least restrictive ordinances in the state. In 1995, the City Council and the Board of Health proposed an ordinance to prohibit smoking in public places and to require extra ventilation for restaurants and workplaces. The tobacco industry kept track of that effort in the June 22, 1995 issue of Stateline, an internal newsletter by the Tobacco Institute which tracked local smoking ordinances.

Summary – Proposal would ban smoking in public places and require designated

areas in restaurants and workplaces to be enclosed with a separate ventilation system. Would ban distribution of samples, ban self-service displays and restrict vending machines.

Status – 1/17/95 Health Commission meeting to be held, Health Commission has scheduled 3/22/95 public hearing. Public hearing to allow a panel of 5 speakers for and against the proposal to speak. Another meeting is scheduled for the 3rd week in April. This proposal has not made the city council agenda and is not expected to for a while. The most likely possibility would be another public hearing in June and a full council debate in either August or September. (95)

The El Paso Restaurant Association sought financial help from the tobacco industry in order to defeat the ordinance. Westside City representative Jan Sumurall also succeeded in killing the issue before the council. The local health groups were not active in the fight over the ordinance. In 1998, Jack Dillard of Philip Morris reported in his Texas Local Smoking Restrictions strategy memo on the state of El Paso's smoking restrictions.

El Paso: Like San Antonio, one of the least restrictive ordinances in the state. We beat back an attempt to ban smoking or add ventilation requirements several years ago. (86)

Six years later, in 2001, a new coalition called Smoke Free Paso del Norte organized to again attempt to enact smoking restrictions in El Paso. The American Cancer Society in El Paso partnered with the City/County Health Districts and the Board of Health to impose a strict 100% smoke-free ordinance for all public places, restaurants and bars.

As expected, the El Paso Restaurant Association was a vocal opponent to this proposal. The three local Chambers of Commerce (Greater El Paso, Hispanic and Black) also voiced their opposition, claiming that the city's restaurants would lose business and customers to Ciudad Juarez, Mexico, about 5 miles from El Paso. Because bars were included in the ordinance, bar owners who wanted to be excluded found themselves pitted against restaurants, who feared that they would lose business to bars if bars were not included.

The Board of Health, in an advisory role, on April 2, 2001, passed the ordinance to end smoking in public places, including restaurants, bars and workplaces and to restrict outdoor smoking to 25 ft. from building entrances. The ordinance then went to the City Council, which was facing a shake-up in membership. The mayor, Carlos Ramirez, had resigned from his position to accept a place in the George W. Bush administration. The election to replace him was held May 5, 2001 and the outcome had great significance for the smoking ordinance.

The winner of the race, Ray Caballero, supported the ordinance and lent his weight to assuring its passage. On June 26, 2001, the City Council voted 7-1 in favor of the ordinance. The final ordinance, with minor revisions, prohibited smoking in:

All enclosed public places within the City of El Paso, including...:
Elevators, restrooms, lobbies, reception areas...[public transportation and transit depots], service lines, retail stores, all areas available to and customarily used by the general public in all businesses and non-profit entities patronizing the public..., **food establishments, nightclubs and bars**, [libraries, museums, performance halls, movie theaters], sports arenas and convention halls...[public

meeting and assembly halls, school buildings,...health facilities...,[common areas in apartments and nursing homes], polling places, and **bingo games**....(106)

The ordinance also prohibited smoking in workplaces, which can dramatically reduce exposure to secondhand smoke. The ordinance required that:

It shall be the responsibility of employers to provide smoke-free workplaces for all employees.

Each employer having any enclosed place of employment located within the City of El Paso shall adopt, implement, make known and maintain a written smoking policy which shall contain the following requirements.

Smoking shall be prohibited in all enclosed facilities within a place of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators and hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities. (106)

City Representative Jan Sumurall again opposed the ordinance along with Representative Luis Sarinana, but they later dropped their opposition because of the health information and testimony presented to the City Council. (107)

As of 2002, El Paso's ordinance was the strongest in the state, with no exemptions for ventilation and no extensions for any businesses. Health advocates across the state have asserted that the Paso del Norte coalition, which was very focused and dedicated to the issue, managed to fracture the opposition by not allowing any exceptions. Bars and restaurant owners, usually allied together on such issues, found themselves at odds as they both tried to exempt themselves from the ordinance. Standard tobacco industry claims that certain restaurants or bars would have an economic advantage were moot since the ordinance applied to all businesses equally.

The TRUST for Texas coalition, which was awarded a Robert Woods Johnson Smokeless States grant in 2001 and works in local communities to pass smoking restrictions, has set El Paso's example as the gold standard for which other Texas communities should aspire. (108)

Lubbock

The conservative, West Texas town of Lubbock was embroiled in a fierce contest to pass smoking restrictions that lasted from 2000 to 2002. The city council had previously passed smoking restrictions in 1987. That ordinance stated that smoking was prohibited in some public places such as day care centers, hospitals, sports arenas, and movie theaters, but did not include workplaces and hospitality venues. These provisions are basically the same as the 1975 Texas Clean Indoor Air Act. The ordinance also stated that if business owners wish to designate smoking areas in their establishments they may do so. This provision meant that almost all restaurants, bars, and office buildings allowed smoking in designated areas. These areas were not required to be separately ventilated or enclosed.(109)

In 1995, the Lubbock Board of Health, which serves as an advisory committee to the city council, unanimously recommended that the city council prohibit smoking in most public places,

including restaurants and other workplaces. In that year, the council, under pressure from local business owners and the Lubbock Restaurant Association, defeated the issue. At issue in 1995 was the provision that excluded bars from the regulations. Smoking would have been prohibited in all restaurants, except those that installed separate ventilation systems. Lubbock restaurant owners complained that this was unfair and would give bars a competitive edge in attracting the smoking clientele. The issue was abandoned, and the 1987 ordinance, which did little to actually create smoke-free environments, was left in place. (110)

In the summer of 2000, a local sixth grader, 10-year-old Amit Bushnan, decided to start the Stop Smoking in Restaurants campaign (STIR). He was inspired to do this after noticing that his asthma was worse in restaurants and bowling alleys where smoking was permitted. His main goal was to convince the city council to address the issue. Bushnan gave several classroom presentations on the issue at his school and began traveling in his areas to speak at other schools. By December 2001, his campaign had spread to 28 local schools and he had given a news conference in Austin on his efforts. (110)

Bushnan decided to appeal to the local branches of the American Cancer Society and the American Heart Association for help in bringing the issue up before the city council. Dr. Donna Bacchi, who helped pass Austin's smoking restrictions in 1995, had moved to Lubbock and was on the board of the American Heart Association. She helped organize a group of concerned adults to form the Smokeless Lubbock Coalition, which received initial monetary support from the American Heart Association and the American Cancer Society. The coalition itself included members from all professions including bankers, real estate agents, media consultants, and physicians, many of whom had never been involved in this type of movement before. The local Parent Teacher Associations (PTA) also encouraged children to send in letters to the city council in favor of an ordinance. Over 1200 letters were sent from students of all ages. (109)

On December 14, 2000, the coalition presented its case at the city council meeting. Amit Bushnan, Dr. Bacchi, W.R. Collier, president of a local bank, and Patty Danhof, Manager of the local Chili's Restaurant all presented in favor of amending the 1987 smoking ordinance. Danhof's presentation was particularly important since his restaurant had decided to go smoke-free four years earlier. From 1996-2000, his restaurant had become the 4th largest grossing Chili's in the United States. His testimony would contradict the common tobacco industry argument that smoke-free restaurants lose business. (109)

The city council decided to appoint an ad hoc committee (Table 25) consisting of different business owners and concerned citizens to explore the issue in more detail. There were eleven people appointed to the committee, including Dr. Bacchi and Mr. Collier who had testified in favor of an ordinance. On the other side of the issue were several restaurant owners, Curtis Jordan and David Cea, who is also the president of the Lubbock Restaurant Association. (109, 111)

In February 2001, after the council appointed the committee, a group of local business owners, including members of the Lubbock County Libertarian Party, started a group called Lubbock Citizens for Private Property Rights (LCPPR) to oppose any expected ordinance. The group's co-founder was Dr. John Turnbow, a physician and Libertarian who was opposed to the ordinance because it constituted an unwarranted government intrusion for local businesses.

(112) LCPPR was formed right after Ken Benson, a Philip Morris and Texas Restaurant Association lobbyist from Dallas visited several Lubbock restaurant owners. In January 2001, Tom Johnson, the chairman of the Ad Hoc Committee went to introduce himself to David Cea. While Johnson was talking to Cea, fellow committee member and restaurateur Curtis Jordan brought Benson to meet with Cea. (109) Benson’s public affairs consulting firm, Ken Benson & Associates, has worked with Philip Morris and the TRA on many issues, including a Dallas Indoor Air Quality survey and the movement to allow smoking in Dallas-Ft. Worth airport. (See Dallas section) Members of LCPPR acknowledged that they had met with representatives from Philip Morris, but they denied accepting any monetary support from the tobacco industry.

Table 25. Lubbock Ad Hoc Committee on Smoking	
Committee Member	Occupation
Tom Johnson, Chairman	lawyer
Dr. Donna Bacchi	director of the Center for Tobacco Prevention and Control at Texas Tech Health Sciences Center; member of the Lubbock Board of Health
Richard Casler	businessman
David Cea	restaurateur and president of the Lubbock Restaurant Association
W.R. Collier	banker, president of American State Bank
Jim Collins	lawyer
Vernita Holmes	Lubbock Independent School District board trustee
Curtis Jordan	restaurant and bar owner
Scott Mann	financial consultant
Rose Mediano	school administrator
Subodh Patel	hotelier and president of the Lubbock Hotel/Motel Association
Barry Bartee	dentist and former Board of Health member
Marc McDougal (non-voting)	city councilman, liaison to the council
Source: (111)	

On March 6, the committee held its first public hearing to debate the health issues involved with smoking and more importantly, secondhand smoke. Twenty-five local physicians testified to the health risks of smoking and secondhand smoke. Nonsmokers who testified that they had contracted diseases like lung cancer as a result of exposure to secondhand smoke. Dr. Turnbow testified that the evidence presented against secondhand smoke was junk science. On March 10, 2001 the Ad Hoc committee met to vote on the issue. One member was absent, but the rest voted unanimously on the following statement: “Be it resolved that it is the opinion of this committee that human exposure to Environmental Tobacco Smoke creates an unsafe condition to the public health of the citizens of Lubbock.” (109)

On April 5, 2001, the committee held its second meeting to deal with all the other issues that had been raised in the community: smokers' rights, business choice, government intrusion, and economic impact. Several scientists and researchers spoke about the supposed economic impact of smoke-free restaurants. Dr. Phil Huang from the Texas Department of Health and Dr. Stanton Glantz from the University of California, San Francisco both presented evidence to prove that, in cities across the country and in Texas, there had been no negative economic impact as a result of smoking restrictions. In fact, in many places revenue had actually increased after an ordinance was implemented. One of the tobacco industry's favorite tactics for opposing smoking ordinances is to claim the restaurants and bars will lose up to 30 percent of their business and be forced to lay off workers if a city goes smoke-free. (109)

Several bar and restaurant owners and members of the Lubbock Citizens for Private Property Rights group testified that they felt their rights as business owners would be violated if the smoking ordinance was passed. Regardless of the public health implications of secondhand smoke, they believed that the threat of government intrusion was far worse. LCPPR also brought to the meeting several bags filled with yellow postcards – over 20,000 cards – which they said had been filled out by citizens opposed to the smoking ordinance. These cards were later given to the City Council, in part to challenge the Smokeless Lubbock Coalition, who had been urging people to send in blue cards in support of the ordinance to the council. (113)

Between the April 5 public hearing and the May 15 committee vote on the smoking ordinance, the Smokeless Lubbock Coalition conducted an extensive media campaign to further educate the public about the issue. Their campaign included billboards, radio ads, paid TV ads, and public service announcements. They encouraged people to patronize only smoke-free restaurants for an entire week, and to leave flyers at other restaurants to urge them to go smoke-free. They also distributed postcards, addressed to Councilman McDougal, which people could send in to voice their support for a smoking ordinance (Figures 5 and 6). They culminated their campaign on the morning of May 15, 2001, just a few hours before the final committee meeting to vote on the ordinance. That morning, Smokeless Lubbock released the results of a survey conducted by the Southwest Research Associates, which found that 69 percent of respondents believed that Lubbock restaurants should be smoke-free. (109, 114)

Later that same day, the Ad Hoc committee voted 6-5 in favor of an ordinance to end smoking in public places but to allow many exemptions: bars that do not serve food, adults-only sports grills, restaurants with less than 1,500 square feet, restaurants with separately enclosed and ventilated smoking rooms, existing bingo parlors, outdoor restaurant patios, businesses not open to the public, and designated smoking hotel rooms. New restaurants and businesses would be required to be smoke-free. Table 26 lists how the committee members voted on the proposed ordinance.

Two weeks after the committee's recommendations, it came to light that a majority of the committee members had met in private to discuss the matter immediately before the final vote. This meeting violated a city council policy which requires all council business to adhere to the Texas open meetings requirements. Chairman Johnson said that he was disturbed by the news, since he warned the committee members against private meetings where a quorum (majority) would be present. Five members who attended the meeting—Cea, Casler, Johnson, Mann, and Collins—later voted against the proposed ordinance. Also in attendance were City Council

Table 26. Lubbock's Ad Hoc Committee Votes on the Proposed Smoking Ordinance	
For the Ordinance	Against the Ordinance
Chair Tom Johnson	Richard Cassler
Dr. Donna Bacchi	David Cea
W.R. Collier	Jim Collins
Vernita Woods	Curtis Jordan
Rose Mediano	Scott Mann
Subodh Patel	
(115)	

Members Marc McDougal, who was the liaison to the committee, and Alex Cooke. Both said that since the committee was only advisory in nature that it was not subject to the open meetings law. They also claimed to be unaware that the meeting violated the City Council's policy. (117)

After the 5 ordinance opponents were present, they invited Subodh Patel into the room, which created a quorum. Patel said that he was asked to vote for a proposal to exempt all existing restaurants, but he favored the 1,500 square feet exemption only. He also wanted to hear the opinions of the other committee members before he committed his vote.

Committee member Casler said that those in the room believed Patel was on their side but then he went to the public meeting and changed his mind. (117)

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The debate over the smoking ordinance became even more contested once the issue went to the City Council. In June, there were three separate ordinances being considered by the Council: the one proposed by the committee, one introduced by Councilman and committee

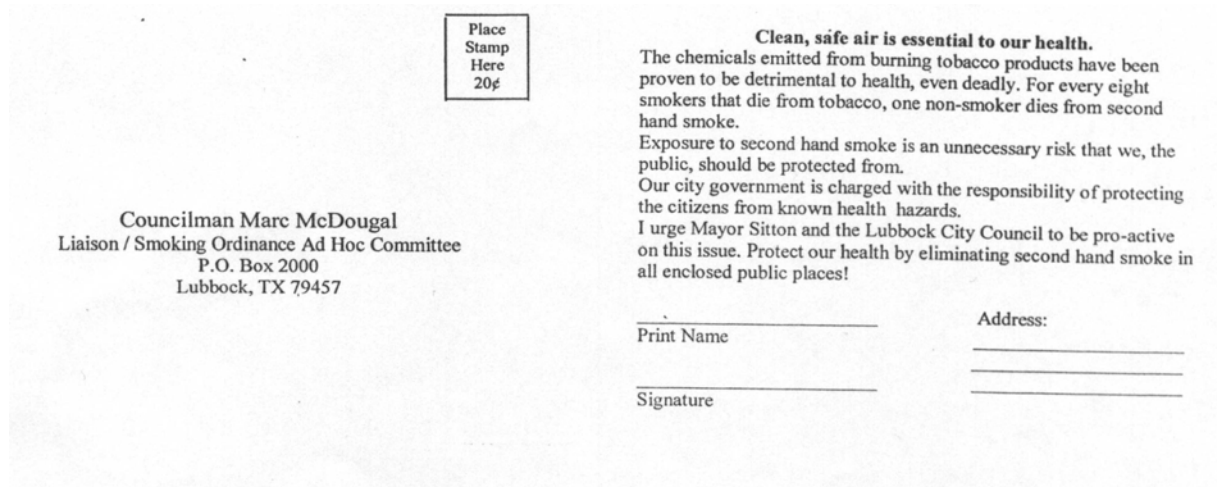


Figure 5. Smokeless Lubbock distributed postcards which residents could send to the City Council members urging them to support smoke-free environments.



Figure 6. Smokeless Lubbock encouraged residents to leave these cards at area restaurants in support of the smoking ordinance.

liaison Marc McDougal, and a compromise proposal introduced by Mayor Windy Sitton. The mayor’s plan would exempt bars and sports grills and require that all restaurants become smoke-free within three years. On June 14, 2001, by a 4-3 vote, the City Council approved the mayor’s plan. The ordinance went into effect on July 22, 2001 and the three year extension period ends on July 22, 2004. See Table 27 for the three different proposals.

Under Lubbock city rules, the council was required to pass the ordinance again on a second reading before it became law. At the June 27, 2001 City Council meeting, they again passed the ordinance but included more exemptions. The exemptions were for:

1. Small businesses that were not primarily open to the public and where the owner was the only worker;
2. All businesses, not just restaurants, could apply for the three year exemption, and
3. Bowling alleys or bingo halls could enclose separate, ventilated rooms for smoking. (118)

Table 27. Lubbock Smoking Ordinances Considered by the City Council		
Proposed by Ad Hoc Smoking Committee	Proposed by Councilman Marc McDougal	Proposed by Mayor Windy Sitton (adopted 6/14/2001)
Exempts bars, sports grills, small restaurants (less than 1,500 sq. ft.), bingo parlors, outdoor patios, and enclosed ventilated smoking rooms. Other public places smoke free.	Exempts current restaurants until they relocate, remodel, or undergo a change of ownership. New restaurants would be smoke free.	Bars and sports grills are exempt. Restaurants can purchase a permit for a three year exemption. After three years, all restaurants are smoke free or they must install enclosed rooms and ventilation systems. New restaurants are smoke free.
(118)(119)		

The issue was still unclear for many citizens. Where did fast-food restaurants fall under the new ordinance? When should businesses enclose smoking rooms? The council met again on July 12, 2001 and voted in favor of making all fast food restaurants smoke-free and allowing restaurant owners could enclose ventilated smoking rooms at any time. (120)

The final issue for many business owners and for the City Council was to determine which establishments could qualify as sports grills and receive an exemption from the ordinance.

