

NLWJC - Kagan

DPC - Box 052 - Folder-009

Tobacco-Settlement: Polls

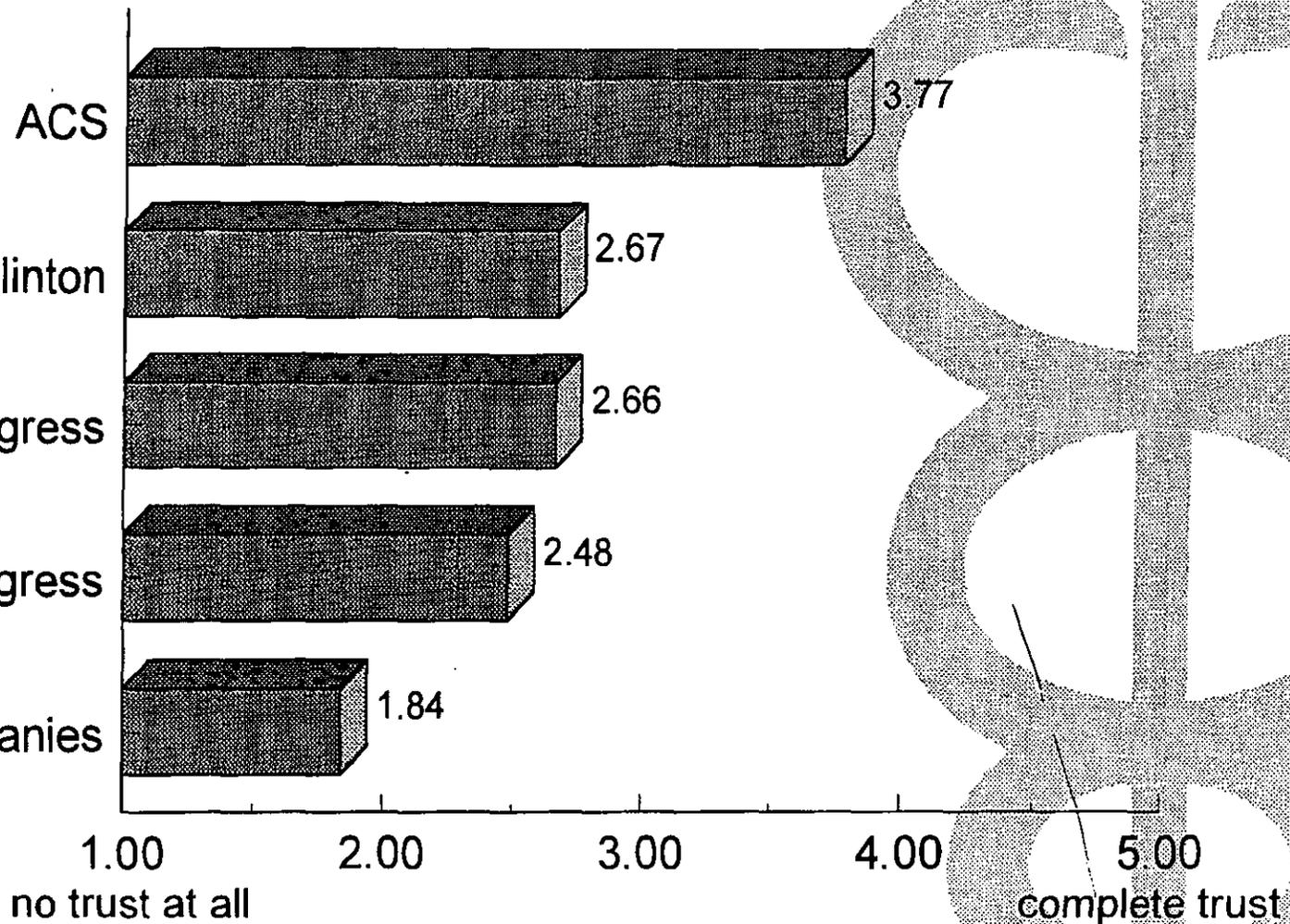


The American Cancer Society Is The Most Trusted Source Of Information On Tobacco Policy And Tobacco-Related Health Issues

mean trust on a 1-5 scale

Brand/Source/Entity

Trust Rating

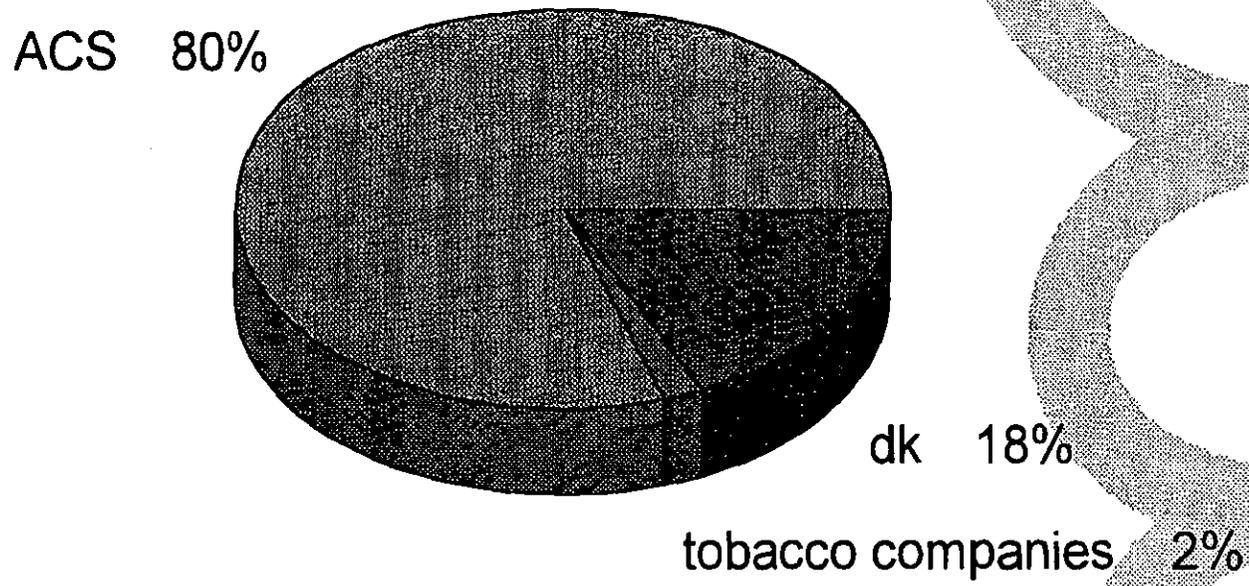


The Mellman Group; May 1998



Americans Are Almost Unanimous In Trusting The American Cancer Society Over Tobacco Companies

Who do you trust more on issues related to national tobacco policy: the American Cancer Society, or the tobacco companies?



