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This report is the latest in a series of reports that analyze tobacco industry campaign contributions, lobbying, and other political activity in California and other states. The previous reports are:

- M. Begay and S. Glantz. *Political Expenditures by the Tobacco Industry in California State Politics*. UCSF IHPS Monograph Series, 1991.
- M. Begay and S. Glantz. *Political Expenditures by the Tobacco Industry in California State Politics from 1976 to 1991*. UCSF IHPS Monograph Series, 1991.
- B. Samuels and S. Glantz. *Tobacco Control Activities and the Tobacco Industry's Response in California Communities, 1990-1991*. UCSF IHPS Monograph Series, 1991.
- M.E. Begay and S.A. Glantz. *Undoing Proposition 99: Political Expenditures by the Tobacco Industry in California Politics in 1991*. UCSF IHPS, 1992.
- S.A. Glantz and L.R.A. Smith. *The effect of ordinances requiring smokefree restaurants on restaurant sales in California*. UCSF IHPS Monograph Series, 1992.
- M.E. Begay, M. Traynor, S. A. Glantz. *Extinguishing Proposition 99: Political Expenditures by the Tobacco Industry in California Politics in 1991-1992*. UCSF IHPS, 1992.
- M.E. Begay, M. Traynor, S.A. Glantz. *Tobacco Industry Political Expenditures in California State Politics, January-June, 1993*. UCSF IHPS, 1993.
- M.E. Begay, M. Traynor, S.A. Glantz. *Tobacco Industry Political Expenditures in California in the 1991-1992 Election*. UCSF IHPS, 1993.
- M.E. Begay, M. Traynor, S.A. Glantz. *The Twilight of Proposition 99: Preauthorization of Tobacco Education Programs and Tobacco Industry Political Expenditures in 1993*. UCSF IHPS, 1994.
- H. Macdonald and S. Glantz. *Analysis of the Smoking and Tobacco Products, Statewide Regulation Initiative Statute*. UCSF IHPS, 1994.
- H. Macdonald, M. Traynor, S. Glantz. *California's Proposition 188: An Analysis of the Tobacco Industry's Political Advertising Campaign*. UCSF IHPS, 1994.
- S. Aguinaga, H. Macdonald, M. Traynor, M. Begay, S. Glantz. *Undermining Popular Government: Tobacco Industry Political Expenditures in California 1993-1994*. UCSF IHPS, 1995. (Available on the World Wide Web at <http://library.ucsf.edu/tobacco/tobexp>)
- M. Begay, and S. Glantz. *Question 1: Tobacco Education Outlays From the 1994 Fiscal Year to the 1996 Fiscal Year* UCSF IHPS 1995. (Available on the World Wide Web at <http://library.ucsf.edu/tobacco/q1>)
- F. Monardi, E. Balbach, S. Aguinaga, S. Glantz. *Shifting Allegiances: Tobacco Industry Political Expenditures in California, January 1995 - March 1996*. UCSF IHPS 1996 (Available on the World Wide Web at <http://library.ucsf.edu/tobacco/sa>)
- F. Monardi, A. O'Neill, and S. Glantz. *Tobacco Industry Political Activity in Colorado 1979 - 1995*. UCSF IHPS 1996. (Available on the World Wide Web at <http://library.ucsf.edu/tobacco/co>)
- F. Monardi, and S. Glantz. *Tobacco Industry Political Activity in Washington 1983 - 1996*. UCSF IHPS 1996. (Available on the World Wide Web at <http://library.ucsf.edu/tobacco/wa>)
- F. Monardi, and S. Glantz. *Tobacco Industry Political Activity and Tobacco Control Policy Making in New Jersey 1982 - 1995*. UCSF IHPS 1997. (Available on the World Wide Web at <http://library.ucsf.edu/tobacco/nj>)
- E. Balbach, F. Monardi, B. Fox, S. Glantz. *Holding Government Accountable: Tobacco Policy Making in California, 1995-1997*. UCSF IHPS 1997. (Available on the World Wide Web at <http://library.ucsf.edu/tobacco/ca9596/>)
- S. Aguinaga-Bialous and Stanton A. Glantz. *Tobacco Control in Arizona 1973-1997*. UCSF IHPS 1997. (Available on the World Wide Web at <http://library.ucsf.edu/tobacco/az/>)
- F. Monardi, and S. Glantz. *Tobacco Industry Political Activity and Tobacco Control Policy Making in Pennsylvania 1979 - 1996*. UCSF IHPS 1997. (Available on the World Wide Web at <http://library.ucsf.edu/tobacco/pa>)
- B.J. Fox, J.M. Lightwood, S.A. Glantz, *A Public Health Analysis of the Proposed Resolution of Tobacco Litigation*. UCSF IHPS 1998. (Available on the World Wide Web at <http://www.library.ucsf.edu/tobacco/ustl/>)
- L. Goldman, and S.A. Glantz. *Tobacco Industry Political Activity and Tobacco Control Policy Making in Oregon 1985 - 1997*. UCSF IHPS 1998. (Available on the World Wide Web at <http://library.ucsf.edu/tobacco/or/>)
- F. Monardi, and S.A. Glantz. *Tobacco Industry Political Activity and Tobacco Control Policy Making in Wisconsin 1981 - 1998*. UCSF IHPS 1998. (Available on the World Wide Web at <http://www.library.ucsf.edu/tobacco/wi>)
- F. Monardi, and S. Glantz. *Tobacco Industry Political Activity and Tobacco Control Policy Making in Ohio 1981 - 1998*. UCSF IHPS 1998. (Available on the World Wide Web at <http://library.ucsf.edu/tobacco/oh>)
- M. Givel, and S.A. Glantz. *Tobacco Industry Political Power and Influence in Florida from 1979 to 1999*. UCSF IHPS 1999. (Available on the World Wide Web at <http://library.ucsf.edu/tobacco/fl>)
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- J. Dearlove and S.A. Glantz. *Tobacco Industry Political Influence and Tobacco Policy Making in New York 1983-1999*. UCSF IHPS 2000. (Available on the World Wide Web at: <http://www.library.ucsf.edu/tobacco/ny>)

EXECUTIVE SUMMARY

* The tobacco industry is a major political force in Missouri through lobbying, direct campaign contributions, indirect contributions to the two major political parties and legislative political caucuses, gifts and honoraria, and entertainment events. The tobacco industry has a centralized political organization in Missouri that promotes and defends its political and market interests at the local and state levels of government. Although the tobacco lobby has operated in the open in some political campaigns, it has often operated quietly behind the scenes, frequently working with various allied organizations on state and local political campaigns.

* Total tobacco industry contributions in the 1991-1992 election cycle more than doubled when compared to the 1989-1990 election cycle. Since the 1991-1992 election cycle, tobacco industry contributions have declined with contributions in the 1993-1994 election cycle being nearly half of what they were in 1991-1992. In the 1995-1996 election cycle, tobacco industry contributions were a little greater than what they were in the 1991-1992 election cycle. In the 1997-1998 election cycle, tobacco industry contributions dropped to about what they were in 1991-1992.

* From the 1989-1990 to the 1993-1994 electoral cycles, more direct contributions went to the Democratic Party than the Republican Party. That trend reversed in the 1995-1996 and 1997-1998 election cycles when the Republican Party received more than the Democratic Party.

* Due to a political deal between the tobacco lobby and former Missouri House Speaker Bob Griffin in 1993, Missouri's tobacco excise tax rate has remained at 17 cents per pack with local governments being preempted from enacting new tobacco taxes. Missouri's tobacco excise tax rate is the ninth lowest in the country with only heavy tobacco growing states like Tennessee, Kentucky, South Carolina, North Carolina, and Virginia being lower. Higher tobacco excise taxes would significantly reduce tobacco use for all age groups in Missouri, particularly for children and poor people.

* The impact of Missouri's state clean indoor air law enacted in 1992 has been very weak. Responsibility of who was to enforce the law at the local level has remained unclear. The state has not engaged in significant enforcement.

* The state clean indoor air law did not preempt stricter local clean indoor air ordinances. Nevertheless, the local ordinances that did pass were weak by national standards.

* Since 1993, the Missouri Department of Mental Health, Division of Alcohol and Drug Abuse has administered the Community 2000 program, a general substance abuse program that includes some tobacco control prevention efforts. The tobacco control efforts under this program have been weak due to a lack of financial and other resources. The program has not been administered in a comprehensive, effective and singular manner, and tobacco control efforts have had to compete with various other substance abuse efforts.

* Since 1993, the Missouri Department of Health administered the National Cancer Institute funded antitobacco and educational American Stop Smoking Intervention Study (ASSIST) program (and its current CDC predecessor the Comprehensive State-based Tobacco Use Prevention and Control Program). Due to a lack of energetic leadership in the Department of Health to support statewide anti-tobacco educational efforts and a failure by the Department of Health to encourage legally permissible energetic local anti-tobacco education activities, the program is currently not as effective as it might be.

* In 1994, the tobacco lobby in Missouri considered the Missouri Department of Mental Health to be an industry ally that would assist the industry in various political efforts. In 1996, Governor Mel Carnahan named the Missouri Department of Mental Health, Division of Alcohol and Drug Abuse to administer the federal Synar program, which required that states annually reduce the percentage of outlets likely to sell tobacco products to minors to below 20%. Administration of the Synar program occurred under the provisions of a weak 1992 state youth access law that contained very

low fines for violations, voluntary enforcement by law enforcement agencies, and no licensing provisions of tobacco vendors, which made it difficult to determine which outlets sold tobacco products.

* The percentage of outlets that sold tobacco products to minors dropped from 40% in 1996 to 29% in 1997. In 1998, the percentage of outlets that sold tobacco products increased to 33%. The Division of Alcohol and Drug Abuse argued that extraordinary circumstances had caused this rise including changes in sampling methodology and some law enforcement agencies placing a higher priority on enforcement efforts related to methamphetamine. On September 17, 1997, the United States Department of Health and Human Services found Missouri out of compliance with Synar enforcement and called for a fine of \$9.6 million on the basis that changes in sampling methodologies and placing more emphasis on methamphetamine enforcement was the Division of Alcohol and Drug Abuse's own choice.

* In the 2000 Legislative Session, the Missouri legislature allocated \$1.2 million for Synar enforcement efforts to settle the complaint against it by the federal government. At the same time, the legislature also added an amendment to its appropriations bill prohibiting minors from engaging in Synar enforcement efforts. Governor Carnahan did not line item veto this provision. This amendment seriously undermined Missouri's ability to conduct Synar enforcement because the sale of tobacco to (undercover) individuals over 18 (who looked younger than 18) carried no penalty for outlets that sold these tobacco products.

* Despite the fact that 20% of the annual deaths in Missouri are caused by tobacco use, the Missouri legislature failed to enact legislation to spend Master Settlement Agreement funds for tobacco control in the 2000 Legislative Session. The primary reasons for the legislation's defeat was intense opposition by some Democrats and Republicans to any tobacco control program and the House sponsors of the bill lost control of the legislative process in the middle of the Session.

* Even if the Master Settlement Agreement bill had passed in the 2000 Legislative Session, its future effectiveness was in doubt because the bill called for the historically pro-tobacco Department of Mental Health to administer the program and a Senate provision allowed tobacco control funds to be diverted to other substance abuse programs.

* Organized health groups and advocates in Missouri are currently weak due to reorganization and a lack of resources. The health groups are also taking a strictly insider lobbying approach to tobacco control advocacy, not wanting to hold specific politicians publicly accountable for their pro-tobacco and anti-public health actions with outsider actions such as litigation or newspaper advertisements. Until this approach changes and the health groups are willing to increase resources to tobacco control activities, health advocates are highly unlikely to alter the current pro-tobacco orientation of the state legislature.

* Health advocates could successfully advance tobacco control efforts in Missouri by conducting a vigorous campaign to enact local tobacco control ordinances.

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INTRODUCTION

Agriculture has traditionally been an important and large sector in Missouri's economy. Although Missouri is not a primary tobacco producing state, tobacco production has also played a small, but important role in Missouri's agricultural production. In 1998, Missouri ranked twelfth out of sixteen tobacco producing states. (1) The largest areas of tobacco production (Table 1) are north of Kansas City in Platte, Buchanan, and Clinton counties (2) and in the central Missouri counties of Howard, Chariton, and Boone.(2)

TABLE 1. ACREAGE & PRODUCTION OF TOBACCO IN MISSOURI COUNTIES FROM 1996-1997		
County	Harvested (acres)	Yield (lbs.)
Boone	40	85,600
Buchanan	570	1,314,000
Chariton	170	339,700
Clinton	51	112,300
Howard	270	587,500
Platte	1,820	4,441,000
Others	79	154,900
State	3,000	7,035,000
Source: Missouri Department of Agriculture. (2)		

From 1989 to 1999, the per capita consumption of tobacco products in Missouri declined only slightly and remained much higher than per capita consumption of tobacco products in the United States (Figure 1). Due to this trend, Missouri ranked sixth nationally in 1999 in adult tobacco smoking prevalence rates with male smokers ranking 8th nationally at 29.4% and female smokers ranking 6th nationally at 23.6%.(3)

According to a recently published report and survey completed by the Missouri Department of Elementary and Secondary Education, from 1997 to 1999 Missouri high school students (the widest range of Missouri youth surveyed regarding tobacco use) represented part of a national trend of gradually declining tobacco use.(4) As was also noted in the report:

From 1997 to 1999, the percentage of Missouri high school students who were current smokers [smoked on one or more of the 30 days preceding the survey] decreased from 40 percent to 33 percent, and there were similar decreases in the percentage of frequent smokers [students who smoked cigarettes on 20 or more of the 30 days

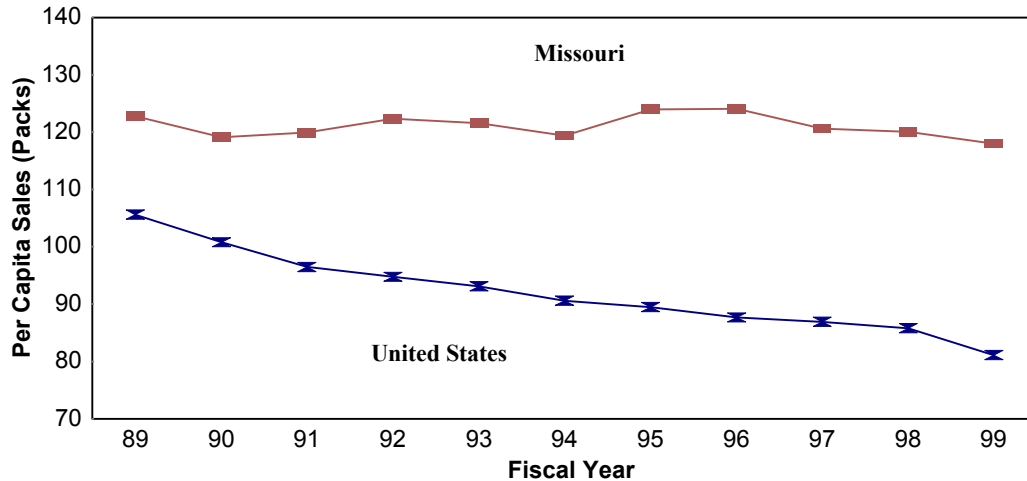


Figure 1. *Per capita cigarette consumption has remained much higher in Missouri compared to the United States. Source: The Tax Burden on Tobacco, 1999 (The Tobacco Institute).*

preceding the survey]. Use of chewing tobacco and snuff also decreased, but the percentage of decrease was not so much as in 1997.

However, far too many students continue to use tobacco.(4)

Tobacco is also the leading substance used during pregnancy in Missouri with more than 20% of women using tobacco during pregnancy from 1993 to 1997. (3)

In addition, African-American smoking rates in Missouri are at 36%, while Latino smoking rates are at an extremely high 41%. (3) The Missouri Department of Health also reports that each year, 10,442 people die of tobacco use in the state, which equals about 20% of all annual deaths. (5) This also represents twice the annual combined total of Missouri deaths due to accidents, AIDS, homicides, and suicides. (5)

Despite this serious public health problem, the Missouri legislature has failed to enact effective tobacco control legislation to counter tobacco use in a variety of issue areas, including higher tobacco excise taxes, state clean indoor air legislation, Synar youth access enforcement, and anti-tobacco educational efforts. The primary reason for this failure has been the tobacco lobby's powerful political influence and control on the Missouri Legislature. In order to maintain its market position in Missouri, the tobacco lobby has provided Missouri legislators with campaign contributions, gifts, indirect or soft money contributions to legislators' political parties for political education and technical assistance purposes, provided legislators with group entertainment events such as hunting trips, and built political support with allied organizations to exert often considerable influence on Missouri state politics.

TOBACCO LOBBY POLITICAL POWER IN MISSOURI

In a Philip Morris regional lobbying report for 1989-1990 for the southwestern states the report (6-9) provided the following assessment of the scope and extent of the tobacco industry's

power and influence in Missouri state government:

MISSOURI: We've got a good team in Missouri. The PM [Philip Morris] lobbyist was hired at the recommendation of TI [Tobacco Institute] lobbyist John Britton and this situation has worked out better than I originally thought. Tom Powell has done a good job under Britton's direction.

1990 will be another tough year in Missouri battling taxes. Governor Ashcroft will continue to beat the cigarette tax drum. I mean this guy really hates us. He doesn't even dance for religious reasons. This past week the President Pro Tem of the Senate cut a deal with the Governor and said he will sponsor a bill to raise cigarette taxes.

POLITICAL CONTRIBUTIONS: We gave \$23,000 in MO. Last year and will continue with that program next year.

NYO [New York Office] VISITS AND TRIPS: This group really loves to hunt. The same guys I took to the racetrack in OK [Oklahoma] and hunting last year were the very ones that helped us hold the leadership firm on no cigarette taxes. We will be doing the same racetrack trips in 1990.

EVENTS: Same as Kansas, we do them as they come along and they are helpful.

CHARITABLE CONTRIBUTIONS: Same thing.

ORGANIZATIONS OF ELECTED OFFICIALS: We will continue to give to the various caucuses and they will continue to be of service to us.

LEADERSHIP CHANGES: There will be no changes next session. In 1991, there will be no changes in the Senate, but in the house the speaker is talking of retiring and our people are already in line.

FRIENDLIEST LEGISLATORS:

Senate: J. B. Banks, Chairman, Public Health; Jim Methewson, Majority Floor Leader; John Scott, President Pro Tem

House: Judy O'Connor, Chairman, Public Health; Tony Ribaud, Majority Floor Leader; Bob Ward, Majority Whip.

NON-POLITICAL CONTRIBUTIONS:

General Business Associations

MO Assn. Of Candy & Tobacco Distributers	\$50
MO Automatic Merchandising Association	\$100
MO Chamber of Commerce	\$400
MO Restaurant Association	\$125

Political Associations

MO Association of Counties	\$500
MO Black Caucus	\$500
MO Women's Caucus	\$500

1990 PROACTIVE PLANS

- Enact Smoker's Anti-Discrimination Bill
- Enact Bill to Marginally Regulate Public Smoking With Local Preemption Clauses

CONSTITUENTS:

Nurture relationship with ACLU and AFL-CIO for Proactive Plan.

MISSOURI: This is a [sic] close [to complete control] as you are going to get. We are members of everything but our contract lobbyist works very closely with the tobacco wholesalers and they do anything we ask for. Surprisingly, the Chamber of Commerce is usually very helpful statewide and on a local level. We work well

with the restaurant associations. We sponsored a golf tourney for the wholesalers and a party boat cruise on Lake of the Ozarks with the restaurant folks for the Black Caucus. (8)

These combined approaches to influence in Missouri have continued throughout the 1990's. For instance, the Tobacco Institute, which lobbied (until it recently was disbanded as a result of litigation against the tobacco industry) on behalf of all major and several minor tobacco companies (10), financed an ongoing and comprehensive effort through its contract lobbyist John Britton to influence Missouri state tobacco control policies. (11-15) Britton, who many consider to be the most powerful and influential tobacco industry lobbyist in Missouri (11, 16-23) now represents Brown and Williamson and Lorillard Tobacco Companies due to the recent demise of the Tobacco Institute. (24) Internal tobacco industry documents also indicate that throughout the 1990's, Britton was paid at least \$50,000 to \$57,500 annually to represent tobacco industry's interests in Missouri's capital, Jefferson City. (12-15) Two other tobacco lobbyists in Missouri who have contributed to the industry's lobbying efforts throughout most of the 1990's are Tom Powell who represented Philip Morris, and Harry Gallagher, who represented R. J. Reynolds Tobacco Company. (25, 26)

Gifts, Honoraria, Entertainment, and Charitable Contributions

One approach that tobacco lobbyists have used to build political goodwill in Jefferson City has been the provision of gifts, honoraria, and charitable contributions to legislators. In addition, group entertainment events, were used to facilitating "bonding" with legislators in order to strengthen mutual political trust, support, and acceptance and understanding of various policy positions. (6)

In the 1990 Missouri Legislative Session, a measure to reform these lobbying practices was enacted, which required monthly reports of:

....all gifts, payments, lines of credit, loans, honorarium, or things of value, but excludes items or services transferred to persons within the third degree of consanguinity of the transferor which are unrelated to any activity of the transferor as a lobbyist; informational material informing public officials regarding their office and duties; souvenirs and mementos valued at de minimus value; contributions reported pursuant to the Campaign Finance Disclosure Law; and loans and credit accommodations or other payments made in the ordinary course of business; any item, service, opportunity necessary for the public official to perform their duty or in their official capacity. Expenditures made by lobbyists on behalf of themselves shall not be reported. (27)

Newspaper accounts indicated that the new legislation led tobacco industry lobbyist John Britton to report:

...spen[ding] \$300, according to reports he filed. Last year, Britton spent more than \$24,000 before the new disclosure requirements were implemented. (28)

On April 1, 1996, the Missouri Senate enacted a rule of governance, which went into effect further limiting the provision of gifts, honoraria, charitable contributions, and group entertainment events to Senators. (29) The Missouri House has never adopted a similar rule of governance. Under the Senate rule, each lobbyist can spend no more than \$50 per gift with an annual maximum of \$100. Senators must reimburse lobbyists within 30 days of being informed that an expenditure exceeded \$50. There are also several major exceptions to this rule including: meals or gifts given at national or regional association meetings and gifts or meals provided to a Senate Committee or to all 34 Senators. The last exception allows lobbyists to underwrite Senators' birthday parties, sponsor

weekly expensive dinners and luncheons, and provide tickets to all 34 Senators for events such as football and baseball games. (29)

Despite the passage of these two reform measures, particularly before or during legislative sessions, Britton's expenditures, for example, to elected officials continued to be substantial (but not as high as before the passage of the 1990 reform measure) for meals, beverages, and tickets to events such as St. Louis Cardinals baseball games. (30-32) This included expenditures on gifts and meals when various tobacco bills were being debated before the Missouri legislature. For instance, in the 1994 Missouri Legislative session, Britton gave \$4,943 for meals, food, beverages and other in-kind contributions while also lobbying on behalf of the Tobacco Institute (and numerous other clients), for Senate Bill 797, which would have created (with local preemption) a centralized and vigorous effort against illegal tobacco sales to minors in a new Division of Alcohol and Tobacco Control in the Missouri Department of Public Safety. (33, 34) This bill eventually died in a House Budget Committee vote. (34)

Allied Organizations

Another important approach in building political influence in Missouri by the tobacco industry has been coalition building with a variety of allied groups. Throughout the 1990's, besides supporting restaurant associations and the Chamber of Commerce, the tobacco industry in Missouri continued to quietly (and usually behind the scenes) build alliances with such groups as the Missouri Council for Burley Tobacco, Missouri Retailer's Association, Missouri Convenience Store Council, Missouri Automatic Merchandisers Association, Missouri Association of Candy and Tobacco Distributors, the Missouri Legislative Black Caucus, and Missouri legislators affiliated with the National Order of Women Legislators. (35-40) This alliance building was designed to foster mutual political support and understanding on issues of concern to the industry and allied organizations and legislative caucuses.

