

# Epidemiology of Failed Tobacco Control Legislation

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**Objective.**—To evaluate the influence of tobacco industry campaign donations, district location, and political party affiliation on tobacco control legislation among members of the US Congress.

**Design.**—Data were obtained from the Federal Election Commission on money contributed by the 10 leading tobacco political action committees and by tobacco industry-aligned individuals to members of the US House of Representatives (1991-1992) and Senate (1987-1992). Logistic regression analyses were performed using recorded votes and cosponsorship activities concerning tobacco control legislation during the 102nd and 103rd Congresses and membership on the House Congressional Task Force on Tobacco and Health as the dependent variables and tobacco money received, party, district location, and caucus or committee membership as the independent variables.

**Setting.**—United States Congress in 1991 and 1992.

**Interventions.**—None.

**Main Outcome Measure.**—Support for federal tobacco control legislation.

**Results.**—The tobacco industry donated approximately \$2.4 million to members of Congress from January 1991 through December 1992. House members received an average of \$2943 (1991-1992) and senators received an average of \$11 593 (1987-1992). The more tobacco money a member received, the less likely the member was to support tobacco control legislation. In the Senate, on a vote to end the taxpayer subsidy of tobacco products in military stores, the odds ratio that senators in the top quartile of tobacco money recipients did not support the measure vs senators in the lowest quartile of tobacco money recipients was 42.2 (95% confidence interval, 4.1 to 430.0;  $P < .001$ ). In the House, on a vote to end a \$3.5 million subsidy to promote American tobacco abroad, the odds that House members in the top third of tobacco money recipients would oppose the legislation were 14.4 times greater (95% confidence interval, 5.5 to 39.0;  $P < .001$ ) than for House members in the lowest third of tobacco money recipients. Receiving more tobacco money, being a member of the Republican party, and representing a tobacco-producing state were all associated with decreased support for tobacco control issues. The amount of tobacco money received was the variable most strongly and consistently associated with a lack of support for tobacco control legislation, even when we controlled for additional factors such as district location and party.

**Conclusion.**—Tobacco industry contributions to members of the US Congress strongly influence the federal tobacco policy process. Unless this influence is diminished through a combination of members refusing tobacco money and campaign finance reform, this process of contributing to death by thwarting tobacco control will continue to claim hundreds of thousands of lives a year.

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TOBACCO accounts for more than 400 000 deaths per year in the United States, making it the leading cause of preventable mortality in the nation.<sup>1</sup> To place this in perspective, tobacco is responsible for more deaths than alcohol consumption, illicit drug use, violence, automobile crashes, unintentional inju-

ries, and the human immunodeficiency virus epidemic combined.<sup>1</sup> According to data provided by the Federal Election Commission, the tobacco industry donated approximately \$2.4 million to members of the US Congress in 1991 and 1992. The failure of the US Congress to enact a single piece of significant tobacco control legislation (such as a significant tax increase on tobacco products) during either the 102nd or 103rd Congress is strongly associated with the tobacco industry's campaign contributions.<sup>2</sup>

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See also pp 1176 and 1217.

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The purpose of this study was to analyze factors associated with failure of a member of the US Congress to support tobacco control initiatives. Variables examined to determine their relationship to the member's record on tobacco control issues included the amount of tobacco money received, district location, committee membership, caucus membership (House only), and political party.

## METHODS

Information identifying all money donated to members of Congress by tobacco industry political action committees (PACs) and by individuals closely aligned with the tobacco industry was obtained from the Federal Election Commission. Tobacco industry contributions made in 1991 and 1992 to members of the House and 1987 through 1992 to members of the Senate were analyzed. The Senate data included total contributions from three 2-year congressional sessions to include one election cycle for each member of the Senate, since more money is received by then.