Sports bars were controversial because of the zoning system in Lubbock which requires that bars must be located in the Depot District downtown and all other businesses which sell liquor must technically be restaurants, with full service menus. The exemption for sports bars was created to allow a few additional establishments, which cater to an adult crowd but are not in the Depot District, to allow smoking. (83)

The council voted and decided that a sports grill must meet the following criteria:

1. Have a decidedly sporting motif;
2. Have one 43-inch or larger TV for every 5,000 square feet and one 25-inch or larger TV for every 1,000 square feet;
3. Show sporting events in customer areas;
4. Have a full-service restaurant; and
5. Cater to an adult crowd, not offer a child's menu. (121)

The final clarification to the ordinance did not resolve the issue, however. In September, 2001 the local Libertarian Party organized a new group, the Vote for Freedom Coalition, to try and repeal the ordinance. They had 60 days in which to gather 1800 signatures from members of the community. If they were successful, the city council would be forced to place the issue on the ballot for the next election. Although there was controversy over the validity of some of their signatures, the Vote for Freedom Coalition submitted more than 5,000 signatures and 1,945 were certified as valid. Among the signatures that were thrown out was a forgery of the mayor's name. The Smokeless Lubbock Coalition objected to the petition because not all the signatures were witnessed as they are required to be. However, the Council still accepted the signatures and scheduled the issue for the May 4, 2002 election. (122)

The council refused to revert to the 1987 ordinance in the interim, voting unanimously to stick with the smoking ordinance until the election. (122, 123) Even with the controversy and the election to repeal the ordinance, only 600 of the estimated 11,000 businesses in Lubbock requested the three year extensions to continue to allow smoking.

Until the May election, the Smokeless Lubbock Coalition was hard at work on an education campaign for the voters. May 4, 2002 was also the election date for the mayor and the city council, so the Coalition worried less about a "Get out the Vote" effort and focused on

educating the public of the dangers of secondhand smoke and the effectiveness of the smoking ordinance. The referendum was worded as a vote to repeal the ordinance. A yes vote would repeal the ordinance and a no vote would retain the ordinance. Lubbock has a reputation for voting “No” on many issues, so the Coalition was hopeful that they would continue that tradition in the election.(83)

In the election, Lubbock overwhelmingly voted to retain the smoking ordinance, by a 64% to 36% margin. In addition to their education campaign, the Smokeless Lubbock Coalition received over \$100,000 in contributions to support the ordinance. This included several contributions from the American Cancer Society: \$30,000 from Texas Division, \$20,000 from the Austin office, and \$4,000 from the Lubbock office. (124)

Regardless of the controversy surrounding the ordinance, one of its lasting legacies was the creation of a new generation of tobacco control advocates. Amit Bushnan, now a 6th grader, was nominated by Dr. Donna Bacchi for and won a 2001 President’s Environmental Youth Award, sponsored by the Environmental Protection Agency. While he was excited to be chosen for the honor, he emphasized his true motivation in starting STIR (Stop Tobacco in Restaurants). “I wasn’t expecting any awards,” he said. “I really wanted to get the ordinance passed.” (125)

Public Health Disappointments: Dallas and Houston Areas

Dallas

Dallas is Texas’s second-largest city and has never been able to pass effective smoking restrictions. Dallas’ former mayor, Ron Kirk (1994-2002), represented and lobbied for Philip Morris when he was in private law practice prior to his election as mayor. Kirk lobbied for Philip Morris in 1993 when they attempted to sponsor Dallas’ Juneteenth celebration, which features African-American music and history events. Many black leaders in Dallas were opposed to Philip Morris’ involvement because they did not want the festival associated with tobacco. Kirk assisted Philip Morris in their quest for positive publicity as a result of their sponsorship of Juneteenth. (126)

Dallas’ smoking ordinance, passed in the mid 1980s establishes smoking and non-smoking area in restaurants which do not have to be enclosed. An attempt to increase these restrictions and extend them to workplaces in 1987 was fiercely lobbied against by the tobacco industry. In a Tobacco Institute Weekly Activities Report for April 6-10, 1987, Terry Frakes, Regional Vice President of the Tobacco Institute, described his efforts to control the proposed ordinance.

I worked with Ken Benson [PM lobbyist who opposed Lubbock ordinance in 2001] on a time table for TI action in Dallas. Ken and I set a schedule for activity that we believe will be needed in order to combat the proposed ordinance. We are in the process of: hiring extra lobbyists, Ken has already talked to one PR lobbyist type in Dallas and I will be meeting with her next week to hopefully hire her. Interviewing polling firms, updated the TI poll, contacting TAC representatives on TAN action request, scheduling firms for the R.J. Reynolds briefcase study and contacting National Federation of Independent Business, Chamber of Commerce and Hotel/Motel Association Executives for

their support. All of these actions will be completed by the end of next week.
(127)

The “briefcase study” mentioned in the memo was undertaken by the Tobacco Institute and RJ Reynolds to study nicotine levels in Dallas restaurants and offices. They commissioned a firm called International Technology (IT) Corporation to test air quality in Dallas. The testers used briefcases equipped with air sampling equipment called PASS (Portable Air Sampling System) which gathered air samples and separated out particles with a filter. According to the report issued by IT Corporation, the samples were shipped to their laboratories in Torrence, CA where “for analyzing nicotine, a more sophisticated version of the method employed by the U.S. National Institute of Occupational Safety and Health was used.” (128)

The Tobacco Institute released their results which concluded that:

On the average, a non-smoking worker would have to work 6 ½ 40-hour weeks to be exposed to the equivalent of the nicotine in one cigarette....A diner would have to spend 398 hours in a restaurant to be exposed to that much nicotine.
(128)

Local health groups including the American Lung Association and American Heart Association disputed the results, saying that they went against findings in the 1986 Surgeon General’s report. However, the damage was done. The city council refused to enact stronger smoking restrictions in 1987.

In 1995, the tobacco industry again fought to stop a stricter smoking ordinance in Dallas. The bill would have required separately ventilated smoking rooms in restaurants and workplaces and would have required all tobacco vending machines to be equipped with locking devices. (95) In Kirk’s first year as Dallas’ mayor, the city council rejected this proposal.

In 1998, Jack Dillard summarized Dallas’ smoking ordinance:

Dallas: Restaurant owners may designate smoking areas. They may either be enclosed or separated from non-smoking areas as described in your note. The Dallas ordinance has been on the books, without amendment, for many years. It is a good accommodation ordinance. We have worked hard to try and keep it that way. (86)

The Dallas Fresh Air Coalition, a grassroots community group which lobbied for a stricter ordinance in 1995, attempted to bring the issue to the Council again in 1998, again unsuccessfully.

The Coalition, which was dismissed by the Council in 1995 as small and insignificant, signed on more members including the American Cancer Society, American Heart Association, American Lung Association, hospital systems, physicians, and the YWCA of Metropolitan Dallas. The Coalition commissioned a study of Dallas voters which found that 69% favored a smoking ordinance with separate rooms and 65% favored eliminating smoke from the workplace.(129) The City Council still refused to enact smoking restrictions.

The TRUST for Texas coalition reports that the Dallas Fresh Air Coalition is still attempting to bring the issue before the City Council. The Council's contingent has changed somewhat and Mayor Kirk stepped down in 2002 in order to run for Texas' open U.S. Senate seat. The Coalition hopes that the issue might be more favorably received in 2002.

Houston

Houston is the largest city in Texas and has one of the state's least restrictive smoking ordinances. The last serious effort to enact smoking restrictions were in 1997 when a coalition called Tobacco Free Greater Houston, which included members from the American Heart Association, American Lung Association, American Cancer Society, local health departments and DOC, took the issue to the City Council. Prior to that attempt, Houston passed a smoking ordinance in 1986 and amended it in 1994.

The Tobacco Institute kept close watch over the City Council's first smoking ordinance movement in 1986. At the beginning of that year, Mayor Kathy Whitmire created a Task Force on Smoking and asked Councilwoman Eleanor Tinsley to chair it. Councilwoman Tinsley asked representatives from the Houston Restaurant Association, Houston Hotel/Motel Association, Houston Retail Merchants Association, Houston Convention and Visitors Council, City Legal Department, City Health Department, Mayor's office, MD Anderson Cancer Center, and members from the voluntary health agencies to sit on the Task Force. Bowing to the complaints of local businesses, Tinsley included many of their members on the task force. (130)

At the first meeting of the Task Force, on February 7, 1986, there were two speakers who discussed the health hazards of secondhand smoke—Dr. Charles LeMaistre of MD Anderson Cancer Center and president of the Texas division of the American Cancer Society, and Dr. Keith Wilson of MD Anderson. The second meeting of the Task Force included speakers from the American Heart Association and the City health department. (130) Terry Frakes, regional director of the Tobacco Institute, commented on the meeting in a memo to Stan Boman of the Tobacco Institute:

Councilwoman Tinsley did inform the group today that at later meeting they would be hearing from representatives of area businesses that would be affected by any ordinance.

My sources inform me that Councilwoman Tinsley intends to have the Task Force meet weekly at least into March. At the conclusion of the Task Force meetings, she, along with the city health department and city attorney's office will draft an ordinance. I am also informed that it is her intention to have the Task Force endorse the ordinance she proposes. (130)

By May of 1986, Tinsley asked the Houston City Attorney's Office to draft an ordinance based on the Task Force's recommendations. The ordinance was criticized by the tobacco industry and the local trade organizations as being "exceedingly stringent." (131) Tinsley tried to get the issue on the City Council's agenda for May 21, 1986 but was delayed by other council members who did not wish to move too quickly on the issue. A May 15, 1986 memo by Hurst Marshall of the Tobacco Institute detailed the actions taken by the local opposition:

Terry Frakes is continuing to work with restaurant, retail merchants, and hotel/motel associations as well as other allies in the Houston area to generate vocal opposition to the Tinsley ordinance. The success of these efforts can be gaged within the next several days. If sufficient controversy can be aroused, the likelihood of delayed action on the ordinance should be very good. (131)

Their efforts to delay the ordinance were successful, but they failed to kill the movement. The council postponed a vote for several months, but ultimately, on December 31, 1986, the ordinance was enacted.

The ordinance was very weak. It established where smoking was prohibited and in other areas, required that separate sections for smokers and non-smokers be established. It did not require a certain percentage of restaurants and workplaces to be non-smoking. In 1994, the ordinance was amended to require more conspicuous signs to identify smoking and non-smoking areas. See Table 28 for the provisions of the ordinance.

Table 28. Houston Tobacco Control Ordinances, 1986 and 1994	
1986 Ordinance	Smoking is prohibited in public areas, excluding places designated as exception areas. Exception areas include freestanding bars and restaurant bars and restaurants with less than 50 person seating. Larger restaurants must designate non-smoking areas and smoking areas which may be enclosed or separated. Multi-level, enclosed stadiums (the Astrodome) must restrict smoking to hospitality suites and to only one concourse level. Most workplaces required to have designated smoking areas.
1994 Amendment	Signs must be placed conspicuously at the entrance to any smoking area, restaurants must ask patrons which section they prefer, restaurant tables must have smoking or non-smoking signs, and smoking sections must be equipped with ashtrays.
Source: (132)	

In 1997, concerned citizens in Houston in collaboration with Houston GASP, American Cancer Society, American Heart Association and American Lung Association, formed the Tobacco Free Greater Houston (TFGH) coalition to advocate for a 100% smoke-free restaurant ordinance. They also wanted to eliminate smoking and smoking areas from other workplaces and require that bars with a certain capacity limit smoking to separately ventilated rooms. (133)

TFGH focused its efforts on educating the City Council as to the health risks of secondhand smoke and the need for a strong smoke-free restaurant ordinance. (134) However, they failed to run a comprehensive, community education program which could have increased support for the proposal. Instead, they faced heavy opposition from the restaurant and trade associations and got little support from the community at large. The Houston *Chronicle* also came out in opposition to the ordinance. In an August 18, 1997 editorial, they assert that:

The restaurant ban, opposed by many restaurateurs, is a bad idea. It carries government intervention too far. It discounts economics, practicality, free-market forces and personal responsibility. And, in the end, government simply cannot reasonably be expected to protect every citizen from every possible health or accident risk. What is more important, government shouldn't try. What is wrong with letting restaurant owners and their customers make their own decisions? (135)

The coalition, while trying to convince the City Council not to buy these arguments, never effectively answered them for the community at large.

The tobacco industry was still keeping track of the activities in Houston. In a February 24, 1998 memo by Jack Dillard, Government Affairs Director for Philip Morris, he described and admired the restaurant restrictions in Houston.

Houston: Restaurant owners may designate smoking areas. They may either be enclosed or separated from non-smoking areas....Like Dallas, it is a good accommodation ordinance. There is currently an effort underway in Houston to strengthen it and we are, of course, involved in that issue. (86)

The TFGH coalition, in trying to strengthen the ordinance, was also plagued with other problems from the beginning of their campaign. Although they had formed an alliance, the American Heart Association dropped out of the coalition early on because they differed with the other members on how the campaign should be run and whether or not to make the campaign more aggressive. In addition, TFGH decided to approach the council in an election year, when many people on the City Council were unwilling to take on a controversial issue. Generally, if public health advocates can obtain community support, election years are ideal times to propose these issues. However, the community was split over the issue and the council was not willing to risk passing the ordinance. One Council member told tobacco control advocates that he took a great deal of money from the restaurant industry and could not afford to oppose them. (136) The coalition failed to publicize comments like these, which expressed more concern for money than for public health, and they eventually lost their fight. The City Council refused to enact any additional smoking restrictions, and the Coalition disbanded.

Most of the local tobacco control activity in the Houston area is now being conducted in the surrounding suburbs. A new coalition, Tobacco Free Fort Bend (a neighboring county) has been formed to try and enact smoking ordinances in the smaller towns around Houston. Community groups are active in the suburbs of Pasadena, Katy and Bellaire. These groups have been active in educating the public and their city councils about the dangers of secondhand smoke. The suburb of Baytown has had a smoking ordinance in place for workplaces and restaurants since 1999. The TRUST for Texas coalition, funded by a Robert Wood Johnson Smokeless States grant, is also exploring smoke-free ordinances in Pasadena and Manville. (108, 134, 136)

CONCLUSIONS

The tobacco industry has successfully used campaign contributions, tort reform and Texas' own conservative, anti-government character to stop statewide legislation and hamper tobacco control programs. The state legislature consistently refuses to pass legislation which would protect all Texans from secondhand smoke exposure in workplaces and restaurants. Even state buildings are not required to be smoke-free, although many have adopted voluntary smoking restrictions.

The most effective smoke-free laws in Texas are passed at the local level when community groups and health groups form coalitions and educate their city council and the

population about the dangers of secondhand smoke. The tobacco industry often tries to influence these local ordinances through restaurant groups and “property rights” groups. When health coalitions expose the tobacco industry’s involvement and repudiate erroneous claims that smoke-free ordinances will drive away business, then they are oftentimes successful in their efforts.

Texas’ statewide tobacco control programs, while increasing since the receipt of settlement money, are still insufficient to combat the tobacco industry’s continued presence and influence. The Texas Department of Health, operating with less than 1% of Texas’ received settlement money, has been forced to limit their tobacco control programs to a small portion of East Texas, mainly in the Houston area. Although their program was very successful in reducing youth initiation rates and increasing cessation rates, the state legislature has refused to sufficiently fund the program and allow the TDH to expand it statewide. In order to meet CDC Best Practices recommendations for an effective tobacco control program, the legislature would have to increase funding from \$12 million to \$103 million annually.

Health advocates working in the state capitol have been unsuccessful in convincing the legislature to increase tobacco control funding to these minimum CDC levels. While they were organized as the TRUST coalition to achieve that goal, their efforts have been refocused on local ordinances since the receipt of a Smokeless States grant from the Robert Wood Johnson foundation. For the 2003 legislative session, the health groups must be more decisive in their negotiations with the legislature if they want to see increased tobacco control funding.

Despite the fact that public health advocates and many government officials are committed to tobacco control, the industry has managed to keep significant change out of reach at the state level. The question for the future is whether the public health community—both inside and, more important, outside government—will mobilize the resources and take the political risks necessary to finally bring a vigorous tobacco control agenda to Texas.