For instance in 1992, the Missouri Legislative Black Caucus Foundation, Inc. (MLCBF) in a letter to the Tobacco Institute, requested the following:

....that THE TOBACCO Institutes provide \$5,000 in financial support for our annual conference which will be held June 18-21, 1992 in Jefferson City, Missouri.

Our theme for 1992 is "African Americans: Weaving the Fabric of Change: Economic volatility, controlling our communities, *health care*, revitalizing the work ethic, and ecological imbalance are among the exciting and critical topics to be discussed at the conference." [emphasis added] (36)

The letter continued by stating:

Why should your company be a contributing sponsor to the Annual Conference of the Missouri Legislative Black Caucus Foundation? There will be legislators and community members from a seven-state area in attendance. You will have a four-day forum in which to establish your corporate presence, gain corporate visibility, and dialogue with the attendees. Ninety days after the conclusion of the conference you will receive a comprehensive written and pictorial report detailing the events and your company's involvement in the conference. (36)

The letter was signed by Senator Phil B. Curls, Sr. (D-Kansas City) (1991-1992 tobacco industry campaign contributions \$1,950) and President of MLBCF; William L. Clay, Jr., (D-St. Louis) (1991-1992 tobacco industry campaign contributions \$1,700) and Chair of MLBC (Missouri

Legislative Black Caucus); and Senator J. B. “Jet” Banks (D-St. Louis) and Senate Majority Floor Leader (1991-1992 tobacco industry campaign contributions \$3,250). (36) As recommended by Tobacco Institute lobbyist John Britton on April 1, 1992, a Tobacco Institute check for \$1,200 was authorized and mailed on April 9, 1992 to support the conference. (41)

Tobacco Industry Campaign Contributions

The provision of campaign contributions is another key means for the tobacco industry to attempt to gain access and influence politicians in Missouri. The power of such contributions in Missouri is reflected in a letter from Representative Mike Schilling (D-Springfield), who in returning a Tobacco Institute campaign contribution in 1997 wrote:

I appreciate the Tobacco Institute's generous offer of financial support for my campaign, and the view that I give full and careful consideration to all sides of the issue. But after giving your contribution full and careful consideration, I have decided to decline the donation and am returning the check.

I have generally not been supportive of the tobacco industry legislative agenda in the past and I don't expect to change the stance in the future. I have felt secure in voting against the interests of campaign money when I believed it was in the best interests of conscience or constituents. But as we all know, the public judges politicians more heavily by perception than by facts. In the present climate of tension and controversy over tobacco/health and campaign finance issues, accepting tobacco money is likely to get me banged around by an opponent and voters who would perceive that I was selling out to the dark side. I've tilted at enough windmills without adding another situation for the opposition to pick at.

I hope you understand my position. It's nothing personal. I understand you folks have a job to do, too. (42)

Tobacco Policy Scores

A “tobacco policy score” was estimated for each member of the 1999 legislature to quantify his or her record on tobacco control issues. The score was obtained by polling five individuals knowledgeable about the legislature and tobacco policy. Each legislator was evaluated on a scale of 0 to 10. A score of 0 represented an extremely pro-tobacco industry legislator and a score of 10 represented an extremely pro-tobacco control legislator. The average for each legislator is reported in Table A-6. Senator Danny Staples (D-Eminence) had the lowest tobacco policy score in the Senate with 2.4 and Representative O.L. Shelton (D-St. Louis) had the lowest score in the House with 1.4. Senator Roseann Bentley (R-Springfield) and Representative Craig Hosmer (D-Springfield) had the highest tobacco policy scores (8.8 and 9.6) in their respective chambers.

Contributions to State Legislators and Political Parties

As shown in Figure 2, total tobacco industry contributions reached a peak of \$184,000 during the 1991-1992 election cycle. (Appendix Tables A-1 through A-6 also list contributions to legislators and legislative candidates since the 1989-1990 election cycle). When compared with the 1989-1990 electoral cycle, total tobacco industry contributions in 1991-1992 more than doubled (when clean indoor air and tobacco excise tax legislation was being considered by the Missouri Legislature). Since the 1991-1992 electoral cycle, tobacco industry contributions have declined with contributions in the

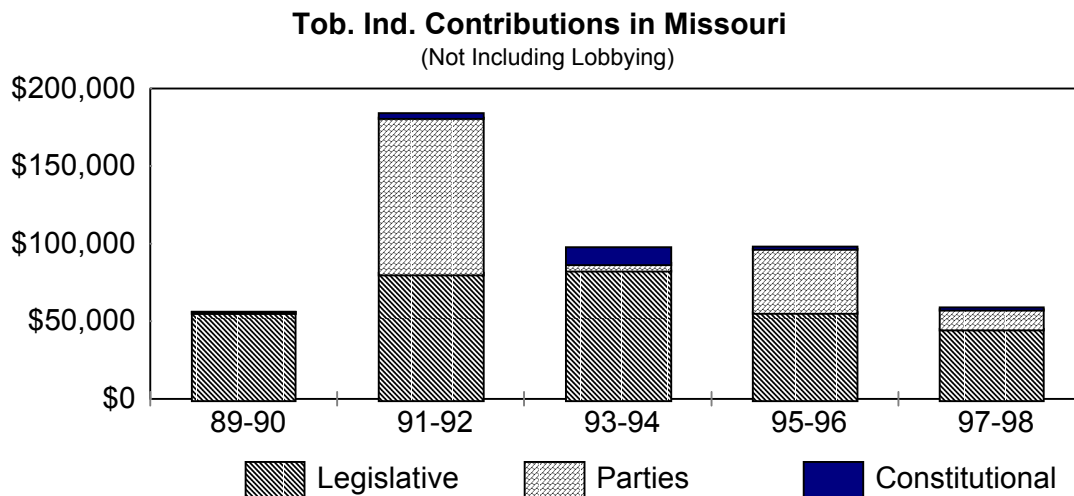


Figure 2. Tobacco industry political expenditures rose rapidly during the 1991-1992 electoral cycle.

1993-1994 electoral cycle nearly half of what they were in 1991-1992. In the 1995-1996 election cycle, tobacco industry contributions were a little greater than what they were in the 1991-1992 election cycle. In the 1997-1998 election cycle, tobacco industry contributions dropped to about what they were in 1991-1992.

Table 2 also provides a list of those tobacco industry legislative recipients in 1999 who received \$750 or more in contributions. Of these recipients, fourteen were Democrats and four were Republicans. The three largest contributions of \$1,500 each went to Representative Jim Kreider (D-Nixa), Senator James Mathewson (D-Sedalia), and Senator Edward Quick (D-Liberty). The tobacco policy scores of ten of the fourteen of these top recipients indicated that they were pro-tobacco industry. The mean tobacco score (top campaign recipients mean 4.1, standard deviation 1.1, n=17) for these legislators also indicated a decided bias in favor of pro-tobacco policies. Appendix Table A-7 also provides a list of Missouri legislators who did not receive tobacco industry contributions in 1999.

As is shown in Figure 3, during the late 1980s and mid 1990s, most tobacco industry campaign contributions to the two major political parties was distributed to the Democratic Party who controlled both houses of the legislature. In the 1989-1990, 1991-1992, and 1993-1994 election cycles, the tobacco industry contributed 67%, 63% and 69%, respectively, of their contributions to the Democratic Party. During the 1995-1996, and 1997-1998 electoral cycles and in 1999, the tobacco industry contributed 64%, 55%, and 54%, respectively, of their contributions to the Republican Party.

TABLE 2. TOBACCO INDUSTRY LEGISLATIVE RECIPIENTS RECEIVING \$750 OR MORE IN 1999				
Officeholder	Party	House	Total	Tobacco Policy Score
Kreider, Jim	D	House	\$1,500	2.4
Mathewson, James	D	Senate	\$1,500	3.6
Quick, Edward	D	Senate	\$1,500	4.6
Depasco, Ronnie	D	Senate	\$1,300	4.2
Howard, J.T.	D	Senate	\$1,300	4.4
Jacob, Ken	D	Senate	\$1,250	5.8
McKenna, Ryan	D	House	\$1,250	5.3
Wagner, Wes	D	House	\$1,025	4.3
Kinder, Peter	R	Senate	\$1,000	4.4
Abel, Mark	D	House	\$975	3.0
Crump, Wayne	D	House	\$750	3.5
Hampton, Mark	D	House	\$750	3.8
Hendrickson, Carl	R	House	\$750	5.8
Richardson, Mark	R	House	\$750	3.8
Ross, Carson	R	House	\$750	4.8
Shelton, O.L.	D	House	\$750	1.4
Treadway, Joseph	D	House	\$750	4.3

Contributions to Political Parties

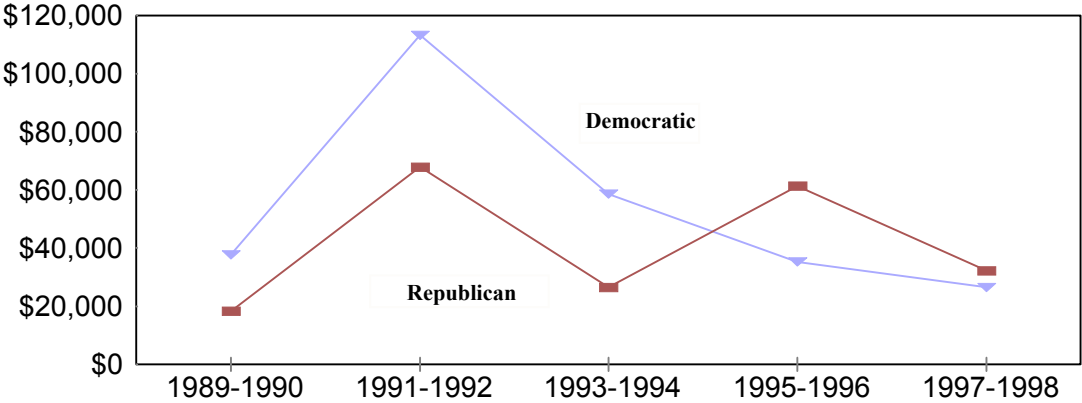


Figure 3. Tobacco industry contributions to the Republican Party surpassed contributions to the Democratic Party during the 1995-1996 electoral cycle.

Joint Interim Committee on Tobacco

One key and temporary Committee that heard testimony from the public and then issued a report in December 1999 on how tobacco settlement money should be spent was the Joint Interim Committee on Tobacco. Table 3 indicates that most members of the Committee did not receive tobacco funding from 1997-1999.

Officeholder	Party	Chamber	Total	Tobacco Policy Score
Boykins, Amber	D	House	\$0	5.8
Cierpiot, Connie	R	House	\$0	4.3
DePasco, Ronnie	D	Senate	\$1,300	4.2
Ehlmann, Steve	R	Senate	\$0	5.6
Flotron, Francis	R	Senate	\$0	4.8
Gibbons, Michael	R	House	\$0	4.8
Hanaway, Catherine	R	House	\$0	6.3
Harlan, Tim	D	House	\$0	8.2
Klarich, David	R	Senate	\$1,200	5.0
Quick, Edward	D	Senate	\$1,500	4.6
Scott, John	D	Senate	\$0	3.2
Smith, Phil	D	House	\$750	6.6
Staples, Danny	D	Senate	\$1,550	2.4
Van Zandt, Tim	D	House	\$250	8.0

Six members of the fourteen member Committee (and four out of the seven Senate members of the Committee) did receive tobacco industry funding with the highest contribution amounts going to Senators Danny Staples (D-Eminence) (\$1,550), Edward Quick (D-Liberty) (\$1,500), Ronnie DePasco (D-Kansas City) (\$1,300), and David Klarich (R-Ballwin) (\$1,200). Also receiving a tobacco industry contribution of \$250 was Representative Tim Van Zandt (D-Kansas City) who was the House Co-Chair of the Committee. Seven of the fourteen members of the committee had tobacco policy scores that indicated they were pro-tobacco, three were neutral, and four were pro-tobacco control. Overall, the Committee was neutral (Committee mean 5.3, standard deviation 1.6, n=14).

Legislative Leaders

As in other state legislatures, the tobacco industry wishes to maintain a close relationship with the legislative leadership. From 1997 to 1999, both chambers of the Missouri Legislature were controlled by the Democrats. With the exception of House Speaker Steve Gaw (D-Moberly) who has never received a tobacco contribution, most House and Senate leaders have received tobacco industry money (Table 4). Both House and Senate leaders have low to moderate tobacco policy scores (pro tobacco industry). The mean score (legislative leader mean 4.9, standard deviation 1.2, n=22) also reflected this mild pro-tobacco bias among legislative leaders.

						Grand Total	Tobacco Policy Score
Senate Leadership							
President	Wilson, Rodger	D	\$3,550	\$1,300	\$0	\$4,850	N.A.
President Pro Tempore	Quick, Edward	D	\$4,000	\$0	\$1,500	\$5,500	4.6
Majority Floor Leader	DePasco, Ronnie	D	\$3,000	\$0	\$1,300	\$4,300	4.2
Asst. Majority Floor Leader	Jacob, Ken	D	\$1,650	\$0	\$1,250	\$2,900	5.8
Majority Caucus Chair	Maxwell, Joe	D	\$950	\$250	\$0	\$1,200	5.2
Majority Caucus Secretary	Stoll, Steve	D	\$0	\$1,550	\$0	\$1,550	5.0
Minority Leader	Ehlmann, Steve	R	\$800	\$0	\$0	\$800	5.6
Asst. Minority Floor Leader	Singleton, Marvin	R	\$200	\$300	\$0	\$500	8.4
Minority Caucus Chair	Yeckel, Anita	R	\$0	\$1,550	\$500	\$2,050	4.8
Minority Caucus Secretary	Rohrbach, Larry	R	\$3,300	\$1,590	\$0	\$4,890	3.6
Minority Caucus Whip	Kinder, Peter	R	\$2,100	\$0	\$1,000	\$3,100	4.4
House Leadership							
Speaker	Gaw, Steve	D	\$0	\$0	\$0	\$0	6.8
Speaker Pro Tem	Kreider, Jim	D	\$1,550	\$1,025	\$1,500	\$4,075	2.4
Majority Floor Leader	Crump, Wayne	D	\$3,000	\$350	\$750	\$4,100	3.5
Asst. Majority Floor Leader	Foley, James	D	\$600	\$700	\$0	\$1,300	3.8
Majority Whip	Days, Rita	D	\$100	\$0	\$0	\$100	6.2
Majority Caucus Chair	Scheve, May	D	\$850	\$775	\$0	\$1,625	5.2
Majority Caucus Secretary	Murray, Dana	D	\$100	\$0	\$0	\$100	5.0
Minority Floor Leader	Scott, Delbert	R	\$500	\$0	\$0	\$500	5.4
Asst. Minority Floor Leader	Gibbons, Michael	R	\$0	\$0	\$0	\$0	4.8
Minority Whip	Shields, Charlie	R	\$800	\$250	\$0	\$1,050	5.6
Minority Caucus Chair	Pryor, Chuck	R	\$200	\$250	\$0	\$450	4.3
Minority Caucus Secretary	Naeger, Patrick	R	\$100	\$0	\$500	\$600	5.0

State Constitutional Officers

Throughout the 1990's the tobacco industry gave contributions to three Democratic statewide officeholders, and no contributions to Republican statewide officeholders (Appendix Table A-9). The largest amount contributed was \$9,500, which went to Mel Carnahan (both as Lt. Governor and Governor) who received contributions of \$3,000 in 1991-1992 and \$6,500 in 1993-1994. Other state constitutional offices that have received contributions from the tobacco industry include Attorney General Jay Nixon who received \$3,800 from 1993-1996 (which was the period when he supported

the industry which changed to opposition in 1997 when he filed a Medicaid lawsuit against the industry for health costs related to smoking) and Lt. Governor Roger Wilson who received \$2,900 from 1995 to 1998.

Lobbying

Missouri law at this time does not require that lobbyists with multiple clients individually report expenditures for lobbying for each client. (27, 43) In some instances, it is possible to ascertain if expenditures were made on behalf of the tobacco industry (such as sponsorship of an R.J. Reynolds golf tournament), but in many cases it is not possible to determine on whose behalf the lobbying expenditure was spent.

The Relationship Between Campaign Contributions and Legislative Policy Making

We investigated whether there is a statistical relationship between tobacco industry campaign contributions and the tobacco policy scores, with the campaign contributions affecting tobacco policy scores. We sought to test the hypothesis that campaign contributions sway legislators to be sympathetic toward the tobacco industry's point of view, while at the same time, the tobacco industry rewards those legislators that have helped it in the past. Simultaneous equations regression using two stage least squares was used to test the hypothesis that campaign contributions were affecting legislative behavior simultaneously with behavior affecting contributions for 1999.

The simultaneous equation regression model contains two equations. One equation predicts the tobacco policy score (dependent variable) from the amount of campaign contributions in that election cycle (independent variable). The second equation predicts campaign contributions (dependent variable) from the tobacco policy scores and a variable representing legislative leaders to allow for the possibility that legislative leaders received greater campaign contributions than members in general. (This analysis is only based on direct contributions to legislators. It does not include money contributed to political parties.)

Table 5 presents the results of this analysis. In Missouri, the results were not statistically significant, meaning that tobacco industry contributions (versus other factors such as ideology) did not have a detectable effect on all legislators' behavior on tobacco issues. Legislative behavior did not significantly influence the pattern of tobacco industry contributions either. Although it is possible that some legislators may be influenced by tobacco industry campaign contributions, the relationship was not statistically significant for all legislators in Missouri for 1999 (versus prior election cycles). We also found similar results for Ohio in 1995-1996. (47) This results contrasts with other state legislatures, in which we found a statistically significant relationship between tobacco industry contributions and tobacco policy scores (California, Colorado, New Jersey, Washington, New York, and Wisconsin). (44-46, 48-50)

TABLE 5. SIMULTANEOUS EQUATIONS RESULTS FOR TOBACCO POLICY SCORES AND 1999 CAMPAIGN CONTRIBUTIONS

Dependent Variable = Tobacco Policy Score				
Variable	Coefficient	St. Error	t	p
Contributions (in hundreds of dollars)	-1.39	.89	-1.56	.12
Republican Party	-.06	.26	-.21	.83
Constant	5.27			
Dependent Variable = Campaign Contributions (in hundreds of dollars)				
Tobacco Policy Score	-.09	.05	-1.70	.09
Republican Party	-.10	.06	-1.72	.09
Intercept	.63			

n=195 R² = .02 for tobacco policy score; R² = .05 for campaign contributions.

The “Carrot” Versus “Stick” Approach to Influence

In contrast to these “carrot” approaches of providing contributions to legislators, the tobacco lobby has also used or has been said to use “stick” approaches to punish legislative opponents in Missouri. For instance in 1998, an article in the *St. Louis Post-Dispatch* indicated the following:

Some veteran lawmakers can attest to the tobacco lobby's power. One lawmaker said Philip Morris called his neighbors to ask if they smoked and to warn them that the lawmaker was favoring a cigarette tax hike. Rep. Craig Hosmer, D-Springfield, said a lobbyist told him one year that he would campaign against Hosmer if he kept pushing anti-tobacco legislation.

“They have bluff and bravado on their side.” Hosmer said. “I'm sure they are doing it now to the younger representatives. It takes a few years up here to get your sea legs.”

Rep. Kate Hollingsworth, a freshman legislator on May's committee, said last week that she had heard rumors that tobacco interests would campaign for her opponents in the November election if she failed to support their cause. However, Hollingsworth said no one made such threats to her personally, adding that the lobbyists have been upfront and courteous. (51)

Conclusion

These combined insider power politics approaches of quietly, mostly invisibly, and without public knowledge of most citizens of Missouri (18-22) providing funding, building support with allied groups such as the restaurant and tobacco wholesalers' associations, “bonding” with key lawmakers through hunting trips and other entertainment excursions, providing gifts, honoraria, and charitable contributions to legislators, and allegedly or actually threatening legislative political opponents with election defeat has provided a means for the tobacco industry to attempt to exert its political power in Missouri. Besides this bundle of approaches to exerting political influence, tobacco lobbyists such as John Britton have also been extremely adept at legislative maneuvering.