The 10 tobacco PACs included in the analysis were R.J. Reynolds, Phillip Morris, U.S. Tobacco Executives Inc, Pinkerton Tobacco Company, Brown and Williamson Tobacco, the Smokeless Tobacco Council, the Tobacco Institute, Cigar Association of America, American Wholesale Marketers Association,

Table 1.—US House of Representatives Tobacco Money Recipients\*

Cumulative, %	102nd Congress		103rd Congress	
	All Members of House (n=440), \$	Members of House Who Received Tobacco Money (n=304), \$	All Members of House (n=440), \$	Members of House Who Received Tobacco Money (n=297), \$
Minimum received	0 (n=136)	132	0 (n=143)	132
33	350	1790	200	1790
50	1500	2900	1400	2750
66	2900	4400	2750	4000
100	37 741	37 741	37 741	37 741

\*The amount of tobacco money received by individuals who were members of the House in the 102nd or 103rd Congress. Donations were received between January 1, 1991, and December 31, 1992. Values are listed for the minimum, tertiles, median, and maximum.

and Universal Leaf Tobacco Company. Tobacco industry-aligned individuals were defined as individuals who were listed as members of the board of directors of one of the major tobacco companies (R.J. Reynolds, Phillip Morris, Lorillard, Brooke Group Ltd, U.S. Tobacco, American Brands, or Brown and Williamson) as published in the corporations' annual reports or who listed one of the major tobacco companies as their employer on their Federal Election Commission report.

Voting records on recorded votes (as opposed to voice-only votes) that dealt with tobacco control issues and cosponsorship lists for tobacco control legislation introduced during the 102nd and 103rd Congresses were obtained for both the House and the Senate, as was the membership list for the House Bipartisan Congressional Task Force on Tobacco and Health.

The sum received from tobacco interests by each legislator was compared with the member's voting record and cosponsorship activities on tobacco control legislation. This review included all tobacco control legislation introduced during the 102nd Congress (January 1991 through December 1992) and the 103rd Congress (from January 1993 through September 23, 1993).

In the House, 13 tobacco control bills with 79 cosponsors were introduced in the 102nd Congress (not including the Clean Indoor Air Act), and 11 tobacco control bills with 101 cosponsors were introduced in the 103rd Congress through September 23, 1993. In the Senate, nine tobacco control bills with 31 cosponsors were introduced in the 102nd Congress (not including the Clean Indoor Air Act), and eight bills with 22 cosponsors were introduced in the 103rd Congress through September 23, 1993.<sup>3</sup>

Eight logistic regression analyses were performed using a total of eight different tobacco control support measures (dependent variables). Four dependent variables were analyzed in the House: a vote on one tobacco control amendment, the Owens Amendment

(HR 5487) (to end a \$3.5 million annual subsidy to promote American tobacco abroad); cosponsorship of any of the tobacco control bills in the 102nd or 103rd Congress; and membership on the House Bipartisan Congressional Task Force on Tobacco and Health. In the Senate four different tobacco control support measures were used in the analyses: votes on two tobacco control amendments, ie, the Harkin Amendment (HR 11) (to limit the tax deductibility of tobacco product advertising and promotion to 80%) and Bingaman Amendment (S 1507) (to end federal subsidy of tobacco products in military commissaries); and tobacco control legislation cosponsorship in the 102nd or 103rd Congress.

In the House, the independent variables were amount of tobacco money received, party, committee membership, caucus membership, and region. The 440 members of the House (435 voting members and five delegates) were divided into three groups (tertiles) of approximately 145 members each, based on the amount of tobacco interest money received. The reason for having approximately 145 members in each group is that frequently there would be a cluster of members around the break points. In an effort to keep all members receiving a given amount in the same group, the group sizes were allowed to vary by several members. (Unlike the Senate, where fewer than one quarter of members received no tobacco money, and contributions were divided into quartiles, in the House more than one quarter of members received no tobacco contributions, and thus, to have all such members in the same group, tertiles were used.)

The party affiliation was Democrat or Republican. The one Independent House member, Bernard Sanders of Vermont, was grouped with the Democrats. Committee and caucus membership compared members vs nonmembers. The committee memberships analyzed were Agriculture, Appropriations, Energy and Commerce, Ethics, Judiciary, Merchant Marine and Fisheries, and Ways and

Means. The caucus memberships analyzed included the Black Caucus, the Executive Committee of the Women's Caucus, and the Hispanic Caucus. Region refers to whether or not a representative was from a major tobacco-producing state, namely, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia.<sup>4</sup> There were 54 representatives from the tobacco states in the 102nd Congress and 55 representatives from the tobacco states in the 103rd Congress.

