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BEFORE  
HOUSE SUBCOMMITTEE ON TRANSPORTATION AND HAZARDOUS MATERIALS  
COMMITTEE ON ENERGY AND COMMERCE  
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Congressman Luken and members of the Subcommittee, thank you for the invitation to testify on the issue of selling-out the National Archives, including the Bill of Rights. For \$600,000 and change, Philip Morris has bought its way into the National Archives building and purchased the right to be the biggest distributor there has ever been for the Bill of Rights.

Yesterday, when I called the 800 phone number advertised in full-page newspaper ads and on television as the way to get a copy of the Bill of Rights, the phone was answered, "This is John, thank you for calling the Philip Morris Bill of Rights hotline...." After giving your address to the hotline person, the caller is thanked, on behalf of Philip Morris and the National Archives.

Although the words of the Philip Morris Bill of Rights are the same as those on the original Bill of Rights, the purpose of the campaign goes beyond spreading the message of the first ten amendments of the Constitution. After all, this is the company which, during the Great American Smokeout three years ago, engaged in a massive distribution of a "Great American Smokers' Bill of Rights" as part of a Great American Smokers' Kit.

It is particularly ironic that Philip Morris has now purchased a license to use the Bill of Rights to enhance its

image, since the company has long-engaged in red-baiting to silence its critics.

Two years ago, in the wake of the introduction of legislation to ban tobacco advertising, Philip Morris sent press kits to 500 reporters, allegedly "encouraging open debate on the proposed legislation." Among other things, the kit included a slick black brochure with a red reproduction of the medal of the Order of Lenin, along with a copy of Pravda, described by Philip Morris as "One world-famous newspaper without cigarette advertising." The message was clear: supporters of an advertising ban were just like communists. The response to the campaign, by two of the co-sponsors of the legislation, is telling. Republican Bob Whittaker of Kansas said, "To suggest, as Philip Morris has, that individuals opposed to tobacco advertising are somehow communist sympathizers, is nothing short of absurd." Oklahoma congressman Mike Synar, another sponsor, said that "Philip Morris is using the basest, grossest form of red-baiting to protect their multi-billion dollar investment which costs young people their health and older people their lives."

Even if, contrary to suggestions by various people, there is nothing technically illegal about the terms of the Memorandum of Understanding, jointly signed by Philip Morris and the National Archives, this sell-out of a national treasure debases the Bill of Rights and the National Archives in a way which should upset the public just as much, or more, than defacing a single American flag.

From the August Memorandum of Understanding and from explanations of its content by National Archives officials, the following serious concerns arise:

1. *Philip Morris purchase of exhibit space in the National Archives.* On page two of the Memo of Understanding, it is stated in item #1 that Philip Morris will donate \$600,000 to the National Archives. Of this, according to National Archives staff, \$475,000 will go to build an exhibit in the circular gallery in the National Archives building. There is already more than enough corporate influence in the Executive branch, via campaign contributions, heavy lobbying in Washington and other means. To allow the commercialization of exhibit space in the building which houses the symbols of our nation -- the Declaration of Independence, the Constitution and the Bill of Rights -- is to debase the most precious artifacts of our nation's heritage.

2. *Buying in to a new Corporate Association to "support the work of the National Archives."* According to National Archives' staff, the other \$125,000 of the \$600,000 Philip Morris is donating to the National Archives will give the company the first charter membership in a private sector association to support the work of the National Archives. Although this organization has not yet been officially brought into existence, planning to solicit massive amounts of corporate money in order to support the work of the National Archives, presumably because without such money, the work of this important institution could not adequately

proceed, raises serious questions about our priorities. If the work of the National Archives is not important enough for Congress to adequately fund, what does this say about the basic documents of American History and their current meaning to the public when a National Archives Corporate Boosters' Club has to be formed?