As was related in a 1994 *Riverfront Times* article about the lobbying capabilities of John Britton and his associates:

But eyeball-to-eyeball coaxing of legislators is only part of what makes Britton so powerful. His less visible clout comes from the legislative maneuvers he directs for his clients. He's no stranger in the Office of Legislative Research, where bills are drafted and printed at lawmakers' requests. And at Britton's request.

"I'll walk in there and pick up a bill that I'm interested in for a legislator," says a lobbyist who asked to remain anonymous. Such a bill would bear the name of the legislator who sponsors it. "Britton walks in there and picks up bills where the sponsor's name is blank and there's a PostIt note stuck to it with his name on it. The man has complete control of the Capitol. (11)

Because Britton and the other tobacco lobbyists represent multiple powerful and wealthy clients besides tobacco, (in 1997 Britton represented Monsanto, Hallmark Cards, and Anheuser Busch, for example) (17, 21) they have also been able to magnify their influence by brokering votes and support for legislation. As Jim Davis, who was a former American Stop Smoking Intervention Study (ASSIST) project director for the Missouri Department of Health stated:

I think the main power he [John Britton] has, representing so many different powerful interests and having . . . he's basically a broker and so if an individual wants their own bill passed to please their constituencies so they get reelected, he can help them do that in exchange for their support on issues. And so I think he, not so much how do you pull the strings, which is part of it too, but he's a very effective broker sort of trading this for that and he's got enough that, that he can pull in a lot of this. (21)

It is also within the context of this formidable insider tobacco industry political power that the organized health groups in Missouri including the voluntary health charities of the American Lung Association, American Heart Association, American Cancer Society, as well as Missouri Group Against Smoking Pollution (Missouri GASP) have had to advocate for tobacco control programs and policies. Prior to 1991, the three voluntary health charities consisted of a loose coalition with very little funding. (19) It was not until the 1991 legislative session that the health charities hired their first lobbyist to challenge the formidable insider power of the tobacco lobbyists. (19) From 1992 to about 1998, the three health charities also conducted non-confrontational grassroots lobbying, which never held politicians specifically responsible for their actions. (52) Currently the health charities, which in the past have fallen on hard times with reduced financial funding and a major reorganization (which requires the American Heart Association lobbyist to cover two states) have severely curtailed their grassroots lobbying ability and further reduced their insider lobbying capability. (52)

According to Lynne Schlosser, Missouri lobbyist for the American Cancer Society, the health charities' current ability to challenge the formidable insider power of the tobacco industry's on an insider lobbying basis can be summed up in the following manner:

Well, I think, number one, any of the large for profit industries that have money to spend are going to outweigh nonprofits any day of their life except for the goodness of the Cancer society, our reputation proceeds a number of them. They can have a lot, I mean, I think the tobacco lobby in Missouri is—I mean, these people have the accounts; they have a minimum of 13 to 20 lobbyists. Which also makes a large difference when people like us have one. People like Kevin [Walker, lobbyist for the American Heart Association] have one per two states. So they are influential. They have been around. They don't change. And people know them. (17)

Nevertheless, despite the considerable resources and power the tobacco industry has in the Missouri legislature, the health charities continue to approach this power with quiet, insider and non-

confrontational approaches that do not hold specific politicians responsible for their actions. (21-23, 53) This approach is predicated on a current fundamental premise by many in the health charities that more confrontational tactics, when needed, that hold politicians specifically accountable for their actions (including public demonstrations that has been held by Missouri GASP in the past) are too “radical.” (53) Missouri GASP, (22) and some other health advocates, on the other hand, believe that in order for health advocates to advance the tobacco control agenda in Missouri, they should operate like all other interest groups (including the tobacco industry) by not precluding any political tactics including grassroots confrontational ones. (54) According to Sharon Feltman, Coordinator of the anti-tobacco group, Breathe Easy, Boone County:

I think that in the current climate maybe nothing can be done. But if there was a potential for engaging the public, because we were exciting, we were dynamic, we were successful, and we were able to use our strategic tool box that includes some confrontational and aggressive activities. I think we could move them [the Missouri legislature]. Because you can embarrass these guys. And they don't want to be embarrassed. (53)

None of this is likely to happen, however, with the current weakened insider approach (versus the formidable insider power of the tobacco industry) and the lack of outsider grassroots and confrontational approaches (when required) currently being practiced by the health charities. As long as this remains the case, there will be major deficiencies in the ability of the health groups to advocate for successful tobacco control policies and programs in Missouri.

KEY TOBACCO CONTROL ISSUES IN THE 1990's IN MISSOURI

In conjunction with its lobbying efforts, also integral to the tobacco industry's exertion of political influence and power in Missouri has been its ongoing effort to formulate and advance public policy positions to advance its political and market interests. Throughout the 1990's in Missouri, the industry has developed and taken public policy positions, which were primarily designed to counter legislation and administrative actions that threatened tobacco consumption and markets.

Tobacco policy issues in Missouri of primary importance to the industry and health advocates have been tobacco excise taxes, state clean indoor air legislation, the Community 2000 program, the American Stop Smoking Intervention Study (ASSIST) program, Synar enforcement, and Master Settlement Agreement funding. In most of these issues, (except the early years of the ASSIST program and preventing local preemption in laws such as state clean indoor air legislation) the tobacco industry's insider political power (and the organized health groups relative lack of insider and grassroots outsider political power) in the legislature has resulted in weak, symbolic, or ineffectual tobacco control efforts. In the case of the Community 2000 program administered by the Missouri Department of Mental Health, Division of Alcohol and Drug Abuse (ADA), tobacco control has been one program within many local community prevention efforts designed to curb various substance abuse problems. It has historically not been part of an effective comprehensive, concerted, and a singular effort to curb tobacco use. (55, 56) Due to this programmatic orientation, the Community 2000 program has generally not been a source of legislative interest or controversy to counter the effect of its tobacco control policies and efforts.

Tobacco Excise Taxes

Throughout the 1990's, Missouri's tobacco excise has remained very low when compared

with other states. (19, 21, 57) Since 1992, the state tobacco excise tax has remained at 17 cents a pack with local governments preempted from enacting local tobacco excise taxes of their own. (21) In 1998, according to the Tobacco Institute (Table 6), Missouri's tobacco excise tax on packs of cigarettes was the ninth lowest in the country with only heavy tobacco growing states like Tennessee, Kentucky, South Carolina, North Carolina, and Virginia being lower. (57)

From 1990 to 1992, Missouri's tobacco excise tax on packs of cigarettes was 13 cents per pack. There was an effort in the 1991 Missouri Legislative Session to raise this tax rate, which was vigorously opposed by John Britton and the rest of the tobacco lobby. In September 1990, an internal industry state tax plan for Missouri provided the following assessment on how the industry would oppose the tax increase:

TI [Tobacco Institute] legislative representative John Britton, in cooperation with member company lobbyists has been advised that a state tobacco tax increase from the present 13 cents per pack level will likely be prefiled for the 1991 session of the Missouri General Assembly. This session, unlike the 1989 session, will likely see only lukewarm support by Missouri Governor John Ashcroft, a fundamentalist Christian with a long history of opposition to industry interests. Key advocates of the tobacco tax increase will include teachers, social welfare advocates, and education reform proponents. Crucial to success in this area will be timely and accurate TI economic analysis of any filed tax increase proposals. TI field staff, working with industry supporters and current Chairman of the Missouri House Civil and Criminal Justice Committee, Representative Vernon E. Scoville, have already secured Department of Revenue fiscal reports of tobacco tax revenues for the past four years which indicate a consistently declining pattern of tax revenue from this excise tax. (58)

The plan also stated that the use of expert witnesses during legislative testimony would be crucial to defeating the tax increase proposal. The support of crucial allies including the Missouri AFL-CIO, Teamsters, retailers, grocers, Missouri Council of Burley Tobacco and the Missouri State Chamber of Commerce was also contemplated to defeat the measure. (58) Finally, the industry mobilized a "grassroots" campaign toward, "Targeted legislators [who] will receive timely input, telephone calls and mail from targeted registered voters and identified smokers from member company lists as well as TAN [Tobacco Action Network comprising company employees and representatives] activists." (58) Under this onslaught of insider and outsider "grassroots" lobbying power by the tobacco industry, the tobacco tax increase bill was eventually killed in the 1991 session.

By December 1992, this situation was about to change when Missouri House Speaker Bob Griffin (1991-1992 tobacco industry contributions \$2,450) announced that he was contemplating a cigarette tax increase to fund a health care bill, which would increase preventive health care in clinics and schools and provide affordable health insurance to employers with 50 or fewer employees. (59, 60) In reaction to this, by April 1993, John Britton and the tobacco lobby had made a deal with House Speaker Bob Griffin to accept a four-cent increase in cigarette taxes. (61) In return, according to an internal Tobacco Institute document, the industry received the following:

Attached is a copy of the amendment we plan to offer the committee [Senate Public Health and Welfare Committee] that will cap local taxes in Missouri. According to John Britton, we have the votes to get the amendment adopted in Committee.

As you know, both Britton and Roger Mozingo [Vice-President State Government Relations, R.J. Reynolds

TABLE 6. State Cigarette Taxes Per Pack in 1998

State	State Cigarette Tax Per Pack	Relative Rank From Highest To Lowest State Cigarette Tax
Alaska	100.0¢	1
Hawaii	100.0	1
Washington	82.5	2
New Jersey	80.0	3
Massachusetts	76.0	4
Michigan	75.0	5
Maine	74.0	6
Rhode Island	71.0	7
Oregon	68.0	8
Wisconsin	59.0	9
Arizona	58.0	10
Illinois	58.0	10
New York	56.0	11
Utah	51.0	12
Connecticut	50.0	13
Minnesota	48.0	14
North Dakota	44.0	15
Vermont	44.0	15
Texas	41.0	16
California	37.0	17
New Hampshire	37.0	17
Iowa	36.0	18
Maryland	36.0	18
Nevada	35.0	19
Nebraska	34.0	20
Florida	33.6	21
South Dakota	33.0	22
Arkansas	31.5	23
Pennsylvania	31.0	24
Idaho	28.0	25
Delaware	24.0	26
Ohio	24.0	26
Kansas	24.0	26
Oklahoma	23.0	27
New Mexico	21.0	28
Louisiana	20.0	29
Colorado	20.0	29
Mississippi	18.0	30
Montana	18.0	30
Missouri	17.0	31
West Virginia	17.0	31
Alabama	16.5	32
Indiana	15.5	33
Tennessee	13.0	34
Wyoming	12.0	35
Georgia	12.0	36
South Carolina	7.0	37
North Carolina	5.0	38
Kentucky	3.0	39
Virginia	2.5	40

Source: The Tax Burden on Tobacco 1998 (The Tobacco Institute). (57)

Tobacco Company] have spoken to the Speaker about this issue. The Speaker has told them both that he will support our amendment. The Speaker also points out that he feels locals do not have the power to tax cigarettes under Missouri's constitution.

I want to make sure that you are aware that we will not oppose HB [House Bill]564 if our amendment is adopted and stays in the bill.

Also, you need to be aware of the possibility of a rash of attempted local tax increases prior to October 1, 1993, which is the effective date of the bill. We have looked at Missouri's law very carefully and can find no way to close this four and one half month window. An emergency clause on the cap section is the only possibility. Britton has told me it would be impossible to get a two-thirds vote for an emergency clause given the controversial nature of the topic. (61)

The legislation was subsequently adopted by the Missouri legislature with the preemption clause banning local adoption of new cigarette taxes remaining intact. Democratic Governor Mel Carnahan signed the bill into law on July 1, 1993. (62)

According to Jim Davis, former ASSIST project director for the Missouri Department of Health, the reason the industry accepted the four-cent tax increase in exchange for local cigarette tax preemption was that:

The preemption was put into place at the time that tobacco advocates in the state were starting to move toward the local communities for most of the activities going on having been somewhat frustrated at the state level. I think the tobacco industry saw that coming and they agreed to, I believe it was a four-cent tax increase. (21)

Since this legislation was enacted, the tobacco industry has continued to be highly vigilant to defeat any new legislative proposals to increase state tobacco taxes and repeal local cigarette tax preemption. (17, 40) The future prospects of countering these lobbying goals of the tobacco industry are also very low. (19) Besides the formidable insider lobbying power of the tobacco industry (and the weakened condition in 2000 of state health advocacy in Missouri), a major factor working against passage of future state cigarette tax increases and repealing local cigarette tax preemption is the very conservative Missouri Democratic-controlled legislature, which "lumps all kinds of [lower] taxes together whether it is a sales tax, income tax, tobacco tax, or gas tax" (19, 21) because they see it as a "boon to business" (19) productivity.

Clashing with this orientation of the Missouri legislature is the severe public health effect of tobacco use in Missouri, which is responsible for 20% of all annual deaths in Missouri. If local tax preemption was repealed and higher tobacco taxes were adopted at the state and local levels it would significantly reduce tobacco use for all age groups, particularly for youth and poor people. (63-71) Higher taxes could also provide funding for needed state services including health and tobacco control efforts. Failing to enact higher tobacco taxes removes one key policy approach to reverse and lower the number of preventable illnesses and deaths in Missouri caused by tobacco use.

Clean Indoor Air Legislation

Throughout the 1980's, Missouri health advocates were not able to get enacted a state clean indoor air law. (52) In 1990, the Missouri Coalition on Smoking or Health began a renewed effort to pass state clean indoor air legislation by hiring a lobbyist (the first lobbyist ever hired) for the 1991 Legislative Session. (52) Efforts were also made to educate the public and state legislators on the need for a state clean indoor air law. This included a March 1990 tobacco issues advocacy

training workshop featuring Surgeon General C. Everett Koop as the keynote speaker. (52)

In April 1990, the Missouri House passed an exceptionally weak clean indoor air bill by 123-32. (72) The legislation required that shopping malls, airports, and other public buildings and places designate at least 30 percent of their space as nonsmoking. (72) Many private businesses were required to meet the same requirement. In addition, if all workers in a private office agreed that they did not want a smoking area, then the office became 100% smoke free. (72) Other major exemptions in this bill included: no smoking restrictions if a bowling alley, billiard hall, bar, or restaurant had seats for less than fifty people. (72) Also, restaurants with seats for greater than fifty people were required to designate nonsmoking areas based on usual customer demand. (72) The measure also contained no preemption of local governments' enacting stricter clean indoor air ordinances than the state law. (72) However, this legislation failed to pass in the Senate. This was due to the clean indoor air legislation not being given a high priority to be debated and voted on by the leadership in the Senate, which killed the legislation. (52)

Although a state clean indoor law was initially passed by the House and Senate in the 1991 Legislative Session (52) as was true in the 1990 Legislative Session, the bill was killed in the waning moments of the Legislative Session when, this time, the House ran out of time to reconsider the Senate version of the bill. (52, 73) According to the sponsor of the bill in the House, Representative Thomas Macdonnell (D-Marshfield) there was plenty of time in the final day of the session to debate and pass the legislation, but the bill was not brought up by House Majority Leader Representative Robert D. Ward (D-Bonne Terre) (1991-1992 tobacco industry contributions \$3,250). (73) Macdonnell stated that Representative Ward had failed to bring up the bill because of the influence of Tobacco Institute lobbyist John Britton. (73) Britton denied Macdonnell's claim. (73) However, according to Carol Winner, of the Missouri Coalition on Smoking or Health: "A minimum of seven tobacco lobbyists went to [Robert] Ward's office after the Senate vote." (73) Ward, however, claimed he was too busy to "even take a phone call from any of them." (73)

In the 1992 Legislative Session, a new state clean indoor air bill was advanced by the Coalition on Smoking or Health with the support of legislative sponsors, Representative Tommy Macdonnell (D-Marshfield) and Senator Norman Merrell (D-Monticello). (52) Republican Governor John Ashcroft, another supporter of the bill, also approached legislative opponents with potential acceptable compromise language. (52) The major legislative objective of the tobacco industry for this legislation was the enactment of preemption of stricter local clean indoor air ordinances (52) coupled with a smokers' rights provision making it unlawful to discriminate in the hiring or firing of an employee because of their use of tobacco. The original bill that was introduced required that 70 percent of public places be set aside as nonsmoking. (52, 73) The original bill did not contain a local preemption clause. The bill also mandated that there be smoking areas in all state office buildings with proper ventilation to the exterior. (52) This provision overrode a prior Executive Order which required that all state office buildings be smoke free. The ventilation requirement was problematic because the legislature appropriated no funds for the construction of ventilation systems. (52)

As the bill wound its way through the legislative process, the final version of the bill defined public places as:

Any enclosed indoor area used by the general public or serving as a place of work including, but not limited to retail or commercial establishments; health care facilities; health clinics; or ambulatory care facilities including but not limited to, laboratories associated with health care treatment, hospitals, nursing homes, physicians' offices, and dentists' offices; any vehicle used for public transportation including but not limited to, buses, taxicabs and limousines for hire; rest rooms; elevators; libraries, educational facilities, day care facilities, museums, and art galleries; all public areas and waiting rooms of public transportation facilities including, but not limited to, bus and airport facilities; any enclosed indoor place used for entertainment or recreation including, but not limited to, gymnasiums, theater lobbies, concert halls, arenas, and swimming pools; and any other enclosed indoor areas used by the general public including, but not limited to, corridors and shopping malls. (74)

The proprietor or person in charge of these public places was required to make reasonable efforts to prevent smoking in public places by posting appropriate signs indicating smoking and nonsmoking areas, arranging seating and ventilation systems to isolate designated smoking areas, and moving persons who smoked to smoking areas. (74)

The final legislation also addressed the state office ventilation issue by allowing state employees to smoke in designated areas, “. . . if adequate ventilation can be provided at minimum cost.” (74) If adequate ventilation could not be provided, then state employees were not allowed to smoke in state office buildings. A tobacco industry-style “accommodation” clause also provided restaurants with the voluntary option to designate a nonsmoking area, only if there was customer demand. An additional provision allowed bars, bowling alleys, billiard parlors, taverns and restaurants that seated less than fifty people to not be considered a public place subject to the state clean indoor air law if conspicuously posted signs stated “Nonsmoking Areas Are Unavailable.”(74) Also exempted from the law were: tobacco stores where more than 50 percent of the sales were related to the sale of tobacco products and enclosed indoor arenas or stadiums with seating capacities of more than 15,000 people.

Violation of the law was punishable by a non-criminal, minor infraction similar to a traffic ticket fine with a penalty of up to \$200 for individuals and \$500 for corporations. (21) Enforcement of the law was subject to the varying efforts and priorities of local law enforcement and health officials. (21) Local governments were also not preempted from enacting stricter local ordinances. (74) According to Bert Malone, Director of the Division of Chronic Disease, Prevention, and Health Promotion of the Missouri Department of Health, one major reason preemption was not enacted in the final legislation was:

In my estimation, they [the tobacco lobby] were asleep at the wheel, they simply let it get through. And there were strong advocacy on the part of GASP, the [American] Lung Association, local public health agencies and the state health agency, I think that convinced them [the legislature] that this was a means of effective control. A strategy that would be effective and I think they just, they lost it on that one. To me, that's what the history of politics in Missouri is – you win some, you lose some. And that is true for every state. Who your sponsor is, a whole host of things go into how successful legislation is going to be, and it is not just the merits of the individual legislation. (20)

The other major reason that preemption did not pass according to Ross Brownson, Chair of the Department of Community Health at St. Louis University, was:

There's a lot of feeling here of local autonomy, especially with the rural legislators. So you can play this as they're taking away your local rights and preemption on any issue is a bad idea. (19)

This final version of the bill passed both the Senate and House and was signed by Governor

Ashcroft on August 28, 1992.

In the 1993 Legislative Session, the Missouri House rejected a proposal by Representative Katie Steele, (D-Kirksville) to tighten the new law by ending all smoking in public school buildings, school sports events, day care centers, and school buses. (75) The House rejected the proposal 100-44. In supporting this legislation Representative Steele said she, “Wanted to stop the damaging and potentially deadly effects of secondhand smoke, which were particularly harmful to children.”(75) In opposing this bill, Representative Richard Franklin, (D-Independence), stated, “He was sympathetic to the bill. But as a former school principal . . . he did not see how school administrators at athletic events could crawl up in the stands and drag these people out.” (75)

Immediately after January 1, 1995, as a result of a complaint filed under the federal American with Disabilities Act by Missouri resident Vivian Dietemann who had a rare hypersensitivity to tobacco smoke, smoking was ended in nearly all public places of the state capitol. (76) This included: hallways, stairwells, restrooms, hearing rooms, and elevators. Excluded were the legislators' offices and the basement parking garage. (76)

When John Britton, lobbyist for the Tobacco Institute was asked about this new requirement, he sarcastically replied:

This is the dawn of a new era – instead of exhaling smoke, tobacco and gunk, we're going to be exhaling wisdom. (76)

When Britton was asked about the cigarette he was smoking in the state Capitol, he said:

If not the letter of the law, you have to at least obey the spirit of the law, and that's what I intend to do. (76)

In relation to this last comment, Britton did not put out his cigarette, but partially concealed it in the palm of his hand. (76)

On January 26, 1995, the Senate passed, what some such as Senator Wayne Goode (D-St. Louis) have called a “tongue-in-cheek” resolution. (77) Senate Resolution 112 introduced by Senator Danny Staples (D-Eminence) (1993-1994 tobacco industry contributions \$3,250) declared John Britton a “designated smoking area” who could smoke anywhere he pleased on the Senate side of the Capitol. (78) The final language of the Resolution declared:

NOW, THEREFORE, BE IT RESOLVED that this Missouri Senate of the First regular Session of the 88th Missouri General Assembly does convey through the full power and force of this courtesy resolution that for the remainder of his natural life, where ever he may roam on the East side of the Missouri state Capitol, that the person and immediate area surrounding JOHN BRITTON shall forthwith, immediately and forever more be designated an official Missouri State Senate Designated Smoking Area. (78)

However not all Missouri citizens thought that this Resolution was a tongue-in-cheek joke. As Glenn Koenen of St. Louis and a long time substance abuse advocate stated:

If that resolution is a joke, it's not very funny. If it's serious, there seems to be a major problem if the Senate is exulting a lobbyist above the rights of common citizens. (79)

This sentiment was also echoed in an editorial by W. David Relyea of Mountain Grove, Missouri

who was a member of the Southwest Regional Advisory Council on Alcohol and Drug Abuse, who stated:

I feel like when the Senate takes this type of action, basically what they are saying is you folks are not important and we are going to go ahead and do what we want to do regardless of the detrimental effect it may have on the public who we represent. (79)

Since the adoption of the clean indoor air rules for the Capitol building as well as adopting the Senate Resolution on Britton, the Missouri legislature has not changed the state clean indoor air law.