The Mellman Group: May 1998

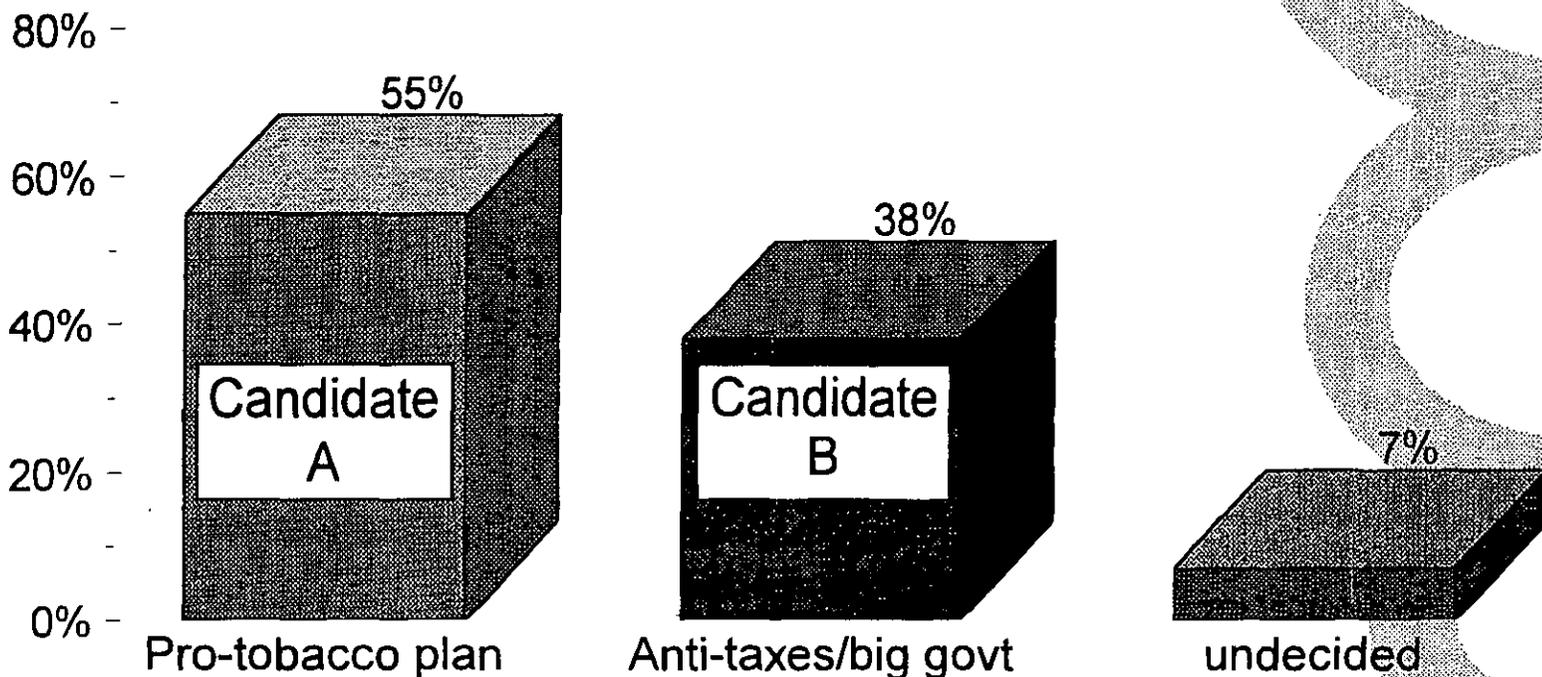


A Hypothetical Pro-Plan Candidate Bests A Candidate Arguing Against Big Government And New Taxes

Candidate A says this plan is the best way to stop the 3,000 kids who start smoking every day from smoking because it will ban the tobacco advertising directed at kids, make tobacco more expensive, fund anti-smoking education programs, and put tough new controls on the sale of tobacco to kids.

Candidate B says we must stop youth smoking, but we don't need higher taxes and more government regulation. B says Washington is pursuing its old agenda of tax and spend by raising taxes by a half a trillion dollars to fund lots of new government programs that have nothing to do with tobacco use.

For whom would you vote, Candidate A or Candidate B?



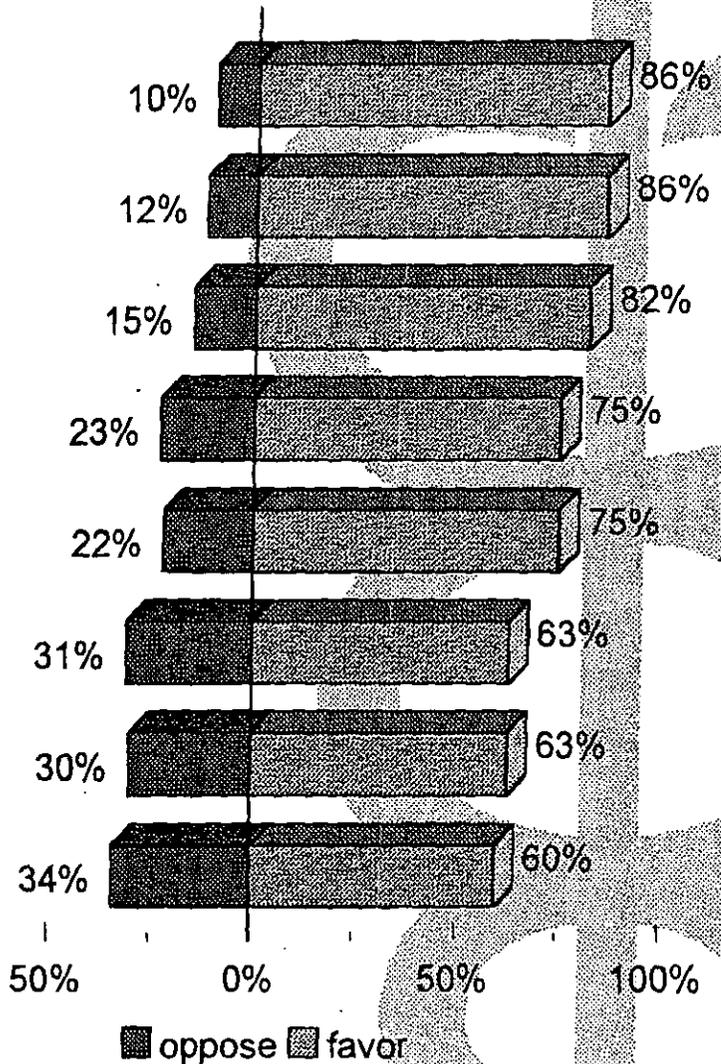
The Mellman Group: May 1998



Substantial Majorities Support The Provisions Of The Current Bill

Do you favor or oppose this provision of the national tobacco control plan?

- require tobacco co's to disclose past, present, & future rsrch on effects of products
- require tobacco industry to give \$ for campaign to educate kids about tobacco's dangers
- give tobacco farmers help/training to grow other crops instead of tobacco
- restrict tobacco use in public places and most workplaces
- requiring tobacco industry to give \$ for camp to educate people about tobacco's dangers
- give FDA authority to regulate nicotine like a drug
- allow state/local govts to enact stricter tobacco laws than federal law
- prohibit tobacco co's from using cartoon/human images

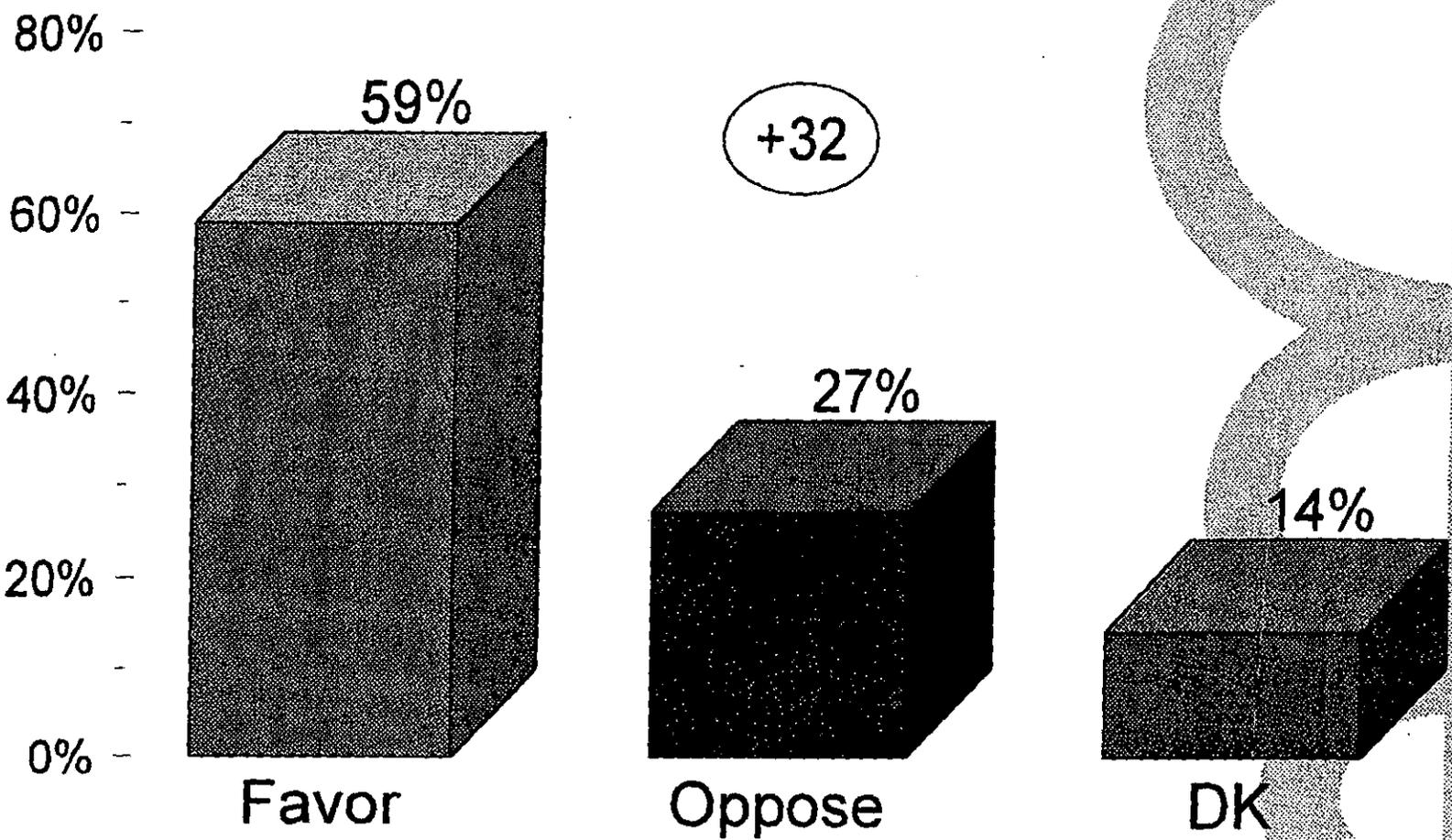


The Mellman Group: May 1998



Approval For The Plan Increases After Voters Hear The Provisions

Now that you've heard more about the provisions of the plan, do you favor or oppose this tobacco control plan?