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APPENDIX TABLES

Table A-1. Philip Morris' Contributions to Legislative Officeholders and Candidates: 1988-1989

Officeholder/Candidate	Party	House	1988	1989	Totals
Alexander, Clyde	D	H			\$0
Anderson, Richard	D	S	\$2,000		\$2,000
Armbrister, Kenneth	D	S			\$0
Arnold, Bill	D	H			\$0
Bailey, Kevin	D	H		\$300	\$300
Barrientos, Gonzalo	D	S			\$0
Barton, Erwin	D	H			\$0
Beauchamp, Jerry	D	H			\$0
Berlanga, Hugo	D	H			\$0
Betts, Weldon	D	H	\$250		\$250
Bivens, Teel	R	S			\$0
Blackwood, Bill	R	H			\$0
Blair, Fred	D	H			\$0
Brimer, Kim	R	H			\$0
Brooks, Chet	D	S			\$0
Brown, James E. "Buster"	R	S			\$0
Cain, David	D	H	\$250		\$250
Campbell, Ben	R	H			\$0
Caperton, Kent	D	S	\$1,000		\$1,000
Carriker, Steve	D	S	\$1,000		\$1,000
Carter, Bill	R	H			\$0
Cavazos, Eddie	D	H			\$0
Chisum, Warren	D	H			\$0
Clemons, Billy	D	H			\$0
Colbert, Paul	D	H			\$0
Collazo, Frank Jr.	D	H			\$0
Conley, Karyne	D	H			\$0
Connelly, E. Barry	R	H			\$0
Counts, David	D	H			\$0
Craddick, Tom	R	H			\$0
Crawford, Richard	R	H			\$0
Criss, Lloyd	D	H			\$0
Cuellar, Henry	D	H			\$0
Cuellar, Renato	D	H			\$0
Culberson, John	R	H			\$0
Danburg, Debra	D	H	\$300		\$300
Delco, Wilhelmina	D	H	\$400		\$400
Denton, Betty	D	H			\$0
Dickson, Temple	D	S			\$0
Dutton, Harold	D	H			\$0
Earley, Robert	D	H	\$250		\$250
Eckels, Robert	R	H			\$0
Edge, Eldon	D	H			\$0
Edwards, Al	D	H			\$0
Edwards, Chet	D	S			\$0
Evans, Larry	D	H			\$0
Finnell, Charles	D	H			\$0
Fraser, Troy	R	H			\$0
Garcia, Orlando	D	H			\$0
Gavin, John	D	H			\$0
Gibson, Bruce	D	H			\$0
Glasgow, Bob	D	S	\$1,000		\$1,000

Table A-1. Philip Morris' Contributions to Legislative Officeholders and Candidates: 1988-1989

Officeholder/Candidate	Party	House	1988	1989	Totals
Glossbrenner, Ernestine	D	H			\$0
Goolsby, Tony	R	H			\$0
Granoff, Al	D	H			\$0
Green, Gene	D	S			\$0
Grusendorf, Kent	R	H			\$0
Guerrero, Lena	D	H	\$250		\$250
Haggerty, Pat	R	H			\$0
Haley, Bill	D	S	\$1,000		\$1,000
Hammond, Bill	R	H			\$0
Harris, Chris	R	H			\$0
Harris, Ike	R	S			\$0
Harris, Jack	R	H			\$0
Harrison, Dudley	D	H			\$0
Hartland, Charlie	D	H			\$0
Heflin, Talmadge	R	H			\$0
Henderson, Don	R	S			\$0
Hightower, Allen	D	H			\$0
Hilbert, Paul	R	H	\$250		\$250
Hilderbran, Harvey	R	H			\$0
Hill, Anita	R	H	\$400		\$400
Hill, Fred	R	H			\$0
Hill, Patricia	R	H			\$0
Hinojosa, Juan	D	H			\$0
Hollowell, Bill	D	H			\$0
Holzheuser, Steve	R	H			\$0
Horn, Jim	R	H			\$0
Hudson, David	D	H			\$0
Hudson, Samuel	D	H			\$0
Hunter, Bob	R	H			\$0
Hunter, Todd	D	H			\$0
Hury, James	D	H			\$0
Jackson, Mike	R	H			\$0
Johnson, Eddie Bernice	D	S			\$0
Johnson, Jerry	D	H			\$0
Johnson, Sam	R	H			\$0
Jones, Delwin	R	H			\$0
Jones, Grant	R	S	\$5,000		\$5,000
Junell, Robert	D	H			\$0
Krier, Cynthia	R	S	\$1,000		\$1,000
Kubiak, LB	D	H			\$0
Kuempel, Edmund	R	H			\$0
Laney, James "Pete"	D	H	\$1,000		\$1,000
Larry, Jerald	D	H			\$0
Leedom, John	R	S			\$0
Lewis, Gibson (speaker)	D	H			\$0
Lewis, Ron	D	H			\$0
Linebarger, Libby	D	H			\$0
Lucio, Eddie Jr.	D	H			\$0
Luna, Albert III	D	H	\$250		\$250
Luna, Gregory	D	H			\$0
Lyon, Ted	D	S	\$1,000		\$1,000
Madla, Frank	D	H			\$0
Marchant, Ken	R	H			\$0

Table A-1. Philip Morris' Contributions to Legislative Officeholders and Candidates: 1988-1989

Officeholder/Candidate	Party	House	1988	1989	Totals
Martinez, Roman	D	H			\$0
McCollough, Parker	D	H			\$0
McDonald, Nancy	D	H			\$0
McFarland, Bob	R	S	\$1,000		\$1,000
McKinney, Mike	D	H			\$0
McWilliams, Jim	D	H	\$250		\$250
Melton, Bob	D	H			\$0
Millsap, Richard	R	H	\$400		\$400
Montford, John	D	S			\$0
Morales, Dan	D	H	\$400		\$400
Moreno, Alex	D	H			\$0
Moreno, Paul	D	H			\$0
Mowery, Anna	R	H			\$0
Oakley, Keith	D	H	\$250		\$250
Ovard, AR	R	H			\$0
Park, Carolyn	R	H			\$0
Parker, Carl	D	S			\$0
Parker, Jim	D	H			\$0
Parmer, Hugh	D	S	\$1,000		\$1,000
Patterson, Pete	D	H			\$0
Pennington, Randy	R	H			\$0
Perez, Nicolas	D	H	\$250		\$250
Perry, Rick	D	H	\$300		\$300
Pierce, George	R	H			\$0
Polumbo, Tony	D	H			\$0
Price, Albert	D	H			\$0
Rangel, Irma	D	H	\$400		\$400
Ratliff, Bill	R	S			\$0
Repp, Glenn	R	H			\$0
Richardson, Bob	R	H			\$0
Robinson, Phyllis	D	H			\$0
Robnett, Nolan	R	H			\$0
Rodriguez, Ciro	D	H			\$0
Rudd, Jim	D	H			\$0
Russell, Sam	D	H			\$0
Santiesteban, H. Tati	D	S			\$0
Saunders, Robert	D	H	\$400		\$400
Schlueter, Stan	D	H			\$0
Schoolcraft, Alan	R	H			\$0
Seidlits, Curtis	D	H			\$0
Shea, Gwyn	R	H			\$0
Shelley, Dan	R	H	\$250		\$250
Shine, Hugh	R	H			\$0
Sims, Bill	D	S			\$0
Smith, Ashley	R	H			\$0
Smith, Dalton	R	H			\$0
Smith, Richard	R	H			\$0
Smith, Terral	R	H			\$0
Smithee, John	R	H			\$0
Soileau, Curtis	D	H			\$0
Stiles, Mark	D	H	\$400		\$400
Swift, Dick	D	H			\$0
Tallas, Jim	R	H	\$250		\$250

Table A-1. Philip Morris' Contributions to Legislative Officeholders and Candidates: 1988-1989

Officeholder/Candidate	Party	House	1988	1989	Totals
Taylor, MA	R	H			\$0
Tejada, Frank	D	S			\$0
Telford, Barry	D	H			\$0
Thomas, Bill	R	H			\$0
Thompson, Garfield	D	H			\$0
Thompson, Senfronia	D	H			\$0
Truan, Carols	D	S			\$0
Turner, Sylvester	D	H			\$0
Uher, Donald	D	H			\$0
Uribe, Hector	D	S			\$0
Valigura, Keith	R	H			\$0
VanderVoort, Ken	R	H			\$0
Vowell, Jack	R	H	\$250		\$250
Wallace, Ralph	D	H	\$250		\$250
Warner, Larry	D	H			\$0
Washington, Craig	D	S		\$1,500	\$1,500
Waterfield, Richard	R	H			\$0
Watkins, Gary	D	H			\$0
Wentworth, Jeff	R	H			\$0
Whitmire, John	D	S			\$0
Williamson, Richard	D	H			\$0
Willis, Doyle	D	H			\$0
Willy, John	R	H			\$0
Wilson, Ron	D	H	\$400		\$400
Wolens, Steven	D	H	\$250		\$250
Wright, Brad	R	H			\$0
Yost, Gerald	R	H			\$0
Zaffirini, Judith	D	S			\$0
Grand Totals			\$23,300	\$1,800	\$25,100

Table A-2. Philip Morris' Contributions to Legislative Officeholders and Candidates: 1990-1991

Officeholder/Candidate	Party	House	1988-1989	1990	1991	1990-91	
						Totals	Grand Totals
Alexander, Clyde	D	H				\$0	\$0
Armbrister, Ken	D	S		\$1,000		\$1,000	\$1,000
Arnold, Bill	D	H				\$0	\$0
Bailey, Kevin	D	H	\$300			\$0	\$300
Barrientos, Gonzalo	D	S		\$1,100		\$1,100	\$1,100
Barton, Erwin	D	H				\$0	\$0
Berlanga, Hugo	D	H		\$750		\$750	\$750
Bivens, Teel	R	S				\$0	\$0
Black, Layton	D	H				\$0	\$0
Blackwood, Bill	R	H				\$0	\$0
Blair, Fred	D	H				\$0	\$0
Bomer, Elton	D	H				\$0	\$0
Bosse, Fred	D	H				\$0	\$0
Brady, Kevin	R	H				\$0	\$0
Brimer, Kim	R	H				\$0	\$0
Brooks, Chet	D	S				\$0	\$0
Brown, James "Buster"	R	S				\$0	\$0
Cain, David	D	H	\$250		\$500	\$500	\$750
Campbell, Ben	R	H		\$300		\$300	\$300
Carona, John	R	H				\$0	\$0
Carriker, Steve	D	S	\$1,000	\$1,000		\$1,000	\$2,000
Carter, Bill	R	H				\$0	\$0
Cate, Tom	D	H				\$0	\$0
Cavazos, Eddie	D	H				\$0	\$0
Chisum, Warren	D	H				\$0	\$0
Clemons, Billy	D	H				\$0	\$0
Colbert, Paul	D	H				\$0	\$0
Collazo, Frank	D	H				\$0	\$0
Conley, Karyne	D	H				\$0	\$0
Cook, John	D	H				\$0	\$0
Counts, David	D	H		\$300		\$300	\$300
Craddick, Tom	R	H				\$0	\$0
Crawford, Richard	R	H				\$0	\$0
Cuellar, Henry	D	H				\$0	\$0
Culberson, John	R	H				\$0	\$0
Danburg, Debra	D	H	\$300	\$300		\$300	\$600
De la Garza, Eddie	D	H				\$0	\$0
Delco, Wilhelmina	D	H	\$400	\$350		\$350	\$750
Delisi, Dianne White	R	H		\$250		\$250	\$250
Denton, Betty	D	H				\$0	\$0
Dickson, Temple	D	S		\$1,000		\$1,000	\$1,000
Dutton, Harold	D	H		\$300		\$300	\$300
Earley, Robert	D	H	\$250			\$0	\$250
Eckels, Robert	R	H				\$0	\$0
Edwards, Al	D	H				\$0	\$0
Ellis, Rodney	D	S				\$0	\$0
Evans, Larry	D	H				\$0	\$0
Finnell, Charles	D	H				\$0	\$0
Fleuriet, Kenneth	R	H				\$0	\$0
Fraser, Troy	R	H				\$0	\$0
Gallego, Pete	D	H				\$0	\$0

Table A-2. Philip Morris' Contributions to Legislative Officeholders and Candidates: 1990-1991

				1990-91		
Gallegos, Mario Jr.	D	H			\$0	\$0
Gibson, Bruce	D	H		\$400	\$400	\$400
Glasgow, Bob	D	S	\$1,000	\$1,000	\$1,000	\$2,000
Glaze, Bob	D	H			\$0	\$0
Glossbrenner, Ernestine	D	H			\$0	\$0
Goodman, Toby	R	H			\$0	\$0
Goolsby, Tony	R	H			\$0	\$0
Granoff, Al	D	H			\$0	\$0
Green, Gene	D	S			\$0	\$0
Greenberg, Sherri	D	H			\$0	\$0
Grusendorf, Kent	R	H			\$0	\$0
Guerrero, Lena	D	H	\$250	\$400	\$400	\$650
Gutierrez, Roberto	D	H			\$0	\$0
Haggerty, Pat	R	H			\$0	\$0
Haley, Bill	D	S	\$1,000		\$0	\$1,000
Hamric, Peggy	R	H			\$0	\$0
Harris, Chris	R	S			\$0	\$0
Harris, Ike	R	S			\$0	\$0
Harris, Jack	R	H			\$0	\$0
Hartnett, Will	R	H			\$0	\$0
Heflin, Talmadge	R	H			\$0	\$0
Henderson, Don	R	S			\$0	\$0
Hernandez, Christine	D	H			\$0	\$0
Hightower, Allen	D	H			\$0	\$0
Higley, Bob	D	H		\$300	\$300	\$300
Hilbert, Paul	R	H	\$250	\$300	\$300	\$550
Hilderbran, Harvey	R	H			\$0	\$0
Hill, Anita	R	H	\$400		\$0	\$400
Hill, Fred	R	H			\$0	\$0
Hirschi, John	D	H			\$0	\$0
Holzheuser, Steve	R	H		\$400	\$400	\$400
Horn, Jim	R	H			\$0	\$0
Hudson, Sam	D	H			\$0	\$0
Hunter, Robert	R	H			\$0	\$0
Hunter, Todd	D	H			\$0	\$0
Hury, James	D	H		\$500	\$500	\$500
Jackson, Mike	R	H			\$0	\$0
Johnson, Eddie Bernice	D	S			\$0	\$0
Johnson, Jerry	D	H			\$0	\$0
Jones, Delwin	R	H		\$300	\$300	\$300
Junell, Robert	D	H			\$0	\$0
Kamel, Ted	R	H			\$0	\$0
Krier, Cyndi	R	S	\$1,000		\$0	\$1,000
Kubiak, Dan	D	H			\$0	\$0
Kuempel, Edmund	R	H		\$500	\$500	\$500
Laney, James "Pete"	D	H	\$1,000	\$1,000	\$1,000	\$2,000
Larry, Jerald	D	H		\$300	\$300	\$300
Leedom, John	R	S			\$0	\$0
Lewis, Gibson (speaker)	D	H		\$2,500	\$2,500	\$2,500
Lewis, Ron	D	H			\$0	\$0
Linebarger, Libby	D	H		\$300	\$300	\$300
Lucio, Eddie Jr.	D	S			\$0	\$0
Luna, Gregory	D	H			\$0	\$0

Table A-2. Philip Morris' Contributions to Legislative Officeholders and Candidates: 1990-1991

				1990-91		
Lyon, Ted	D	S	\$1,000		\$0	\$1,000
Madla, Frank	D	H			\$0	\$0
Marchant, Ken	R	H			\$0	\$0
Martin, Mike	D	H			\$0	\$0
Martinez, Roman	D	H			\$0	\$0
Maxey, Glen	D	H			\$0	\$0
McCall, Brian	R	H			\$0	\$0
McCollough, Parker	D	H			\$0	\$0
McDonald, Nancy	D	H			\$0	\$0
Moncrief, Mike	D	S			\$0	\$0
Montford, John	D	S			\$0	\$0
Moreno, Paul	D	H			\$0	\$0
Mowery, Anna	R	H			\$0	\$0
Naishtat, Elliott	D	H			\$0	\$0
Oakley, Keith	D	H	\$250	\$400	\$400	\$650
Ogden, Steve	R	H		\$350	\$350	\$350
Oliveira, Rene	D	H			\$0	\$0
Ovard, AR	R	H			\$0	\$0
Park, Carolyn	R	H			\$0	\$0
Parker, Carl	D	S			\$0	\$0
Patterson, Pete	D	H			\$0	\$0
Pennington, Randy	R	H			\$0	\$0
Perez, Nicholas	D	H	\$250		\$0	\$250
Pierce, George	R	H			\$0	\$0
Place, Allen	D	H			\$0	\$0
Price, Al	D	H			\$0	\$0
Puente, Robert	D	H			\$0	\$0
Rabuck, Bob	R	H			\$0	\$0
Rangel, Irma	D	H	\$400		\$0	\$400
Ratliff, Bill	R	S			\$0	\$0
Repp, Glenn	R	H			\$0	\$0
Robnett, Nolan	R	H			\$0	\$0
Rodriguez, Ciro	D	H			\$0	\$0
Rosson, Peggy	D	S			\$0	\$0
Rudd, Jim	D	H			\$0	\$0
Russell, Sam	D	H			\$0	\$0
Sadler, Paul	D	H			\$0	\$0
Saunders, Robert	D	H	\$400		\$0	\$400
Schechter, Sue	D	H			\$0	\$0
Schoolcraft, Alan	R	H			\$0	\$0
Seidlits, Curtis	D	H		\$1,000	\$1,000	\$1,000
Shea, Gwyn	R	H			\$0	\$0
Shelley, Dan	R	H	\$250		\$0	\$250
Sibley, David	R	S			\$0	\$0
Sims, Bill	D	S			\$0	\$0
Smith, Ashley	R	H			\$0	\$0
Smith, Dalton	R	H			\$0	\$0
Smith, Richard	R	H		\$1,500	\$1,500	\$1,500
Smithee, John	R	H			\$0	\$0
Soileau, Curtis	D	H			\$0	\$0
Stiles, Mark	D	H	\$400	\$500	\$500	\$900
Swinford, David	R	H			\$0	\$0
Tallas, Jim	R	H	\$250	\$700	\$700	\$950

Table A-2. Philip Morris' Contributions to Legislative Officeholders and Candidates: 1990-1991

			1990-91				
Taylor, MA	R	H			\$0	\$0	
Tejada, Frank	D	S			\$0	\$0	
Telford, Barry	D	H			\$0	\$0	
Thomas, Bill	R	H			\$0	\$0	
Thompson, Garfield	D	H			\$0	\$0	
Thompson, Senfronia	D	H			\$0	\$0	
Truan, Carlos	D	S		\$1,000	\$1,000	\$1,000	
Turner, Bob	D	H			\$0	\$0	
Turner, Jim	D	S	\$1,000		\$1,000	\$1,000	
Turner, Sylvester	D	H			\$0	\$0	
Uher, Tom	D	H			\$0	\$0	
Van de Putte, Leticia	D	H			\$0	\$0	
Von Dohlen, Tim	D	H			\$0	\$0	
Vowell, Jack	R	H	\$250		\$0	\$250	
Wallace, Ralph	D	H	\$250		\$0	\$250	
Watkins, Gary	D	H			\$0	\$0	
Wentworth, Jeff	R	H			\$0	\$0	
Whitmire, John	D	S			\$0	\$0	
Williamson, Ric	D	H			\$0	\$0	
Willis, Doyle	D	H			\$0	\$0	
Willy, John	R	H			\$0	\$0	
Wilson, Ron	D	H	\$400		\$0	\$400	
Wolens, Steve	D	H	\$250		\$0	\$250	
Yarbrough, Ken	D	H			\$0	\$0	
Yost, Gerald	R	H		\$300	\$300	\$300	
Zaffirini, Judith	D	S		\$1,000	\$1,000	\$1,000	
Totals			\$11,750	\$21,600	\$1,500	\$23,100	\$34,850

Table A-3. Philip Morris' Contributions to Legislative Officeholders and Candidates: 1992-1993