The impact of the state clean indoor air law on tobacco control efforts at the state level in Missouri has been very weak. (20, 52) Shortly after the state law was passed clear responsibility for whom and how the law was to be enforced remained murky. While several local health departments, including St. Joseph and Kansas City, also began significant efforts at clean indoor air enforcement, many other local health departments lacked the financial resources or commitment to engage in clean indoor air efforts. (52) This problem, along with the problem of how the law was going to be enforced have been serious deficiencies in the law, which continue to plague Missouri to the present. (20) According to Jim Davis, former ASSIST Project Director for the Missouri Department of Health, this was precisely what the legislature had in mind and was the primary reason why this weak state clean indoor air law (18) with lax enforcement provisions passed in the first place. (21)

The only part of the law that has not been weak from the perspective of tobacco control efforts was the failure to pass a state preemption clause that superceded stricter local ordinances. While a 1998 report by the Missouri Department of Health entitled *Status Report on Missouri Tobacco Control Ordinances* indicated that 44% of Missouri citizens were covered by a local clean indoor air ordinance by 1998, a recent survey conducted by the National Cancer Institute (80) (Table 7), indicated by August 2000, of the 18 major local Missouri clean indoor air ordinances, all of these ordinances were fairly weak. None of the ordinances included 100% smoke free workplaces or restaurants (80) and only two covered bars. Ten of the ordinances did not designate specific city agencies to enforce the no-smoking provisions.(80)

City of Columbia

One of the most intense political efforts in the 1990's with respect to local clean indoor air ordinances occurred in Columbia in 1995. On November 29, 1995, the Columbia/Boone County Board of Health held a hearing to ascertain whether there was support to tighten a Columbia no smoking ordinance enacted in 1987.(82) Under the provisions of the 1987 ordinance, all businesses were allowed to designate smoking areas in some public buildings. (83) Under the proposed ordinance, the Columbia Board of Health proposed that smoking be prohibited in all city government buildings, other public buildings, and regional malls. Smoking was also to be prohibited within twenty feet of any entrance of any building where smoking was to be prohibited. (82) Smoking was to be allowed in bars and designated areas in restaurants that seated more than fifty customers.(82, 84) Enforcement of the law was to have occurred through complaints to the health department.(82) After public testimony in which a dozen anti-smoking advocates testified, the board decided that it would not alter its original recommendations proposed at the beginning of the hearing.(85) The proposed ordinance was then sent to the Columbia City Council for consideration.(85)

TABLE 7. MAJOR LOCAL CLEAN INDOOR AIR LAWS IN MISSOURI AS OF AUGUST 2000

City	Date Ordinance Enacted	Population (000)	Workplaces Covered	Restaurants**	Bars	Enclosed Public Places	Enforcement By Specific City Agency
Brentwood	1990	13	Public	33%	None	All	No
Chesterfield	1990	45	None	50%	None	All	No
Clayton	1988	14	None	25%	None	All	Yes
Columbia	1987	77	Partial*	0%	None	Some	No
Crestwood	1993	12	None	70%	None	All	Yes
Des Peres	1989	8	None	50%	None	Some	No
Fronterac	1994	3	None	50%	None	All	No
Independence	1986	110	Partial	0%	None	All	Yes
Jefferson City	1989	36	Partial	0%	None	All	Yes
Kansas City	1986	441	Partial	0%	None	Some	Yes
Ladue	1993	8	None	40%	All	None	No
Oak Grove	1993	5	None	0%	None	All	No
Pacific	1993	5	None	0%	None	All	No
Pleasant Hill	1993	5	None	0%	None	All	No
Rock Hill	1987	5	None	0%	None	Some	No
Springfield	1991	143	None	0%	None	All	Yes
St. Joseph	1993	70	None	0%	None	All	Yes
Webster Groves	1993	22	None	70%	All	All	No

Source: National Cancer Institute. (80)

* Partial means that smoking restrictions exist, but smoking is still allowed in some areas or under some circumstances.

** 100% means the restaurant is entirely smoke-free, 0% means that no minimum percentage is specified.

On January 16, 1996 the Columbia City Council held a hearing with the intent of voting on the proposed clean indoor air ordinance. After hearing public testimony, the Council voted to exempt bingo halls and buildings that were leased to private businesses at the Columbia Regional Airport. (83) Also dropped from the original proposal was a provision banning smoking within twenty feet of a building entrance.(83) The vote for the final version of the ordinance was 6 -1 with First Ward Council member Colleen Coble voting against the ordinance.(83) Coble who had previously received a \$250 campaign contribution from the Tobacco Institute (which had been reviewed and approved by Tobacco Institute lobbyist John Britton and Regional Vice-President John Leeper) when she first ran for office in 1993(86, 87) voted against the new ordinance because “it would be hard to enforce.”(83) On March 20, 1996, owners of bowling alleys and billiard halls approached the City

Council to exempt their establishments from the new no smoking ordinance.(88) This proposed amendment failed to pass and the new ordinance went into effect as originally enacted on April 1, 1996.

In November 1996, Fifth Ward Council member Karl Kruse announced that he supported a change to the new ordinance that would allow smoking in any restaurant that offered live entertainment after 9 P.M.(84) On January 6, 1997, the Council voted against Kruse's proposed amendment 6-1.(89) In April 1997, the Columbia/Boone County Board of Health again recommended that the Columbia City Council prohibit smoking within twenty feet of an entrance of a public building.(90) On May 5, 1997, the City Council delayed voting on this proposed amendment due to concerns of "vagueness" expressed by First Ward Council member Colleen Coble and Sixth Ward Council Member John Coffman.(91) It was not until February 27, 1999 that this amendment was reconsidered when it was changed so that people sitting in a car or passing by were exempt from the ordinance.(92) In the end, Columbia retained a relatively weak ordinance that only required some smoke free public buildings and government buildings.

City of Springfield

Another significant clean indoor air campaign occurred in Springfield in 1990.(93) Opposition from local restaurant interests delayed the city from enacting the ordinance in August 1990.(93) The clean indoor air proposal included prohibiting smoking in most enclosed public areas including groceries, airport terminals, bus terminals, schools and libraries.(94) Restaurants seating more than 50 people were required to provide no-smoking areas.(94) After months of debate, including behind the scenes opposition from the tobacco industry,(95) the proposal was finally enacted on April 8, 1991 by 7 - 2.(94)

In reaction to the new ordinance a group called Smokers Rights presented 1,003 signatures in May 1991 to the Springfield City Clerk requesting a referendum vote by the voters on whether the new anti-smoking ordinance should be continued.(96) The signatures were subsequently approved for a vote in the November 1991 election. Nevertheless, on November 5, 1991, voters in Springfield approved the ordinance by 19,204 - 8,933.(97)

St. Louis and Kansas City International Airports

Besides local clean indoor air ordinances enacted by cities, two of the most significant local clean indoor air battles in Missouri in the 1990's occurred at the Lambert St. Louis International and Kansas City International Airports.

At Lambert Airport in May 1992, a meeting occurred between Tobacco Institute regional Vice-President Ronald Morris and General Donald W. Bennet Director of Airports in which they agreed to work together in future endeavors to "provide proper smoking accommodations in the Lambert Airport."(98) On August 28, 1992, Lambert Airport implemented a new St. Louis County ordinance, which designated that certain places in the airport could be used for smoking.(99) The new ordinance also carried a fine of up to \$500 for smoking in any area of the airport except designated smoking areas. (99)

In early February 1993, the Justice and Health Committee of the St. Louis County Council reconsidered the clean indoor air ordinance with a proposal (Bill # 20) to entirely end smoking at Lambert.(100) In response to the proposed legislation, Tobacco Institute lobbyist and local counsel Ken Rothman was able to have a vote on the legislation postponed until February 25, 1993. (101) In the hiatus, Tobacco Institute Regional Vice-President John Leeper, in conjunction with Rothman contacted the TWA labor union and concessionaires at the airport to help defeat the proposed ordinance.(101) Also, assisting the effort were R. J. Reynolds Tobacco Company and Philip Morris who mobilized “grassroots” company contacts to contact County Council members.(101). Leeper also sought to obtain a ventilation specialist to testify on behalf of the industry at the hearing.(101) Due to the need by the county to also conduct air sampling tests at Lambert, the hearing was delayed once again until March 11, 1993.(102)

Prior to the hearing St. Louis industrial hygiene firm John A. Jurgiel & Associates, Inc., which conducted air sample tests on March 5 and 6 for Lambert Airport concluded the following:

While the results of the previous survey did not indicate too much of a difference between smoking and nonsmoking areas, the results of the 20 air samples (10 each day) collected during this survey indicate a more distinct difference. The highest particulate concentrations were found in the designated smoke areas.(103)

On March 11, 1993 the hearing was held. Testifying for the ordinance were the American Cancer Society, American Heart Association, American Lung Association, and Missouri GASP.(102) Testifying against the ordinance were Richard M. Silberman of Healthy Building International, Inc. (a tobacco industry front group and air quality consulting firm) and three local smokers' rights individuals.(102) Also testifying against the proposal was General Donald W. Bennett, Director of Airports who believed that the proposal would have a negative impact on the 35 million people who annually traveled through Lambert.(102) After the testimony, the Chair of the Committee, Council member John Shear, decided to delay passage of the proposed ordinance in order to obtain compromise language acceptable to all parties including the tobacco industry.(102)

The tobacco lobby's position on the issue was to require “accommodation” of smokers in designated smoking rooms with ventilation. On April 27, 1993, a report was provided in support of this position to Daniel Wahby, Director of Special Projects at the Tobacco Institute in Washington, D.C. by Healthy Buildings International, which recommended installing “dedicated air exhausts” in the smoking rooms at Lambert.(104) Healthy Building International indicated in it's recommendation that such ventilation devices would prevent second hand tobacco smoke from migrating to adjacent areas.(104) However, by 1994, a compromise never occurred and the airport decided to “accommodate” smokers with specific smoking areas without ventilation that included smoking in bars and airport entrances.(105)

That same year, Missouri GASP filed an administrative complaint with the U.S. Department of Transportation under the Americans with Disabilities Act alleging that tobacco smoke at Lambert had prevented Vivian Dietemann, an asthmatic, and Patricia Young, an airline flight attendant with respiratory disabilities, from entering and using Lambert.(106) In July 1996 the Federal Aviation Administration Office of Civil Rights decided the case in favor of the airport on the grounds that they were now proposing to install ventilated smoking lounges (as favored by the tobacco industry) and designate the rest of the airport as “No Smoking.” Missouri GASP appealed this decision in

August 1996. The appeal is still pending.

In early 1997 Lambert built seven smoking lounges with three by seven foot open doorways.(105) The lounges, which were to seat at least one hundred people also were fitted with ventilation systems to vent the smoke outside.(105) In opposing this action, Martin Pion of Missouri GASP stated:

....for the smoking lounges to work, they would need to be isolated from the airport by a double-doored air lock and a separate ventilation system to draw air from the outside, circulate it through the room and then exhaust it back outside.(105)

On July 30, 1998, Martin Pion sent William Fronick, Director of Planning and Engineering at Lambert a letter stating:

An employee working at gates 31-33 adjoining smoking room 4C volunteered to conduct the test in Lambert Airport. An employee working in a bar in SETAC (Seattle Tacoma Airport) conducted the test for us there. Neither airport cooperated.

Nicotine is used as a surrogate for environmental tobacco smoke since ETS is the only common source of nicotine in a typical environment. The monitor used to detect it consists of a filler paper treated with a chemical to adsorb nicotine vapor from the air being sampled. The filter is a holder with a porous cover and is stored in an airtight container when not in use.

After being exposed for a noted time, in this case a total of approximately 137 hours, the monitor was analyzed to determine the mass of nicotine adsorbed. An unexposed control was analyzed at the same time and any nicotine on it was subtracted from the test monitor reading to account for possible contamination in transit.

The average concentration of nicotine vapor in the air, in micrograms per cubic meter, as determined from each monitor was as follows:

Unexposed controls for both airports = No nicotine detected

SETAC International Airport = 0.15 Lambert-St. Louis International Airport = 0.44

According to a past private communication from James Repace, an internationally-recognized expert on environmental tobacco smoke and lung cancer risk, exposure to human carcinogens regulated by the government is considered acceptable if the lifetime risk of developing lung cancer results in no more than 1 excess death per million of the population. Both above readings are substantially above this so-called de minimus level: SETAC is 20 times greater, and Lambert is nearly 60 times greater.(107)

As of October 2000, Lambert Airport and the St. Louis County Council have initiated no actions with respect to the issues raised by the ADA complaint and independent GASP indoor air quality test at Lambert.

In stark contrast to Lambert, on October 1, 1993, Kansas City International Airport implemented a policy prohibiting smoking in any public area of the airport.(108) The new policy included no smoking in all gate areas, news and gift shops, bars and restaurants, restrooms, ticket counters, and baggage claims areas.(108) This new ordinance superceded a prior 1987 ordinance that permitted smoking in several designated smoking areas. In announcing the new policy, John Solomon Kansas City Aviation Director stated:

This is simply a matter of interest of public health over the so-called rights of smokers.(108)

In response to the new smoke free policy, Thomas Luria of the Tobacco Institute stated:

It makes absolutely no sense not to designate some areas for smoking. It's totally insensitive to airport management to treat 30 percent of the traveling public in such a dismissive way. You're going to have some pretty unhappy travelers.(108)

However, in response to this argument and in contrast to airport officials at Lambert, Kansas City, airport officials noted that artificial separation of smokers and nonsmokers does not work because the terminal design makes it difficult to keep the air clean.(108) This policy by Kansas City airport officials made Kansas City International Airport 100% smoke free in public areas.

As these local clean door air political campaigns and ordinances illustrate, lack of local clean indoor air preemption can be a very promising tobacco control organizing approach in any future efforts to enact local clean indoor air ordinances in Missouri. According to several recent studies, enacting strong clean indoor air laws can significantly reduce tobacco consumption. (109, 110) In addition, several studies have shown that without strong clean indoor air restrictions to control secondhand tobacco smoke, the potential for significant health risks including death increases significantly. (111-114) Whether future strong and effective clean indoor ordinances are enacted is contingent upon whether significant resources, education, and energy are applied by concerned citizens and health advocates.

Community 2000 Program

Since 1993, the Missouri Department of Mental Health, Division of Alcohol and Drug Abuse (ADA) has administered a general substance abuse prevention program known as Community 2000. (115, 116) The goals of the Community 2000 program:

...include reductions in violent crime; underage drinking and illegal drug use; tobacco use and sale to minors; and alcohol related traffic crashes, fatalities, and injuries. (115)

As is indicated in this policy goal description, tobacco control educational efforts with respect to youth (but not adult tobacco use) represent one program in conjunction with a number of other programs to curtail substance abuse and violent crime.

The Community 2000 program has been implemented through contracts with eleven regional support centers, which assist 212 local Community 2000 teams to plan and implement local substance abuse projects. (56, 115) Historically, these efforts have ranged widely with many local Community 2000 teams focusing on various alcohol and drug abuse problems, including some on tobacco use predominantly by youth, and a few on tobacco use by adults. (55, 117-120)

A recent evaluation of the Community 2000 program's support centers and local teams (55) also indicated that after five years of operation, among the major deficiencies of the program, there was little or no evaluation and documentation of what the local Community 2000 teams were doing, there were no local strategies on recruiting and retaining local Community 2000 volunteers, regional support centers' funding, resources, and support for local Community 2000 teams was minimal, and there was little clarity and communication from the ADA central office on the roles and responsibilities of the support centers regarding how to meet and achieve substance abuse prevention goals. (55)

On March 9, 2000, ADA Director Michael Couty and Show Me Results Project Director Robin Barnett presented a new Strategic Plan for the Prevention of Alcohol and Drug Abuse to the Mental Health Commission, which oversees the activities and policies of the Missouri Department of Mental Health (DMH). Besides tobacco control efforts, other current and specific substance abuse prevention program objectives of the Community 2000 program included:

- Reducing binge drinking among minors and young adults;
- Reducing binge drinking among college students;
- Reducing general alcohol use among youth;
- Increasing the number of births of drug-free babies;
- Reducing the onset of first use of marijuana and other drugs;
- Reducing the use by youth of marijuana in the past thirty days;
- Increasing the number of youth who perceive risk from the use of marijuana and other drugs; and
- Reducing prescription drug misuse among persons older than 65. (56)

Tobacco control efforts under the new plan included: reducing smoking and other tobacco use among Missouri's youth by 2002 and reducing tobacco sales to Missouri youth to meet the requirements of the Synar Amendment. (56) Missing from this new plan was tobacco control activity targeted toward adults as had previously occurred. In addition, the total amount that ADA planned to expend on all substance abuse prevention activities for Fiscal Year 2000 was \$4.8 million, (56) which is a relatively small amount in relation to the numerous substance abuse issues and problems in Missouri, including tobacco use.

After Couty and Barnets' presentation to the Mental Health Commission, Commissioner David L. Ohlms, M.D. questioned the validity of substance abuse prevention efforts (including tobacco prevention) in general and ADA's efforts in particular:

I went to a Catholic college in Texas at the time you couldn't buy a mixed drink. It was against the law and certainly drinking was banned on that college campus so we all got drunk off campus. It's, it's, I'm just, obviously, I'm a very pessimistic person about this area of primary prevention and the reason why I'm pessimistic about this. I want it to work but if it doesn't work, I want to see this money moved to secondary prevention, to early intervention because I do know that works, we've got data that proves that. I just hope that somewhere along the line, somebody's going to have the guts to say, "This ain't working" and we're pouring a lot of money down a hole. And if it is working, wonderful, but I have yet to see data from this state or nationally that shows any of the efforts in prevention have been successful. Indeed, the information I have from Missouri is that the substance abuse problem with our kids, for instance the perception of the dangers of marijuana has gone downhill, not uphill. The amount of binge drinking has gone uphill, not downhill, so I'm lobbying here and I'll shut up and we can get back on our schedule. (121)

Following further discussion related primarily to Dr. Ohlm's objections, ADA proposed new Strategic Plan was tabled. It was subsequently approved by the Commission at the next Mental Health Commission meeting on April 13, 2000.

Within this political, budgetary, and administrative climate, tobacco control efforts by ADA's Community 2000 program have historically (mostly under Democratic Governor Mel Carnahan) not occurred in a comprehensive, effective, and singular manner supported by sufficient financial and administrative resources. (56) Moreover, what tobacco control efforts that have historically occurred, have focused primarily on youth, while placing lesser emphasis on adults. As

a result of the new ADA Strategic Plan, tobacco control program activities now only focus on youth. The net result of this is that like other tobacco control policy issues such as tobacco excise taxes and state clean indoor air legislation, ADA's tobacco control effort is weak, rather than actually having a detectable impact on reducing tobacco use.