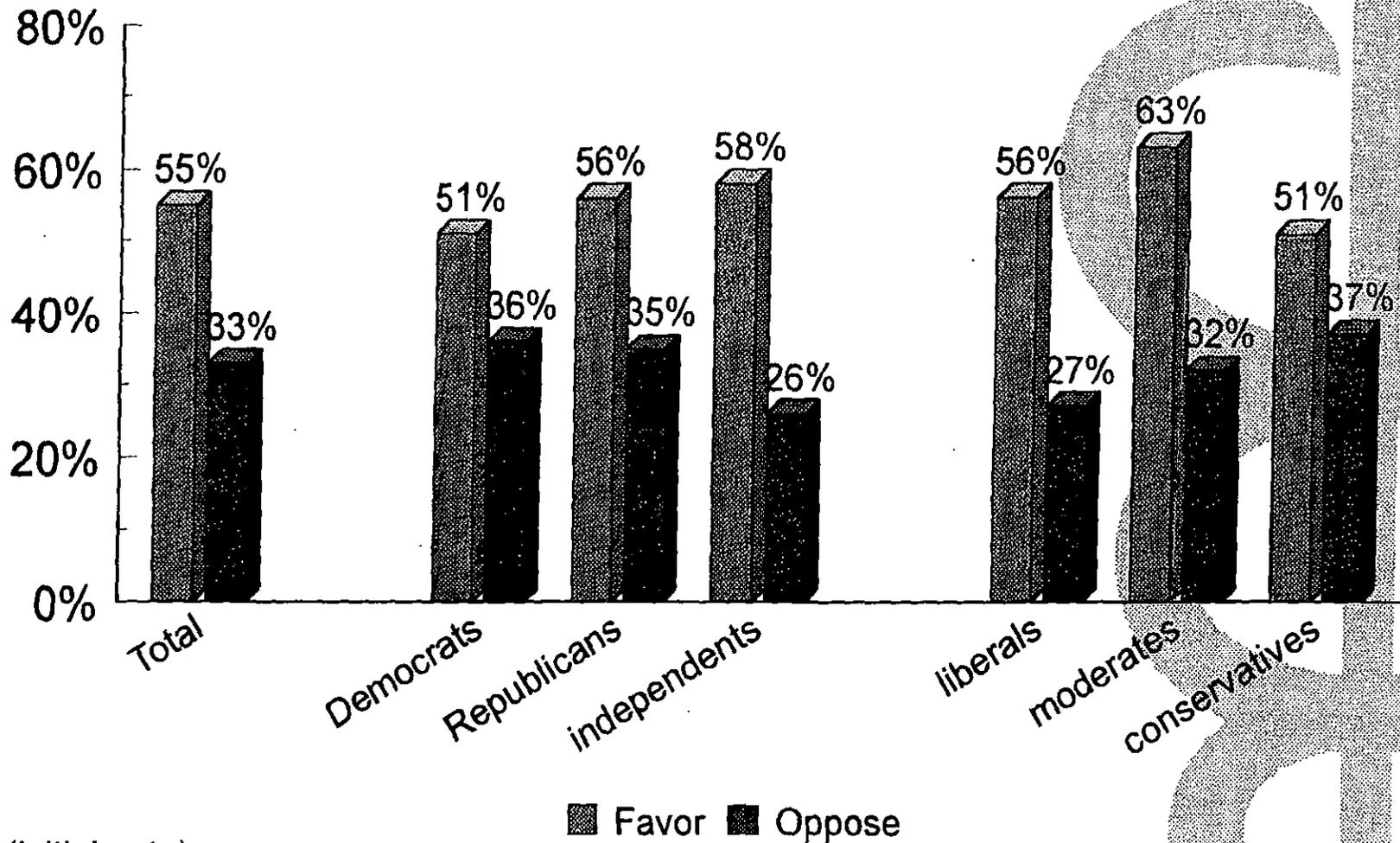


The Mellman Group: May 1998



Support For The Plan Transcends Party And Ideology

Do you favor or oppose the tobacco control plan?



(initial vote)

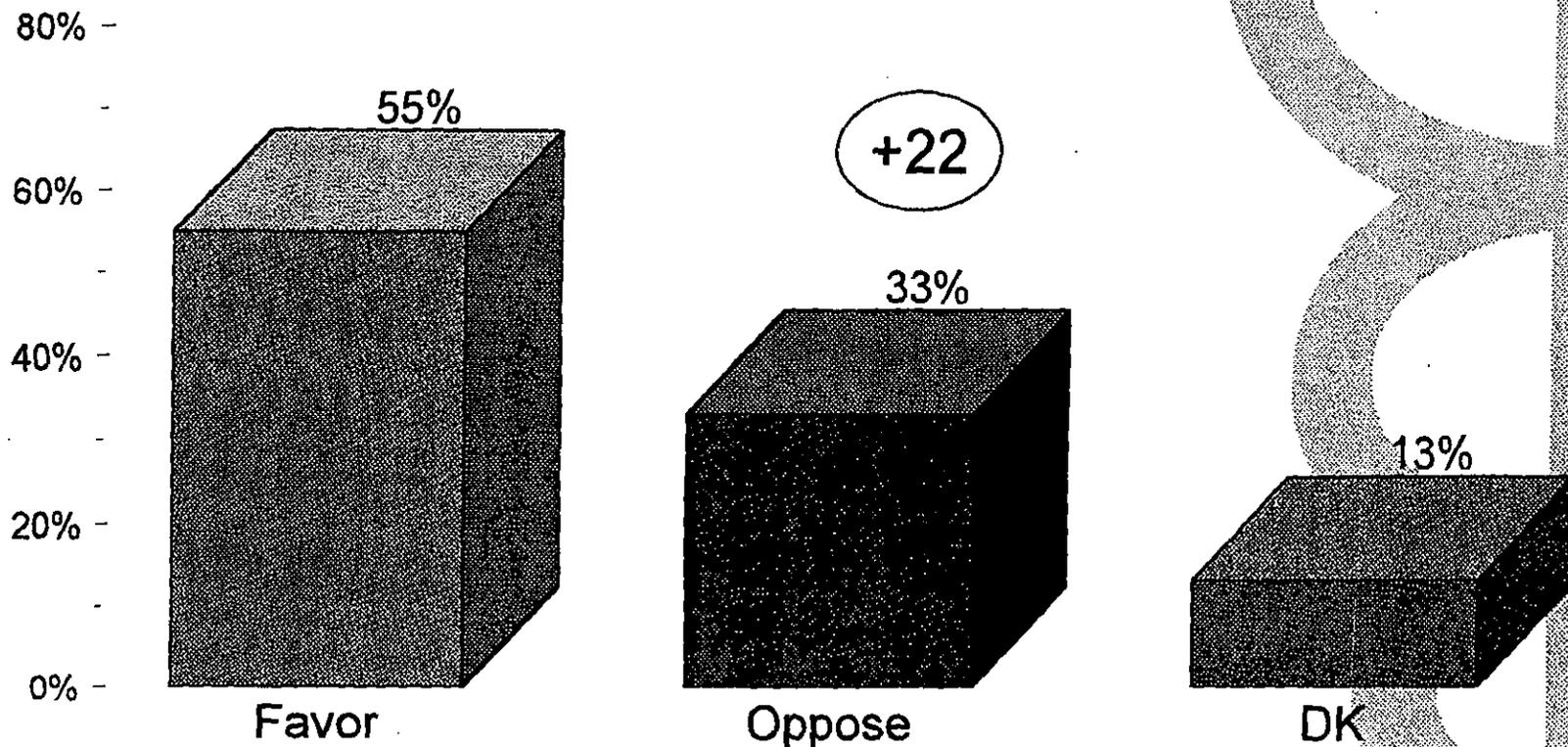
■ Favor ■ Oppose

The Mellman Group: May 1998

A Majority Of Voters Support The Tobacco Plan Currently Being Debated In The Senate



Do you favor or oppose a tobacco control plan that would increase cigarette taxes by \$1.10, penalize the tobacco industry if youth smoking rates do not drop significantly, and give the FDA complete authority to regulate nicotine? The bill would include new regulation on the sale, manufacture, labeling, and marketing of tobacco products, particularly to kids. There would be new restrictions on lawsuits against the tobacco companies, which would cap the total amount the tobacco industry would have to pay in legal damages to \$6.5 billion a year.