Officeholder/Candidate	Party	House	1992-93			Totals	Grand Totals
			1988-1991	1992	1993		
Allen, Ray	R	H		\$400		\$400	\$400
Alexander, Clyde	D	H				\$0	\$0
Alonso, Roberto	D	H				\$0	\$0
Alvarado, Leo	D	H				\$0	\$0
Armbrister, Ken	D	S	\$1,000			\$0	\$1,000
Averitt, Kip	R	H		\$450		\$450	\$450
Bailey, Kevin	D	H	\$300	\$400		\$400	\$700
Barnes, Libba	R	H		\$400		\$400	\$400
Barrientos, Gonzalo	D	S	\$1,100	\$1,000		\$1,000	\$2,100
Berlanga, Hugo	D	H	\$750			\$0	\$750
Bivens, Teel	R	S				\$0	\$0
Black, Layton	D	H		\$450		\$450	\$450
Blackwood, Bill	R	H				\$0	\$0
Bomer, Elton	D	H				\$0	\$0
Brady, Kevin	R	H				\$0	\$0
Brimer, Kim	R	H				\$0	\$0
Brown, J.E. "Buster"	R	S		\$1,000		\$1,000	\$1,000
Cain, David	D	H	\$750	\$500	\$500	\$1,000	\$1,750
Campbell, Ben	R	H	\$300	\$850		\$850	\$1,150
Carona, John	R	H		\$400		\$400	\$400
Carriker, Steven	D	S	\$2,000			\$0	\$2,000
Carter, Bill	R	H				\$0	\$0
Cavazos, Eddie	D	H				\$0	\$0
Chisum, Warren	D	H				\$0	\$0
Clemons, Billy	D	H				\$0	\$0
Coleman, Garnet	D	H		\$500		\$500	\$500
Conley, Karyne	D	H				\$0	\$0
Cook, John	D	H				\$0	\$0
Corte, Frank	R	H				\$0	\$0
Counts, David	D	H	\$300			\$0	\$300
Crabb, Joe	R	H				\$0	\$0
Craddick, Tom	R	H				\$0	\$0
Cuellar, Henry	D	H				\$0	\$0
Cuellar, Renato	D	H		\$500		\$500	\$500
Culberson, John	R	H				\$0	\$0
Danburg, Debra	D	H	\$600			\$0	\$600
Davila, Diana	D	H				\$0	\$0
Davis, Yvonne	D	H		\$500		\$500	\$500
Day, Jimmy	D	H				\$0	\$0
De la Garza, Eddie	D	H				\$0	\$0
Dear, Homer	D	H				\$0	\$0
Delco, Wilhemina	D	H	\$750			\$0	\$750
Delisi, Dianne White	R	H	\$250			\$0	\$250
Denton, Betty	D	H				\$0	\$0
Driver, Joe	R	H				\$0	\$0
Duncan, Robert	R	H				\$0	\$0
Dutton, Harold	D	H	\$300	\$500		\$500	\$800
Earley, Robert	D	H	\$250			\$0	\$250
Eckels, Robert	R	H				\$0	\$0
Edwards, Al	D	H				\$0	\$0
Ellis, Rodney	D	S				\$0	\$0

Table A-3. Philip Morris' Contributions to Legislative Officeholders and Candidates: 1992-1993

				1992-93		
Erickson, Bernard	R	H			\$0	\$0
Finnell, Charles	D	H			\$0	\$0
Flores, Yolanda	D	H			\$0	\$0
Fraser, Troy	R	S	\$2,500		\$2,500	\$2,500
Gallegos, Mario	D	H	\$800		\$800	\$800
Gellego, Pete	D	H			\$0	\$0
Giddings, Helen	D	H			\$0	\$0
Glaze, Bob	D	H			\$0	\$0
Goodman, Toby	R	H			\$0	\$0
Goolsby, Tony	R	H			\$0	\$0
Granoff, Al	D	H			\$0	\$0
Greenberg, Sherri	D	H			\$0	\$0
Grusendorf, Kent	R	H	\$500		\$500	\$500
Gutierrez, Roberto	D	H			\$0	\$0
Haggerty, Pat	R	H			\$0	\$0
Haley, Bill	D	S	\$1,000	\$1,000	\$1,000	\$2,000
Hamric, Peggy	R	H			\$0	\$0
Harris, Chris	R	S	\$1,000		\$1,000	\$1,000
Harris, Jack	R	H			\$0	\$0
Harris, O.H. "Ike"	R	S			\$0	\$0
Hartman, Mary	R	H	\$400		\$400	\$400
Hartnett, Will	R	H			\$0	\$0
Heflin, Talmadge	R	H	\$900		\$900	\$900
Henderson, Don	R	S			\$0	\$0
Hernandez, Christine	D	H			\$0	\$0
Hightower, A.R. Jr.	D	H			\$0	\$0
Hilbert, Paul	R	H	\$550	\$300	\$300	\$850
Hilderbran, Harvey	R	H	\$500		\$500	\$500
Hill, Fred	R	H			\$0	\$0
Hirschi, John	D	H			\$0	\$0
Hochberg, Scott	D	H			\$0	\$0
Holzheuser, Steve	R	H	\$400	\$450	\$450	\$850
Horn, Jim	R	H			\$0	\$0
Hudson, Sam	D	H			\$0	\$0
Hunter, Bob	R	H			\$0	\$0
Hunter, Todd	D	H			\$0	\$0
Hury, James	D	H	\$500		\$0	\$500
Jackson, Mike	R	H			\$0	\$0
James, Mary Denny	R	H			\$0	\$0
Johnson, Jerry	D	H			\$0	\$0
Jones, Delwin	R	H	\$300		\$0	\$300
Jones, Jesse	D	H			\$0	\$0
Junnell, Robert	D	H			\$0	\$0
Kamel, Ted	R	H	\$300		\$300	\$300
Krusee, Michael	R	H			\$0	\$0
Kubiak, Dan	D	H			\$0	\$0
Kuempel, Edmund	R	H	\$500	\$750	\$750	\$1,250
Laney, Pete (speaker)	D	H	\$2,000		\$0	\$2,000
Leedom, John	R	S			\$0	\$0
Lewis, Ron	D	H		\$500	\$500	\$500
Linebarger, Libby	D	H	\$300		\$0	\$300
Longoria, John Amos	D	H			\$0	\$0
Lucio, Eddie	D	S	\$2,500		\$2,500	\$2,500

Table A-3. Philip Morris' Contributions to Legislative Officeholders and Candidates: 1992-1993

				1992-93		
Luna, Gregory	D	S			\$0	\$0
Madden, Jerry	R	H			\$0	\$0
Madla, Frank	D	S	\$750		\$750	\$750
Marchant, Kenny	R	H			\$0	\$0
Martin, Mike	D	H			\$0	\$0
Maxey, Glen	D	H			\$0	\$0
McCall, Brian	R	H			\$0	\$0
McCoulskey, Huey	D	H			\$0	\$0
McDonald, Nancy	D	H			\$0	\$0
Moffat, Nancy	R	H			\$0	\$0
Moncrief, Mike	D	S			\$0	\$0
Montford, John	D	S			\$0	\$0
Moreno, Paul	D	H			\$0	\$0
Mowery, Anna	R	H	\$500		\$500	\$500
Munoz, Sergio	D	H			\$0	\$0
Naishtat, Elliot	D	H			\$0	\$0
Nelson, Jane	R	S			\$0	\$0
Nieto, Pedro	D	H			\$0	\$0
Oakley, Keith	D	H	\$650	\$500	\$500	\$1,150
Ogden, Steve	R	H	\$350		\$0	\$350
Oliveira, Rene	D	H			\$0	\$0
Park, Carolyn	R	H	\$450		\$450	\$450
Parker, Carl	D	S			\$0	\$0
Parra, Tony	D	H			\$0	\$0
Patterson, Jerry	R	S			\$0	\$0
Patterson, L.P.	D	H			\$0	\$0
Perez, Nick	D	H	\$250	\$900	\$900	\$1,150
Pitts, Jim	R	H			\$0	\$0
Place, Allen	D	H			\$0	\$0
Price, Al	D	H			\$0	\$0
Puente, Robert	D	H			\$0	\$0
Rabuck, Bob	R	H			\$0	\$0
Ragsdale, Paul	D	H	\$400		\$400	\$400
Ramsey, Tom	D	H			\$0	\$0
Rangel, Irma	D	H	\$400		\$0	\$400
Ratliff, Bill	R	S			\$0	\$0
Raymond, Richard	D	H			\$0	\$0
Rodriguez, Ciro	D	H			\$0	\$0
Romo, Sylvia	D	H			\$0	\$0
Rosson, Peggy	D	S	\$1,500		\$1,500	\$1,500
Rudd, Jim	D	H			\$0	\$0
Russell, Sam	D	H	\$500		\$500	\$500
Sadler, Paul	D	H			\$0	\$0
Saunders, Robert	D	H	\$400		\$0	\$400
Schecter, Sue	D	H			\$0	\$0
Schoolcraft, Alan	R	H		\$1,500	\$1,500	\$1,500
Seidlits, Curtis	D	H	\$1,000	\$450	\$1,000	\$2,450
Shapiro, Florence	R	S			\$0	\$0
Shea, Gwyn	R	H	\$900		\$900	\$900
Shelley, Dan	R	S	\$250	\$1,000	\$1,000	\$1,250
Shields, John	R	H	\$400		\$400	\$400
Sibley, David	R	S	\$1,000		\$1,000	\$1,000
Siebert, Bill	R	H			\$0	\$0

Table A-3. Philip Morris' Contributions to Legislative Officeholders and Candidates: 1992-1993

		1992-93					
Sims, Bill	D	S	\$2,500		\$2,500	\$2,500	
Smith, Ashley	R	H			\$0	\$0	
Smith, Dalton	R	H	\$800		\$800	\$800	
Smithee, John	R	H			\$0	\$0	
Solis, Jim	D	H			\$0	\$0	
Stiles, Mark	D	H	\$900	\$500	\$500	\$1,400	
Swinford, David	R	H			\$0	\$0	
Tallas, Jim	R	H	\$950		\$0	\$950	
Talton, Robert	R	H			\$0	\$0	
Telford, Barry	D	H			\$0	\$0	
Thompson, G.W. "Buddy"	D	H	\$400		\$400	\$400	
Thompson, Senfronia	D	H	\$800		\$800	\$800	
Truan, Carlos	D	S	\$1,000		\$0	\$1,000	
Turner, Jim	D	S	\$1,000		\$0	\$1,000	
Turner, Sylvester	D	H			\$0	\$0	
Uher, D.R. "Tom"	D	H			\$0	\$0	
Van de Putte, Leticia	D	H	\$400		\$400	\$400	
Vowell, Jack	R	H	\$250		\$0	\$250	
Wentworth, Jeff	R	S		\$500	\$500	\$500	
West, Buddy	R	H			\$0	\$0	
West, Royce	D	S			\$0	\$0	
Whitmire, John	D	S	\$1,000		\$1,000	\$1,000	
Williamson, Ric	D	H			\$0	\$0	
Willis, Doyle	D	H			\$0	\$0	
Wilson, Ron	D	H	\$400		\$0	\$400	
Wolens, Steve	D	H	\$250		\$0	\$250	
Yarbrough, Ken	D	H	\$400		\$400	\$400	
Yost, Jerry	R	H	\$300	\$500	\$500	\$800	
Zaffarini, Judith	D	S	\$1,000		\$0	\$1,000	
Zbranek, Zeb	D	H			\$0	\$0	
Totals			\$23,550	\$38,300	\$2,000	\$40,300	\$63,850

Table A-4. Philip Morris' Contributions to Legislative Officeholders and Candidates: 1994-1995

Officeholder/Candidate	Party	House	1988-1993	1994	1995	1994-95	
						Totals	Grand Totals
Alexander, Clyde	D	H				\$0	\$0
Allen, Ray	R	H	\$400			\$0	\$400
Alonzo, Roberto	D	H				\$0	\$0
Alvarado, Leo	D	H				\$0	\$0
Armbrister, Kenneth	D	S	\$1,000	\$1,000		\$1,000	\$2,000
Averitt, Kip	R	H	\$450			\$0	\$450
Bailey, Kevin	D	H	\$700			\$0	\$700
Barrientos, Gonzalo	D	S	\$2,100	\$1,000		\$1,000	\$3,100
Berlanga, Hugo	D	H	\$750	\$500		\$500	\$1,250
Bivens, Teel	R	S				\$0	\$0
Black, Layton	D	H	\$450			\$0	\$450
Bosse, Fred	D	H				\$0	\$0
Brady, Kevin	R	H				\$0	\$0
Brimer, Kim	R	H				\$0	\$0
Brown, J.E. "Buster"	R	S	\$1,000	\$1,000		\$1,000	\$2,000
Cain, David	D	S	\$1,750	\$1,000	\$500	\$1,500	\$3,250
Carona, John	R	H	\$400			\$0	\$400
Carter, Bill	R	H				\$0	\$0
Chisum, Warren	D	H				\$0	\$0
Clemons, Billy	D	H				\$0	\$0
Coleman, Garnet	D	H	\$500			\$0	\$500
Combs, Susan	R	H				\$0	\$0
Conley, Karyne	D	H				\$0	\$0
Cook, John	D	H				\$0	\$0
Corte, Frank	R	H				\$0	\$0
Counts, David	D	H	\$300			\$0	\$300
Crabb, Joe	R	H				\$0	\$0
Craddick, Tom	R	H				\$0	\$0
Cuellar, Henry	D	H				\$0	\$0
Cuellar, Renato	D	H	\$500	\$500		\$500	\$1,000
Culbertson, John	R	H				\$0	\$0
Danburg, Debra	D	H	\$600			\$0	\$600
Davila, Diana	D	H				\$0	\$0
Davis, Yvonne	D	H	\$500			\$0	\$500
De la Garza, Eddie	D	H				\$0	\$0
Dear, Homer	D	H		\$500		\$500	\$500
Delisi, Dianne White	R	H	\$250			\$0	\$250
Denny, Mary	R	H				\$0	\$0
Driver, Joe	R	H				\$0	\$0
Dukes, Dawna	D	H				\$0	\$0
Duncan, Robert	R	H				\$0	\$0
Dutton, Harold	D	H	\$800			\$0	\$800
Edwards, Al	D	H				\$0	\$0
Ehrhardt, Harryette	D	H				\$0	\$0
Eiland, Craig	D	H				\$0	\$0
Elkins, Gary	R	H				\$0	\$0
Ellis, Rodney	D	S		\$1,000		\$1,000	\$1,000
Erickson, Bernard	D	H		\$500		\$500	\$500
Farrar, Jessica	D	H				\$0	\$0
Finnell, Charles	D	H				\$0	\$0
Gallego, Pete	D	H		\$500		\$500	\$500

Table A-4. Philip Morris' Contributions to Legislative Officeholders and Candidates: 1994-1995

				1994-95		
Gallegos, Mario	D	S	\$800		\$0	\$800
Galloway, Michael	R	S			\$0	\$0
Giddings, Helen	D	H			\$0	\$0
Glaze, Bob	D	H	\$500		\$500	\$500
Goodman, Toby	R	H	\$500		\$500	\$500
Goolsby, Tony	R	H			\$0	\$0
Gray, Patricia	D	H	\$500		\$500	\$500
Greenberg, Sherri	D	H			\$0	\$0
Grusendorf, Kent	R	H	\$500		\$0	\$500
Gutierrez, Roberto	D	H			\$0	\$0
Haggerty, Pat	R	H			\$0	\$0
Hamric, Peggy	R	H			\$0	\$0
Harris, Chris	R	S	\$1,000	\$1,000	\$1,000	\$2,000
Harris, Jack	R	H			\$0	\$0
Hartnett, Will	R	H			\$0	\$0
Hawley, Judy	D	H			\$0	\$0
Haywood, Tom	R	S			\$0	\$0
Heflin, Talmadge	R	H	\$900		\$0	\$900
Henderson, Don	R	S			\$0	\$0
Hernandez, Christine	D	H			\$0	\$0
Hightower, Allen	D	H			\$0	\$0
Hilbert, Paul	R	H	\$850		\$0	\$850
Hilderbran, Harvey	R	H	\$500		\$0	\$500
Hill, Fred	R	H			\$0	\$0
Hirschi, John	D	H			\$0	\$0
Hochberg, Scott	D	H			\$0	\$0
Holzheuser, Steve	R	H	\$850		\$0	\$850
Horn, Jim	R	H			\$0	\$0
Howard, Charlie	R	H			\$0	\$0
Hudson, Samuel	D	H			\$0	\$0
Hunter, Bob	R	H			\$0	\$0
Hunter, Todd	D	H			\$0	\$0
Jackson, Mike	R	H			\$0	\$0
Janek, Kyle	R	H			\$0	\$0
Johnson, Jerry	D	H			\$0	\$0
Jones, Delwin	R	H	\$300		\$0	\$300
Jones, Jesse	D	H			\$0	\$0
Junell, Robert	D	H		\$500	\$500	\$500
Kamel, Ted	R	H	\$300		\$0	\$300
King, Tracy	D	H			\$0	\$0
Krusee, Mike	R	H			\$0	\$0
Kubiak, Dan	D	H			\$0	\$0
Kuempel, Edmund	R	H	\$1,250	\$500	\$500	\$1,750
Laney, Pete (speaker)	D	H	\$2,000		\$0	\$2,000
Leedom, John	R	S			\$0	\$0
Lewis, Glenn	D	H			\$0	\$0
Lewis, Ronald	D	H	\$500	\$500	\$500	\$1,000
Longoria, John	D	H			\$0	\$0
Lucio, Eddie	D	S	\$2,500		\$0	\$2,500
Luna, Gregory	D	S			\$0	\$0
Luna, Vilma	D	H			\$0	\$0
Madden, Jerry	R	H			\$0	\$0
Madla, Frank	D	S	\$750	\$1,000	\$1,000	\$1,750

Table A-4. Philip Morris' Contributions to Legislative Officeholders and Candidates: 1994-1995