ASSIST

In 1988, Dr. Robert Harmon, then Director of the Missouri Department of Health (DOH), played a key role in elevating the policy importance of chronic disease and tobacco control policies by establishing a new Division of Chronic Disease Prevention and Health Promotion (CDPHP) within the DOH. (122) The new division was empowered to provide coordination and guidance relating to:

...tobacco control, cancer epidemiology and control, cardiovascular disease prevention, diabetes control, and other chronic disease priorities. (122)

In addition to the creation of the new division, at the same time a new Bureau of Smoking, Tobacco, and Cancer within the DOH was also established to specifically oversee tobacco and cancer control activities. (122) Also, around 1988, DOH secured a cancer control capacity building grant with its two major areas of emphasis being tobacco control and cervical cancer. (21) These two areas of cancer prevention were continually supported and bolstered until 1991 by prevention coalitions in different regions of the state including St. Louis, Kansas City, northeast Missouri, northwest Missouri, southeast Missouri, southwest Missouri, and central Missouri. (21)

By 1991, a chronic disease control initiative was the top priority of DOH, including new funding for a pregnancy smoking cessation project. At the same time, the DOH also was promoting a new Missouri Cancer Control Plan, which included tobacco control components. (122) It was also during 1991 that the American Stop Smoking Intervention Study (ASSIST) program was initiated at the national level under the direction of the National Cancer Institute and the American Cancer Society. Initial funding for the seven-year ASSIST program to 17 states by the National Cancer Institute (123) was based on whether a state had an effective coalition of tobacco control organizations under the leadership of the state health department and the state American Cancer Society. (123) Each state coalition was required to develop a five-year tobacco control plan. Goals for these plans were to include educational efforts to support: clean indoor air, prohibit youth access, restrict tobacco advertising, increase tobacco taxes and promote counter marketing campaigns and cessation classes. (123)

DOH conducted a planning analysis during 1991 and 1992 to assess whether it qualified for the ASSIST program and how it would be implemented. (21) The Missouri grant application identified the ASSIST project as covering the entire state. (122) The grant application also called for working through the current cancer control coalition and various state networks to implement ASSIST's anti-tobacco cessation and educational projects. (18-20) The statewide networks included the Missouri State Medical Society, Missouri Nurses Association, Missouri Public Health Association, Missouri Women's Network, local affiliates of the American Cancer Society, local health departments, and statewide media including Missouri-Net. (122) Areas of particular foci identified in the grant for educational efforts included: information on clean indoor air, information

on restrictions of tobacco sales to minors, education on smokeless tobacco consumption in rural areas, and developing anti-tobacco school promotional material. (122)

Because ASSIST was not a state-funded program, but rather a federally funded program administered by a state agency, this required that the state legislature provide spending authority for Full Time Equivalency (FTE) hours for paid staff positions. This authority occurred, despite some legislative opposition, from carryover FTEs from the earlier cancer control capacity building grant and the strong leadership of DOH Director Bob Harmon. (19) According to Ross Brownson, Chair of the Department of Community Health at St. Louis University, Harmon was “willing to go to the mat to build support for it [ASSIST] even in Missouri when getting started was not easy.”(19) According to Jim Davis, former ASSIST project director, further support for ASSIST came from Governor John Ashcroft, because:

....at that time he [Governor John Ashcroft] was adamantly against tobacco personally and pretty much I assume, I wasn't in direct contact with him. He gave Bob Harmon [Director of the Missouri Department of Health] the green light to work on tobacco issues. So at that level, we had cover at the state level. (21)

Regarding Ashcroft's support for ASSIST, Ross Brownson also believed that:

We were able to get a thing that most people would have thought, you know, very conservative Republican—you've got no chance in moving tobacco control forward. And actually because of his religious beliefs he was very supportive. (19)

Soon after the legislative authorization of the FTEs, Missouri's ASSIST application was approved by the National Cancer Institute and implementation of the ASSIST program began in September 1993. (124)

One early statewide effort conducted by the DOH in March 1995 by ASSIST and the DOH was Operation Smoke Screen. Operation Smoke Screen was a youth advocacy training for more than 4000 Missouri and other youth across the country. (125) The primary purpose of Operation Smoke Screen was to develop networks of youth to work on tobacco control education issues at the local level. Included in the training was the importance of policy advocacy in terms of restricting tobacco industry manipulation of minors, reducing exposure to secondhand smoke, encouraging increases in tobacco excise taxes, and restricting tobacco promotions and ads that targeted youth. (125) Strategies used at the workshop to meet these policy goals included: involving youth in program development, marketing and promotion and providing technical assistance, and providing training to local organizers and coordinators. (125)

The other major statewide effort sponsored by ASSIST was Operation Storefront. (126, 127) Operation Storefront, which began on January 1, 1997 was a three-phase statewide project providing information on tobacco advertising and promotion. Phase I involved 38 youth groups across the state including church, Girl Scouts, 4-H Clubs, some ADA Community 2000 teams, and school groups. (127) Between January 1 and May 31, 1997 these groups conducted inspections in 34 counties. Teams of two youths and one adult inspected 353 outlets likely to sell tobacco products. (127) The results of the survey as reported by Missouri ASSIST and shown in Table 8, indicated that smokeless tobacco was the leading tobacco product advertised by outlets. (127) The results also indicated that 11% of tobacco advertisements were placed next to candy displays and 21% of advertisements were lower than three feet. (127) There was an average of 30 tobacco advertisements in each retail outlet

with more than half (194 of 353) engaging in tobacco promotions such as tobacco hats, mugs, lighters, T-shirts, Marlboro gear, Camel Cash, and buy two, get one free deals. (127) The survey also indicated that 68% of the outlets located within 1000 feet of a school had exterior advertisements. (127)

TABLE 8. Percentages of Tobacco Advertisements in Missouri Retail Establishments in 1997	
Product	Percent of Missouri Outlets Advertising Product
Smokeless Tobacco	18%
Marlboro Cigarettes	17%
Camel Cigarettes	17%
Winston Cigarettes	7%
Kool Cigarettes	7%
Basic Cigarettes	3%
All Others*	27%

Source: Missouri American Stop Smoking Intervention Study for Cancer Prevention, Operation Storefront Fact Sheet. (127)

* This combined category was the manner in which the Missouri Department of Health reported this data.

In Phase II of Operation Storefront, the local groups then engaged in efforts to educate local communities about why tobacco advertising and promotion should be restricted. Local groups also conducted merchant training sessions on tobacco advertising to youth with the goal of asking them to reduce the number of tobacco advertisements. (126) There was some success with this last strategy in Mid-Missouri when the Coalition for a Smokefree Boone County was able to convince the MFA Oil Company to voluntarily reduce the number of advertisements in their Break Time convenience stores. (126) In Phase III of Operation Storefront, local groups received technical training on methods to develop strategies to reduce tobacco advertising in local communities. (126)

From 1998 to 2000, this emphasis on statewide network building has declined. (21, 53) According to Jim Davis, former Missouri ASSIST Project director, this occurred because:

They have suffered repeatedly problems of hiring and finding good management. Which kind of, I don't want to say immobilized, that's not true at all, but it has frustrated efforts to continue their focus or provide guidance on this issue at the state level. (21)

In addition, after the program had operated for the first few years, there were very strict admonishments and interpretations from top DOH civil servants in management positions and political appointees of Democratic Governor Mel Carnahan to refrain from any activity that could be construed as "lobbying" with ASSIST funds. (21) In one instance a bureau chief of the DOH implied that even ASSIST coalition members such as the American

Cancer Society could get into serious trouble if they engaged in “lobbying.” (21) According to Jim Davis:

That wasn’t true. Under the most rigorous legal interpretation, they could do whatever they wanted. (21)

As a result of this pressure to not engage in anything that was remotely construed as lobbying or public policy advocacy (21, 53) (and thus place a chilling effect on any grassroots educational efforts allowed under the ASSIST program) in conjunction with a failure to provide energetic and competent management for the Missouri ASSIST program (19) the program (and its current Centers for Disease Control Prevention-funded predecessor Comprehensive State-based Tobacco Use Prevention and Control Program) currently is “struggling to regain its identity.”(21) It is not providing any central leadership for focused statewide efforts such as Operation Storefront.

The main emphasis is local with a variety of divergent campaigns now occurring. This approach is similar to ADA’s Community 2000 program with its orientation toward fragmented and weak tobacco control efforts. This lack of direction, in many ways, is due to a lack of commitment from the leadership of the DOH and Governor Mel Carnahan to place state resources in a significant manner to counter the negative tobacco-related public health trends now occurring in Missouri, which effect many youth and adults in the state.

Synar Enforcement

On July 10, 1992, President George Bush signed the Alcohol, Drug Abuse and Mental Health Administration (ADAMHA) Reorganization Act (Public Law-102-321). As a condition of receiving substance abuse block grant funds for all fiscal years beyond 1994, Section 1926 of the act (also known as the Synar Amendment named after Representative Mike Synar [D-Oklahoma]) required all states to have:

....in effect a law providing that it is unlawful for any manufacturer, retailer, or distributor of tobacco products to sell or distribute any such product to any individual under the age of 18. (128)

The states were also required to annually conduct random and unannounced inspections to ensure compliance with the law. (128) The law also required that states were to file annual reports to the Secretary of the United States Department of Health and Human Services (HHS) delineating the activities carried out to enforce the law in the next fiscal year, strategies utilized by the state to enforce the law, and the extent of success in reducing tobacco product availability to minors. (128) In addition if the Secretary of HHS determined that a state had not complied with these provisions, the Secretary of HHS was directed to withhold portions of the substance abuse block grant funds after providing a notice to the state and an opportunity for a hearing. (128)

Missouri Synar Legislation From 1994 to 1996

In the 1992 Missouri Legislative Session, Senate Bill 509 was introduced providing for certain requirements and penalties for Missouri outlets, which sold tobacco products to minors. (129) The final version of this legislation prohibited for the first time the sale or distribution of tobacco products to persons under the age of 18. (129) Section 407.931 (2) (3) and (4) of this relatively weak law also provided that:

2. No person shall sell any tobacco product or distribute any tobacco product or rolling papers to any minor. This subsection shall not apply to the distribution by family members on property that is not open to the public.

3. Any person who violates subsection 1 or 2 of this section or section 407.927 shall be fined:

(1) For the first offense, twenty-five dollars;

(2) For the second offense, one hundred dollars;

(3) For a third and subsequent offense, two hundred fifty dollars.

4. If a sale is made by an employee of the owner of an establishment in violation of sections 407.925 to 407.932, the employee shall be guilty of an offense established in subsections 2 and 3 of this section. If a vending machine is in violation of section 407.927, the owner of the establishment shall be guilty of an offense established in subsections 2 and 3 of this section. If a sample is distributed by an employee of a company conducting the sampling, such employee shall be guilty of an offense established in subsections 2 and 3 of this section. (129)

While this law did not preempt local governments from enacting stricter legislation, the penalties for violation of this law were very weak, in most instances clerks rather than owners would be liable for selling tobacco to minors, and enforcement was very haphazard depending on whether local law enforcement were willing to enforce this weak law in relation to other criminal matters with more significant penalties. According to Missouri State Senator Wayne Goode (D-St. Louis), this legislation:

...was impacted by the tobacco industry. They tried their best to keep it from being any more effective than it could be. (77)

On August 26, 1993, shortly after the federal law was enacted, HHS published proposed rules to implement the program. HHS also sought comments from all interested parties on the proposed rules. On October 13, 1993, Majority Floor Leader of the Missouri House, Bob Ward (D-Bonne Terre) (1993-1994 tobacco industry contributions \$3,000) wrote a letter to Gale Held, Director the United States Center for Substance Abuse Prevention delineating his opposition to the proposed rules for the Synar Amendment. (130) In the letter, which called for no Synar requirements to progressively drop the annual percentage rate of noncompliance of outlets likely to sell tobacco products to minors and also questioned whether scientific statistical sampling methods to evaluate the program actually could work, Majority Floor Leader Ward wrote:

As the Majority Floor Leader of the Missouri House of Representatives, I write to you with my comments on the proposed rules implementing Section 1926 of the Public Health Services Act, concerning the sale and distribution of tobacco products to minors.

HHS estimates that it will cost state and local governments \$50 million to implement this unfunded federal mandate. This translates into monies being drained from Missouri's already scarce resources and vital programs. The National Conference of State Legislators estimates that this figure comes on top of the \$15 billion in unfunded federal mandates that states currently must bear.

HHS proposes that states can make their retailers absorb these costs through licensing fees. It is wrong to assume that Missouri retailers can bear the burden of excessive costs through licensing fees. *I can assure you that a political upheaval will unfold in my state if such a fee is considered.* Small businesses are vital to Missouri's economy and I cannot justify placing additional regulations on these retailers to pay for an unnecessary law enforcement bureaucracy.

As I understand it, HHS will "estimate" compliance with the law by all retailers in the state from results of "stings" against inspections of a few retailers. It is grossly unfair to draw conclusions about state-wide compliance from results involving small samples. Decisions stemming from these samples could potentially cost

Missouri millions of dollars in substance abuse prevention and treatment funds. A few outlets cannot be looked upon as "representative" of all of the state's retailers.

Finally, I strongly believe that states should be allowed to enforce their laws prohibiting tobacco sales to youth in a manner they see most expeditious. After all, this is how Congress intended it. Over the past several years, states have increased their efforts to discourage the sale of tobacco products to minors. Lets give these programs a chance to succeed before they are overburdened with new requirements.

I believe the proposed rules place an undue burden on state and local governments. I request that you change the proposed rules to permit Missouri to leave in place its current system of laws. *I also ask that you delete the compliance-rate provisions.*

Thank you for your attention to this matter [emphases added]. (130)

During the 1994 session, the industry was particularly active in trying to pass Synar legislation that included preemption of stricter local tobacco youth access laws. (39) As is indicated in Table 9, based on internal tobacco industry documents, the industry's primary allied group coalition partners whom the industry enlisted in this effort included several trade associations and key political leaders in the Missouri legislature. One of the organizations, however, was not typical of political allies that have been seen in other states. (50, 131, 132) It was the Missouri Department of Mental Health, a state government agency, which also has a division that administers substance abuse programs. (39) That division, ADA, was the same one that has administered the Community 2000 program.

In the 1994 Legislative Session, Senate Bill 797, (133) which was introduced on February 23, 1994 by Senator J. B. Banks (D-St. Louis) (1993-1994 tobacco industry contributions \$2,750) a key ally of the tobacco lobby was the first major attempt by the Missouri Legislature to comply with the provisions of the Synar Amendment. The bill called for the creation of a new Division of Alcohol and Tobacco Control within the Missouri Department of Public Safety (the Missouri state law enforcement agency). (133) As originally introduced the bill empowered the director of this new division to issue licenses for the sale of tobacco products, conduct annual unannounced and random inspections to ensure compliance with Missouri youth access laws, enforce civil penalties for violations, and revoke or suspend licenses to sell tobacco products. (133) The proposed law also called for annual tobacco license fees be deposited with ADA, who then was required to contract annually with the new division to conduct enforcement actions. In addition, violations of this law would subject the owners or holders of the tobacco license to be liable for progressively higher fines or civil penalties for each subsequent violation. The proposed law also did not preempt local governments from enacting stronger statutes. (133)

On March 31, 1994, Senator Banks offered an amendment to the bill, which changed the language of the proposed bill to also preempt local youth access laws. (34) The effort to pass local preemption for youth access was of particular concern to United States Representative Mike Synar (D-Oklahoma). In a letter to Missouri GASP President Martin Pion on May 17, 1994, he wrote:

TABLE 9. Tobacco Institute's Primary Political Allies in Missouri in 1994

Organization or Political Office Name	Name and Address of Primary Contact in Organization
House Majority Leader	Representative Bob Ward Rt. 2, Box 127F Bonne Terre, Missouri 63628
Senate Majority Leader	Senator J.B "Jet" Banks 1442a North Grand St. Louis, Missouri 63106
Senate President Pro-Tem	Senator Jim Mathewson 142 South Limit Sedalia, Missouri 65301-3655
Missouri Retailers Association	Mr. Sam Overfelt, Executive Director P.O. Box 1336 Jefferson City, Missouri 65102
Missouri Convenience-Store Association	Mr. John Pelzer, Executive Director 238 East High Street Jefferson City, Missouri 65101
Missouri Automatic Merchandisers Association	Ms. Sheelah Yahwitz, Executive Director 16100 Chesterfield Village Chesterfield, Missouri 63017
Missouri Department of Mental Health	Mr. Keith Shafer, Head 1706 East Elm Jefferson City, Missouri 65102

Source: (Tobacco Institute legal document produced in the case of: *State of Missouri, et. al., v. American Tobacco Company, et. al.*, No. 972-1465, St. Louis Circuit Court, Missouri Minneapolis: Minnesota Tobacco Document Depository; 1994. Bates No. TIMO0003199-0003202. (39)

I understand that a bill is being considered by the Missouri Legislature that would have the effect of preempting stricter local anti-smoking laws. This bill was introduced as a response to what is known as "the Synar Amendment" to the Public Health Act. The Synar Amendment made future state receipt of Substance Abuse and Mental Health block grants contingent upon enactment of tough bans on cigarette sales to minors and measures such as sting operations which would effectively enforce the sale to minor bans.

Unfortunately, the tobacco industry has used the Synar Amendment to convince unsuspecting, well-intentioned state legislators to enact laws that would have the effect of preempting stricter anti-smoking laws. The Tobacco industry is financing efforts in at least 22 states to enact weak bans on cigarette sales to minors and smoking in public places restrictions that would preempt stricter local laws. I cannot state emphatically enough that this preemption of local laws was not the intention of the Synar Amendment. (134)

After strong lobbying efforts by the large health charities and Missouri GASP, Senate Bill 797 was passed by the Senate with the preemption clause removed. (22)

However, in the House Budget (Appropriations) Committee, the bill died after two attempts to pass it out. (22) The first version of the bill, which was weaker than the Senate version and had no local preemption clause was defeated 14 - 8. (22)

After this vote, Representative Chris Kelly D-Columbia stated that the tobacco lobby used:

Money, power, and influence and connections to get members of the General Assembly to vote for poison.

Over the years, the cumulative influence of the tobacco lobby is so strong that it does have a substantial negative impact on the health of Missouri children. (135)

He also blamed:

R. J. Reynolds Tobacco Co. and Philip Morris for defeating the bill [because] the cigarette companies opposed the idea, included in the bill, that would have allowed local communities to implement stricter anti-smoking controls than what's allowed at the state level. (135)

After this vote, the health groups (without the support of Missouri GASP) then lobbied for another bill to be introduced with “weak” preemption, which limited preemption to local bans on vending machines. (34) This bill was also defeated, this time by one vote. (34) This defeat ended any enactment of Synar related legislation for the 1994 Legislative Session.

As the 1995 Legislative Session was about to begin, the Tobacco Institute regarded Missouri as a “priority target” with respect to passing Synar legislation that preempted stricter local youth access ordinances. (136) An early youth access bill by Senator Edward Quick (D-Kansas City)(1995-1996 tobacco industry contributions \$1,800) echoing this tobacco lobby policy priority would have established a new Division of Alcohol and Tobacco Control within the Missouri Department of Public Safety (137) also preempted stricter local laws. (138, 139) Also included in the bill was a penalty for groups like the American Cancer Society or American Lung Association who sent minors into outlets as testers to ascertain if the outlets were violating state law. (140) Arguing in favor of local preemption Senator Quick stated:

I'm not in any way advocating doing away with any ordinances that are existence, particularly when it comes to restaurants and people who have their own businesses. I think we've infringed on them enough. (138)

In early February 1995, a hearing was held before the Senate Committee on Corrections and General Laws. (139) One witness arguing against the bill was Mike Sanford, Director of the Columbia Health Department, who stated:

The fatal flaw is that no enforcement agency is designated, It's just nobody, so nobody does it. (139)

Pam Walker, Director of Community and Government Relations for DOH also testified that this law would not be enforceable because funding would allow only nine agents checking 20,000 tobacco outlets across the state. (139) Also opposing the bill was the Missouri Municipal League, which argued that each local government should be allowed local autonomy in deciding what legislation to pass.(139)

Also testifying against Senator Quick's bill, which included local youth access preemption, was the tobacco lobby. The tobacco lobby argued that the bill was not “strong” enough because it did not include preemption of local clean indoor air ordinances. (140, 141) Despite this testimony in opposition, without discussion, the Senate Committee on Corrections and General Laws unanimously approved the bill with the preemption clause (139) and it was sent to the full Senate. (142) The House version of the bill sponsored early in the session by Representative O.L. Shelton

(D-St. Louis) (1995-1996 tobacco industry contributions \$850) was still pending further action in Committee. (142) By the end of the Session, the House version was never enacted and the bill failed to pass in the 1995 legislative session. (139)

In the 1996 Legislative Session, Senator William McKenna (D-Barnhart) (1995-1996 tobacco industry contributions \$2,200) who previously owned a convenience store in Jefferson City, reintroduced the 1995 legislation (143) (which was also endorsed by Senate President Pro Tem Jim Mathewson (D-Sedalia) (1995-1996 tobacco industry contributions \$1,300), Majority Floor Leader Senator J.B. Banks (D-St. Louis) (1995-1996 tobacco industry contributions \$1,350), Senator Peter Kinder (R-Cape Girardeau) (1995-1996 tobacco industry contributions \$1,100), and Senator Morris Westfall (R-Halfway) (1995-1996 tobacco industry contributions \$1,200) (144) on behalf of the tobacco lobby and retail interests (145) in Missouri with the goal of enacting in “its entirety” (146) Philip Morris’ exceedingly weak and voluntary (147) youth access Action Against Access (AAA) program. (146) The AAA program had also been endorsed by January 30, 1996 by the Missouri Retailers Association, which was headed by Sam Overfelt. (122) According to another 1995 Philip Morris internal document, the purpose and goals of the weak AAA program were to:

- 1) Help Retailers EDUCATE employees and their customers to comply with state minimum age laws with the Industry unified “We Card” program and other collateral material.
- 2) REWARD retailers for their continuing compliance with minimum age laws.
- 3) ENFORCE trade compliance with these laws by linking merchandising benefits to compliance with state minimum age laws. (148)

Many health analysts, such as Dr. Joseph DiFranza of the University of Massachusetts at Worcester, who has done past research on the ineffectiveness of tobacco industry-sponsored youth access programs (147) have criticized the AAA program as:

...an ineffective program whose sole purpose is to convince the federal [and state governments] that there is no need to get involved. (147)

In the Missouri House, a companion bill was introduced by Representative O.L. Shelton (D-Kansas City) (1995-1996 tobacco industry campaign contributions \$850) with primary supporters being Representative and Minority Floor Leader Mark Richardson (R-Poplar Bluff) (1995-1996 tobacco industry campaign contributions \$950), and Minority Whip and Representative Dan Lograsso (R-Blue Springs) (1995-1996 tobacco industry contributions \$1,300). (144) Early in the 1996 Session the tobacco lobby also sought to build coalition support for the bill with the: Missouri Retailers Association, Missouri Convenience Store Council, Black Mayor’s Association, Missouri Association of Candy and Tobacco Distributors, Missouri Beer Wholesalers, Missouri Restaurant Association, Missouri Police Chiefs’ Association, Missouri Sheriff’s Association, and Missouri Hotel and Motel Association. (144) The tobacco lobby also used smokers and other tobacco industry supporters to mobilize by calling and writing legislators to enact the legislation. (144)

On February 1, 1996 the Senate Public Health Committee voted 6 - 4 to send the bill to the full Senate for debate. Senator Wayne Goode (D-St. Louis) called the bill:

Nothing but a very thinly veiled attempt by the tobacco industry to sell tobacco products to young people, regardless of what the law says. (149)

Other critics argued the bill would remove strong restrictions at the local level including larger fines, prohibit “sting” operations, and prohibit vending machine bans. (149) According to Tobacco Institute lobbyist John Britton, who was smoking a cigarette in the Capitol halls immediately after the vote, he:

....had not kept track of the committee’s action. That’s the retailer’s bill. (149)

On February 7, 1996, in support of the bill, the Missouri Retailer’s Association and Missouri Association of Convenience Stores issued a joint press release, which stated:

No one wants minors to smoke – and the best way to prevent youth access to tobacco products is to set up one, tough, uniform law for the entire State of Missouri . . .

....In addition to supporting this legislation, the Missouri retail community is addressing this important issue in other ways.