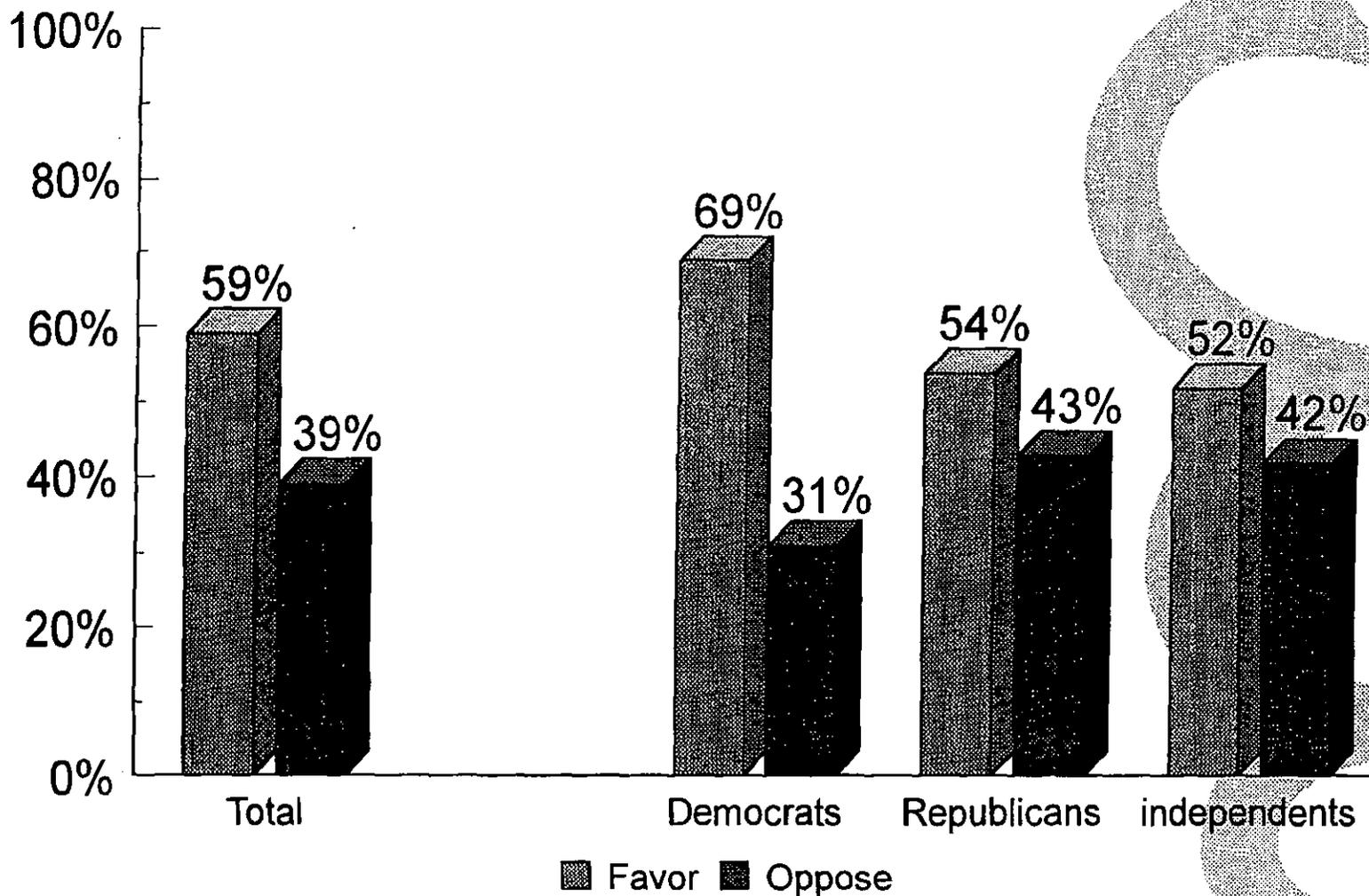


The Mellman Group: May 1998



A Larger Tobacco Tax Hike Also Receives Majority Support

Do you favor or oppose a tobacco tax increase of \$1.50 per pack?



The Mellman Group: May 1998

1:202 661 5753

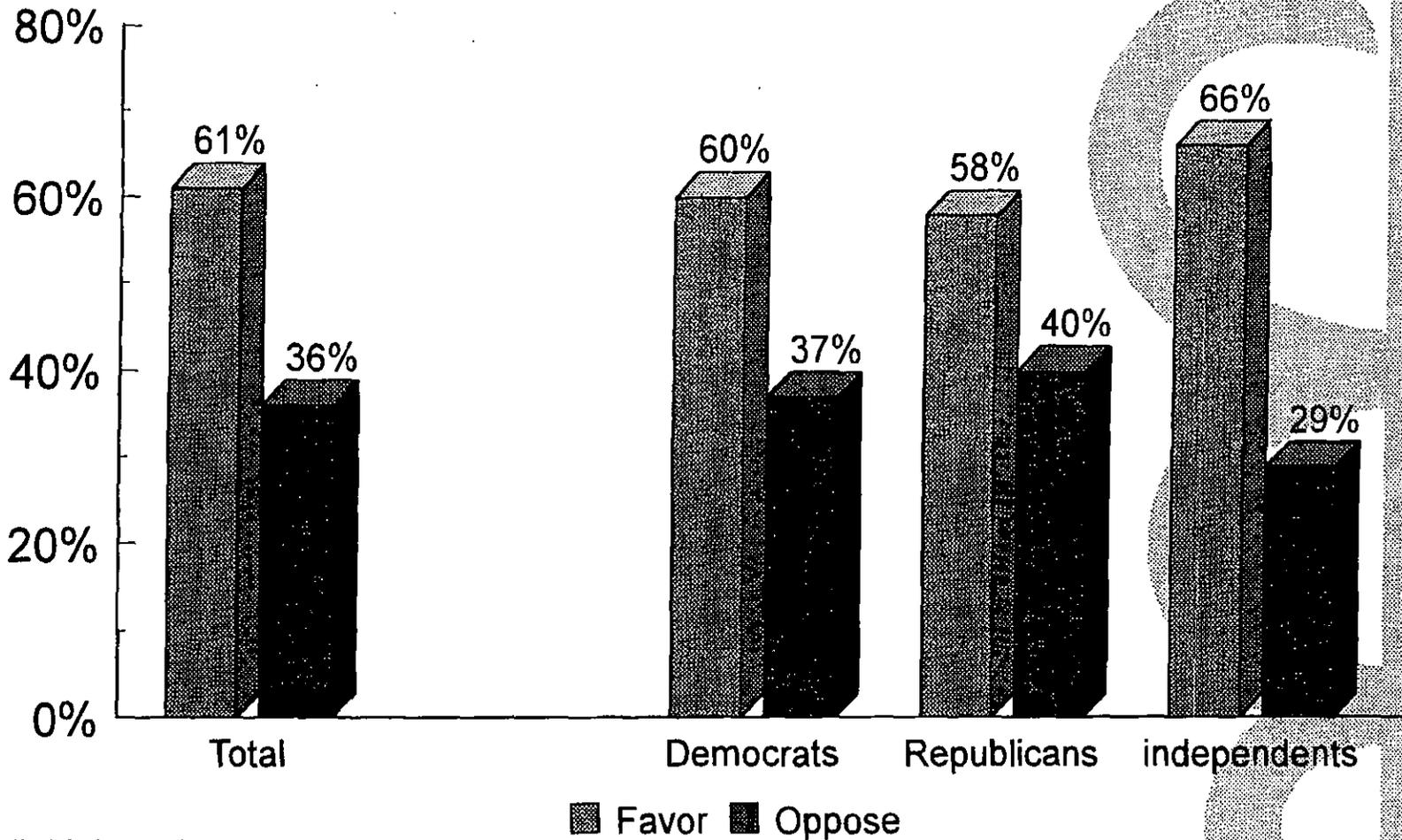
5-15-98 6:14PM AMERICAN CANCER SOC.