				1994-95		
Marchant, Kenny	R	H			\$0	\$0
Maxey, Glen	D	H			\$0	\$0
McCall, Brian	R	H			\$0	\$0
McCoulskey, Huey	D	H			\$0	\$0
McDonald, Nancy	D	H			\$0	\$0
Moffat, Nancy	R	H			\$0	\$0
Moncrief, Mike	D	S			\$0	\$0
Montford, John	D	S	\$1,000		\$1,000	\$1,000
Moreno, Paul	D	H			\$0	\$0
Mowery, Anna	R	H	\$500		\$0	\$500
Munoz, Sergio	D	H			\$0	\$0
Naishtat, Elliot	D	H			\$0	\$0
Nelson, Jane	R	S	\$1,000		\$1,000	\$1,000
Nixon, Drew	R	S			\$0	\$0
Nixon, Joe	R	H			\$0	\$0
Oakley, Keith	D	H	\$1,150	\$500	\$500	\$1,650
Ogden, Steve	R	H	\$350		\$0	\$350
Oliveira, Rene	D	H			\$0	\$0
Park, Carolyn	R	H	\$450		\$0	\$450
Patterson, Jerry	R	S			\$0	\$0
Patterson, L.P. "Pete"	D	H			\$0	\$0
Pickett, Joseph	D	H			\$0	\$0
Pitts, Jim	R	H			\$0	\$0
Place, Allen	D	H			\$0	\$0
Price, Albert	D	H			\$0	\$0
Puente, Robert	D	H			\$0	\$0
Rabuck, Bob	R	H			\$0	\$0
Ramsay, Tom	D	H			\$0	\$0
Rangel, Irma	D	H	\$400		\$0	\$400
Ratliff, Bill	R	S			\$0	\$0
Raymond, Richard	D	H			\$0	\$0
Reyna, Elvira	R	H			\$0	\$0
Rhodes, Alec	D	H			\$0	\$0
Rodriguez, Ciro	D	H			\$0	\$0
Romo, Sylvia	D	H			\$0	\$0
Rosson, Peggy	D	S	\$1,500		\$0	\$1,500
Rusling, Barbara	R	H			\$0	\$0
Sadler, Paul	D	H			\$0	\$0
Saunders, Robert	D	H	\$400		\$0	\$400
Seidlits, Curtis	D	H	\$2,450	\$500	\$500	\$2,950
Serna, Gilbert	D	H			\$0	\$0
Shapiro, Florence	R	S			\$0	\$0
Shields, John	R	H	\$400		\$0	\$400
Sibley, David	R	S	\$1,000		\$0	\$1,000
Siebert, Bill	R	H			\$0	\$0
Sims, Bill	D	S	\$2,500		\$0	\$2,500
Smithee, John	R	H			\$0	\$0
Solis, Jim	D	H			\$0	\$0
Solomons, Burt	R	H			\$0	\$0
Staples, Todd	R	H			\$0	\$0
Stiles, Mark	D	H	\$1,400		\$0	\$1,400
Swinford, David	R	H			\$0	\$0
Talton, Robert	R	H	\$500		\$500	\$500

Table A-5. Philip Morris' Contributions to Legislative Officeholders and Candidates: 1996-1997

Officeholder/Candidate	Party	House	1988-1995	1996	1997	1996-97	
						Totals	Grand Totals
Alexander, Clyde	D	H				\$0	\$0
Allen, Ray	R	H	\$400			\$0	\$400
Alvarado, Leo	D	H				\$0	\$0
Armbrister, Kenneth	D	S	\$2,000	\$1,000		\$1,000	\$3,000
Averitt, Kip	R	H	\$450			\$0	\$450
Bailey, Kevin	D	H	\$700	\$500		\$500	\$1,200
Barrientos, Gonzalo	D	S	\$3,100			\$0	\$3,100
Berlanga, Hugo	D	H	\$1,250			\$0	\$1,250
Bivens, Teel	R	S				\$0	\$0
Bonnen, Dennis	R	H				\$0	\$0
Bosse, Fred	D	H				\$0	\$0
Brimer, Kim	R	H		\$500		\$500	\$500
Brown, J.E. "Buster"	R	S	\$2,000			\$0	\$2,000
Burnam, Lon	D	H				\$0	\$0
Cain, David	D	S	\$3,250	\$1,000		\$1,000	\$4,250
Cantu, David	D	H		\$500		\$500	\$500
Carona, John	R	S	\$400	\$1,000		\$1,000	\$1,400
Carter, Bill	R	H				\$0	\$0
Chavez, Norma	D	H				\$0	\$0
Chisum, Warren	R	H		\$500		\$500	\$500
Christian, Wayne	R	H				\$0	\$0
Clark, Ron	R	H				\$0	\$0
Coleman, Garnet	D	H	\$500	\$500		\$500	\$1,000
Cook, John	D	H		\$500		\$500	\$500
Cook, Robert	D	H				\$0	\$0
Corte, Frank	R	H				\$0	\$0
Counts, David	D	H	\$300	\$500		\$500	\$800
Crabb, Joe	R	H				\$0	\$0
Craddick, Tom	R	H		\$500		\$500	\$500
Cuellar, Henry	D	H				\$0	\$0
Culberson, John	R	H				\$0	\$0
Danburg, Debra	D	H	\$600	\$500		\$500	\$1,100
Davila, Diana	D	H				\$0	\$0
Davis, Yvonne	D	H	\$500	\$500		\$500	\$1,000
Dear, Homer	D	H	\$500	\$500		\$500	\$1,000
De La Garza, Eddie	D	H		\$500		\$500	\$500
Delisi, Dianne	R	H	\$250			\$0	\$250
Denny, Mary	R	H				\$0	\$0
Driver, Joe	R	H				\$0	\$0
Dukes, Dawnna	D	H				\$0	\$0
Duncan, Robert	R	S				\$0	\$0
Dunnam, Jim	D	H				\$0	\$0
Dutton, Harold	D	H	\$800	\$500		\$500	\$1,300
Edwards, Al	D	H				\$0	\$0
Ehrhardt, Harryette	D	H				\$0	\$0
Eiland, Craig	D	H				\$0	\$0
Elkins, Gary	R	H				\$0	\$0
Ellis, Rodney	D	S	\$1,000			\$0	\$1,000
Farrar, Jessica	D	H				\$0	\$0
Finnell, Charles	D	H				\$0	\$0
Flores, Ismael "Kino"	D	H				\$0	\$0

Table A-5. Philip Morris' Contributions to Legislative Officeholders and Candidates: 1996-1997

			1996-97			
Fraser, Troy	R	S	\$2,500	\$1,000	\$1,000	\$3,500
Gallego, Pete	D	H	\$500	\$500	\$500	\$1,000
Gallegos, Mario	D	S	\$800	\$1,000	\$1,000	\$1,800
Galloway, Carolyn	R	H			\$0	\$0
Galloway, Michael	R	S			\$0	\$0
Garcia, Domingo	D	H			\$0	\$0
Giddings, Helen	D	H			\$0	\$0
Glaze, Bob	D	H	\$500		\$0	\$500
Goodman, Toby	R	H	\$500		\$0	\$500
Goolsby, Tony	R	H			\$0	\$0
Gray, Patricia	D	H	\$500	\$500	\$500	\$1,000
Greenberg, Sherri	D	H			\$0	\$0
Grusendorf, Kent	R	H	\$500		\$0	\$500
Gutierrez, Roberto	D	H			\$0	\$0
Haggerty, Pat	R	H			\$0	\$0
Hamric, Peggy	R	H		\$500	\$500	\$500
Harris, Chris	R	S	\$2,000	\$1,000	\$1,000	\$3,000
Hartnett, Will	R	H			\$0	\$0
Hawley, Judy	D	H		\$500	\$500	\$500
Haywood, Tom	R	S			\$0	\$0
Heflin, Talmadge	R	H	\$900		\$0	\$900
Hernandez, Christine	D	H		\$500	\$500	\$500
Hightower, Allen	D	H		\$500	\$500	\$500
Hilbert, Paul	R	H	\$850	\$500	\$500	\$1,350
Hilderbran, Harvey	R	H	\$500	\$500	\$500	\$1,000
Hill, Fred	R	H			\$0	\$0
Hinojosa, Juan	D	H			\$0	\$0
Hirschi, John	D	H			\$0	\$0
Hochberg, Scott	D	H			\$0	\$0
Hodge, Terry	D	H			\$0	\$0
Holzheuser, Steve	R	H	\$850		\$0	\$850
Horn, Jim	R	H			\$0	\$0
Howard, Charlie	R	H			\$0	\$0
Hunter, Bob	R	H			\$0	\$0
Hupp, Suzanna	R	H			\$0	\$0
Isett, Carl	R	H			\$0	\$0
Jackson, Mike	R	H			\$0	\$0
Janek, Kyle	R	H			\$0	\$0
Jones, Delwin	R	H	\$300		\$0	\$300
Jones, Jesse	D	H			\$0	\$0
Junell, Robert	D	H	\$500		\$0	\$500
Kamel, Ted	R	H	\$300		\$0	\$300
Keel, Terry	R	H		\$500	\$500	\$500
Keffer, James	R	H			\$0	\$0
King, Tracy	D	H			\$0	\$0
Krusee, Mike	R	H		\$500	\$500	\$500
Kubiak, Dan	D	H		\$500	\$500	\$500
Kuempel, Edmund	R	H	\$1,750	\$1,000	\$1,000	\$2,750
Laney, Pete (speaker)	D	H	\$2,000	\$1,000	\$1,000	\$3,000
Lewis, Glenn	D	H			\$0	\$0
Lewis, Ron	D	H	\$1,000	\$500	\$500	\$1,500
Lindsay, Jon	R	S		\$1,000	\$1,000	\$1,000
Longoria, John	D	H			\$0	\$0

Table A-5. Philip Morris' Contributions to Legislative Officeholders and Candidates: 1996-1997

				1996-97		
Lucio, Eddie	D	S	\$2,500	\$1,000	\$1,000	\$3,500
Luna, Gregory	D	S			\$0	\$0
Luna, Vilma	D	H			\$0	\$0
Madden, Jerry	R	H			\$0	\$0
Madla, Frank	D	S	\$1,750	\$1,000	\$1,000	\$2,750
Marchant, Kenny	R	H			\$0	\$0
Maxey, Glen	D	H			\$0	\$0
McCall, Brian	R	H			\$0	\$0
McClendon, Ruth	D	H			\$0	\$0
McCoulskey, Huey	D	H		\$500	\$500	\$500
McReynolds, Jim	D	H			\$0	\$0
Merritt, Tommy	R	H			\$0	\$0
Moffat, Nancy	R	H		\$500	\$500	\$500
Moncrief, Mike	D	S			\$0	\$0
Moreno, Paul	D	H			\$0	\$0
Mowery, Anna	R	H	\$500		\$0	\$500
Munoz, Sergio	D	H		\$500	\$500	\$500
Naishtat, Elliot	D	H			\$0	\$0
Nelson, Jane	R	S	\$1,000		\$0	\$1,000
Nixon, Drew	R	S			\$0	\$0
Nixon, Joe	R	H			\$0	\$0
Oakley, Keith	D	H	\$1,650	\$500	\$500	\$2,150
Ogden, Steve	R	S	\$350		\$0	\$350
Oliveira, Rene	D	H		\$500	\$500	\$500
Olivo, Dora	D	H			\$0	\$0
Padilla, Ignacio	D	H		\$750	\$750	\$750
Palmer, Sue	R	H			\$0	\$0
Patterson, Jerry	R	S			\$0	\$0
Patterson, L.P. "Pete"	D	H			\$0	\$0
Pickett, Joseph	D	H			\$0	\$0
Pitts, Jim	R	H			\$0	\$0
Place, Allen	D	H		\$500	\$500	\$500
Price, Albert	D	H		\$500	\$500	\$500
Puente, Robert	D	H		\$500	\$500	\$500
Rabuck, Bob	R	H			\$0	\$0
Ramsay, Tom	D	H		\$500	\$500	\$500
Rangel, Irma	D	H	\$400	\$500	\$500	\$900
Ratliff, Bill	R	S			\$0	\$0
Raymond, Richard	D	H			\$0	\$0
Reyna, Arthur	D	H		\$500	\$500	\$500
Reyna, Elvira	R	H			\$0	\$0
Rhodes, Alec	D	H		\$500	\$500	\$500
Rodriguez, Crio	D	H			\$0	\$0
Roman, William	R	H			\$0	\$0
Sadler, Paul	D	H			\$0	\$0
Seaman, Eugene	R	H			\$0	\$0
Serna, Gilbert	D	H			\$0	\$0
Shapiro, Florence	R	S			\$0	\$0
Shapleigh, Eliot	D	S		\$1,000	\$1,000	\$1,000
Shields, John	R	H	\$400		\$0	\$400
Sibley, David	R	S	\$1,000		\$0	\$1,000
Siebert, Bill	R	H		\$500	\$500	\$500
Smith, Todd	R	H			\$0	\$0

Table A-6. Philip Morris' Contributions to Legislative Officeholders and Candidates: 1998-1999

Officeholder/Candidate	Party	House	1988-1996	1998	1999	1998-99	
						Totals	Grand Totals
Alexander, Clyde	D	H				\$0	\$0
Allen, Ray	R	H	\$400	\$500		\$500	\$900
Alvarado, Leo	D	H				\$0	\$0
Armbrister, Kenneth	D	S	\$3,000	\$1,500		\$1,500	\$4,500
Averitt, Kip	R	H	\$450			\$0	\$450
Bailey, Kevin	D	H	\$1,200			\$0	\$1,200
Barrientos, Gonzalo	D	S	\$3,100			\$0	\$3,100
Berman, Leo	R	H				\$0	\$0
Bernsen, David	D	S		\$1,000		\$1,000	\$1,000
Bivens, Teel	R	S		\$1,000		\$1,000	\$1,000
Bonnen, Dennis	R	H				\$0	\$0
Bosse, Fred	D	H				\$0	\$0
Brimer, Kim	R	H	\$500	\$1,000		\$1,000	\$1,500
Brown, Betty	R	H		\$250		\$250	\$250
Brown, Fred	R	H		\$250		\$250	\$250
Brown, J.E. "Buster"	R	S	\$2,000			\$0	\$2,000
Burnam, Lon	D	H				\$0	\$0
Cain, David	D	S	\$4,250	\$2,000		\$2,000	\$6,250
Capelo, Jaime	D	H		\$250		\$250	\$250
Carona, John	R	S	\$1,400	\$1,000		\$1,000	\$2,400
Carter, Bill	R	H		\$500		\$500	\$500
Chavez, Norma	D	H				\$0	\$0
Chisum, Warren	R	H	\$500	\$1,000		\$1,000	\$1,500
Christian, Wayne	R	H				\$0	\$0
Clark, Ron	R	H				\$0	\$0
Coleman, Garnet	D	H	\$1,000			\$0	\$1,000
Cook, Robert	D	H				\$0	\$0
Corte, Frank	R	H		\$500		\$500	\$500
Counts, David	D	H	\$800	\$500		\$500	\$1,300
Crabb, Joe	R	H		\$500		\$500	\$500
Craddick, Tom	R	H	\$500			\$0	\$500
Crownover, Ronny	R	H		\$250		\$250	\$250
Cuellar, Henry	D	H				\$0	\$0
Culberson, John	R	H				\$0	\$0
Danburg, Debra	D	H	\$1,100			\$0	\$1,100
Davis, John	R	H		\$500		\$500	\$500
Davis, Yvonne	D	H	\$1,000			\$0	\$1,000
Delisi, Dianne	R	H	\$250			\$0	\$250
Denny, Mary	R	H				\$0	\$0
Deshotel, Joe	D	H		\$250		\$250	\$250
Doyen, Scot	D	H		\$500		\$500	\$500
Driver, Joe	R	H				\$0	\$0
Dukes, Dawnna	D	H				\$0	\$0
Duncan, Robert	R	S				\$0	\$0
Dunnam, Jim	D	H				\$0	\$0
Dutton, Harold	D	H	\$1,300			\$0	\$1,300
Edwards, Al	D	H				\$0	\$0
Ehrhardt, Harryette	D	H				\$0	\$0
Eiland, Craig	D	H		\$500		\$500	\$500
Elkins, Gary	R	H		\$500		\$500	\$500
Ellis, Dan	D	H		\$250		\$250	\$250

Table A-6. Philip Morris' Contributions to Legislative Officeholders and Candidates: 1998-1999

				1998-99		
Ellis, Rodney	D	S	\$1,000		\$0	\$1,000
Farabee, David	D	H			\$0	\$0
Farrar, Jessica	D	H		\$500	\$500	\$500
Finnell, Charles	D	H		\$500	\$500	\$500
Flores, Ismael "Kino"	D	H			\$0	\$0
Fraser, Troy	R	S	\$3,500		\$0	\$3,500
Gallego, Pete	D	H	\$1,000	\$500	\$500	\$1,500
Gallegos, Mario	D	S	\$1,800	\$1,000	\$1,000	\$2,800
Galloway, Michael	R	S		\$1,000	\$1,000	\$1,000
Garcia, Domingo	D	H			\$0	\$0
George, Kehn	R	H		\$250	\$250	\$250
Giddings, Helen	D	H			\$0	\$0
Glaze, Bob	D	H	\$500		\$0	\$500
Goodman, Toby	R	H	\$500		\$0	\$500
Goolsby, Tony	R	H		\$500	\$500	\$500
Gray, Patricia	D	H	\$1,000		\$0	\$1,000
Green, Rick	R	H		\$250	\$250	\$250
Greenberg, Sherri	D	H			\$0	\$0
Grusendorf, Kent	R	H	\$500	\$500	\$500	\$1,000
Gutierrez, Roberto	D	H			\$0	\$0
Haggerty, Pat	R	H		\$500	\$500	\$500
Hamric, Peggy	R	H	\$500	\$500	\$500	\$1,000
Hardcastle, Rick	D	H		\$250	\$250	\$250
Harris, Chris	R	S	\$3,000	\$1,500	\$1,500	\$4,500
Hartnett, Will	R	H			\$0	\$0
Hawley, Judy	D	H	\$500		\$0	\$500
Haywood, Tom	R	S		\$1,000	\$1,000	\$1,000
Heflin, Talmadge	R	H	\$900	\$500	\$500	\$1,400
Hilbert, Paul	R	H	\$1,350		\$0	\$1,350
Hilderbran, Harvey	R	H	\$1,000		\$0	\$1,000
Hill, Fred	R	H			\$0	\$0
Hinojosa, Juan	D	H			\$0	\$0
Hochberg, Scott	D	H			\$0	\$0
Hodge, Terry	D	H			\$0	\$0
Homer, Mark	D	H		\$250	\$250	\$250
Hope, Ruben	R	H		\$250	\$250	\$250
Howard, Charlie	R	H			\$0	\$0
Hunter, Bob	R	H		\$500	\$500	\$500
Hupp, Suzanna	R	H		\$500	\$500	\$500
Isett, Carl	R	H		\$500	\$500	\$500
Jackson, Mike	R	S		\$1,000	\$1,000	\$1,000
Janek, Kyle	R	H			\$0	\$0
Jones, Charles	R	H		\$250	\$250	\$250
Jones, Delwin	R	H	\$300	\$500	\$500	\$800
Jones, Jesse	D	H			\$0	\$0
Junell, Robert	D	H	\$500		\$0	\$500
Kamel, Ted	R	H	\$300	\$500	\$500	\$800
Keel, Terry	R	H	\$500	\$500	\$500	\$1,000
Keffer, James	R	H			\$0	\$0
King, Phil	R	H		\$250	\$250	\$250
King, Tracy	D	H			\$0	\$0
Krusee, Mike	R	H	\$500	\$500	\$500	\$1,000
Kuempel, Edmund	R	H	\$2,750	\$1,000	\$1,000	\$3,750