We support the “We Card” program, [Philip Morris-sponsored youth access program] a unified, industry-wide effort to promote compliance with laws prohibiting tobacco sales to minors. (150)

In February 1996, the House passed a similar version to the Senate bill. (145) However, with the support of health care, local government and anti-tobacco organizations (145) on April 24, 1996, the full House voted against the local preemption clause by 82 - 65. (151) After the vote, the bill’s sponsor Representative O. L. Shelton (D-St. Louis) quickly stated he would study the vote to see if there was support to reverse it. (151) Representative Shelton also stated:

....the federal government could take-away Missouri’s drug and alcohol abuse grants unless strict steps are taken to keep cigarettes from minors.

I’m trying to find a way to save the state \$24 million in grants. I just felt the state could do a better job than cities and counties. (151)

On April 29, the Senate followed the House and voted 21 - 10 to delete the local preemption clause from the bill. (152) After the vote, Senator William McKenna (D-Barnhart), the bill’s sponsor, stated the vote had “gutted the bill.” (152) However, Senator John Schneider (D-Florissant), commenting on the bill, stated:

...the tobacco industry was behind the bill. Obviously the [tobacco] industry would like to get people hooked on nicotine while they’re minors. (152)

Due to retailer opposition to repealing the preemption clause, no final action was taken on the bills. (145) The two votes repealing the local preemption clause had killed the bill for the 1996 Legislative Session. (153)

Both during and after the legislature considered the tobacco lobby-backed youth access legislation, Philip Morris was also quietly, behind the scenes lobbying Missouri Democratic Governor Mel Carnahan to assist its efforts to implement the AAA campaign in lieu of a stricter Synar enforcement effort in Missouri. (154, 155) In this regard, a February 29, 1996 Phillip Morris letter informed Governor Carnahan:

As you are undoubtedly aware, since our initial correspondence, HHS has issued their SAMHSA regulations which now contain a funding provision and require that Missouri submit an annual report detailing the state’s activities to enforce laws prohibiting the sale or distribution of tobacco products to minors; report their overall success in reducing access to tobacco to minors; and describe how inspections were conducted and the method

used to identify outlets that were inspected. In order to prepare this report, it is anticipated that states will be required to set-up a process to compile information on when and where fines or citations were issued for selling cigarettes to minors.

Given this development, I wonder if now you might be able to refer us to someone in the state with whom we can coordinate and who would be in a position to share this information with us when it becomes available.(154)

On July 23, 1996 in response to a subsequent letter from Philip Morris, Governor Carnahan referred this request to the Director of the Missouri Department of Public Safety. (156)

Missouri Division of Alcohol and Drug Abuse Synar Enforcement From 1996 to 2000

Two months later, on September 26, 1996, in order to meet the requirements of the Synar Amendment, Governor Carnahan designated ADA as the lead agency to work in cooperation with the DOH to implement Synar enforcement efforts in the state. (157) ADA was to conduct these enforcement activities under the weak penalty provisions of the 1992 youth access law, which primarily penalized clerks and not owners of outlets. ADA was also required to implement the program in voluntary cooperation with local and state law enforcement agencies, many of which had (from their perspective) more pressing priorities. (20) It also was to conduct these inspections without the benefit of a state licensing law, which would have provided accurate data as to which outlets sold tobacco.

After the Governor's designation, according to Ross Brownson, Chair of the St. Louis University Department of Community Health and a former division head of the DOH, he met with ADA officials to initially discuss how Synar enforcement was to be conducted and recalled:

....we didn't have a history of working together. I think it was a bit of a strained marriage between the Health Department and the Mental Health Division. When I met with them, I didn't get an impression that they thought tobacco was going to be the highest issue on their list. But they were sort of forced into this. (19)

This relative lack of emphasis on Synar enforcement by ADA was also echoed by Linda Cooperstock, former program manager for the Missouri ASSIST program, and Jim Davis, former Missouri ASSIST Project Director. (18, 21) According to Jim Davis:

Well, in the State of Missouri, Mental Health is separate from Health. They're two different departments and traditionally tobacco was not an issue that mental health dealt with. However, Synar ended up in their lap because it is a mental health block grant. (21)

Ross Brownson also recalled that when he first met his counterpart, ADA Division Director Michael Couty regarding Synar enforcement efforts:

I know the first time we met, the first time we were, when Synar was just getting started I remember him [Michael Couty] saying he had discussions with John Britton [Tobacco Institute lobbyist] . . .

...It did and always did trouble me. It just would have never been the first person I would have talked to because that was before we had ever met. And we had sort of gotten a charge from our two directors that you guys need to get together and start working out a strategy on this. (19)

In the first two years of operation, as a result of ADA's Synar enforcement effort, the noncompliance rate of Missouri outlets that sold tobacco to minors dropped from 40% in 1996 to 29% in 1997. (120) Also, during ADA's 1997 Synar enforcement efforts, Couty sought assistance

from Sam Overfelt and the Missouri Retailers' Association. In a letter dated December 11, 1997, Couty wrote to Overfelt that:

Those retailers that comply with Missouri law prohibiting the sale of tobacco to minors are to be commended. Responsible retailers are certainly an asset to Missouri communities. As for the retailers that are in noncompliance with these laws, we urge them to take the opportunity to:

- 1) become aware of Missouri's laws regarding the sale of tobacco,
- 2) talk to employees about these laws and the consequences of violating these laws,
- 3) post signs in their establishments stating that they check ID and that customer must be 18 or older to buy tobacco products, and
- 4) make a conscious effort to comply with the law.

We would greatly appreciate it if you could make this information available to your members. If we can be of additional assistance, feel free to contact us. (158)

In early 1999, in a response to Marisol Rodriguez, of Center for Substance Abuse Program (CSAP), ADA also indicated that one of its future enforcement strategies would be to:

....forge a strong collaborative relationship with the Coalition of Tobacco Retailers, which conducts "We Card" [part of the weak Philip Morris AAA program] training for its member retailers, and increase the frequency of trainings. Trainings this year were held in Cape Girardeau, St. Louis, Columbia, and Jefferson City. Members of the Coalition include the Missouri Retailers Association, Missouri Petroleum Marketers and Convenience Store Association, Missouri Grocers Association, [which are all historical allies of the tobacco lobby] Mid-America Grocers, Ozark Empire Grocers, and Retail Grocers Association of Greater Kansas City. (159)

On May 5, 1999, Overfelt and the Missouri Retailer's Association, in offering their assistance for these efforts, wrote the following to Couty:

The members of the Missouri Retailers Association would like to work with the Division to educate retail personnel on proper procedures for carding of customers who wish to purchase cigarettes. It is our understanding that teen smoking is on the rise once again. Our association hopes to help reduce youth access to cigarettes *through a long term partnership with the Division* [emphasis added]. (160)

Meanwhile, on May 10, 1999 as a result of ADA's 1998 Synar enforcement efforts, in which the noncompliance rate had risen from 29% to 33%, (120) Couty wrote to Andy Hyman, Acting Director of Intergovernmental Affairs for the United States Department of Health and Human Services (HHS), to discuss the potential impact of any Synar penalties on Missouri for failing to maintain a downward rate of noncompliance. Couty argued that various extraordinary circumstances had caused the noncompliance rate to rise. This included: Missouri changing its sampling methodology and Missouri law enforcement agencies not placing a high priority on enforcing laws related to tobacco sales to minors because they were more preoccupied with methamphetamine sales. (120) Couty further argued that the Substance Abuse and Mental Health Services Administration (SAMHSA, an agency of HHS) should take into consideration that tobacco purchase rates for some youth was declining due to the Missouri ASSIST program and ADA's Community 2000 program. (120) He also argued the passage of local ordinances had reduced the availability of tobacco products to minors. (120)

On May 19, 1999, in a 1999 CSAP technical assistance work plan developed between ADA and CSAP staff, the following problems were identified with ADA's Synar enforcement efforts:

- ADA was unable to determine the number of vending machines to sample.
- ADA’s sample of outlets likely to sell tobacco products to minors failed to use the sampling error formula for random samples (as had been done the previous year) and this resulted in higher than necessary sampling error.
- The Community 2000 teams were not involved in Synar enforcement efforts.
- There was considerable opposition in the Missouri legislature to the use of minors in “sting” operations and thus there was a reluctance to support legislation strengthening restrictions on youth access. There was also a “. . . concern if the law is reopened, there could be a move to prohibit minors to make inspections.”(159)

On May 26, 1999, Michael Couty, in a follow-up to his May 10, 1999 letter to CSAP, requested that United States Secretary HHS Donna Shalala commence renegotiations with Missouri so that Missouri’s annual targeted noncompliance rate would be adjusted upwards. (161) Negotiations then commenced over the next four months to resolve the matter. (162)

Due to the failure of the negotiations to reach a suitable agreement, on September 17, 1999, Nelba Chavez, Administrator of SAMHSA sent a letter to Michael Couty indicating that she was recommending to the Secretary of HHS that Missouri be deemed out of compliance with the Synar Amendment with respect to progressively reducing its noncompliance rate to targeted percentages each year. (163) She also indicated that the penalty for noncompliance would be a reduction of 40% or \$9.6 million of Missouri’s substance abuse block grant allotment. (163)

On the same day, Donna Shalala, HHS Secretary sent a letter to Governor Carnahan indicating that she had made a final determination of Missouri’s noncompliance with the Synar Amendment and that Missouri’s substance abuse grant would be reduced 40%. (164) She also informed Governor Carnahan of Missouri’s right to an administrative hearing on the matter. In the letter, Shalala disputed all of Couty’s arguments regarding the occurrence of extraordinary circumstances causing a rise in the noncompliance rate. The letter made the following points:

- Missouri’s argument that a change in methodology from weighting its inspections and sampling in 1996 and 1997 on the distribution of youth population throughout the state to weighting its inspections and sampling in 1998 based on the distribution of tobacco outlets throughout the state was within Missouri’s discretion and did not constitute an extraordinary circumstance.
- Missouri’s argument that variations in the age and gender make-up of the inspectors in various inspection years accounted for changes in the violation rate was within Missouri’s discretion and did not constitute an extraordinary circumstance.
- Missouri’s removal of vending machines from the list of outlets sampled was a violation of federal regulations and thus did not constitute an extraordinary circumstance.
- Missouri’s argument that contracting with the FDA to undertake inspections, which may

have changed the violation rate was within Missouri's discretion to enter into the contract and did not constitute an extraordinary circumstance.

- Missouri's argument that there was higher law enforcement priorities such as methamphetamine enforcement was not an extraordinary circumstance, in that this substance abuse trend did not prevent Missouri from also placing high priority on Synar enforcement efforts so that Missouri met its negotiated 1998 target for noncompliance.
- Missouri's argument that law enforcement agencies in 1996 and 1997 failed to adequately perform required inspections, whereas, in 1998 the rates were accurate because Missouri used its own employees was not an extraordinary circumstance because:

Missouri like many other States, delegated responsibility for enforcing its youth tobacco laws to the local law enforcement agencies. In most cases, these other States have met their negotiated targets. In any event, the Synar Amendment specifically requires that, as a precondition to receiving its Block Grant funding, the State must assure the Secretary that it will have in effect a law making the sale of tobacco products to minors illegal and that it will enforce its law in a manner that can be reasonably expected to reduce the extent to which tobacco products are available to minors. Effectively, this is an assurance by the State that it will ensure that the law is enforced whether or not enforcement is delegated to local law enforcement agencies or FDA. Enforcement of its law is a matter within the State's control, and , therefore the State's previously inadequate enforcement does not constitute an extraordinary circumstance. (164)

In essence, it was the argument of SAMHSA that changing sampling approaches and methodologies from year-to-year (which is ordinarily not done in order to keep the statistical sample results comparable over time) was ADA's decision and was not an extraordinary excuse for the noncompliance rate rising in 1998. In addition, SAMHSA argued that failing to place Synar enforcement in as high a priority as other substance abuse enforcement efforts was not an excuse for failing to do adequate Synar enforcement.

Three days after the letter of noncompliance was sent to ADA, on September 20, 1999, Michael Couty, offering another argument against the pending \$9.6 million penalty, told the *Associated Press*:

Cuts could limit services from treatment to treatment for pregnant crack addicts to housing for addicted kids.

In the area of prevention, it would limit the amount of dollars available to work with communities to deal with issues of selling tobacco to minors, which gets right at the heart of the issue. (165)

On September 24, 1999, ADA Deputy Director Marsha Buckner told the University of Missouri, Columbia student newspaper the *Maneater* that:

I'm not sure the penalty is going to help things. Reducing substance abuse service to citizens because of selling cigarettes to minors is an issue. We may be trading one thing for another. (166)

On September 30, 1999, Governor Carnahan wrote Missouri Republican U.S. Senator Kit Bond:

A loss of this magnitude would not only completely undermine our ability to reach the goals of the Synar law in the future, but would decimate our efforts to combat substance abuse overall. (165)

These statements signaled a change in political strategy. Previous public statements before Missouri received the letter of noncompliance from SAMHSA emphasized how Missouri was complying or

attempting to comply with Synar provisions. The new argument was to directly avoid accountability over the pending penalty and argue from a political perspective that this cut would severely impact substance abuse treatment and prevention services (including tobacco control prevention efforts) in Missouri.

It was also on September 30, 1999 that Missouri filed its official appeal and request for a hearing regarding the letter of noncompliance with respect to Synar. (167) In addition, on September 30, 1999, Missouri Republican Senator Kit Bond announced that he expected imminent approval for his amendment to avoid the \$9.6 million loss. The amendment had been accepted as part of the United States Senate's Fiscal Year 2000 Appropriations Bill. The Bond amendment, which was a one year fix, allows a state to either proceed with its appeal or avoid the Synar penalty if they agreed to fund youth access tobacco initiatives. The specific details of what the youth tobacco initiative would be were left to the discretion of the state. The amount this initiative would now cost Missouri was about \$1.2 million. (168) In supporting the amendment, Bond stated: "I refuse to let the state's failure to enforce its own laws devastate the state's substance abuse programs." (168) The amendment was eventually passed by the U.S. Senate and included in the final appropriations bill.

On October 14, 1999, Michael Couty provided a further explanation to the DMH Mental Health Commission as to why ADA was having problems with Synar Enforcement:

We are doing one half of the picture at this point. We're doing a very good job in terms of education and compliance checking. We're doing nothing when it comes to enforcement. When that legislation was passed back in 1993, the legislature did not assign anyone to enforce that law. It was all voluntarily placed upon law enforce . . . local law enforcement within the state. (169)

As preparations continued for the legal appeal by ADA and Missouri, members of the Missouri Legislature were also initiating legislation of its own for the 2000 Legislative Session to address Synar enforcement efforts in Missouri and the potential \$1.2 million fine.

Missouri Synar Related Legislation in the 2000 Legislative Session

In the 2000 Legislative Session, House Bill 1652 was jointly introduced on January 20, 2000 by Representatives Craig Hosmer (D-Springfield), Thomas Hoppe (D-Kansas City), and Tim Van Zandt (D-Kansas City). (170) The proposed bill restricted the sale of tobacco in vending machines to the unobstructed line of sight of a responsible adult, vending machines would have lock out devices except in areas where minors were not permitted by law (two industry supported provisions), and require vendors to make individual packs of cigarettes inaccessible to minors. The proposed bill mandated that not just a clerk but also an owner could be fined for the sale of a cigarette to minor, regardless of who sold the cigarettes to minors. The penalty for a first offense would be \$25; the second offense \$100; the third offense \$250; and the fourth offense \$250 with a suspension of license to sell cigarettes for five days. The bill also banned the sale of gray market cigarettes in Missouri. Those are cigarettes manufactured for overseas markets but which are resold in the United States. These cigarettes cost less than those sold in the United States because they are not subject to the same price increases under the national Master Settlement Agreement.

The proposed law also criminalized for the first time in Missouri, any minor who possessed tobacco products. The penalty was an infraction with subsequent infractions leading to supervised

community service. The proposed bill also called for the licensing of outlets, which sold tobacco products. The bill also allowed vendors to be able to decide whether to ask for identification from customers. The bill further mandated that partial preemption of local laws would occur in cases where fines and license revocation were being assessed simultaneously by a city and the state. In that situation, state law superceded local law. Finally, under the bill, ADA would continue to conduct Synar inspections and refer all violations to the Division of Liquor Control.

Early opposition to the bill came from the DOH, which objected to the new identification requirements. According to Gary Wilson of DOH's Health Promotion Division, the proposed identification provision in the law would have made it easier for minors who looked older than 18 to purchase tobacco products. (171) DOH, instead, supported the current FDA regulations, which required retailers to check the identification of anyone who appeared younger than 27. (171)

The bill, was subsequently voted out of Committee and debated by the full House on April 12, 2000. The House passed the bill by a vote of 94 - 33. (172) The bill included a new pro-tobacco amendment, which prohibited minors from engaging in tobacco stings. (173) This provision made it impossible to engage in Synar enforcement actions, many of which were enhanced by various provisions of the bill such as increased penalties for sale and possession of tobacco products. (173)

On May 2, 2000, the Senate Pensions and General Laws Committee voted 4-3 to advance a similar bill to the House bill. (174) Shortly after that vote, discount cigarette sellers publicly objected to a provision in the bill, which concerned banning the sale of gray market cigarettes in Missouri. (175) The tobacco lobby claimed that gray market cigarettes eroded their profits, while discount cigarette sellers said the provision was attempting to "shut them out of business." (175)

On the last day of the 2000 Legislative Session the Senate voted for the bill, but with the gray market provision removed. (176) A compromise over the language in the Senate and House versions of the bill in the final hours of the Legislative Session fell through killing the bill for the session. (176) According to Kevin Walker, Public Advocacy Director for the Kansas and Missouri American Heart Association, the reason that this occurred was:

Our youth access bill, however, was done in by a different fate. I think the [tobacco] industry played a larger role in it than they would ever admit. Our youth access provisions were attached to the Philip Morris grey market bill, and in favor of our language. In each instance, they noted 'just a few little things' they would suggest changing. Most notably, our line of sight provisions and fines for Internet retailers.

When it came down to the closing hours, industry reps (who did not testify on the bill in Committee) were very active in pushing substantive changes to the provisions while those who testified in support of the bill with a few 'little changes' were AWOL after their testimony.

In my opinion, their efforts were calculated to appear as if they wanted a few small changes but overall they supported the bill when, in fact, their effort was to stall and confuse the issue until the final gavel. The biggest indicator of this was the fact that the most active lobbyists on the closing day were the ones who were silent in committee testimony. If they were so interested in the bill and just had a few technical changes why did they wait until the closing hours to bring up their issues? (177)

Prior to the defeat of this bill, another bill (House Bill 1110) was being considered in early March 2000 by the House Budget Committee with a provision that affected youth access. The provision being considered addressed the U.S. Senate amendment sponsored by U.S. Senator Kit

Bond, which allowed for one year only, the allocation of \$1.2 million for an unspecified youth tobacco initiative in lieu of the larger fine against ADA and Missouri of \$9.6 million. While the House Budget Committee approved the \$1.2 million to expand ADA's sting operations, they also placed a provision on the bill forbidding minors from being used in stings. (178) This action placed Missouri's \$9.6 million substance abuse funds at risk because the use of minors in random and unannounced inspections of outlets was key to the functioning of the Synar program. (178)

Arguing against this provision was Representative Vicky Riback-Wilson (D-Columbia) who argued that the stings were a "necessary tradeoff" and the stings ". . . weren't our choice." (178) Michael Couty of ADA also said that Missouri could not use persons older than 18 because the sale of tobacco products to them would not be illegal and "there is no other known method for effectively enforcing youth tobacco control laws." (178) However, supporting the amendment was Clark Houghton, lobbyist for the Missouri Petroleum Marketers and Missouri Convenience Store Association (both of which ADA has approached to work in its future "We Card" effort) who said:

If they want to, they can take up a chair in the corner of the store and sit there. Eventually we're going to screw up because a clerk is going to make a mistake. (178)

On March 9, 2000, the House Budget Committee recommended that HB 1110 including the tobacco sting prohibition amendment, be sent to the full House for consideration. On March 16, 2000 the House passed HB 1110 with the amendment by a vote of 140 -12. On April 17, 2000 the Senate Appropriations Committee chaired by Senator Wayne Goode (D-St. Louis) voted on a Senate version of the bill, which also contained the provision prohibiting minors from engaging in tobacco sting efforts. On April 25, 2000, the full Senate approved the bill 33 - 0 along with the tobacco sting prohibition amendment. The bill was subsequently sent to Governor Carnahan on May 18, 2000 for his consideration. (179) While Carnahan considered the bill, Missouri Attorney General Jay Nixon filed suit against 7-Eleven Corporation, Walgreens, and Discount Smoke Shops claiming they were particularly egregious in their compliance with Missouri law prohibiting the sale of tobacco products against minors. (180) Despite this action by Nixon, Governor Carnahan signed the Appropriations bill on June 28, 2000 without line item vetoing the tobacco sting prohibition amendment. (179)

According to Lee Wilson, a senior Public Health Advisor with CSAP, Missouri's only option is now to use people over 18 who looked younger than 18 for Synar enforcement efforts. (167) This situation meant that no one in Missouri who sold tobacco products to persons over 18 could be charged with a fine or citation, making enforcement efforts against those who sold tobacco products under Synar enforcement nonexistent. Wilson also stated that since the state has allocated \$1.2 million for a youth access program, under the provisions of the amendment sponsored by Senator Kit Bond, the letter of noncompliance issued by HHS against Missouri regarding Synar enforcement had been settled "for now." (167) However, since enforcement efforts in Missouri are now very weak, this has set up a very real and potential direct confrontation between Missouri and the federal government over whether Missouri would be significantly penalized in the near future for failing to comply with the requirements of the Synar Amendment.