3. *Making available the recorded voices of former U.S. Presidents and national leaders to boost the image of Philip Morris.* On page three of the Memorandum of Understanding, the National Archives agrees to "use its best efforts to assist Philip Morris in securing any permission that may be required for it to use the voices of leading Americans, including former American Presidents, in connection with Philip Morris/National Archives public service announcements promoting the Bill of Rights Bicentennial." What would Martin Luther King, Jr. or Harry Truman think if they knew their voices were being made available by the National Archives in order to improve the image of a company with the deadly record of Philip Morris and, possibly, to help the company sell more cigarettes.

In response to letters I wrote last week to Senator Jeff Bingaman and Congressman John Conyers, heads of the two congressional committees with oversight responsibilities concerning the National Archives, asking that the Philip Morris/National Archives devil's pact be stopped, both have written to the Director of the National Archives, Donald Wilson, complaining about the program and, in addition, Congressman Conyers has

formally asked for a GAO investigation into the matter. In his November 9th letter to Donald Wilson, Congressman Conyers said:

"I am deeply disturbed about this agreement for several reasons. First, Philip Morris is at the center of a longstanding controversy involving constitutional issues surrounding smoking. The agreement with the National Archives gives the appearance that a federal agency agrees with the arguments of the tobacco industry. The intrusion of the National Archives into the middle of this controversy reflects both insensitivity and bad judgment.

Second, the agreement was entered into without any notice to the Congress. As Chairman of the authorizing committee for the National Archives, I should have been informed in advance about any large or controversial commitments made by the Archives....

Third, there are a number of legal questions surrounding the agreement. I have written separately to the General Accounting Office to ask for a review of those questions.... Upon conclusion of the GAO review, I will consider the need for legislative restrictions on the authority granted in the National Archives and Records Administration Act of 1984."

Because of its long-standing control of a significant fraction of the cigarette market in this country, Philip Morris has been responsible for the deaths of millions of Americans, disabling illnesses in millions more, plus a rapidly growing annual toll of deaths and injuries in the rest of the world where it heavily promotes, often without any of the warnings required in this country, its deadly cigarettes. There is little question

that by buying up a stake in the Bill of Rights and the National Archives where it is housed, Philip Morris hopes to implicitly promote its self-interested notion of smokers' rights and delay the day when Congress passes a law banning all advertising of tobacco products. Guy Smith, Philip Morris' vice president for corporate affairs, also thinks the two-year, \$60 million campaign will help to sell the company's products, presumably including cigarettes. Smith told the *Wall Street Journal* that "If they think well of the company through our support of the Bill of Rights, it follows they'll think well of our products." Using the Bill of Rights to help sell Philip Morris cookies, beer, cigarettes and other products needs to be stopped, especially when the campaign, including print and TV ads, all have the imprimatur of the National Archives along with the Philip Morris name.

Aware of the deadly connotation of a tobacco/National Archives partnership, National Archives spokesperson Jill Brett told the *Boston Globe* that "If we were dealing with just a tobacco company, we might not have done it." Miller Brewing, another arm of the Philip Morris troika (Philip Morris, Miller Brewing and Kraft Foods) has also abused commercial free speech by promoting sexism. In a 16-page advertising supplement for college newspapers called "Beachin' Times," Miller Brewing advised party dudes how to "scam babes" and turn the traditional Florida vacation "into your own personal trout farm."

But even if the corporate sponsors were companies other than

Philip Morris or other tobacco companies, the concept of vulgar commercialization of the fundamental documents of American History is still appalling. (Cadillac Bill of Rights, Mack Truck Bill of Rights, Jolly Green Giant Bill of Rights, Seagram's Bill of Rights)

If Philip Morris were really interested in the Bill of Rights as well as the welfare of Americans and others around the world, they would go out of the lethal tobacco business. Philip Morris-made cigarettes have killed more Americans than were killed in all of the wars fought by this country.

If the National Archives understood the meaning of the Bill Rights, they would never have demeaned and debased it by tying it to Philip Morris or any other company and, instead, would ask Congress for whatever funds were needed to promote the bicentennial of the Bill of Rights but still maintain the integrity of this important document.

Thank you