In the Senate the independent variables for the regression analyses were amount of tobacco money received, party, committee membership, and region. The 100 senators in each (102nd and 103rd) Congress were divided into four groups (quartiles) of approximately 25, based on the amount of tobacco interest money received. The reason for the approximation is that senators frequently would be clustered around break points, and the number of members within each quartile was allowed to vary so that all members receiving a specific donation would be grouped together.

The party affiliation was either Democrat or Republican. Senate committees reviewed in the regression analyses included Appropriations, Agriculture, Commerce, Ethics, Finance, Judiciary, Labor, and Aging. A separate variable was created for each of the committees, with committee members coded as 1 for comparison with nonmembers, coded as 0. The same six tobacco-producing states listed for the House were listed as tobacco states for the Senate analyses.

Each of the variables was coded as a binomial variable (0 or 1) for the logistic regression analyses. The money variables, tertiles or quartiles, were coded as a series of three (House) or four (Senate) dummy variables with the lowest money-receiving group being used as the comparison group. Multivariate regression analyses were performed using STATA V. 3.0.

## RESULTS

### Tobacco Industry Donations to Congress

During the 2-year congressional session from January 1991 through December 1992, a total of \$2 391 642 was donated to members of the US Congress by the tobacco industry. The tobacco PACs and tobacco industry-aligned individuals donated a total of \$1 717 673 to members of the House. The R.J. Reynolds PAC donated the most money, giving \$686 363 to US House members over the 2-year period examined. The second largest contributor was the Phillip Morris PAC, which donated \$473 260 over 2 years.

During the 1991-1992 congressional cycle, the 10 leading tobacco PACs and tobacco industry-aligned individuals donated a combined total of \$673 969 to members of the US Senate. The total donated to Senate members between 1987 and 1992 was \$1 639 629. The tobacco PACs have been increasing their contributions to senators. For example, total PAC donations in the 1987-1988 session were \$379 549; in comparison with the \$613 577 donated in the 1991-1992 session, this represents a 62% increase over 4 years.

The largest single contributor to members of the Senate, both overall and in the 1991-1992 session, was the Phillip Morris PAC, which donated a total of \$459 979 between 1987 and 1992. Following closely was the R.J. Reynolds PAC, which donated \$373 750 during the same time period.

Tobacco industry PACs donated \$2 298 750 (96%) of the total \$2 391 642 donated to both the House and the Senate during 1991 and 1992. Tobacco industry-aligned individuals donated \$92 892.

Table 1 demonstrates that the 440 members of the House (435 voting members and five nonvoting delegates) during the 102nd and 103rd Congresses received a median of \$1500 and \$1400, respectively, from the tobacco industry during the time period reviewed (January 1, 1991, through December 31, 1992). There were 136 members of the 102nd Congress and 143 members of the 103rd Congress who received no tobacco money. The 304 House members (102nd Congress) and 297 House members (103rd Congress) who did receive tobacco money received a median of \$2900 and \$2750, respectively.

Table 2 demonstrates that the 100 members of the Senate during the 102nd and 103rd Congresses received a median of \$9250 and \$8999, respectively, from the tobacco industry during the time period reviewed (January 1, 1987, through December 31, 1992). There were 14 members of the 102nd Senate and 17 members of the 103rd Senate who received no tobacco money. The 86 senators (102nd Congress) and 83 senators (103rd Congress) who did receive tobacco money received a median of \$12 000 and \$11 250, respectively.