9/14



Voters Support A \$1.10 Per Pack Tax Increase, Irrespective Of Party

Do you favor or oppose a tobacco tax increase of \$1.10 per pack?



(initial vote)

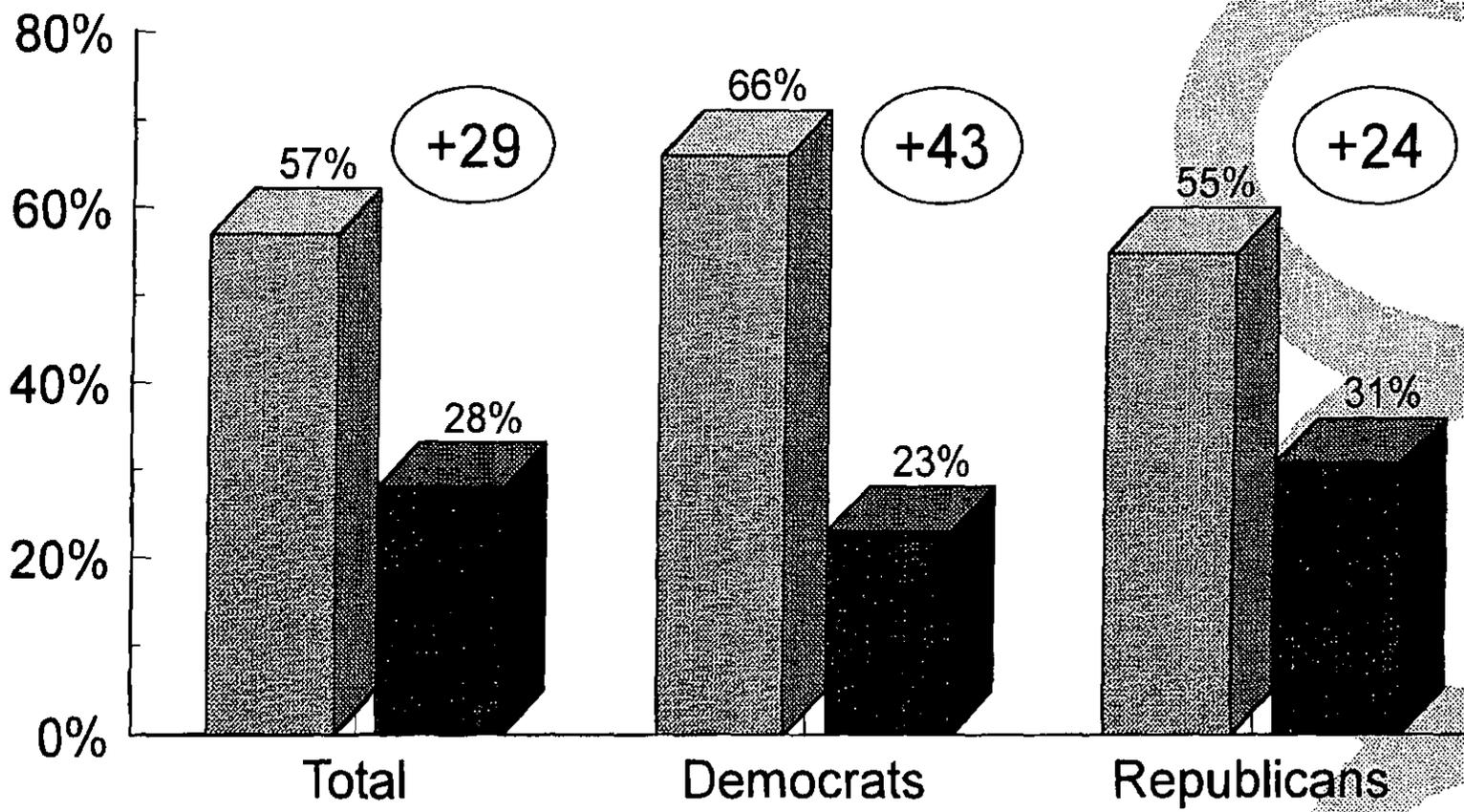
■ Favor ■ Oppose

The Mellman Group: May 1998



A Tobacco Tax Increase Does Not Violate A "No New Taxes" Pledge

How would you feel if a Member of Congress signed a "no new taxes" pledge and then voted for a bill that increased taxes on tobacco?



does not violate pledge
 violates pledge

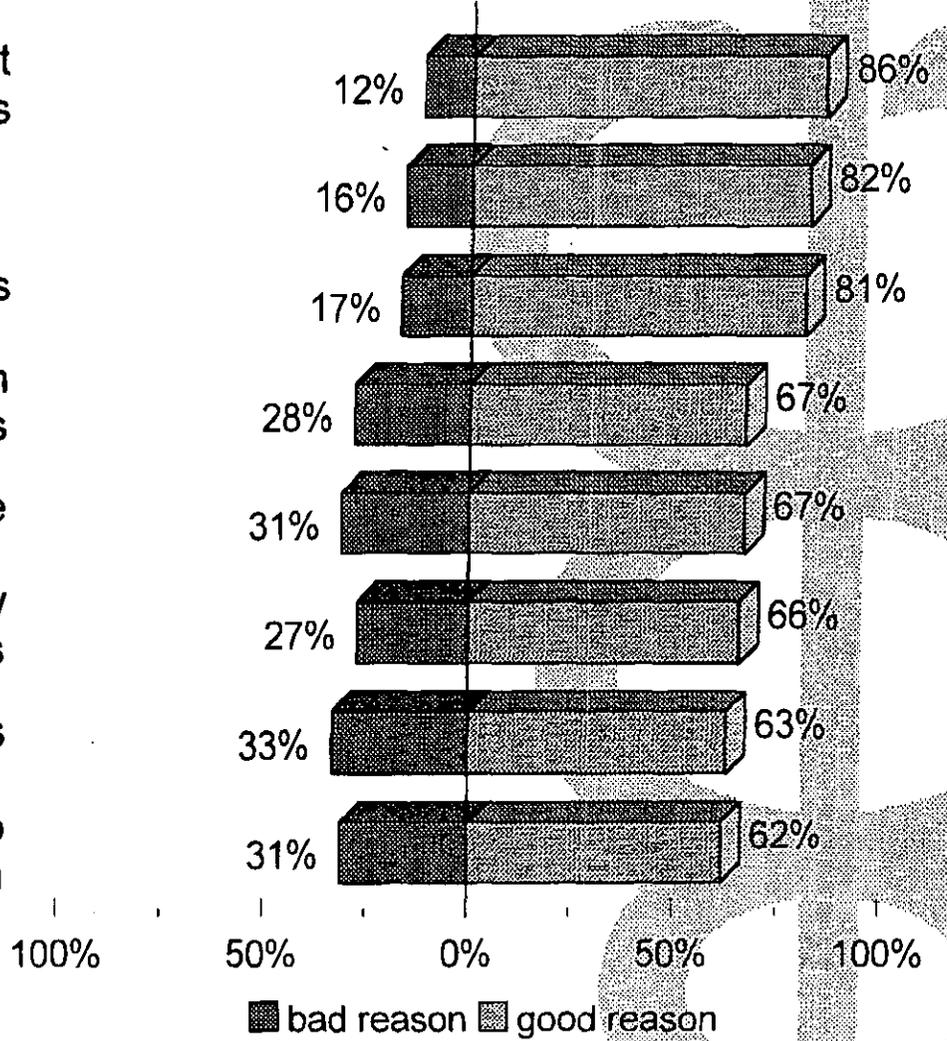
The Mellman Group: May 1998



There Are A Plethora Of Good Reasons To Raise Tobacco Taxes

Is this a good reason or bad reason to increase tobacco taxes?

