

Tobacco Wars

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The government would like you all to believe that the war on tobacco is about “children” and “health concerns.” That however is not even close to the truth. The tobacco wars are about money and politics, nothing else. The latest chapter in this ongoing farce began with law firms in Mississippi and Massachusetts, which are currently defending their right to more than \$2 billion dollars in legal fees. These legal winnings seemed to excite Bill Clinton, Janet Reno and that oxymoron we call the Justice Department so much that they decided to file suit against the tobacco companies as well. This lawsuit is an utter lack of regard and respect for our democratic process.

The federal government is seeking to recoup from cigarette makers more than 20 billion dollars a year since the 1950's. The federal government has no right to use our judicial process to achieve means that should be wrought by our legislative process. Last year alone the states sued and won over \$248 billion dollars. Now we have, Bill Clinton still looking for a legacy, deciding to sue for the costs not covered in that judgment. We live in a society where laws are passed by a legislative branch. This gives our representatives the opportunity to debate an issue and pass a law. The federal government should not try to change public behavior by the use of the judicial system. If Bill Clinton wants to penalize the tobacco industry, he should propose a law making cigarettes illegal.

The Clinton Administration is hypocritical in the pursuit of this suit. The government is demanding restitution from an industry it already imposes taxes and is reliant. They are also planning to raise those taxes further. Currently individual cigarettes in some states can cost up to twenty cents. When the federal government uses the judicial system to dish out penalties, when it cannot get them through congressional approval; coupled with the fact that it is reliant on the industry for tax revenue is hypocritical and it offends against our system of democracy. The fact of the matter is that the Clinton Administration loves the tobacco industry. Whenever they need to fund a new social program the tobacco industry works like an ATM machine. It is an interesting form of racketeering that would make any mobster proud.

The world we live in is filled with many risky pleasures. This lawsuit takes smoking, (a particularly bad habit) and applies penalties that could be applied to many other aspects of our society. For instance, America has a serious obesity problem, should the government sue McDonalds Corporation or Hershey Foods for being purveyors of fatty, sugary food. If the government is suing for the costs associated with treating smoking related illnesses, should it not sue for illnesses concerning improper diet? McDonald's food is not good for you or your kids; however, they market to children consistently.

The Economist makes the point that the idea that smokers impose undue costs on others is fiction. In claiming to recoup costs, the Justice Department focuses only on the public health bill for treating smokers. It ignores the savings that come in the form of foregone medical and pension costs for the old age that smokers fail to reach. Alexei Bayer an economist for Kafan Information Services writes: “Smokers could counter with a lawsuit of their own to recover their share of the Social Security surplus. After all, the average smoker falls ill and dies early, it is unfair to make smokers contribute to Social Security all their working lives if they won't live long enough to benefit.”

Smoking is an unhealthy habit. To quote Philip Morris' website: “There is an overwhelming medical and scientific consensus that cigarette smoking causes cancer, heart disease, emphysema and other serious diseases to smokers.” However, it is one of many legal bad habits that Americans participate in everyday. Prohibition of alcohol was a failure as far as

implementation was concerned. It was a huge success for democracy and our system of government. An unpopular law was overturned the legal way. If the federal government feels that it cannot pass a law because it will be unpopular and decides to enforce its own agenda against the will of the people, it is fascist in nature. There is no legal authority that allows the current Administration to sue the tobacco industry. This lawsuit sets a dangerous precedent for other businesses that produce products that are deemed controversial. This could leave the pharmaceutical and food manufacturing industry in a precarious position. Politics should never eclipse the rule of law. If this happens businesses will be targets for politically motivated attacks.