Table A-6. Philip Morris' Contributions to Legislative Officeholders and Candidates: 1998-1999

				1998-99		
Laney, Pete (speaker)	D	H	\$3,000	\$1,000	\$1,000	\$4,000
Lengefeld, David	D	H			\$0	\$0
Lewis, Glenn	D	H			\$0	\$0
Lewis, Ron	D	H	\$1,500		\$0	\$1,500
Lindsay, Jon	R	S	\$1,000		\$0	\$1,000
Longoria, John	D	H			\$0	\$0
Lucio, Eddie	D	S	\$3,500		\$0	\$3,500
Luna, Gregory	D	S		\$500	\$500	\$500
Luna, Vilma	D	H			\$0	\$0
Madden, Jerry	R	H		\$500	\$500	\$500
Madla, Frank	D	S	\$2,750	\$1,000	\$1,000	\$3,750
Marchant, Kenny	R	H		\$500	\$500	\$500
Maxey, Glen	D	H			\$0	\$0
McCall, Brian	R	H			\$0	\$0
McClendon, Ruth	D	H			\$0	\$0
McReynolds, Jim	D	H			\$0	\$0
Merritt, Tommy	R	H			\$0	\$0
Moffat, Nancy	R	H	\$500	\$750	\$750	\$1,250
Moncrief, Mike	D	S			\$0	\$0
Moreno, Joe	D	H		\$500	\$500	\$500
Moreno, Paul	D	H			\$0	\$0
Morrison, Geanie	R	H		\$500	\$500	\$500
Mowery, Anna	R	H	\$500	\$500	\$500	\$1,000
Naishtat, Elliot	D	H			\$0	\$0
Najera, Manny	D	H		\$250	\$250	\$250
Nelson, Jane	R	S	\$1,000		\$0	\$1,000
Nixon, Drew	R	S			\$0	\$0
Nixon, Joe	R	H			\$0	\$0
Noriega, Rick	D	H		\$250	\$250	\$250
Ogden, Steve	R	S	\$350	\$1,000	\$1,000	\$1,350
Oliveira, Rene	D	H	\$500	\$500	\$500	\$1,000
Olivo, Dora	D	H			\$0	\$0
Palmer, Sue	R	H			\$0	\$0
Pickett, Joseph	D	H			\$0	\$0
Pitts, Jim	R	H			\$0	\$0
Puente, Robert	D	H	\$500	\$500	\$500	\$1,000
Ramsay, Tom	D	H	\$500	\$500	\$500	\$1,000
Rangel, Irma	D	H	\$900		\$0	\$900
Ratliff, Bill	R	S			\$0	\$0
Reyna, Arthur	D	H	\$500		\$0	\$500
Reyna, Elvira	R	H			\$0	\$0
Ritter, Allan	D	H		\$250	\$250	\$250
Sadler, Paul	D	H			\$0	\$0
Salinas, Ignacio	D	H		\$500	\$500	\$500
Seaman, Eugene	R	H			\$0	\$0
Serna, Gilbert	D	H		\$750	\$750	\$750
Shapiro, Florence	R	S			\$0	\$0
Shapleigh, Eliot	D	S	\$1,000		\$0	\$1,000
Shields, John	R	H	\$400	\$500	\$500	\$900
Sibley, David	R	S	\$1,000	\$1,000	\$1,000	\$2,000
Siebert, Bill	R	H	\$500	\$500	\$500	\$1,000
Smith, Todd	R	H			\$0	\$0
Smithee, John	R	H			\$0	\$0

Table A-6. Philip Morris' Contributions to Legislative Officeholders and Candidates: 1998-1999

				1998-99			
Solis, Jim	D	H			\$0	\$0	
Solis, Juan	D	H		\$500	\$500	\$500	
Solomons, Burt	R	H			\$0	\$0	
Staples, Todd	R	H			\$0	\$0	
Swinford, David	R	H	\$500	\$500	\$500	\$1,000	
Talton, Robert	R	H	\$500	\$500	\$500	\$1,000	
Telford, Barry	D	H	\$500	\$500	\$500	\$1,000	
Thompson, Senfronia	D	H	\$1,300	\$500	\$500	\$1,800	
Tillery, Dale	D	H			\$0	\$0	
Truan, Carlos	D	S	\$2,000		\$0	\$2,000	
Truitt, Vicki	R	H			\$0	\$0	
Turner, Bob	D	H		\$500	\$500	\$500	
Turner, Sylvester	D	H			\$0	\$0	
Uher, D.R. "Tom"	D	H	\$500	\$500	\$500	\$1,000	
Uresti, Carlos	D	H		\$500	\$500	\$500	
Van de Putte, Leticia	D	H	\$400		\$0	\$400	
Walker, Gary	R	H		\$500	\$500	\$500	
Wentworth, Jeff	R	S	\$1,500		\$0	\$1,500	
West, George "Buddy"	R	H			\$0	\$0	
West, Royce	D	S		\$500	\$500	\$500	
Whitmire, John	D	S	\$2,000	\$1,000	\$1,000	\$3,000	
Williams, Thomas	R	H	\$500	\$500	\$500	\$1,000	
Wilson, Ron	D	H	\$400	\$500	\$500	\$900	
Wise, Miguel	D	H			\$0	\$0	
Wohlgemuth, Arlene	R	H			\$0	\$0	
Wolens, Steven	D	H	\$250		\$0	\$250	
Woolley, Beverly	R	H	\$500	\$500	\$500	\$1,000	
Yarbrough, Ken	D	H	\$900	\$1,000	\$1,000	\$1,900	
Zaffirini, Judith	D	S	\$2,000		\$0	\$2,000	
Zbranek, Zeb	D	H			\$0	\$0	
Totals			\$78,300	\$51,000	\$0	\$51,000	\$129,300

Table A-7. Philip Morris' Contributions to Legislative Officeholders and Candidates: 2000-2001

Officeholder/Candidate	Party	House	1988-1999	2000	2001	2000-01	
						Totals	Grand Totals
Alexander, Clyde	D	H		\$500		\$500	\$500
Allen, Ray	R	H	\$900			\$0	\$900
Armbrister, Ken	D	S	\$4,500	\$1,000		\$1,000	\$5,500
Averitt, Kip	R	H	\$450			\$0	\$450
Bailey, Kevin	D	H	\$1,200			\$0	\$1,200
Barrientos, Gonzalo	D	S	\$3,100	\$1,000		\$1,000	\$4,100
Berman, Leo	R	H				\$0	\$0
Bernsen, David	D	S	\$1,000			\$0	\$1,000
Bivins, Teel	R	S	\$1,000	\$1,000		\$1,000	\$2,000
Bonnen, Dennis	R	H		\$500		\$500	\$500
Bosse, Fred	D	H				\$0	\$0
Brimer, Kim	R	H	\$1,500	\$1,000		\$1,000	\$2,500
Brown, Betty	R	H	\$250			\$0	\$250
Brown, Fred	R	H	\$250	\$500		\$500	\$750
Brown, J.E. "Buster"	R	S	\$2,000			\$0	\$2,000
Burnam, Lon	D	H				\$0	\$0
Cain, David	D	S	\$6,250	\$2,000		\$2,000	\$8,250
Callegari, William	R	H		\$500		\$500	\$500
Capelo, Jaime	D	H	\$250			\$0	\$250
Carona, John	R	S	\$2,400			\$0	\$2,400
Carter, Bill	R	H	\$500	\$1,000		\$1,000	\$1,500
Chavez, Norma	D	H		\$500		\$500	\$500
Chisum, Warren	R	H	\$1,500	\$500		\$500	\$2,000
Christian, Wayne	R	H		\$500		\$500	\$500
Clark, Ron	R	H				\$0	\$0
Coleman, Garnet	D	H	\$1,000			\$0	\$1,000
Cook, Robert	D	H		\$500		\$500	\$500
Corte, Frank Jr.	R	H	\$500	\$500		\$500	\$1,000
Counts, David	D	H	\$1,300			\$0	\$1,300
Crabb, Joe	R	H	\$500	\$500		\$500	\$1,000
Craddick, Tom	R	H	\$500	\$500		\$500	\$1,000
Crownover, Myra	R	H				\$0	\$0
Cuellar, Henry	D	H		\$1,000		\$1,000	\$1,000
Danburg, Debra	D	H	\$1,100	\$500		\$500	\$1,600
Davis, John	R	H	\$500	\$500		\$500	\$1,000
Davis, Yvonne	D	H	\$1,000	\$500		\$500	\$1,500
Delisi, Dianne White	R	H	\$250	\$500		\$500	\$750
Denny, Mary	R	H				\$0	\$0
Deshotel, Joseph	D	H	\$250			\$0	\$250
Driver, Joe	R	H				\$0	\$0
Dukes, Dawnna	D	H		\$500		\$500	\$500
Duncan, Robert	R	S				\$0	\$0
Dunnam, Jim	D	H				\$0	\$0
Dutton, Jr., Harold	D	H	\$1,300	\$500		\$500	\$1,800
Edwards, Al	D	H				\$0	\$0
Ehrhardt, Harryette	D	H				\$0	\$0
Eiland, Craig	D	H	\$500			\$0	\$500
Elkins, Gary	R	H	\$500	\$500		\$500	\$1,000
Ellis, Dan	D	H	\$250			\$0	\$250
Ellis, Rodney	D	S	\$1,000			\$0	\$1,000
Farabee, David	D	H				\$0	\$0

Table A-7. Philip Morris' Contributions to Legislative Officeholders and Candidates: 2000-2001

							2000-01	
Farrar, Jessica	D	H	\$500		\$0	\$500		
Flores, Ismael "Kino"	D	H		\$500	\$500	\$500		\$500
Fraser, Troy	R	S	\$3,500		\$0	\$3,500		
Gallego, Pete	D	H	\$1,500	\$500	\$500	\$2,000		
Gallegos, Mario	D	S	\$2,800		\$0	\$2,800		
Garcia, Domingo	D	H			\$0	\$0		
George, Kenn	R	H	\$250		\$0	\$250		
Geren, Charlie	R	H			\$0	\$0		
Giddings, Helen	D	H			\$0	\$0		
Glaze, Bob	D	H	\$500		\$0	\$500		
Goodman, Toby	R	H	\$500	\$500	\$500	\$1,000		
Goolsby, Tony	R	H	\$500		\$0	\$500		
Gray, Patricia	D	H	\$1,000		\$0	\$1,000		
Green, Rick	R	H	\$250	\$1,000	\$1,000	\$1,250		
Grusendorf, Kent	R	H	\$1,000		\$0	\$1,000		
Gutierrez, Roberto	D	H			\$0	\$0		
Haggerty, Patrick	R	H	\$500	\$500	\$500	\$1,000		
Hamric, Peggy	R	H	\$1,000		\$0	\$1,000		
Hardcastle, Richard	R	H	\$250	\$500	\$500	\$750		
Harris, Chris	R	S	\$4,500	\$1,000	\$1,000	\$5,500		
Hartnett, Will	R	H		\$500	\$500	\$500		
Hawley, Judy	D	H	\$500		\$0	\$500		
Haywood, Tom	R	S	\$1,000		\$0	\$1,000		
Heflin, Talmadge	R	H	\$1,400		\$0	\$1,400		
Hilbert, Paul	R	H	\$1,350		\$0	\$1,350		
Hilderbran, Harvey	R	H	\$1,000	\$500	\$500	\$1,500		
Hill, Fred	R	H			\$0	\$0		
Hinojosa, Juan	D	H			\$0	\$0		
Hochberg, Scott	D	H			\$0	\$0		
Hodge, Terri	D	H			\$0	\$0		
Homer, Mark	D	H	\$250	\$500	\$500	\$750		
Hope, Jr., Ruben	R	H	\$250		\$0	\$250		
Hopson, Chuck	D	H			\$0	\$0		
Howard, Charlie	R	H		\$500	\$500	\$500		
Hunter, Bob	R	H	\$500		\$0	\$500		
Hupp, Suzanna Gratia	R	H	\$500	\$500	\$500	\$1,000		
Isett, Carl	R	H	\$500	\$500	\$500	\$1,000		
Jackson, Mike	R	S	\$1,000	\$1,000	\$1,000	\$2,000		
Janek, Kyle	R	H		\$500	\$500	\$500		
Jones, Delwin	R	H	\$800		\$0	\$800		
Jones, Elizabeth Ames	R	H		\$500	\$500	\$500		
Jones, Jesse	D	H			\$0	\$0		
Junell, Robert	D	H	\$500		\$0	\$500		
Keel, Terry	R	H	\$1,000		\$0	\$1,000		
Keffer, Jim	R	H			\$0	\$0		
King, Phil	R	H	\$250		\$0	\$250		
King, Tracy	D	H		\$500	\$500	\$500		
Kitchen, Ann	D	H			\$0	\$0		
Kolkhorst, Lois	R	H			\$0	\$0		
Krusee, Mike	R	H	\$1,000	\$500	\$500	\$1,500		
Kuempel, Edmund	R	H	\$3,750	\$1,000	\$1,000	\$4,750		
Laney, Pete (speaker)	D	H	\$4,000		\$0	\$4,000		
Lewis, Glenn	D	H		\$500	\$500	\$500		

Table A-7. Philip Morris' Contributions to Legislative Officeholders and Candidates: 2000-2001

							2000-01
Lewis, Ron	D	H	\$1,500	\$500	\$500	\$2,000	
Lindsay, Jon	R	S	\$1,000		\$0	\$1,000	
Longoria, John	D	H			\$0	\$0	
Lucio, Jr., Eddie	D	S	\$3,500		\$0	\$3,500	
Luna, Vilma	D	H		\$500	\$500	\$500	
Madden, Jerry	R	H	\$500		\$0	\$500	
Madla, Frank	D	S	\$3,750		\$0	\$3,750	
Marchant, Kenny	R	H	\$500		\$0	\$500	
Martinez Fischer, Trey	D	H		\$500	\$500	\$500	
Maxey, Glen	D	H			\$0	\$0	
McCall, Brian	R	H			\$0	\$0	
McClendon, Ruth Jones	D	H			\$0	\$0	
McReynolds, Jim	D	H			\$0	\$0	
Menendez, Jose	D	H		\$500	\$500	\$500	
Merritt, Tommy	R	H			\$0	\$0	
Miller, Sidney	D	H			\$0	\$0	
Moncrief, Mike	D	S			\$0	\$0	
Moreno, Joe	D	H	\$500		\$0	\$500	
Moreno, Paul	D	H			\$0	\$0	
Morrison, Geanie	R	H	\$500		\$0	\$500	
Mowery, Anna	R	H	\$1,000		\$0	\$1,000	
Naishtat, Elliott	D	H			\$0	\$0	
Najera, Manny	D	H	\$250		\$0	\$250	
Nelson, Jane	R	S	\$1,000		\$0	\$1,000	
Nixon, Joe	D	H			\$0	\$0	
Noriega, Rick	D	H	\$250	\$500	\$500	\$750	
Ogden, Steve	R	S	\$1,350		\$0	\$1,350	
Oliveira, Rene	D	H	\$1,000	\$500	\$500	\$1,500	
Olivo, Dora	D	H		\$500	\$500	\$500	
Pickett, Joseph	D	H		\$1,000	\$1,000	\$1,000	
Pitts, Jim	D	H			\$0	\$0	
Puente, Robert	D	H	\$1,000	\$500	\$500	\$1,500	
Ramsay, Tom	D	H	\$1,000	\$500	\$500	\$1,500	
Rangel, Irma	D	H	\$900		\$0	\$900	
Ratliff, Bill	R	S			\$0	\$0	
Raymond, Richard	D	H			\$0	\$0	
Reyna, Arthur	D	H	\$500	\$1,000	\$1,000	\$1,500	
Reyna, Elvira	D	H			\$0	\$0	
Ritter, Allan	D	H	\$250	\$500	\$500	\$750	
Sadler, Paul	D	H			\$0	\$0	
Salinas, Jr., Ignacio	D	H	\$500	\$500	\$500	\$1,000	
Seaman, Gene	R	H			\$0	\$0	
Siebert, Bill	R	H	\$1,000	\$1,000	\$1,000	\$2,000	
Shapiro, Florence	R	S			\$0	\$0	
Shapleigh, Eliot	D	S	\$1,000		\$0	\$1,000	
Shields, John	R	H	\$900	\$1,000	\$1,000	\$1,900	
Sibley, David	R	S	\$2,000		\$0	\$2,000	
Smith, Todd	R	H			\$0	\$0	
Smithee, John	R	H			\$0	\$0	
Solis, Jim	D	H		\$1,500	\$1,500	\$1,500	
Solomons, Burt	R	H			\$0	\$0	
Staples, Todd	R	S		\$1,000	\$1,000	\$1,000	
Swinford, David	R	H	\$1,000		\$0	\$1,000	

Table A-7. Philip Morris' Contributions to Legislative Officeholders and Candidates: 2000-2001