### Regression Analyses—House of Representatives

The results for the logistic regression analyses for the House are listed in Table 3 (102nd Congress) and Table 4 (103rd Congress). For each of the tobacco control issues, the odds ratios (ORs) and 95% confidence intervals (CIs) for the effect of tobacco money, political party,

Table 2.—US Senate Tobacco Money Recipients\*

Cumulative, %	102nd Congress		103rd Congress	
	All Members of Senate (n=100), \$	Members of Senate Who Received Tobacco Money (n=86), \$	All Members of Senate (n=100), \$	Members of Senate Who Received Tobacco Money (n=83), \$
Minimum received	0 (n=14)	250	0 (n=17)	250
25	1500	4000	1250	4000
50	9250	12 000	8999	11 250
75	19 550	20 500	17 000	19 550
100	61 898	61 898	61 898	61 898

\*The amount of tobacco money received by individuals who were members of the Senate during the 102nd or 103rd Congress. Donations were received between January 1, 1987, and December 31, 1992. Values are listed for the minimum, median, quartiles, and maximum.

Table 3.—Regression Analyses Results—102nd House\*

Independent Variable	Owens Amendment Vote		Sponsorship of Tobacco Control Legislation in 102nd Congress	
	No. of Members Voting in S/O/Abs/NV (n=331/82/22/5)	Odds Ratio (95% Confidence Interval)	No. of Members Cosponsoring, Y/N (N, n=361)	Odds Ratio (95% Confidence Interval)
Tobacco money				
Tertile 1 (n=142)	129/6/3/4	1.0	54/88	1.0
Tertile 2 (n=154)	125/15/13/1	2.1 (0.69-6.10)	20/134	3.7 (1.90-7.00)
Tertile 3 (n=144)	77/61/6/0	14.4 (5.50-39.00)	5/139	13.9 (5.10-39.00)
Region				
Nontobacco state (n=387)	315/50/17/5	1.0	77/310	1.0
Tobacco state (n=53)	16/32/5/0	16.3 (6.80-39.00)	2/51	4.4 (0.96-20.00)
Party				
Democrat (n=273)	208/41/20/4	1.0	63/210	1.0
Republican (n=167)	123/41/2/1	3.0 (1.90-4.80)	16/151	2.4 (1.20-4.60)

\*Odds ratios with 95% confidence intervals for the two multivariate logistic regressions for the House in the 102nd Congress. Members in tertiles 1, 2, and 3 received \$0 to \$350, \$351 to \$2900, and \$2901 to \$37 741 in tobacco industry donations, respectively. Column 2 lists the number of members who voted in support (S), voted in opposition (O), abstained (Abs) from the vote, and were not eligible to vote (NV) for the Owens Amendment. Column 4 lists the number of members who did (Y) and did not (N) cosponsor at least one piece of tobacco control legislation during the 102nd Congress.

Table 4.—Regression Analyses Results—103rd House\*

Independent Variable	Task Force Membership		Sponsorship of Tobacco Control Legislation in 103rd Congress	
	No. of Members Joining Task Force, Y/N (Y, n=57) (N, n=383)	Odds Ratio (95% Confidence Interval)	No. of Members Cosponsoring, Y/N (Y, n=101) (N, n=339)	Odds Ratio (95% Confidence Interval)
Tobacco money				
Tertile 1 (n=145)	45/100	1.0	58/87	1.0
Tertile 2 (n=147)	11/136	6.6 (3.00-15.00)	30/117	2.4 (1.40-4.30)
Tertile 3 (n=148)	1/147	101 (13.00-810.00)	13/135	6.3 (2.90-13.00)
Region				
Nontobacco state (n=385)	55/330	1.0	96/289	1.0
Tobacco state (n=55)	2/53	2.3 (0.40-12.00)	5/50	2.2 (0.78-6.10)
Party				
Democrat (n=264)	47/217	1.0	81/183	1.0
Republican (n=176)	10/166	3.3 (1.50-7.40)	20/156	3.1 (1.70-5.60)

\*Odds ratios with 95% confidence intervals for the two multivariate logistic regressions for the House in the 103rd Congress. Members in tertiles 1, 2, and 3 received \$0 to \$200, \$201 to \$2750, and \$2751 to \$37 741 in tobacco industry donations, respectively. Column 2 lists the number of members who did (Y) and did not (N) belong to the Congressional Task Force on Tobacco and Health as of February 25, 1993. Column 4 lists the number of members who did (Y) and did not (N) cosponsor at least one piece of tobacco control legislation during the 103rd Congress as of September 23, 1993.

and tobacco state are given, with the ORs indicating opposition to the tobacco control measure. For example, members of the House receiving the greatest amount (tertile 3) of tobacco money were 14.4 times more likely than those in the lowest tertile to vote against the Owens Amendment (to stop subsidizing a pro-

gram to promote tobacco exports). There was a high degree of consistency regarding the influence of money, party, and district location on votes against tobacco control issues, the absence of cosponsorship of tobacco control legislation, and lack of task force membership.