- \$ for addtl health rsrch on cancer, heart disease, & tobacco-related illnesses
- \$ for anti-tobacco educ prgrms
- \$ for anti-tobacco educ prgrms for kids
- reimburse state govt's for \$ spent on health care to treat tobacco-related diseases
- addtl \$ for Medicare
- helping tobacco farmers hurt by decrease in tobacco sales
- \$ for childcare & child development prgrms
- tax incentives for private co's to conduct bio-medical rsrch



The Mellman Group: May 1998

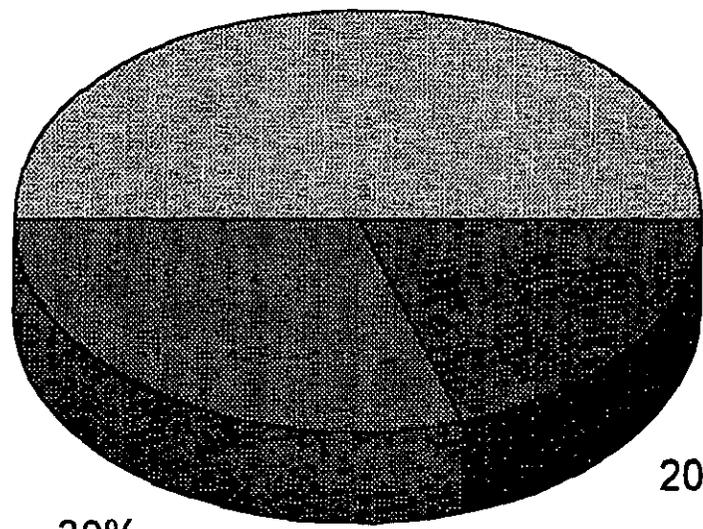


Failure To Pass A Plan Will Be Seen As The Fault Of A Tobacco-Controlled Congress

If Congress does not pass this plan, which of the following do you think will have been the more important reason?

The big tobacco companies control the votes of too many Members of Congress

50%



30%

20% Not sure

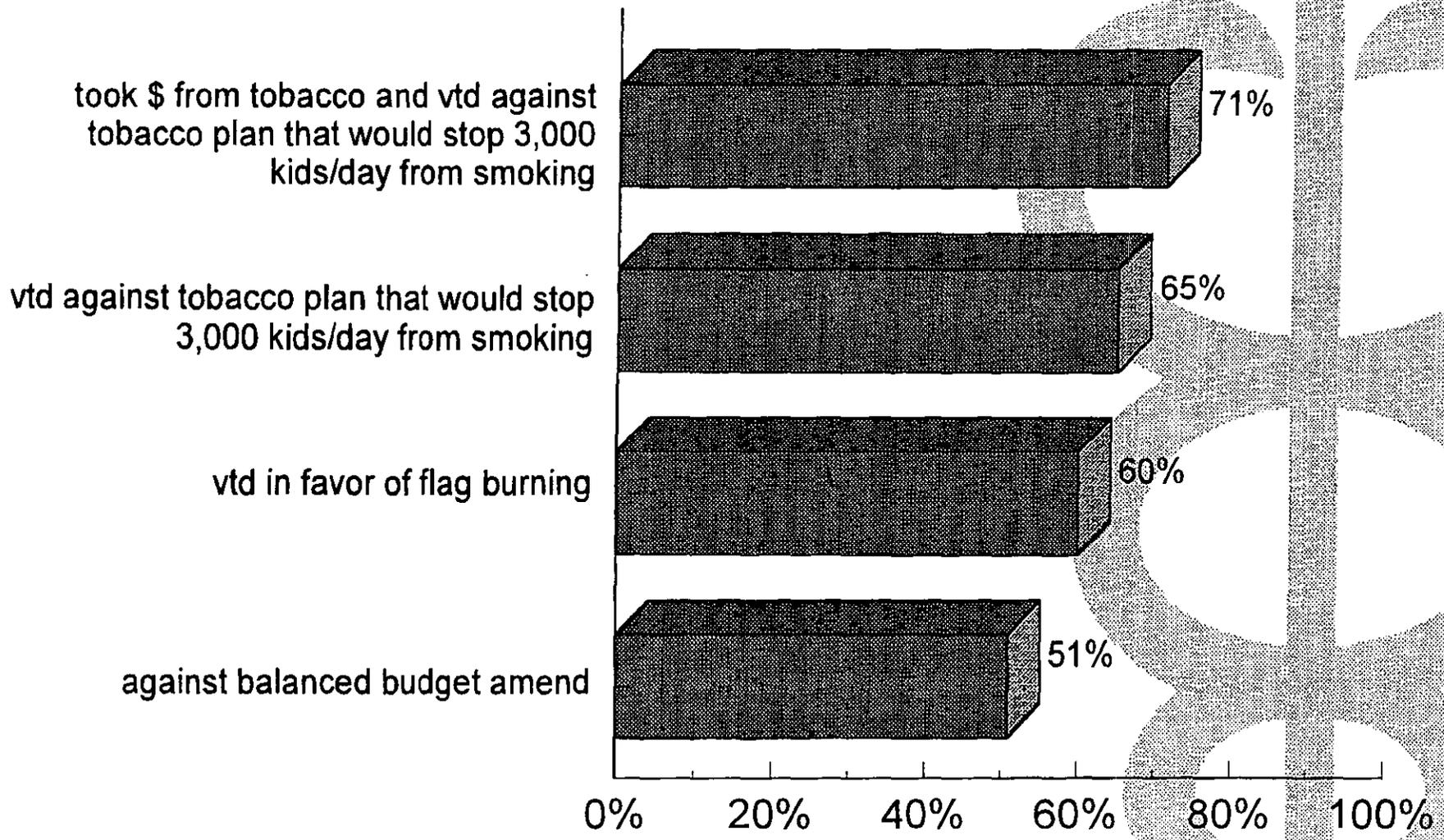
There were legitimate disagreements on the best provisions to put into the plan

The Mellman Group: May 1998



Opposition To This Bill Is A More Compelling Negative Than Opposition To The Balanced Budget Or Support For Flag Burning

% responding "very" or "somewhat" convincing reason to vote against a candidate



The Mellman Group: May 1998

~~Confidential~~ - DO NOT
Release



THE
MELLMAN
Group
RESEARCH
BASED
STRATEGY

DETERMINED TO BE AN
ADMINISTRATIVE MARKING
INITIALS: AK DATE: 5/23/2010

CONFIDENTIAL

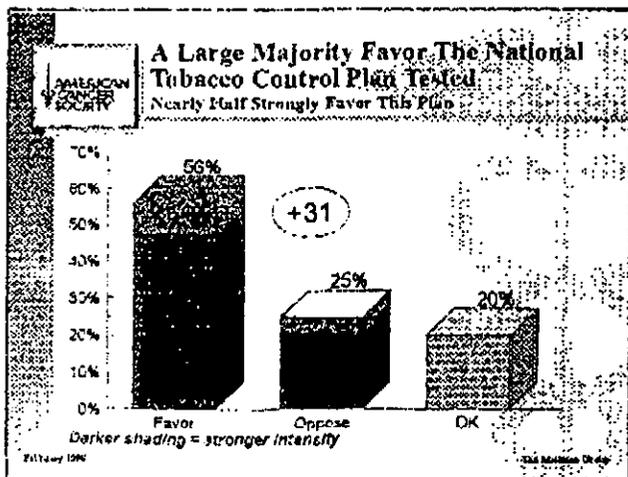
Felo.

cc Rahm + return
Ron K.
EK
John Pedest
CR, TF, JRM

To: The American Cancer Society
From: The Mellman Group
Re: Analysis of Survey Results
Date: February 26, 1998

The following summary is based on a national survey of 1012 American adults (780 registered voters) conducted for The Mellman Group. The survey was conducted February 19-22, 1998. The margin of error for the total sample is +/- 3.1%.

Our recently completed survey yields three key conclusions: 1. There is strong support for a tobacco control plan, based on the ACS principals; 2. Few Americans are opposed to limiting tobacco companies' liability, especially if it will help pass a plan; 3. Health and anti-smoking programs are considered priority recipients for tobacco tax revenues.



Support for A National Tobacco Control Plan Is Strong

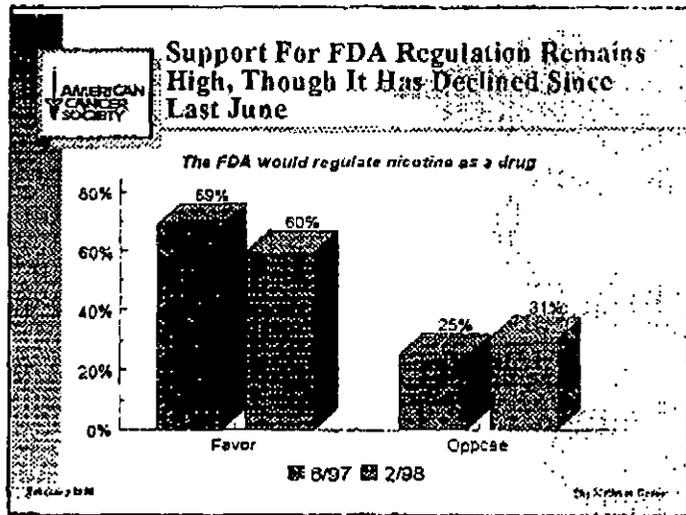
A large majority of voters favor a national tobacco control plan¹ that includes a \$1.50 cigarette tax increase over three years, F.D.A. regulation of nicotine, full disclosure of tobacco product ingredients, and preemption. Fifty-six percent (56%) of Americans favor such a plan while just 25% oppose it. Nearly half (47%) strongly favor this plan.