			2000-01				
Talton, Robert	R	H	\$1,000	\$500	\$500	\$1,500	
Telford, Barry	D	H	\$1,000	\$1,000	\$1,000	\$2,000	
Thompson, Senfronia	D	H	\$1,800		\$0	\$1,800	
Tillery, Dale	D	H			\$0	\$0	
Truan, Carlos	D	S	\$2,000		\$0	\$2,000	
Truitt, Vicki	R	H		\$1,000	\$1,000	\$1,000	
Turner, Bob	D	H	\$500	\$500	\$500	\$1,000	
Turner, Sylvester	D	H			\$0	\$0	
Uher, D.R. "Tom"	D	H	\$1,000		\$0	\$1,000	
Uresti, Carlos	D	H	\$500	\$500	\$500	\$1,000	
Van de Putte, Leticia	D	S	\$400	\$1,000	\$1,000	\$1,400	
Villarreal, Michael	D	H		\$500	\$500	\$500	
Walker, Gary	R	H	\$500		\$0	\$500	
Wentworth, Jeff	R	S	\$1,500		\$0	\$1,500	
West, G.E. "Buddy"	R	H			\$0	\$0	
West, Royce	D	S	\$500	\$1,000	\$1,000	\$1,500	
Whitmire, John	D	S	\$3,000	\$1,000	\$1,000	\$4,000	
Williams, Thomas	R	H	\$1,000	\$1,000	\$1,000	\$2,000	
Wilson, Ron	D	H	\$900	\$500	\$500	\$1,400	
Wise, Miguel "Mike"	D	H			\$0	\$0	
Wohlgemuth, Arlene	R	H			\$0	\$0	
Wolens, Steven	D	H	\$250		\$0	\$250	
Woolley, Beverly	R	H	\$1,000		\$0	\$1,000	
Yarbrough, Ken	D	H	\$1,900	\$500	\$500	\$2,400	
Zaffirini, Judith	D	S	\$2,000	\$1,000	\$1,000	\$3,000	
Zbranek, Zeb	D	H			\$0	\$0	
Totals			\$123,000	\$51,000	\$0	\$51,000	\$174,000

Table A-8. Philip Morris' Contributions to State Supreme Court Justices and Candidates

Justice/Candidate	1998	1992
Gonzales, Raul	\$7,500	
Cook, Eugene	\$5,000	
Hecht, Nathan	\$5,000	
Mattox, Jim	\$1,000	
Hightower, Jack	\$5,000	\$2,500
Enoch, Craig		\$2,500
Totals	\$23,500	\$5,000

Table A-9. Tobacco Industry Contributions to Political Parties and Caucuses

Party/Organization	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	Totals
Coalition of Black Democrats	\$1,500											\$1,500
Texas First		\$1,000										\$1,000
Texas Democratic Party	\$25,000	\$25,000	\$50,000	\$50,000								\$150,000
Texas Republican Party	\$25,000	\$50,000	\$80,000	\$15,000	\$25,000	\$31,000	\$5,000	\$31,000	\$35,000	\$12,000	\$15,000	\$324,000
TRA (not reported)			\$15,000									
Totals	\$51,500	\$76,000	\$145,000	\$65,000	\$25,000	\$31,000	\$5,000	\$31,000	\$35,000	\$12,000	\$15,000	\$476,500

Table A-10. Philip Morris' Contributions to Statewide Officeholders and Candidates

Officeholder/Candidate	Party	Office Held/Sought	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998-99	2000	Totals
Bullock, Bob	D	Comptroller/Lt. Governor	\$1,000			\$10,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,500				\$36,500
Bush, George W.	R	Governor									\$1,000				\$1,000
Clements, Bill	R	Governor		\$5,000											\$5,000
Combs, Susan	R	Agriculture												\$1,000	\$1,000
Hutchinson, Kay	R	Treasurer			\$1,500		\$1,000								\$2,500
Mauro, Gary	D	Governor										\$1,000			\$1,000
Morales, Dan	D	Attorney General		\$2,000											\$2,000
Perry, Rick	R	Agriculture/Lt. Governor							\$500		\$1,000			\$1,000	\$2,500
Richards, Ann	D	Governor			\$7,000			\$1,000	\$4,000						\$12,000
Sharp, John	R	Comptroller/Lt. Governor		\$6,000	\$2,500			\$2,000		\$1,000	\$2,000				\$13,500
Williamson, Barry	R	Attorney General											\$500		\$500
		Totals	\$1,000	\$13,000	\$11,000	\$10,000	\$6,000	\$8,000	\$9,500	\$6,000	\$9,500	\$1,000	\$500	\$2,000	\$77,500

Table A-11. Tobacco Industry Lobbying Teams, 1993-2001

2001 Lobbyists			
Company	Lobbyist Name	Fee Minimum	Fee Maximum
Brown & Williamson Tobacco Corporation	Munoz, Mario	\$10,000	\$25,000
Philip Morris Management Corp.	Williams, Ellen	\$0	\$10,000
Philip Morris Management Corp.	White, Michael L.	\$10,000	\$25,000
Philip Morris Management Corp.	Toomey, Valens M. "Mike"	\$50,000	\$100,000
Philip Morris Management Corp.	Schlueter, Stan	\$50,000	\$100,000
Philip Morris Management Corp.	Lopez, M. Edward	\$50,000	\$100,000
Philip Morris Management Corp.	Longley, Susan	\$50,000	\$100,000
Philip Morris Management Corp.	Dillard, Jack K.	\$25,000	\$50,000
R. J. Reynolds Tobacco Co.	Johnson, Robert E. Jr.	\$10,000	\$25,000
Smokeless Tobacco Council, Inc.	Haley, James W. "Bill"	\$0	\$10,000
Smokeless Tobacco Council, Inc.	Culley, Robert	\$0	\$10,000
Smokeless Tobacco Council, Inc.	Bacarisse, Louis A.	\$10,000	\$25,000
Smokeless Tobacco Council, Inc.	Polan, Kraege	\$0	\$10,000
UST Public Affairs, Inc. (US Tobacco)	Gullahorn P.C., Jack W.	\$0	\$10,000
UST Public Affairs, Inc. (US Tobacco)	Eschberger, Brenda	\$0	\$10,000
UST Public Affairs, Inc. (US Tobacco)	Donaldson, R. Eric	\$0	\$10,000
UST Public Affairs, Inc. (US Tobacco)	Kelley, Russell T.	\$100,000	\$150,000
UST Public Affairs, Inc. (US Tobacco)	Kelly, Robert I.	\$50,000	\$100,000
UST Public Affairs, Inc. (US Tobacco)	Hardy, Richard G.	\$10,000	\$25,000
UST Public Affairs, Inc. (US Tobacco)	Black, Layton	\$0	\$10,000
UST Public Affairs, Inc. (US Tobacco)	Luttrell, Toni	\$0	\$10,000
UST Public Affairs, Inc. (US Tobacco)	McGarah, Carol	\$0	\$10,000
UST Public Affairs, Inc. (US Tobacco)	Montoya, Anna L.	\$0	\$10,000
UST Public Affairs, Inc. (US Tobacco)	Clark, James M.	\$50,000	\$100,000
UST Public Affairs, Inc. (US Tobacco)	Richie, Carl S.	\$50,000	\$100,000
UST Public Affairs, Inc. (US Tobacco)	Bennett, Joey	\$0	\$10,000
UST Public Affairs, Inc. (US Tobacco)	Bashur, Reginald G.	\$100,000	\$150,000
UST Public Affairs, Inc. (US Tobacco)	Valenzuela, Joe D.	\$0	\$10,000
UST Public Affairs, Inc. (US Tobacco)	Baldwin, W. Preston	\$0	\$10,000
UST Public Affairs, Inc. (US Tobacco)	Ingram, Maya	\$0	\$10,000
Total		\$625,000	\$1,325,000

2000 Lobbyists			
Company	Lobbyist Name	Fee Minimum	Fee Maximum
Brown & Williamson Tobacco Corp.	Munoz, Mario	\$10,000	\$25,000
Lorillard Tobacco Company	Munoz, Mario	\$10,000	\$25,000
Philip Morris Management Corporation	Lopez, M. Edward	\$50,000	\$100,000
Philip Morris Management Corporation	Johnson Jr., Robert E.	\$100,000	\$150,000
Philip Morris Management Corporation	Johnson, Gordon R.	\$100,000	\$150,000
Philip Morris Management Corporation	White, Michael L.	\$10,000	\$25,000
Philip Morris Management Corporation	Schlueter, Stan	\$25,000	\$50,000
Philip Morris Management Corporation	Toomey, Michael	\$50,000	\$100,000
Phillip Morris Management Corp.	Longley, Susan	\$25,000	\$50,000
R. J. Reynolds Tobacco Company	Johnson, Gordon R.	\$50,000	\$100,000
R. J. Reynolds Tobacco Company	Johnson Jr., Robert E.	\$50,000	\$100,000
Smokeless Tobacco Council, Inc.	Culley, Robert D.	\$0	\$10,000
Smokeless Tobacco Council, Inc.	Haley, James W. "Bill"	\$0	\$10,000
Smokeless Tobacco Council, Inc.	Polan, Kraege	\$0	\$10,000

Table A-11. Tobacco Industry Lobbying Teams, 1993-2001

UST Public Affairs, Inc. (US Tobacco)	Clark, James M.	\$50,000	\$100,000
UST Public Affairs, Inc. (US Tobacco)	Bashur, Reginald G.	\$10,000	\$25,000
Total		\$540,000	\$1,030,000

1999 Lobbyists

Company	Lobbyist Name	Fee Minimum	Fee Maximum
Brown & Williamson Tobacco Corporation	Munoz, Mario	\$10,000	\$25,000
Lorillard Tobacco Company	Munoz, Mario	\$10,000	\$25,000
Philip Morris Management Corp.	Lopez, M. Edward	\$50,000	\$100,000
Philip Morris Management Corp.	Johnson, Gordon R.	\$50,000	\$100,000
Philip Morris Management Corp.	Johnson Jr., Robert E.	\$50,000	\$100,000
Philip Morris Management Corp.	Schlueter, Stan	\$25,000	\$50,000
Philip Morris Management Corp.	Toomey, Michael	\$25,000	\$50,000
Philip Morris Management Corp.	White, Michael L.	\$25,000	\$50,000
Philip Morris Management Corp.	Schlueter, Randy	\$10,000	\$25,000
Philip Morris Management Corp.	Frazier, J. Kyle	\$10,000	\$25,000
Phillip Morris Management Corporation	Longley, Susan	\$50,000	\$100,000
R. J. Reynolds Tobacco Co.	Johnson Jr., Robert E.	\$25,000	\$50,000
R. J. Reynolds Tobacco Co.	Johnson, Gordon R.	\$25,000	\$50,000
Smokeless Tobacco Council, Inc.	Ingram, Dick G.	\$10,000	\$25,000
Smokeless Tobacco Council, Inc.	Polan, Kraege	\$10,000	\$25,000
Smokeless Tobacco Council, Inc.	Culley, Robert D.	\$0	\$10,000
Smokeless Tobacco Council, Inc.	Haley, James W. "Bill"	\$0	\$10,000
UST Public Affairs, Inc. (US Tobacco)	Coffee, Roy C.	\$50,000	\$100,000
UST Public Affairs, Inc. (US Tobacco)	Clark, James M.	\$25,000	\$50,000
Total		\$460,000	\$970,000

1998 Lobbyists

Company	Lobbyist Name	Fee Minimum	Fee Maximum
Brown & Williamson Tobacco Corporation	Munoz, Manuel Mario	\$10,000	\$25,000
Philip Morris Management Corp.	Johnson Jr., Robert E.	\$50,000	\$100,000
Philip Morris Management Corp.	Johnson, Gordon R.	\$50,000	\$100,000
Philip Morris Management Corp.	Lopez, M. Edward	\$50,000	\$100,000
Philip Morris Management Corp.	Schlueter, Stan	\$50,000	\$100,000
Philip Morris Management Corp.	White, Michael L.	\$50,000	\$100,000
Philip Morris Management Corp.	Dillard, Jack K.	\$25,000	\$50,000
Philip Morris Management Corp.	Toomey, Michael "Mike"	\$25,000	\$50,000
Philip Morris Management Corp.	Schlueter, Randy	\$10,000	\$25,000
R. J. Reynolds Tobacco Co.	Johnson Jr., Robert E.	\$50,000	\$100,000
R. J. Reynolds Tobacco Co.	Johnson, Gordon R.	\$50,000	\$100,000
Smokeless Tobacco Council, Inc.	Ingram, Dick G.	\$10,000	\$25,000
Smokeless Tobacco Council, Inc.	Polan, Kraege	\$10,000	\$25,000
Smokeless Tobacco Council, Inc.	Culley, Robert D.	\$0	\$10,000
Smokeless Tobacco Council, Inc.	Haley, James W. "Bill"	\$0	\$10,000
Tobacco Institute	Longley, Susan	\$50,000	\$100,000
Tobacco Institute	Anderson, Gary William	\$0	\$10,000
UST Public Affairs, Inc. (US Tobacco)	Clark, James M.	\$50,000	\$100,000
Total		\$540,000	\$1,130,000

Table A-11. Tobacco Industry Lobbying Teams, 1993-2001

1997 Lobbyists

Company	Lobbyist Name	Fee Minimum	Fee Maximum
Brown & Williamson Tobacco Corporation	Munoz, Manuel Mario	\$50,000	\$100,000
Philip Morris Corp.	Clayton, Bill	\$0	\$10,000
Philip Morris Management Corp.	Hughes, J. Christopher	\$0	\$10,000
Philip Morris Management Corp.	Knight, Yvonne P.	\$10,000	\$25,000
Philip Morris Management Corp.	Hackney, Clinton P. "Clint"	\$10,000	\$25,000
Philip Morris Management Corp.	Dillard, Jack K.	\$25,000	\$50,000
Philip Morris Management Corp.	Fisher, Nancy C.	\$10,000	\$25,000
Philip Morris Management Corp.	Guerrero, Lena	\$10,000	\$25,000
Philip Morris Management Corp.	Johnson Jr., Robert E.	\$100,000	\$150,000
Philip Morris Management Corp.	Johnson, Gordon R.	\$100,000	\$150,000
Philip Morris Management Corp.	Schlueter, Randy	\$50,000	\$100,000
Philip Morris Management Corp.	Luna III, Albert	\$10,000	\$25,000
Philip Morris Management Corp.	Toomey, Michael "Mike"	\$50,000	\$100,000
Philip Morris Management Corp.	Richie, Carl S.	\$10,000	\$25,000
Philip Morris Management Corp.	Schlueter, Stan	\$50,000	\$100,000
Philip Morris Management Corp.	White, Michael L.	\$25,000	\$50,000
Philip Morris Management Corp.	Robnett, Nolan J. "Buzz"	\$10,000	\$25,000
Philip Morris, Inc.	Lopez, M. Edward	\$25,000	\$50,000
R. J. Reynolds Tobacco Co.	Clayton, Bill	\$0	\$10,000
R. J. Reynolds Tobacco Co.	Johnson, Gordon R.	\$100,000	\$150,000
R. J. Reynolds Tobacco Co.	Johnson Jr., Robert E.	\$100,000	\$150,000
Smokeless Tobacco Council, Inc.	Culley, Robert D.	\$0	\$10,000
Smokeless Tobacco Council, Inc.	Ingram, Dick G.	\$10,000	\$25,000
Smokeless Tobacco Council, Inc.	Haley, James W. "Bill"	\$0	\$10,000
Smokeless Tobacco Council, Inc.	Polan, Kraege	\$10,000	\$25,000
Tobacco Industry Labor Management Committee	Dawson, Sam	\$10,000	\$25,000
Tobacco Institute	Anderson, Gary William	\$0	\$10,000
Tobacco Institute	Cavazos, Eddie	\$10,000	\$25,000
Tobacco Institute	Longley, Susan	\$50,000	\$100,000
UST Public Affairs, Inc. (US Tobacco)	Clark, James M.	\$50,000	\$100,000
National Smokers Alliance	Lauderback, James William	\$10,000	\$25,000
Total		\$895,000	\$1,710,000

1996 Lobbyists

Company	Lobbyist Name	Fee Minimum	Fee Maximum
Philip Morris Management Corp.	White, Michael L.	\$10,000	\$25,000
Philip Morris Management Corp.	Newton, Gary T.	\$0	\$0
Philip Morris, Inc.	Jones Jr., Neal T. "Buddy"	\$25,000	\$50,000
Philip Morris, Inc.	Dillard, Jack K.	\$10,000	\$25,000
Philip Morris, Inc.	Harkrider, Mark D.	\$50,000	\$100,000
Philip Morris, Inc.	Schlueter, Stan	\$25,000	\$50,000
Philip Morris, U. S. A.	Brown, Richard D. "Dick"	\$10,000	\$25,000
Philip Morris, U. S. A.	Villarreal PC, Jose H.	\$0	\$10,000
R. J. Reynolds Tobacco Co.	Johnson Jr., Robert E.	\$50,000	\$100,000
R. J. Reynolds Tobacco Co.	Johnson, Gordon R.	\$50,000	\$100,000
Smokeless Tobacco Council, Inc.	Ingram, Dick G.	\$0	\$10,000
Smokeless Tobacco Council, Inc.	Culley, Robert	\$0	\$10,000

Table A-11. Tobacco Industry Lobbying Teams, 1993-2001

Smokeless Tobacco Council, Inc.	Polan, Kraege	\$0	\$10,000
Tobacco Institute	McWilliams, Andrea	\$0	\$10,000
Tobacco Institute	Roberts, Jack	\$10,000	\$25,000
United States Tobacco Co., Inc.	McDaniel, Demetrius	\$0	\$10,000
United States Tobacco Co., Inc.	French, Mike	\$0	\$10,000

Total		\$240,000	\$570,000
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1995 Lobbyists

Company	Lobbyist Name	Fee Minimum	Fee Maximum
Philip Morris Management Corp.	Newton, Gary T.	\$0	\$10,000
Philip Morris, Inc.	Harkrider, Mark D.	\$50,000	\$100,000
Philip Morris, Inc.	Fritz, Randy	\$50,000	\$100,000
Philip Morris, Inc.	Dillard, Jack K.	\$25,000	\$50,000
Philip Morris, Inc.	Jones Jr., Neal T. "Buddy"	\$50,000	\$100,000
Philip Morris, Inc.	Luna III, Albert	\$0	\$10,000
Philip Morris, Inc.	Toomey, Valens M. "Mike"	\$50,000	\$100,000
Philip Morris, Inc.	McGarry, Mignon	\$50,000	\$100,000
Philip Morris, Inc.	Schlueter, Stan	\$50,000	\$100,000
Philip Morris, U. S. A.	Gibson, Machree G.	\$25,000	\$50,000
Philip Morris, U. S. A.	Kelley, Russell T.	\$50,000	\$100,000
Philip Morris, U. S. A.	Eschberger, Brenda	\$0	\$10,000
Philip Morris, U. S. A.	Brown, Richard D. "Dick"	\$50,000	\$100,000
Philip Morris, U. S. A.	Villarreal PC, Jose H.	\$0	\$10,000
R. J. Reynolds Tobacco Co.	Johnson Jr., Robert E.	\$50,000	\$100,000
R. J. Reynolds Tobacco Co.	Johnson, Gordon R.	\$50,000	\$100,000
Smokeless Tobacco Council, Inc.	Culley, Robert	\$0	\$10,000
Smokeless Tobacco Council, Inc.	Cavazos, Eddie	\$25,000	\$50,000
Smokeless Tobacco Council, Inc.	Ingram PC, Dick G.	\$0	\$10,000
Smokeless Tobacco Council, Inc.	Polan, Kraege	\$0	\$10,000
Smokeless Tobacco Council, Inc.	Wynne, Buck J.	\$0	\$10,000
Tobacco Industry Labor Management Committee	Woods, Joe M.	\$25,000	\$50,000
Tobacco Institute	Roberts, Jack	\$50,000	\$100,000
United States Tobacco Co., Inc.	Gullahorn P.C., Jack W.	\$0	\$10,000
United States Tobacco Co., Inc.	Clark, James M.	\$0	\$10,000
United States Tobacco Co., Inc.	French, Mike	\$0	\$10,000
United States Tobacco Co., Inc.	McDaniel, Demetrius	\$0	\$10,000