These actions by the legislature and the Governor exposed the hollow nature of the public claims made in 1999 by Missouri public officials regarding the dire need not to penalize Missouri \$9.6 million for its failure to meet Synar targeted noncompliance goals so that general substance

abuse programs would not suffer. This situation also reflects the long term general trend in Missouri of militant resistance and hostility by many in the state legislature (such as the enactment of a very weak youth access law in 1992) and general indifference by Governor Carnahan toward youth tobacco access efforts through the Synar program. In addition, ADA has a long and ongoing historical relationship and alliance in the 1990's with the tobacco lobby and its allied organizations such as the Missouri Retailer's Association. At a minimum, such a historical collaboration between these tobacco interests and this state agency should subject ADA to much greater scrutiny and accountability by health advocates as to the administrative intent and efficiency of its administrative operations (including statistical analyses) in Synar enforcement, or for that matter, any tobacco control program, ADA or the Missouri DMH administers.

So far this has not happened. Indeed, as late as November 1, 1999, well after the letter of noncompliance had arrived from SAMHSA regarding noncompliance in meeting Missouri Synar tobacco sales goals; ADA made the following assertion in relation to Synar enforcement efforts in its Fiscal Year 2000 Substance Abuse Block Grant application to SAMHSA:

The changing of these long-established attitudes regarding tobacco, however, has been terribly slow. Moreover, tobacco related issues have had to compete with other drug issues—particularly, methamphetamine, which has realized tremendous growth in production and use in the state. When resources at the local level are limited, as is commonly the case, tobacco issues take a low priority. (181)

Implicit in this assertion is that there is little or nothing ADA as a state agency or the Governor who appoints ADA officials can or will do to place significant state resources and efforts toward countering youth access to tobacco through Synar enforcement actions.

Master Settlement Agreement Funding

Beginning in 1994, Florida, Mississippi, and Minnesota filed lawsuits to recover Medicaid costs due to tobacco induced illnesses. (131, 182) These lawsuits proceeded under the new legal theory that the state could sue on behalf of smokers as a class action rather on a case-by-case basis. This meant that potential litigation awards would be higher due to the larger number of people who were plaintiffs. The new theory also allowed states to sue using statistics indicating smoking caused disease rather than proving direct causality between smoking and a specific illness in a specific individual.(131, 182)

In the next two years, a number of states followed Mississippi, Florida, and Minnesota's lead by filing suit against the tobacco industry. Missouri was not one of them. One major reason for this was indicated in a 1996 internal Philip Morris document, which stated:

In MO [Missouri], AG [Attorney General] Jay Nixon (D) is expected to be reelected. He has been good on our issues, particularly in his opposition to a Medicaid Lawsuit. In May, the National Assn. Of Attorneys General held their spring meeting in MO. AG Mike Moore of MS [Mississippi] had called for a press conference to announce that several states would file additional lawsuits. General Nixon heard about the press conference and became angry. As a result, General Moore changed the topic of the scheduled conference and ultimately canceled it. We will continue to support Nixon. I recommend \$1,000 corporate contribution from PM [Philip Morris]; we hope that KF [Kraft Foods] & MBC [Miller Brewing Company] will decide to make similar contributions. Mark Bredemeier (R) and Mary C. McWilliams (Lib) are running against Nixon. (183)

According to physician and Senator Marvin Singleton (R-Seneca) as late as March 1997,

Nixon who had still not filed a lawsuit was purposely delaying the decision to do so.(184) When a proposed settlement with the tobacco industry was announced in April 1997, Nixon continued to refuse to comment on the matter. (185)

By April 23, 1997, Nixon changed course from his former private position of supporting tobacco interests and announced he would file a lawsuit against the tobacco companies alleging that they illegally targeted children in advertising campaigns and defrauded consumers with respect to the addictive nature of tobacco. (186) The announcement by Nixon also allowed Missouri to be part of a settlement reached between 22 other states and the Liggett Group, Inc. in March 1997. (186) It also allowed Missouri to enter into the proposed settlement with the other major tobacco companies that was being negotiated. (186) Assistant House Minority Leader, Representative Don Lograsso (R-Blue Springs) called Nixon's action "just playing political games with the lawsuit"(186) and noted that:

Typically, Jay Nixon is a day late and a dollar short, I think there are some ridiculous things about those lawsuits, but for him to come in now, two or three years later, only after one of the tobacco companies has caved in and say 'Oh, by the way, us too, we want to participate' is clearly political gamemanship. (186)

On May 12, 1997, Missouri sued the tobacco firms claiming they violated several Missouri consumer protection laws. (187)

On March 12, 1998, Attorney General Nixon announced a final settlement with 13 other Attorneys General with the Liggett Group, Inc. The terms of the settlement included the release of internal industry documents along with paying each state \$1 million. (188)

Also in the 1998 Legislative Session, Attorney General Jay Nixon urged the House Judiciary Committee to amend Missouri's law so that the tobacco industry could also repay the state for Medicaid payments related to tobacco related illnesses. (189) Nixon argued that this change would allow Missouri to sue on behalf of all smokers as a class and use statistical evidence rather than trying the case one-by-one. (189, 190) Nixon also stated that expected monetary compensation for the medical costs would be about \$100 million annually. (191) Meanwhile, Bill Newbold, a tobacco company attorney, called the proposal "unfair, unnecessary, and unconstitutional."(191) He also argued:

Statistical evidence is not admissible in the state of Missouri to prove causation. You can't change the law to let Nixon have a speedier and less costly trial. You can't make laws that apply to only one industry. There's no due process if your hands are tied behind your back and there's a gag in your mouth. (191)

Despite Nixon's request to the Committee, by late March 1998, the proposed bill was two votes short of passing out of the House Judiciary Committee. According to the Chair of the Committee, Representative Brian May (D-St. Louis), the tobacco lobby ". . . did an effective lobbying job against the bill."(51) Despite this action by the House Judiciary Committee, in early April 1998, Attorney General Nixon announced that he intended to continue the lawsuit he previously filed alleging violation of Missouri consumer protection laws by the tobacco companies. (192)

In August 1998, Nixon accused two Republicans including State Auditor Margaret Kelly and Senator Peter Kinder (R-Cape Girardeau) of doing the "dirty work" for the tobacco industry by challenging Nixon's ability to hire private attorneys to handle Missouri's case against the tobacco

industry. On August 6, 1999 Senator Kinder filed suit against Nixon while on the same day Kelly wrote to Nixon claiming that this contract was illegal. (193)

By November 17, 1998, a final national settlement with the tobacco companies was being negotiated and contemplated with 46 Attorneys General, including Jay Nixon. (194) Under the proposed agreement, Missouri would have received \$6.7 billion in the first 25 years with additional comparable amounts paid over perpetuity after 25 years. The agreement also called for certain youth promotion and advertising restrictions such as banning cartoon figures like Joe Camel. (194) While officials in Governor Mel Carnahan's office and the DOH reviewed the settlement deal, Melba Moore, a lobbyist for the American Lung Association of Eastern Missouri publicly urged Nixon to reject the deal. (194) Moore attacked the tobacco advertising and promotion restrictions as too weak in terms of "targeting youth." (194) Publicly supporting the proposed deal were U.S. Senator John Ashcroft (R-Missouri) and the Missouri Republican Party, which accused Nixon of dragging his feet in the settlement in order to obtain more money for private trial lawyers litigating the case for Missouri. (195)

On November 20, 1998, Jay Nixon agreed to the original provisions of the youth promotion and advertising restrictions and the \$6.7 billion dollar settlement to be paid in the first 25 years with comparable amounts to be paid in perpetuity. (196) The monetary settlement also had no provisions attached to it that required that portions of the money be set aside to be spent on specific programmatic areas such as tobacco control or health. (197) On December 16, 1998, the St. Louis, Kansas City, St. Louis County, Jackson County and fifty other hospitals across Missouri filed lawsuits to intervene in the settlement claiming the settlement illegally precluded these plaintiffs from obtaining monetary damages that were not part of Medicaid coverage. (197) Shortly after this, the number of lawsuits in Missouri (primarily from individuals) quickly expanded to about forty. (198)

On January 20, 1999, Democratic Governor Mel Carnahan in his State of the State address, told the Missouri legislature the following:

Unfortunately, the good health of many of our citizens is in danger because of another threat—smoking. Tobacco use is the leading cause of cancer in this country, and Missouri has the second highest rate of tobacco use of any state. Approximately 28 percent of all Missouri adults smoke. Even more alarming, recent studies indicate that more than 40 percent of our state's teenagers smoke. These statistics are taking their toll. Tobacco use contributes to 28 deaths in Missouri every day. And now the work of every day heroes like Erika here is so important. Ninety percent of all smokers started before the age of 21. So if we can stop teens from smoking before they start, we can make significant headway in bringing down both the human and health care costs in future years. Now, because of a recent legal development, we have a tremendous opportunity to save the lives of countless Missouri young people in future years. The recent Tobacco Settlement that was reached will allow Missouri to recover a portion of the health care costs our state and taxpayers have incurred or will incur because of smoking and tobacco use. I want to applaud the work of our Attorney General Jay Nixon for his leadership in reaching this monumental agreement. However, litigation involving these funds is still pending. Payments under the settlement are not expected to begin until the year 2000. Before any settlement dollars come to Missouri, a final judgment must be obtained. In addition, the federal government may try to recover these funds or dictate their use. While we intend to fight this action, none of us can be certain of the outcome. Therefore, we need to set this money aside until we are confident that these funds are, in fact, available to Missouri. I ask you to establish a Tobacco Settlement Trust Fund, pending the outcome of the litigation and other uncertainties. Its purpose will be to preserve these funds for future investments to support anti-teen smoking initiatives and to improve the health and education of future generations. Unless we can reduce the number of teens and young people who are smoking in Missouri, our taxpayers will continue to pay the huge financial and human price that is associated with tobacco. (199)

On March 5, 1999, St. Louis Circuit Court Judge Jimmie Edwards approved Missouri's settlement with the tobacco industry. Edwards also denied the motion by two cities, two counties and fifty hospitals to intervene in the case. (200) Under the decision, the settlement money became available for the Missouri Legislature to decide how to spend. (200) On March 14, 1999, Senator President Pro Tem Ed Quick (D-Liberty) (1999 tobacco industry contributions \$1,500) announced that he was sponsoring a bill to place the tobacco settlement money in an escrow account until the Missouri Legislature passed legislation deciding how to allocate the funds. (201)

Twenty days later, on March 24, Bennet LeBow, Chief Executive Officer of Liggett Tobacco testifying before the House Judiciary Committee on why Missouri should strengthen its legal ability beyond the current settlement to recover further legal costs from the tobacco industry from Medicaid payments, stated that Liggett's own internal documents indicated a pattern of secrecy, crime, fraud, and obstruction of justice with regard to the tobacco industry knowing that tobacco was addictive for decades. (202, 203) LeBow also testified that the industry had consistently hid its own internal research indicating the dangers of smoking. (202) LeBow's testimony was in support of a bill introduced by Representative Brian May (D-St. Louis) that was similar to the language to the bill that authorized Florida's successful Medicaid lawsuit. (131) John Britton, lobbyist for the Tobacco Institute who opposed the proposed bill told the Committee that it was unfair to punish the tobacco companies that sell and manufacture a legal product and pay ample state taxes. (203) William Neibold, a St. Louis attorney representing Philip Morris, stated that:

The tobacco industry is entitled to the same protection under the law as any other corporate citizen of the state of Missouri that is selling a legal product. This bill before you changes the law right in the middle of General Nixon's lawsuit. You're changing the rules of the game if you pass this bill. (203)

After this testimony, the Committee did not vote on this bill, killing it for the Session.

On April 7, 1999, a provision introduced by Representative Steve McLuckie (D-Kansas City) that would penalize tobacco manufacturers that did not sign the Master Settlement Agreement passed the House. (204) In the Senate, similar legislation was being blocked by Senate Republicans. (204) By late April 1999, Senate President Pro Tem Ed Quick's (D-Liberty) bill to establish a tobacco settlement trust fund had stalled in debate. (205) By the end of the 1999 Session, the Legislature failed to pass legislation establishing a tobacco settlement trust fund. (198) According to Representative McLuckie this occurred because there was not any rush because the legislature could ". . . wait until next year and still get it passed in time." (198) A Bill establishing a Joint Interim Committee on Tobacco did pass. (206) The Joint Interim Committee was charged with holding three public hearings and writing a report by mid-December 1999 recommending how the tobacco settlement funds should be spent. (206) The bill establishing a surcharge if a tobacco company did not sign the Master Settlement Agreement also passed. (198)

At this time, there were still about ten intervener lawsuits pending against the State of Missouri including 58 hospitals and the City of St. Louis who had appealed a lower court decision denying them standing in recouping costs for Medicaid related costs due to smoking illnesses. (198) Attorney General Jay Nixon's spokeswoman Mary Still stated in relation to these lawsuits:

Many people want a piece of the tobacco settlement pie. Our primary focus is on appeals and defending the money that is secured to the state of Missouri. It's up to the Legislature now to decide how the money is spent.

(198)

During the summer of 1999, Governor Carnahan and his aides began an effort to develop a coalition of the University of Missouri, Coalition on Smoking or Health, and the Missouri Hospital Association named Citizens for a Healthy Missouri to devise how the tobacco settlement dollars would be divided up in Missouri. (17, 207) The coalition also included the Civic Council of Kansas City and the St. Louis Regional Chamber and Growth Association, which were primarily concerned with securing funding for biotechnology projects. (17) According to Lynne Schlosser, lobbyist for the American Cancer Society, the coalition with assistance from the Governor's Office, developed the following tentative proposal for spending the tobacco settlement money: \$175 million up-front for a prescription drug plan for the elderly and \$175 million up-front for an emergency endowment. (17) After this initial allocation of money, 15% of the tobacco settlement money would be allocated for anti-smoking efforts including research, 15% for early childhood education and prevention, 50% for hospital programs, and 20% for biotechnology programs. (17)

On October 4, 1999 Senators Sarah Steelman (R-Rolla) and Peter Kinder (R-Cape Girardeau) publicly demanded that Attorney General Jay Nixon provide a full accounting of the private legal work done for Missouri against the tobacco industry. (208) Previously Kinder had written an editorial in the *Southeast Missourian* newspaper stating:

Third, in the bargain, we get these favored few dozen personal-injury lawyers of the trial bar. These attorneys, handpicked from his contributor list by Jay Nixon, represent a tiny minority of a minority of the bar. They stand to reap hundreds of millions of dollars in fees for a few months' work. One caveat: Providing bipartisan cover to the whole scheme, and in on the looking mega-payday, is a lone Republican attorney who for 13 years before last year was a Missouri Supreme Court judge, appointed by John Ashcroft during his governorship. Interestingly, Ashcroft isn't lauding his former chief of staff's latest venture. (209)

Nixon's office refused to publicly respond to the charges. (208)

On October 18, 1999 the Missouri Coalition on Smoking or Health held a strategy session with 100 activists in a downtown Kansas City church to call on the state legislature to fund tobacco control programs that "make a huge dent in smoking-related deaths" and not divert the funding to other public programs. (210) This hearing was two weeks before the first hearing by the Joint Interim Committee was to hold its first meeting in Kansas City to decide how to spend the money. At the first hearing on November 1, 1999, various groups testified representing health, recreation, business, and anti-smoking interests. (211) Many of the groups requested that the legislature spend the money on health and anti-smoking programs based on the Centers for Disease Control comprehensive plan to reduce tobacco use. (206, 211) Missouri hospital interests requested that \$1 billion of the money be spent on indigent patients who cannot pay for health care. (211) The Kansas City Area Development Council also requested that \$300 million be allocated over 10 years to fund a Kansas City area regional center to conduct life-science research related to diseases caused by cigarettes. (211) Similar proposals were made at the other two hearings on November 8, 1999 in St. Louis and November 15, 1999 in Jefferson City. (206)

On December 2, 1999, Senator Ed Quick (D-Liberty) prefiled a bill for the Missouri 2000 Legislative Session to create a Missouri Tobacco Settlement Trust Fund to hold tobacco settlement funds until the voters decide by initiative vote how to spend the tobacco settlement money in November 2000. Senator Quick indicated that he filed this bill in order avoid a court battle by letting

the voters decide whether the settlement money was exempt from state tax restriction legislation known as the Hancock Amendment. (212) Under the Hancock Amendment, state tax revenues cannot exceed by more than 1% the growth of personal income of Missourians. (212) On the same day, Representative and Co-Chair of the Joint Interim Committee on Tobacco Tim Van Zandt (D-Kansas City) also called for the establishment of a trust fund to be voted on by the voters in November 2000. (213)

In a final report dated December 1999, the Joint Interim Committee on Tobacco also recommended that a constitutional amendment be adopted by the voters to exclude the national tobacco settlement from the Hancock Amendment. (206) The report also called for enabling legislation establishing a trust fund prior to submitting the constitutional amendment to the voters. (206) Finally, the report called for the Missouri Legislature to:

Enact enabling legislation that sets specific guidelines and percentages for use of the monies and is contingent upon passage of the constitutional amendment. (206)

On January 18, 2000, Representatives Steve Gaw (D-Moberly), Tim Van Zandt (D-Kansas City), May Scheve (D-Grantwood Village), Wayne Crump (D-Potosi), Tim Harlan (D-Columbia), Dana Murray (D-Jennings), and Dorthea Davis (D-St. Louis) along with 29 co-sponsors introduced House Bill 1600, (214) which called for Missouri tobacco settlement trust fund money to be appropriated:

- 18% for community programs to reduce tobacco use, chronic disease programs to reduce the burden of tobacco-related diseases, school-based tobacco prevention programs, enforcement of state and local tobacco control policies, statewide programs that provided technical assistance and education for tobacco control, youth and adult cessation programs, and an evaluation system for these programs.
- 15% of the money was to be allocated for life science and biotech programs administered by the coordinating board for higher education.
- 37% of the money was to be allocated for health care access for persons unable to afford health care.
- 10% of the money was to be allocated for early childhood development and education.
- 20% of the fund was to be allocated to an ‘Emergency Budget Reserve Fund.’ (214)

While the actual percentages were somewhat different from the percentages agreed to by Citizens for a Healthy Missouri and Governor Carnahan’s Office, the proposed programs in the bill were identical. One curious part of this bill was that the agency that was to administer the program was the DMH, (214) which from 1994 to the present has had close ties to the tobacco lobby, had very little history of administering tobacco control programs, and had previously received a letter of noncompliance for failure to properly administer the Synar program. Under the program, DMH was mandated to fund the program by “. . . follow[ing] the guidelines set forth in the Centers for Disease Control and Prevention’s ‘Best Practices for Comprehensive Tobacco Control Programs’ guide or

its successor publication.” (214)

On February 1, 2000 the House voted 148-8 to create a Missouri Tobacco Settlement Trust Fund to deposit the tobacco settlement funds. (215) A similar resolution introduced by Senator Ed Quick D-Liberty was still pending in the Senate. The House bill did not settle how the money was to be spent. A few Republicans such as Representative Brent Evans (R-Manchester) criticized the measure, which they argued bypassed the Hancock Amendment. (215)

On February 24, 2000, House Democrats passed a preliminary measure ending all amendments and debate on the Democrat’s version of how to spend the tobacco settlement money, which was to then be approved by the voters. (216) This vote immediately precipitated loud protest and boos from the Republican side of the House. (216) Under that version of the bill (that still included DMH administering the program), the first \$175 million would be allocated to an endowment for Missouri and the next \$175 million would pay for tax credits for drugs for seniors. (216) After that, 50% would pay for indigent health care, 20% would be spent on biotech research, 15% would be spent on anti-smoking programs, and 15% on early childhood programs. (216) At the Governor’s Mansion, Governor Carnahan stated: “I think it’s a very strong bill and it would be a very good bill to present to the public.”(216)

On March 1, 2000, the House voted 87-67 to finally approve the latest Democratic tobacco settlement spending proposal. (217) The bill also called for the voters to decide on the proposal. The vote was close because the Missouri Right to Life organization claimed that the bill would promote research on fetal organs and material. (217) Representative John Hickey (D-Woodson Terrace) argued that the abortion issue was being used “. . . as a political tool to separate pro-life Democrats from pro-life Republicans.”(217) Representative Hickey argued that the House could always later pass clarifying legislation prohibiting research that promotes abortions with the tobacco settlement money. However, Representative Pat Kelly (R-Lee’s Summit) said that the Democrats should not be surprised at this due to the previous action by Democrats to cut off debate and amendments. (217) Representative Kelly also noted:

If they jam something down your throat, you shouldn’t be surprised if something comes back up. (217)

On March 14, 2000 Senate President Pro Tem Ed Quick (D-Liberty) announced that he was considering a substitute proposal to the recently passed House legislation. (174) Senator Quick’s tentative proposal was to spend 60% on a broad category of health programs, 20% on anti-smoking efforts, and 20% on a state emergency fund. (174) On March 27, 2000, the Senate Pensions and General Laws Committee passed tobacco settlement legislation in which 60% would fund health care and life sciences research, 20% would fund anti-smoking *and substance abuse programs*, and 20% would be allocated to an emergency reserve fund. (218) The Senate removed the \$175 million subsidy for drug costs for seniors and the 15% for early childhood programs. (218) The proposal called for the voters to approve the measure in November 2000. (218) The proposal also opened the possibility that anti-smoking funds could be diverted to other substance abuse programs. DMH also remained as the lead agency to administer the program.