¹Question wording: A national tobacco control plan is being considered that would increase cigarette taxes by one dollar and fifty cents per pack over three years and severely penalize the tobacco industry if youth smoking rates do not drop significantly. The plan would include new regulations on the sale, manufacture, labeling, and marketing of tobacco products, particularly to kids. In addition, the F.D.A. would be given complete authority to regulate nicotine as a drug and tobacco companies would be required to disclose all ingredients in their tobacco products. States and localities would be able to adopt stronger tobacco control laws than exist at the federal level. Do you favor or oppose this national tobacco control plan or don't you have an opinion on this?

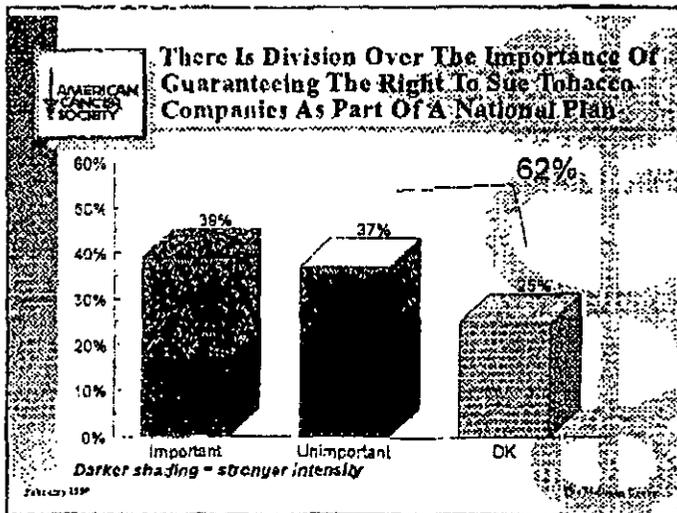
Support peaks among residents of the Northeast (66%-22%), the West (63%-23%), and older Americans (63%-20% among those 50 and up; 64%-19% among women older than 44). Southerners (48%-27%) and 40-49 year olds (46%-36%) are least supportive, though even among these groups more favor the plan than oppose it.

Current support for the national tobacco control plan we tested is slightly higher than support for the national tobacco settlement we tested for ACS last June (51%-29%) and July (52%-33%).

F.D.A. authority to regulate nicotine continues to be a popular provision of national tobacco control. Sixty percent (60%) favor this provision while less than a third (31%) oppose it. While support for F.D.A. regulatory authority has decreased since last June (69% favor-25% oppose), when it was the subject of daily press discussions, the current level of support for this provision remains strong.



Limiting Liability Is Not A Central Issue, Few Oppose Trading Limited Liability For A Good National Tobacco Control Plan



The future legal liability of tobacco companies is not a central issue to the general public. Only a minority (39%) believe it is important for people to have the ability to sue tobacco companies part of a national tobacco control plan. While nearly the same number (37%) consider this unimportant, and another 25% are unsure.

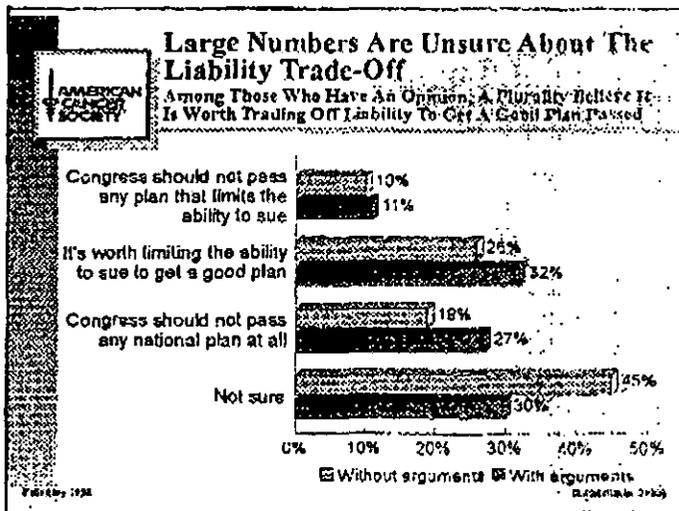
When asked about specific provisions of the plan that deal with smokers' rights to sue, majorities support provisions which limit both compensatory and punitive damages. Nearly 7 in 10 (67%) oppose a provision which says "smokers would be able to sue tobacco companies for compensatory damages, which are payments for expenses like medical bills, attorneys' fees, and lost wages that result from smoking," while a small minority (24%) favor that provision. The level of opposition has increased dramatically from June 1997, when 48% opposed compensatory

damages and 44% favored them.

Americans are somewhat more interested in enabling victims to punish tobacco companies through punitive damages, though there is net opposition to allowing punitive damages, as well. Half (50%) favor a provision which says "smokers would not be able to sue tobacco companies for punitive damages, which are damages above and beyond compensating victims for costs they have incurred as a result of smoking-related diseases and are designed to punish tobacco companies," while 41% oppose denying punitive damages.

Finally, just 10% believe "Congress should not pass a national tobacco control plan that limits people's ability to sue tobacco companies." About a quarter (26%) take the view that limiting liability is worth it to pass a good plan, while 19% want no plan passed at all. The fact that 45% have no opinion on this question suggests that Americans are not particularly familiar with or engaged by issues of legal liability.

After hearing arguments on all three sides of this issue, the number who believe limiting liability is worth it in order to pass the rest of the plan increases to 32%, though the number who say Congress should not pass any plan at all also increases, to 27%. Uncertainty about this issue remains high (30% not sure). Registered voters are nearly identical in their opinion of this tradeoff.



Health Research and Anti-Smoking Education Programs Are the Preferred Use of Tobacco Company Payments

Americans give priority to using tobacco company payments to fund health and tobacco-related programs over federal debt reduction. A quarter (21%) say funding additional health research on cancer and heart disease should be given top priority and another 16% consider this to be second most important (37% total). Funding anti-smoking education programs for kids is given "top" priority by 18% and "second" priority by 11% (29% total). Using tobacco money for reducing the national debt is least popular. Reimbursing the states for their costs is also a lesser priority for most Americans.

**NATIONAL OMNIBUS SURVEY
NATIONAL TOBACCO CONTROL PLAN
February 24, 1998**

1. Are you currently registered to vote at this address?

yes	76
no	24
dk	0

2. A national tobacco control plan is being considered that would increase cigarette taxes by one dollar and fifty cents per pack over three years and severely penalize the tobacco industry if youth smoking rates do not drop significantly. The plan would include new regulations on the sale, manufacture, labeling, and marketing of tobacco products, particularly to kids. In addition, the F.D.A. would be given complete authority to regulate nicotine as a drug and tobacco companies would be required to disclose all ingredients in their tobacco products. States and localities would be able to adopt stronger tobacco control laws than exist at the federal level. Do you favor or oppose this national tobacco control plan or don't you have an opinion on this? [IF "FAVOR" OR "OPPOSE", ASK:] Do you strongly (favor/oppose) or not strongly (favor/oppose) this plan?

strongly favor	47	56
not strongly favor	9	
not strongly oppose	5	
strongly oppose	20	25
dk	20	

RESUME ASKING EVERYONE

Now I'm going to list some of the possible provisions of this national tobacco control plan. For each of the provisions I read, please tell me if you favor or oppose that particular provision. If you aren't sure how you feel about any specific provision, just say so and we will go on. [FOLLOW ALL "FAVOR" OR "OPPOSE" WITH:] Do you strongly (favor/oppose) or only somewhat (favor/oppose) that?

	strong favor	swhat favor	swhat oppose	strong oppose	DK
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[ROTATE BY QUESTION Q.3-Q.5]

__3. The Food and Drug Administration, or F.D.A., would regulate nicotine as a drug	42	18	11	20	9
JUNE 1997	48	21	8	17	5

__4. Smokers would be able to sue tobacco companies for compensatory damages, which are payments for expenses like medical bills, attorneys' fees, and lost wages that result from smoking	17	7	15	52	9
JUNE 1997	27	17	12	36	8

__5. Smokers would <u>not</u> be able to sue tobacco companies for punitive damages, which are damages above and beyond compensating victims for costs they have incurred as a result of smoking-related diseases and are designed to punish tobacco companies	34	16	12	29	10
JUNE 1997	35	20	13	26	7