# Tobacco Industry Campaign Contributions Are Affecting Tobacco Control Policymaking in California

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**Objective.**—To test the hypothesis that tobacco industry campaign contributions are influencing the behavior of members of the California legislature.

**Design.**—Multivariate simultaneous-equations regression was used to analyze data on campaign contributions from the tobacco industry to members of the California legislature in 1991 and 1992, members' tobacco control policy positions, and members' personal characteristics.

**Data Sources.**—The following sources were analyzed: campaign contributions from disclosure statements filed with the California Fair Political Practices Commission; constituent attitudes on tobacco control from the California Tobacco Survey; legislators' personal characteristics, from a survey of key informants conducted by the *California Journal*; and the tobacco policy score, a survey of key informants working on tobacco issues in the state legislature. Specific voting on tobacco-related bills was also analyzed.

**Setting.**—California legislature in 1991 and 1992.

**Patients or Other Participants.**—All members of the California legislature in 1991 and 1992.

**Main Outcome Measures.**—Tobacco policy score, campaign contributions, and votes on individual tobacco-related bills.

**Results.**—The tobacco industry is having a statistically detectable effect on behavior of members of the California legislature on tobacco policymaking. On a scale of 0 to 10, a legislator's tobacco policy score dropped (ie, became more protobacco industry) by  $-0.11$  for every \$1000 in tobacco campaign contributions, after accounting for the fact that a more protobacco position was associated with greater contributions (\$1855 for each  $-1.0$  reduction in score). Members who were rated as effective received larger contributions from the industry. Members rated higher in integrity and intelligence were more antitobacco (higher scores) and Republicans more protobacco (lower scores) after taking into account the effects of contributions from the industry. Constituent attitudes were not reflected in legislators' perceived behavior.

**Conclusion.**—Tobacco industry campaign contributions influence California legislators in matters related to tobacco policymaking, independent of constituents' support for tobacco control.

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sources in the political process to protect its interests from efforts by the health community.<sup>1,2</sup>

California voters passed Proposition 99 in 1988, which raised the tobacco tax by 25 cents and directed that 20% of the new revenues be allocated to tobacco education and prevention programs. Although the voters directed how the new revenues were to be spent, it remained for the California legislature to appropriate the funds and the administration to implement the tobacco education programs. Concurrently with passage of Proposition 99, the tobacco industry dramatically increased its campaign contributions to members of the California

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See also pp 1171 and 1217.

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legislature.<sup>3</sup> In the 1986 election, the last election before Proposition 99 passed, the tobacco industry contributed \$287 938 to members of and candidates for the California legislature; in the 1992 election, this amount had increased to \$1 248 286. This increase was unique to California; there was not a similar increase at the national level. The legislature has never allocated a full 20% of Proposition 99 revenues to tobacco education and prevention programs; since Proposition 99 passed, only 14.1% of tax revenues have been used for tobacco education and prevention. The other 5.9% of Proposition 99 revenues that should have been spent on tobacco education programs has been diverted into medical service programs that do not adversely affect tobacco consumption.<sup>4</sup> In March 1994, because of the failure of the governor and legislature to fulfill the voters' mandate in Proposition 99, Americans for Nonsmokers' Rights, Just Say No to Tobacco Dough, and a number of individual California taxpayers, including James Nethery, DDS, the chair of the committee that passed Proposi-

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Any analyses and conclusions contained herein are those of the authors and not the California Department of Health Services, which supported the California Tobacco Survey.

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IT IS generally accepted that if someone invented tobacco as a new product today, laws protecting the public health from dangerous foods and drugs would prevent its marketing. Tobacco's anomalous situation is a reflection of the facts that the tobacco industry was well established before the dangers of tobacco use were understood and that the tobacco industry has used its financial re-