Total		\$650,000	\$1,420,000
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1994 Lobbyists

Company	Lobbyist Name	Fee Minimum	Fee Maximum
Philip Morris Management Corp.	Newton, Gary T.	\$10,000	\$25,000
Philip Morris, Inc.	Dillard, Jack K.	\$0	\$10,000
Philip Morris, Inc.	Jones Jr., Neal T. "Buddy"	\$25,000	\$50,000
Philip Morris, Inc.	Schlueter, Stan	\$50,000	\$100,000
Philip Morris, U. S. A.	Villarreal PC, Jose H.	\$0	\$10,000
R. J. Reynolds Tobacco Co.	Johnson, Jr. Robert E.	\$50,000	\$100,000
R. J. Reynolds Tobacco Co.	Johnson, Gordon R.	\$50,000	\$100,000
Smokeless Tobacco Council, Inc.	Culley, Robert	\$0	\$10,000

Table A-11. Tobacco Industry Lobbying Teams, 1993-2001

Smokeless Tobacco Council, Inc.	Goodell, Deborah	\$0	\$10,000
Smokeless Tobacco Council, Inc.	Ingram, Dick G.	\$0	\$10,000
Smokeless Tobacco Council, Inc.	Polan, Kraege	\$0	\$10,000
Tobacco Institute	Armstrong, Gaylord	\$50,000	\$100,000
Tobacco Institute	Roberts, Jack	\$50,000	\$100,000
Tobacco Institute	Ross, Lisa B.	\$50,000	\$100,000
Total		\$335,000	\$735,000

1993 Lobbyists

Company	Lobbyist Name	Fee Minimum	Fee Maximum
Philip Morris, U. S. A.	Schlueter, Stan	\$50,000	\$100,000
Philip Morris, U. S. A.	Brown, Richard D. "Dick"	\$25,000	\$50,000
Philip Morris, U. S. A.	Dillard, Jack K.	\$100,000	\$150,000
Philip Morris, U. S. A.	Massie, Dinah	\$0	\$10,000
Philip Morris, U. S. A.	Jones Jr., Neal T. "Buddy"	\$25,000	\$50,000
R. J. Reynolds Tobacco Co.	Johnson, Jr. Robert E.	\$50,000	\$100,000
R. J. Reynolds Tobacco Co.	Johnson, Gordon R.	\$50,000	\$100,000
Smokeless Tobacco Council, Inc.	Goodell, Deborah	\$0	\$10,000
Smokeless Tobacco Council, Inc.	Culley, Robert	\$0	\$10,000
Smokeless Tobacco Council, Inc.	Ingram, Dick G.	\$0	\$10,000
Smokeless Tobacco Council, Inc.	Polan, Kraege	\$0	\$10,000
Tobacco Institute	Denman, Weldon R.	\$25,000	\$50,000
Tobacco Institute	Ross, Lisa B.	\$25,000	\$50,000
Tobacco Institute	Armstrong, Gaylord	\$25,000	\$50,000
Total		\$375,000	\$750,000

Grand Totals, 1993-2001

Fee Minimums	Fee Maximums
\$4,660,000	\$9,640,000

Table A-12. Tobacco Policy Scores for 2001 Legislators

Officeholder/Candidate	Party	House	Tobacco Policy Score
Alexander, Clyde	D	H	8
Allen, Ray	R	H	5
Armbrister, Ken	D	S	1
Averitt, Kip	R	H	6
Bailey, Kevin	D	H	8
Barrientos, Gonzalo	D	S	4.3
Berman, Leo	R	H	
Bernsen, David	D	S	
Bivins, Teel	R	S	4.5
Bonnen, Dennis	R	H	6
Bosse, Fred	D	H	9
Brimer, Kim	R	H	3.5
Brown, Betty	R	H	
Brown, Fred	R	H	
Brown, J.E. "Buster"	R	S	0
Burnam, Lon	D	H	10
Cain, David	D	S	3
Callegari, William	R	H	
Capelo, Jaime	D	H	5
Carona, John	R	S	3.5
Carter, Bill	R	H	2
Chavez, Norma	D	H	9
Chisum, Warren	R	H	4
Christian, Wayne	R	H	4
Clark, Ron	R	H	
Coleman, Garnet	D	H	8
Cook, Robert	D	H	
Corte, Frank Jr.	R	H	0.5
Counts, David	D	H	5
Crabb, Joe	R	H	5
Craddick, Tom	R	H	2
Crownover, Myra	R	H	3
Danburg, Debra	D	H	8
Davis, John	R	H	
Davis, Yvonne	D	H	9
Delisi, Dianne White	R	H	6
Denny, Mary	R	H	1
Deshotel, Joseph	D	H	
Driver, Joe	R	H	4.5
Dukes, Dawnna	D	H	8
Duncan, Robert	R	S	5
Dunnam, Jim	D	H	8.5
Dutton, Jr., Harold	D	H	7
Edwards, Al	D	H	7
Ehrhardt, Harryette	D	H	9
Eiland, Craig	D	H	4
Elkins, Gary	R	H	2
Ellis, Dan	D	H	
Ellis, Rodney	D	S	8.5
Farabee, David	D	H	
Farrar, Jessica	D	H	8
Flores, Ismael "Kino"	D	H	8

Table A-12. Tobacco Policy Scores for 2001 Legislators

Officeholder/Candidate	Party	House	Tobacco Policy Score
Fraser, Troy	R	S	3
Gallego, Pete	D	H	7.3
Gallegos, Mario	D	S	4
Garcia, Domingo	D	H	
George, Kenn	R	H	2
Geren, Charlie	R	H	
Giddings, Helen	D	H	9
Glaze, Bob	D	H	9
Goodman, Toby	R	H	6
Goolsby, Tony	R	H	6
Gray, Patricia	D	H	8
Green, Rick	R	H	1
Grusendorf, Kent	R	H	1
Gutierrez, Roberto	D	H	7
Haggerty, Patrick	R	H	3
Hamric, Peggy	R	H	5.5
Hardcastle, Richard	R	H	
Harris, Chris	R	S	4.5
Hartnett, Will	R	H	3
Hawley, Judy	D	H	5
Haywood, Tom	R	S	4
Heflin, Talmadge	R	H	1
Hilbert, Paul	R	H	4.5
Hilderbran, Harvey	R	H	4
Hill, Fred	R	H	3
Hinojosa, Juan	D	H	7
Hochberg, Scott	D	H	
Hodge, Terri	D	H	5
Homer, Mark	D	H	
Hope, Jr., Ruben	R	H	
Hopson, Chuck	D	H	
Howard, Charlie	R	H	0.5
Hunter, Bob	R	H	0
Hupp, Suzanna Gratia	R	H	0
Isett, Carl	R	H	0
Jackson, Mike	R	S	3.5
Janek, Kyle	R	H	4
Jones, Delwin	R	H	4
Jones, Elizabeth Ames	R	H	
Jones, Jesse	D	H	7
Junell, Robert	D	H	2.25
Keel, Terry	R	H	4
Keffer, Jim	R	H	5
King, Phil	R	H	2
King, Tracy	D	H	5
Kitchen, Ann	D	H	
Kolkhorst, Lois	R	H	
Krusee, Mike	R	H	0
Kuempel, Edmund	R	H	5
Laney, Pete (speaker)	D	H	7
Lewis, Glenn	D	H	8
Lewis, Ron	D	H	8
Lindsay, Jon	R	S	

Table A-12. Tobacco Policy Scores for 2001 Legislators

Officeholder/Candidate	Party	House	Tobacco Policy Score
Longoria, John	D	H	6
Lucio, Jr., Eddie	D	S	3.3
Luna, Vilma	D	H	9
Madden, Jerry	R	H	3
Madla, Frank	D	S	5
Marchant, Kenny	R	H	3.5
Martinez Fischer, Trey	D	H	
Maxey, Glen	D	H	8.5
McCall, Brian	R	H	6
McClendon, Ruth Jones	D	H	8
McReynolds, Jim	D	H	8
Menendez, Jose	D	H	
Merritt, Tommy	R	H	5
Miller, Sidney	D	H	0
Moncrief, Mike	D	S	9
Moreno, Joe	D	H	
Moreno, Paul	D	H	8
Morrison, Geanie	R	H	
Mowery, Anna	R	H	3.5
Naishtat, Elliott	D	H	10
Najera, Manny	D	H	
Nelson, Jane	R	S	6.7
Nixon, Joe	D	H	4
Noriega, Rick	D	H	2
Ogden, Steve	R	S	6
Oliveira, Rene	D	H	
Olivo, Dora	D	H	10
Pickett, Joseph	D	H	7
Pitts, Jim	D	H	5
Puente, Robert	D	H	8
Ramsay, Tom	D	H	5
Rangel, Irma	D	H	8
Ratliff, Bill	R	S	4.5
Raymond, Richard	D	H	8
Reyna, Arthur	D	H	8
Reyna, Elvira	D	H	0
Ritter, Allan	D	H	
Sadler, Paul	D	H	8
Salinas, Jr., Ignacio	D	H	
Seaman, Gene	R	H	4
Siebert, Bill	R	H	
Shapiro, Florence	R	S	5
Shapleigh, Eliot	D	S	7.7
Shields, John	R	H	0
Sibley, David	R	S	5.5
Smith, Todd	R	H	5
Smithee, John	R	H	5
Solis, Jim	D	H	8
Solomons, Burt	R	H	2
Staples, Todd	R	S	4
Swinford, David	R	H	4
Talton, Robert	R	H	2
Telford, Barry	D	H	6

Table A-12. Tobacco Policy Scores for 2001 Legislators

Officeholder/Candidate	Party	House	Tobacco Policy Score
Thompson, Senfronia	D	H	6.5
Tillery, Dale	D	H	8
Truan, Carlos	D	S	7
Truitt, Vicki	R	H	2
Turner, Bob	D	H	5
Turner, Sylvester	D	H	7
Uher, D.R. "Tom"	D	H	0
Uresti, Carlos	D	H	
Van de Putte, Leticia	D	S	7
Villarreal, Michael	D	H	
Walker, Gary	R	H	4
Wentworth, Jeff	R	S	8
West, G.E. "Buddy"	R	H	0.5
West, Royce	D	S	7
Whitmire, John	D	S	4
Williams, Thomas	R	H	4
Wilson, Ron	D	H	2.5
Wise, Miguel "Mike"	D	H	4
Wohlgemuth, Arlene	R	H	2
Wolens, Steven	D	H	7.5
Woolley, Beverly	R	H	3
Yarbrough, Ken	D	H	4
Zaffirini, Judith	D	S	9.6
Zbranek, Zeb	D	H	7.5
Former Legislators			
Hirschi, John	D	H	10
Seidlits, Curtis	D	H	2

Appendix Table A-13.

Local Tobacco Control Ordinances in Texas
February 2002

Community	Smoking Control	First Date of Enact.	Most Recent Amend.	Type of Workplaces Covered	WP: 100% Smokefree	Restaurant restrictions	Restaurant Minimum% Smokefree	Restaurant Attached Bar Restrictions	Free-standing Bar restrictions	Freestanding Bar Minimum % Smokefree	Other Public Places restrictions
1. Abilene	Yes	4/23/1987	8/9/1990	All	No	Yes	0 %	No restrictions	No		Yes
2. Addison	Yes	12/31/1988		All	No	Yes	0 %		No		Yes
3. Alvin	Yes	10/21/1999		None		Yes	100%	100% S/F	No		No
4. Amarillo	Yes	12/31/1988		None		Yes	0 %		No		Yes
5. Arlington	Yes	12/31/1985	1/20/1998	All	No	Yes	70 %	No restrictions	No		Yes
6. Austin	Yes	12/31/1986	2/28/1994	All	Yes	Yes	100%	Sep Ventilated	Yes	25 %	Yes
7. Baytown	Yes	8/28/1989	3/11/1999	All	No	Yes	50 %	No restrictions	No		Yes
8. Bedford	Yes	12/31/1986		None		Yes	0 %		No		Yes
9. Bellaire	Yes	4/1/1996		Public	Yes	No			No		No
10. Brownsville	Yes	12/31/1988		All	No	Yes	0 %		No		Yes
11. Bryan	Yes	7/14/1986	3/27/2001	None		Yes	50 %	No restrictions	No		Yes
12. Carrollton	Yes	5/17/1994	12/1/1998	None		Yes	100%	Sep Ventilated	No		Yes
13. College Station	Yes	3/22/1990	1/30/2001	None		Yes	50 %	No restrictions	No		Yes

Community	Smoking Control	First Date of Enact.	Most Recent Amend.	Type of Workplaces Covered	WP: 100% Smokefree	Restaurant restrictions	Restaurant Minimum% Smokefree	Restaurant Attached Bar Restrictions	Free-standing Bar restrictions	Freestanding Bar Minimum % Smokefree	Other Public Places restrictions
14. Colleyville	Yes	12/31/1989		All	No	Yes	0 %		No		Yes
15. Corpus Christi	Yes	12/31/1986	7/28/1993	All	No	Yes	70 %	No restrictions	No		Yes
16. Dallas	Yes	12/31/1987	6/28/1993	All	No	Yes	0 %	No restrictions	No		Yes
17. Del Rio	Yes	12/31/1987		None		Yes	0 %		No		Yes
18. Denton	Yes	12/31/1986		None		Yes	0 %		No		Yes
19. Desoto	Yes	12/31/1989		All	No	Yes	75 %		No		Yes
20. Duncanville	Yes	12/31/1989		None		Yes	0 %		No		Yes
21. Eagle Pass	Yes	12/31/1987		None		Yes	0 %		No		Yes
22. Edinburg	Yes	7/7/1992		All	No	Yes	0 %	No restrictions	No		Yes
23. El Paso	Yes	12/31/1986	6/26/2001	All	Yes	Yes	100%	Yes	Yes	100%	Yes
24. Euless	Yes	12/31/1987		None		No			No		Yes
25. Fort Worth	Yes	2/25/1986	7/15/1997	All	No	Yes	100%	No restrictions	No		Yes
26. Galveston	Yes	12/31/1989		All	No	Yes	0 %		No		Yes
27. Garland	Yes	12/31/1991		None		Yes	0 %		No		Yes
28. Granbury City	Yes	12/28/1990	7/28/1993	None		Yes	50 %	No restrictions	No		Yes
29. Grand Prairie	Yes	2/28/1986		None		Yes	0 %	No restrictions	No		Yes
30. Greenville	Yes	12/31/1986		All	No	Yes	0 %		No		Yes
31. Haltom City	Yes	12/31/1986		None		Yes	0 %		No		Yes
32. Henderson	Yes	4/11/1989		None		No			No		No

Community	Smoking Control	First Date of Enact.	Most Recent Amend.	Type of Workplaces Covered	WP: 100% Smokefree	Restaurant restrictions	Restaurant Minimum% Smokefree	Restaurant Attached Bar Restrictions	Free-standing Bar restrictions	Freestanding Bar Minimum % Smokefree	Other Public Places restrictions
33. Houston	Yes	12/31/1986	10/19/1994	All	No	Yes	0 %	No restrictions	No		Yes
34. Huntsville	Yes	12/31/1987		None		Yes	30 %		No		Yes
35. Hurst	Yes	12/31/1986		None		Yes	0 %		No		Yes
36. Irving	Yes	12/31/1979	7/17/1997	All	No	Yes	30 %	No restrictions	No		Yes
37. Keller	Yes	7/21/1998		Public	Yes	No			No		Yes
38. Kerr County	Yes	5/11/1987		Public	No	No			No		Yes
39. Kerrville	Yes	12/31/1987		All	No	Yes	0 %		No		Yes
40. Lancaster	Yes	12/31/1988		None		Yes	0 %		No		Yes
41. Leon Valley	Yes	12/31/1987		None		Yes	0 %		No		Yes
42. Lewisville	Yes	3/6/1995		All	No	Yes	0 %	No restrictions	No		Yes
43. Longview	Yes	12/31/1987		None		Yes	0 %		No		Yes
44. Lubbock	Yes	10/22/1987	7/12/2001	All	Yes	Yes	100 %	No restrictions	No		Yes
45. Lufkin	Yes	7/5/1994		All	Yes	Yes	0 %	No restrictions	No		Yes
46. Mansfield	Yes	12/31/1987	4/10/2000	All	Yes	Yes	50 %	No restrictions	No		Yes
47. McAllen	Yes	12/31/1987		All	No	Yes	0 %		No		Yes
48. Mesquite	Yes	12/31/1988		None		Yes	50 %		No		Yes
49. Midland	Yes	12/31/1990		All	No	Yes	0 %		No		Yes
50. New	Yes	3/26/1990	2/12/2001	All	Yes	Yes	100%	Sep	No		Yes

Community	Smoking Control	First Date of Enact.	Most Recent Amend.	Type of Workplaces Covered	WP: 100% Smokefree	Restaurant restrictions	Restaurant Minimum% Smokefree	Restaurant Attached Bar Restrictions	Free-standing Bar restrictions	Freestanding Bar Minimum % Smokefree	Other Public Places restrictions
67. Waco	Yes	4/25/1989		Public	No	No			No		No
68. West Lake Hills	Yes	9/28/1993		All	No	Yes	100%	No restrictions	No		Yes
69. Wichita Falls	Yes	12/31/1987	12/28/1994	All	Yes	Yes	100%	100% S/F	No		Yes
TOTALS:	67			All: 33 Public only: 7 Private only: 0	9	57	100%: 10		3	100%: 2	61

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