6. How important is it to you personally, that as part of a national tobacco control plan, people continue to have the ability to sue tobacco companies? Is having the ability to sue tobacco companies a very important, somewhat important, somewhat unimportant, or very unimportant part of a national tobacco control plan – or don't you have an opinion on this?

very important	17	39
somewhat important	22	
somewhat unimportant	13	
very unimportant	24	37
dk	25	

SPLIT SAMPLE A

7. Which of the following statements is closer to your own point of view?

[READ AND ROTATE]

__ Congress should not pass any national tobacco control plan that limits people's ability to sue tobacco companies	10
or	
__ If passing a national tobacco control plan requires limiting people's ability to sue tobacco companies, it is worth limiting the lawsuits to get a good tobacco control plan	26
or	
__ Congress should not pass any national tobacco control plan at all	19
or	
I'm not sure about this	45

SPLIT SAMPLE B

8. Which of the following statements is closer to your own point of view?

[READ AND ROTATE]

__ Congress should not pass any national tobacco control plan that limits people's ability to sue tobacco companies because tobacco companies have lied to the public about the dangers of smoking and have manipulated nicotine levels in cigarettes so as to cause addiction. tobacco companies must be forced to re-pay their victims for the pain and suffering tobacco products have caused	11
or	
__ If passing a national tobacco control plan requires limiting people's ability to sue tobacco companies, it is worth limiting the lawsuits to get a good tobacco control plan. Lawsuits are just about money, while a national tobacco control plan can start now to save the lives of a million kids who will not start smoking. The plan will strictly regulate tobacco companies, end cigarette advertising targeted at our kids, and force tobacco companies to pay hundreds of billions of dollars in penalties to help fund anti-smoking education	32
or	
__ Congress should not pass any national tobacco control plan at all because there is already too much government regulation and too many taxes. The government should not put special taxes and regulations on behavior that is perfectly legal	27
or	
I'm not sure about this	30

RESUME ASKING EVERYONE

9. If Congress passes this plan, the tobacco companies will end up paying billions of dollars to the federal government. Which of the following do you think should be the top priority for how this money is spent?

10. Which is the second most important priority?

[READ LIST AND ROTATE.

MARK ONLY ONE ANSWER IN EACH COLUMN]

	1st	2nd	total
__ funding additional health research on cancer and heart disease	21	16	37
__ providing additional funding for Medicare	8	13	21
__ reducing the national debt	7	8	15
__ funding anti-smoking education programs for kids	18	11	29
__ reimbursing state governments for money they have spent on health care			
programs to treat tobacco-related diseases	8	8	16
__ helping tobacco farmers hurt by the decrease in tobacco sales	5	4	9
__ reducing the federal income tax for all Americans	12	12	24
__ funding childcare and child development programs	11	13	24
other [VOL] [SPECIFY: _____]	1	0	1
all [VOL]	3	1	4
none [VOL]	1	2	3
DK	5	13	18

\$
 1st Research
 2nd Smoking prevention/education
 3rd Child care/
 (tie) Cut taxes
 5th Medicare
 6th state health care

Tobacco

The Republicans could win with a skinny bill that would die in Senate filibuster and then just take the posture that they tried to do something about tobacco. But we have a winning position. We would have a winning bill that included the settlement, and have an even better bill that settles the federal and state claims and raises the price of cigarettes. We have the leadership mantle here, and could survive a veto if we stood for a tougher bill. The only cost might be to give some of the money for a Republican tax cut that would only further weaken them by taking the fiscal issues completely off of the table.

But the goal is accomplishment, not stalemate.

In general, do you think that we have to take stern measures against tobacco companies, moderate measures against tobacco companies or no real measures to curb the marketing by tobacco companies towards children?

	Tot	D	R	I
Stern	62	61	62	63
Moderate	19	24	14	19
No real measures	19	15	24	18

Who do you trust more on questions concerning tobacco legislation – [Clinton/Democrats] or the Republicans in Congress?

	Tot	D	R	I
Clinton	43	63	20	54
Republicans	37	16	71	10
Democrats	39	65	6	44
Republicans	21	15	39	15

43% say that we should pass some measures against the tobacco companies to get them to reduce their marketing to kids but not penalize them excessively or raise the price of cigarettes; 48% say that we should pass tougher legislation that raises the price of cigarettes and that settles all the law suits against tobacco with \$368 billion in penalties that go to programs that help taxpayers and compensate them for the loss.

	Tot	Party			Gender		Age		Smoke	
		D	R	I	M	F	<35	>35	Y	N
Pass some measures/ but not penalize them	43	58	33	38	38	47	63	36	50	41
Pass tougher legislation	48	34	54	56	53	44	35	53	48	49

GOP Bill

Here are some things that could be done. For each one, please tell me if you strongly support, somewhat support, somewhat oppose or strongly oppose this measure?	Strongly Support					
	Strongly Support	Total Support	Total Oppose	Dem	GOP	IND
Enhance the warnings on tobacco	59	77	17	56	52	67
License tobacco retailers	46	67	25	43	40	55
Force big Tobacco to pay \$1 billion a year for ads against tobacco and anti-drug enforcement	46	65	29	44	31	60
Fund expanded state efforts to ban sale of alcohol, tobacco, and illegal drugs	44	61	34	30	43	60
Expand FDA authority on tobacco	42	66	24	46	29	49
Don't give the tobacco interests any immunity and don't settle the law suits against them.	40	54	32	31	31	58

Suppose there was a bill that included all of these measures. Would you support or oppose this bill?

63/29% support/oppose
Democrats: 55/38%; Republicans: 63/33%; Independents: 72/19%

Now suppose it was **Republicans** who sponsored the bill. Would you support or oppose it?

62/28% support/oppose
Democrats: 49/37%; Republicans: 61/30%; Independents: 75/19%

Suppose President Clinton said that this bill was inadequate – and that it was too little to deal with the problem of tobacco marketing to teens. Given that would you support or oppose this bill?

51/36% support/oppose
Democrats: 51/33%; Republicans: 46/41%; Independents: 57/35%

If President Clinton vetoed the Republican tobacco bill, saying that we need to be tougher on tobacco, would you say that you would support or oppose his veto of the bill?

49/37% support/oppose the veto
Democrats: 59/38%; Republicans: 37/46%; Independents: 49/40%

A Tough Bill WITH IMMUNITY

	Strongly Support	Total Support	Total Oppose	Strongly Support		
				Dem	GOP	Ind
Banning advertising to kids by tobacco companies	73	82	18	77	76	66
Regulating Nicotine by the FDA as a drug, so its content could be restricted	57	77	21	53	50	66
Fine the tobacco companies \$60 billion for their harm caused smokers	42	55	40	45	31	50
Raise the price of cigarettes to discourage smoking by up to \$1.50. a pack to fund programs such a expanded medical research	52	63	30	53	54	53
Give tobacco companies immunity from further suits in exchange for \$368 billion in fines and penalties that are used for things like a medical research fund.	31	52	36	32	35	30

Would you support or oppose a tobacco bill with all of these elements in it?

63/27% support/oppose

Democrats: 57/29%; Republicans: 68/28%; Independents: 68/25%

Which is a better bill – the first one or the second one?

31/39% first/second (30% don't know)

Democrats: 29/49%; Republicans: 25/41%; Independents: 40/28%

54/25% support/oppose President Clinton vetoing the first bill with lighter provisions and penalties and favoring the bill with these provisions.

Democrats: 62/16%; Republicans: 44/33%; Independents: 55/30%

A Tough Bill WITHOUT Immunity

If President Clinton vetoed this Republican tobacco bill, saying that we need to be tougher on tobacco, **57/37%** support /oppose his veto of the bill.

Democrats 74/19%; Republicans 26/63%; Independents 64/35%

Male 63/35%; Female 52/39%; Smokers 49/49%; Non-Smokers 60/34%

If President Clinton proposed an alternate bill that doesn't give the tobacco interests any immunity and doesn't settle the law suits against them **BUT** it does raise the price of cigarettes \$1.50 a pack and uses the revenues for health research and providing health care to poor children— **61/36%** support/oppose this bill.

61% support (37% strongly + 24% somewhat support)
36% oppose (23% strongly + 13% somewhat oppose)

Which bill do you favor the Republican's that doesn't raise the price of cigarettes or President Clinton's that uses revenues from a \$1.50 increase to fund health programs?

32% Republicans; **56%** President Clinton's

Democrats 13/75%; Republicans 62/33%; Independents 29/53%
Male 33/55%; Female 31/56%; Smokers 58/30%; Non-Smokers 2