On April 12, 2000, the House revised the bill to add a provision prohibiting tobacco settlement money to be used to pay for abortions. (219) Representative Tim Van Zandt (D-Kansas

City), an abortion supporter, added the provision to appease the majority in the House who oppose abortions. (219) The Senate version did not have an abortion restriction provision. (219) In further debate (to further appease House members) on April 18, 2000, House members proposed a myriad of amendments including funding tobacco farmers, farm cooperatives and the mentally ill. (220) Representative Tim Van Zandt (D-Kansas City) one of the bill's sponsors, downplayed these amendments saying that they would be removed when the House and Senate Conference Committee meet to iron out a final version of the bill. (220) In further debate in the House on April 19, 2000, new amendments were added to the bill including funding for the developmentally disabled and cancer research and treatment. Again, Representative Van Zandt downplayed these amendments. (221)

On April 24, 2000, four of the original plaintiff interveners to the tobacco settlement were granted the right to have their cases heard before the Missouri Supreme Court. (221) Included among the four intervener groups were individual smokers and fifty hospitals and the City of St. Louis. (221) This action by the Missouri Supreme Court meant that despite the pending state legislation, tobacco monies would not be released to Missouri until a final court decision was made on the legality of who was entitled to receive the tobacco settlement money. (221)

On April 26, 2000, a final version of the House bill passed, which included the prior and new amendments recently approved by the House. One new amendment required that 10% of the money be used for the prevention of tartar stains caused by smoking. (222) Also, on April 26, the House agreed to establish a tobacco settlement trust fund to receive settlement money when the court appeals had been exhausted. (222)

On May 1, 2000, the Senate failed to agree on a final plan to spend the tobacco settlement money. Senate President Pro Tem Ed Quick (D-Kansas City) accused the Republicans of "stalling" on reaching a plan before the legislature ends on May 12, 2000. (223) On May 3, 2000 Governor Mel Carnahan also warned that he would reject a tobacco settlement trust fund and spending plan that would restrict abortions. (224) The Governor's spokesperson Jerry Nachtigal, arguing against the anti abortion provisions, declared:

If they add the abortion language it would cause trouble for voters and it would likely invite litigation that would further tie up this money, possibly for years. (224)

On May 8, 2000, concerned about a failure of the Missouri Legislature to pass tobacco settlement legislation, the Washington D.C.-based Campaign for Tobacco Free Kids in a press release stated:

It is indefensible that the legislature would choose to delay action to address this public health challenge. Missouri needs a comprehensive tobacco prevention program, and the legislators are ignoring the growing body of evidence that prevention programs are saving lives in the states that have enacted them. Massachusetts has cut its smoking rate among high school students by 15% since 1995. Florida, which began its program in 1998, has cut smoking among middle school students by 54 percent and by 24 percent among high school students. A similar program in Missouri would save lives and reduce health care costs by millions of dollars. (225)

However, some Republicans in the House indicated that there was no hurry to act on the legislation because of the pending litigation before the Missouri Supreme Court. (226) Senate Republicans also were refusing to move on the bill until there was a provision that the voters decide on the tobacco

settlement money in August rather than November (when Carnahan would run for the U.S. Senate and probably would benefit from such a measure on the ballot); they wanted voters to have the option of voting on whether the bill falls under the Hancock Amendment (which would end or greatly limit how much would be spent on health, anti-tobacco, and other programs); and they wanted a provision to ban the settlement money from being spent on abortion-related programs. (226)

On May 10, 2000 the Senate added an amendment to the tobacco settlement bill prohibiting funding of organizations that supported or encouraged abortions. (227) In reaction to these events, Jack Burns of the University of Missouri Office of Research called the situation:

A tragedy for Missouri as a whole. This is an issue [abortion] that has nothing to do with mainstream research or treatment. So it's very curious that it's tied in. There's obviously other agendas that are operating here. (228)

On May 12, 2000, the legislation to set up a tobacco trust fund and send a spending proposal to the voters were killed as time ran out on the 2000 Legislative Session. One major reason for this defeat was the intense political opposition to the program by some Democrats and Republicans in both chambers. The other major reason for the bill's defeat was that the House sponsors lost control of the legislative process in the middle of the 2000 Legislative Session. Even if the bill had passed and was approved by the voters, its future effectiveness was in severe doubt due to it being administered by DMH, which has historically not placed tobacco control as a high priority and which has also worked as an ally of the tobacco lobby. On the Senate side, the tobacco control spending provision, which allowed funding for the bill to be spent on all substance abuse programs left open the distinct possibility that future funding for tobacco control would be diverted to other programs. In the present, the pending litigation and the failure to pass any tobacco control legislation means that significant and effective governmental action to address the use of settlement funds will be delayed until at least late in 2001.

CONCLUSION

Throughout the 1990's, the tobacco industry has succeeded in preventing the Missouri legislature from enacting a variety of effective tobacco control programs, which would have countered the 20% of annual deaths in Missouri caused by tobacco use. Crucial policy areas where the tobacco industry has been successful in blocking effective tobacco control legislation have been effective state clean indoor air legislation, Synar youth access enforcement, anti-tobacco educational efforts, (including financing these efforts from the tobacco settlement agreement), and higher tobacco excise taxes. The primary means that the tobacco industry has used to counter effective tobacco control legislation and maintain its market position has been through centralized lobbying efforts in tandem with providing Missouri legislators with campaign contributions, gifts, indirect or soft money contributions to the major political parties for campaign and technical assistance purposes for legislators, group entertainment events such as hunting trips, and building support with allied organizations. With the exception of the early years of the Missouri ASSIST program and organized health groups in the early 1990's preventing local preemption amendments from passing in a few significant areas including the relatively weak state clean indoor air, this political arrangement has resulted in the tobacco industry maintaining a significant insider lock on political power and control over Missouri tobacco policy making.

This often virtually invisible political power exerted on legislative as well as executive members of Missouri government has occurred not only because of traditional insider lobbying and financial efforts, but has also occurred due to a predominant ideological outlook of the Missouri Legislature of supporting unhindered sale of tobacco. The primary reason many in the Missouri legislature support this position was expressed by Tobacco Institute lobbyist John Britton when he testified in 1994 before the House Committee on Social Services, Medicaid, and the Elderly:

I don't see anything noble about peeking into peoples' businesses to see if they are selling cigarettes to minors. You can't force people to behave in a certain way. It's been tried since 1215, the signing of the Magna Carta, and it hasn't worked yet. You're not able to stop the sale of cocaine and marijuana, and God knows how many billions of dollars the government has poured into that project and it hasn't done any good. Here you've got a product that's legal. The bill is just not a classy piece of legislation. (11)

This sentiment was reiterated in an interview with Senator Wayne Goode (D-St. Louis) in March 2000, in which he said that the primary rationale for permitting the sale of tobacco products in Missouri, without effective tobacco control regulations or programs is because:

It's just that they're historically, you know a lot of people around here who basically feel about tobacco the way they and the tobacco industry feels about tobacco. That it's a legal substance to use and up until recent years, you could use it anywhere you wanted to and that's just what they chose to do and you know, don't bother me, I'm going to do this. (77)

Embedded in these arguments is the idea that tampering with the sale of tobacco, which is a legal product, is contrary to proper business practices and the laws of the marketplace. This logic assumes that as long as supply and demand exists, it is not the responsibility of the legislature to regulate such activities, even if tobacco use is a major cause of death in Missouri each year. Moreover, according to this argument, any government efforts to solve the problem would be futile and a waste of taxpayer money.

Linked to this argument is the idea that people who use tobacco and other drugs will always do so because there is a trait or weakness inherent in human nature to succumb to addiction. And since human nature contains this weakness, why should legal corporations be prohibited from selling tobacco products and also making a profit? This view is contrasted with the views of former Republican Governor John Ashcroft (but not currently as U.S. Senator) and others who have argued that Missouri government and citizens can and should take individual and political moral responsibility for their own welfare.

Governor Ashcroft's perspective offers a significant moral and political response to the predominant view in the Missouri Legislature that tobacco users will always be with us. Here, a conservative Republican Governor argued that if a product is sold in the marketplace that causes severe harm, as tobacco does, then government has a responsibility and duty to counter its use on moral and political grounds. Essentially, Governor Ashcroft recognized that in some circumstances, blind allegiance to the principle of supporting all business transactions including selling tobacco in the marketplace, can be contrary to the greater good and public health.

Inherent in the argument that government approaches advocated by Ashcroft and others are ineffectual in controlling tobacco use is a lack of confidence or support that modern social science and educational approaches will be effectual in countering tobacco use in light of the prerogatives

of the free market and the inherent weakness of people to succumb to tobacco addiction. This opposition by some in the Missouri Legislature even extends to the notion that modern statistical analyses are incapable of effectively evaluating the performance of tobacco control programs (as was expressed by Majority Floor Leader Representative Bob Ward [D-Bonne Terre] about the Synar program). These sentiments are contrary to recent reports that significant state tobacco control educational programs in states such as Florida and California (54, 229) have been highly effectual in reducing tobacco use. If more Missouri legislators who were free of the tobacco industry's lobbying and contribution efforts were to be educated or elected who recognized that social and educational intervention approaches work, the more likely the Missouri legislature would adopt tobacco control programs that were effective. As long as the opposite remains true, as it now does, the less likely Missouri will adopt significant tobacco control legislation.

In the 1990's, there have been several different tactics that the Missouri Legislature has used to ensure that such tobacco control legislation is not enacted. Besides consistently killing bills in hostile Committees and Subcommittees or delaying them until legislative sessions have run out and then killing them, another significant legislative tactic that has been used is tacking on unacceptable amendments to tobacco control legislation. This tactic was used in the 2000 Missouri Legislative Session when several unacceptable (as stated by Governor Carnahan) anti abortion amendments were tacked onto the tobacco settlement agreement. This tactic was also used when an amendment was passed in a House Appropriations Bill prohibiting minors from participating in the Synar law enforcement effort, which in turn, severely weakened that effort. Another approach that was used in the 2000 Legislature to potentially weaken the tobacco settlement agreement was a proposal in the Senate to allow tobacco settlement funds to be diverted in the future for other substance abuse efforts. Another traditional tactic has been to pass tobacco control legislation with preemption (such as tobacco excise taxes) or legislation that is largely ineffective, such as the state clean indoor air act.

In the administrative realm, tobacco control efforts would probably be significantly hampered in Missouri depending on which state agency administers the tobacco control program. In 1994, the Missouri Department of Mental Health was listed in an internal industry document as a tobacco industry ally and since that time has either viewed tobacco control as a low priority or worked with the tobacco industry or its allies in tobacco control efforts. Nevertheless, in the 2000 Legislative Session, the Missouri Department of Mental Health was designated as the lead agency to administer a new tobacco control program funded with tobacco control settlement money. Although this bill was defeated in the 2000 Legislature, any future bills with this designation, would probably have the effect of quietly and behind-the-scenes significantly weakening any future tobacco control efforts. One crucial approach that health advocates may take to counter this trend at the Department of Mental Health (and all other agencies that oversee tobacco control programs) is to monitor and ensure that any new political appointees nominated by a future Governor (unlike the late Governor Carnahan's current appointees) that oversee the Department of Mental Health are oriented toward effective tobacco control. This administrative advocacy and monitoring should include holding administrators publicly accountable for pro-tobacco actions, when necessary, including publicly informing Missouri citizens of such pro-tobacco actions.

Efforts to ensure that future tobacco control legislation will be effective is also contingent on the insider and outsider organizing abilities of organized health groups in Missouri. In the early 1990's, the Tri-Agency Coalition on Smoking or Health and Missouri GASP were effective through

insider and outsider advocacy approaches in stopping local preemption in several significant bills including clean indoor air legislation. In recent years, however, the Coalition has been weakened due to reorganization by the American Heart Association (whose lobbyist now covers both the Missouri and Kansas legislatures) and the lack of a current lobbying presence in Jefferson City by the American Lung Association. The only health group with a full time lobbying presence in Jefferson City is the American Cancer Society.

Further compounding the problem is the strict insider lobbying approach that the American Heart Association and American Cancer Society now take in Jefferson City. Currently, these health groups are unwilling to hold particular politicians publicly accountable, if applicable, for their pro-tobacco and anti public health stances through rallies, demonstrations, newspaper advertisements, litigation, and other accountability tactics. This also includes efforts to educate voters of the role and connection of John Britton and the tobacco lobby to various public officials. In fact, such outsider tactics is now so much of an anathema to these groups, that when other groups such as Missouri GASP have used such tactics, these and other similar health groups have significantly distanced themselves from such tactics. By attempting to confront the tobacco lobby on its own turf (that is, the state legislature) with insider tactics with resources that will never compete with the vast resources of the tobacco lobby, the health groups in Missouri are potentially setting themselves up for many future legislative losses.

Unless the health groups begin to quickly undertake new outsider organizing approaches, this could prove to be extremely damaging in efforts to enact effective tobacco control legislation funded by tobacco settlement money in future legislative sessions. This would require more resources being allocated for such efforts. Besides using outsider lobbying tactics in conjunction with insider tactics, health advocates should work with and also help to elect legislators who appreciate the value of effective social and educational governmental interventions to tobacco control.

With this renewed approach and commitment, health advocates would be in a better position to win defensive battles in the Missouri legislature (and hopefully even pass some effective legislation). At the same time, health advocates should also begin a comprehensive effort to win tobacco control battles throughout Missouri at the local level in areas where preemption has not occurred such as local clean indoor air. As the recent National Cancer Institute report (80) indicated, most legislative victories with respect to tobacco control (for instance, local clean indoor air ordinances) have occurred at the local level. Local victories, so far however, have been relatively weak. A significant rededication to future local organizing campaigns (while continuing to fight state preemption) would also significantly advance tobacco control efforts and public health in Missouri.

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TABLE A-1. CONTRIBUTIONS MADE TO LEGISLATIVE OFFICEHOLDERS AND CANDIDATES IN 1989-1990

Legislator	Party	House	PM	RJR	TI	UST	STC	MACTD	Total
Akin, Todd	R	House	\$0	\$100	\$0	\$0	\$0	\$0	\$100
Auer, Ron	R	House	\$0	\$200	\$0	\$0	\$200		\$200
Barnes, James	D	House	\$0	\$250	\$0	\$0	\$0	\$200	\$450
Bass, John	D	Senate	\$1,875	\$0	\$1,000	\$0	\$0	\$200	\$3,075
Bland, Mary	D	House	\$0	\$200	\$0	\$0	\$0	\$0	\$200
Bock, Joe	D	House	\$0	\$0	\$0	\$0	\$0	\$100	\$100
Brady, Francis	D	House	\$500	\$0	\$500	\$0	\$0	\$0	\$1,000
Brockfeld, Russell	R	House	\$500	\$200	\$0	\$0	\$0	\$200	\$900
Burch, Jerry	D	House	\$0	\$0	\$0	\$0	\$0	\$100	\$100
Burton, Gary	R	House	\$0	\$0	\$0	\$0	\$0	\$100	\$100
Chatfield, Gail	D	House	\$0	\$0	\$0	\$0	\$0	\$100	\$100
Clay, William	D	House	\$0	\$0	\$0	\$0	\$0	\$200	\$200
Cooper, Bonnie	R	House	\$0	\$200	\$0	\$0	\$0	\$0	\$200
Copeland, F. E.	D	House	\$500	\$1,700	\$0	\$0	\$0	\$100	\$2,300
Dames, George	D	House	\$500	\$0	\$0	\$0	\$0	\$200	\$700
Daniels, Fletcher	D	House	\$500	\$0	\$0	\$0	\$0	\$0	\$500
Danner, Pat	D	Senate	\$500	\$0	\$500	\$0	\$0	\$525	\$1,525
DePasco, Ronnie	D	House	\$0	\$100	\$0	\$0	\$0	\$100	\$200
Dotson, Bruce	D	House	\$0	\$100	\$0	\$0	\$0	\$0	\$100
Driskill, Joseph	D	House	\$0	\$0	\$0	\$0	\$0	\$100	\$100
Dyer, Fred	R	Senate	\$0	\$500	\$0	\$0	\$0	\$0	\$500
Fallert, Herbert	D	House	\$0	\$0	\$0	\$0	\$0	\$400	\$400
Findley, F. A.	D	House	\$0	\$0	\$250	\$0	\$0	\$0	\$250
Goldman, Jack	R	House	\$500	\$200	\$500	\$0	\$0	\$0	\$1,200
Green, Timothy	D	House	\$500	\$100	\$0	\$0	\$0	\$0	\$600
Griffin, Bob	D	House	\$1,000	\$0	\$1,000	\$0	\$0	\$500	\$2,500
Howard, Jerry	D	House	\$500	\$0	\$500	\$0	\$0	\$0	\$1,000
Johnson, Robert	R	Senate	\$1,000	\$0	\$4,000	\$0	\$0	\$250	\$5,250
Kelley, Pat	R	House	\$0	\$100	\$0	\$0	\$0	\$100	\$200
Kilby, Craig	R	House	\$0	\$50	\$500	\$0	\$0	\$0	\$550
Leake, Sam	D	House	\$0	\$50	\$0	\$0	\$0	\$0	\$50
Lybyer, Mike	D	Senate	\$0	\$200	\$0	\$0	\$0	\$250	\$450
Martinette, Jan	R	House	\$0	\$50	\$0	\$0	\$0	\$0	\$50
Mathewson, James .	D	Senate	\$2,000	\$0	\$0	\$0	\$0	\$800	\$2,800
McCarthy, Karen	D	House	\$0	\$0	\$0	\$0	\$0	\$300	\$300
McCarthy, Thomas	R	Senate	\$2,000	\$500	\$0	\$0	\$0	\$450	\$2,950
McKenna, William	D	House	\$0	\$0	\$0	\$0	\$0	\$300	\$300
Miller, Wesley	R	House	\$0	\$200	\$0	\$0	\$0	\$0	\$200
Mitchell, Jim	R	House	\$0	\$200	\$0	\$0	\$0	\$100	\$300
Mueller, Walt	R	House	\$0	\$0	\$0	\$0	\$0	\$250	\$250
Murphy, Jim	R	House	\$0	\$200	\$0	\$0	\$0	\$0	\$200
Nilges, Al	D	House	\$0	\$200	\$0	\$0	\$0	\$0	\$200
Nixon, Jeremiah	D	Senate	\$500	\$0	\$0	\$0	\$0	\$0	\$500
O'Connor, Judith	D	House	\$500	\$0	\$0	\$0	\$0	\$0	\$500
Oetting, David	R	House	\$500	\$0	\$0	\$0	\$0	\$0	\$500
Ortwerth, Joseph	R	House	\$0	\$0	\$0	\$0	\$0	\$300	\$300
Reeves, Sandra	D	House	\$1,000	\$0	\$0	\$0	\$0	\$0	\$1,000
Rizzo, Henry	D	House	\$0	\$0	\$0	\$0	\$0	\$100	\$100
Rohrbach, Larry	R	House	\$1,000	\$400	\$500	\$0	\$0	\$100	\$2,000

TABLE A-1. CONTRIBUTIONS MADE TO LEGISLATIVE OFFICEHOLDERS AND CANDIDATES IN 1989-1990

Legislator	Party	House	PM	RJR	TI	UST	STC	MACTD	Total
Schaepkoetter, Jeff	D	Senate	\$0	\$0	\$0	\$0	\$0	\$200	\$200
Schellhorn, Edward	D	House	\$500	\$0	\$0	\$0	\$0	\$0	\$500
Scoville, Veron	D	House	\$500	\$0	\$500	\$0	\$0	\$100	\$1,100
Sego, Robert	D	House	\$0	\$100	\$0	\$0	\$0	\$0	\$100
Selsor, Jonathan	R	House	\$0	\$0	\$500	\$0	\$0	\$0	\$500
Sheldon, Norman	D	House	\$500	\$0	\$0	\$0	\$0	\$0	\$500
Skaggs, Bill	D	House	\$0	\$0	\$0	\$0	\$0	\$400	\$400
Smith, Todd	R	House	\$500	\$0	\$500	\$0	\$0	\$0	\$1,000
Staples, Danny	D	Senate	\$1,000	\$200	\$0	\$0	\$0	\$0	\$1,200
Stoff, Thomas	D	House	\$500	\$100	\$500	\$0	\$0	\$300	\$1,400
Surface, Chuck	R	House	\$0	\$0	\$0	\$0	\$0	\$100	\$100
Tate, Phil	D	House	\$0	\$0	\$0	\$0	\$0	\$100	\$100
Thomason, Larry	D	House	\$0	\$200	\$0	\$0	\$0	\$100	\$300
Townley, Merrill	R	House	\$0	\$300	\$250	\$0	\$0	\$0	\$550
Treadway, Joseph	D	House	\$1,000	\$0	\$0	\$0	\$0	\$0	\$1,000
Treppler, Irene	R	Senate	\$0	\$200	\$0	\$0	\$0	\$0	\$200
Ward, Robert	D	House	\$1,000	\$200	\$2,000	\$0	\$0	\$0	\$3,200
Wiggins, Harry	D	Senate	\$500	\$0	\$0	\$200	\$200	\$375	\$1,275
Wilson, Roger	D	Senate	\$0	\$0	\$0	\$500	\$0	\$200	\$700
Wilson, Truman	D	Senate	\$2,000	\$400	\$0	\$700	\$200	\$775	\$4,075
Ziegenhorn, Dennis	D	House	\$0	\$0	\$0	\$0	\$0	\$100	\$100
TOTAL			\$23,875	\$7,700	\$13,500	\$1,400	\$400	\$9,175	\$56,050

Source: Campaign disclosure statements from the Missouri Secretary of State, Missouri State Archives.

Note: In this table, "tobacco industry" sources of funds included: Philip Morris, R. J. Reynolds Tobacco, the Tobacco Institute, United States Tobacco, Smokeless Tobacco Council, and the Missouri Association of Candy and Tobacco Distributors. Not included in these calculations were contributions from non-tobacco subsidiaries such as Philip Morris' Kraft General Foods and Miller Beer and individuals associated with the tobacco industry.

TABLE A-2. CONTRIBUTIONS MADE TO LEGISLATIVE OFFICEHOLDERS AND CANDIDATES IN 1991-1992

Legislator	Party	House	PM	RJR	TI	UST	MACTD	Total
Akin, Todd	R	House	\$0	\$0	\$0	\$0	\$100	\$100
Banks, J.B.	D	Senate	\$2,000	\$1,000	\$0	\$0	\$250	\$3,250
Boeke, Chet	R	House	\$0	\$0	\$250	\$0	\$0	\$250
Brady, Francis	D	House	\$500	\$0	\$0	\$0	\$0	\$500
Burton, Gary	R	House	\$0	\$200	\$0	\$0	\$100	\$300
Carroll, Steven	D	House	\$0	\$300	\$500	\$0	\$100	\$900
Caskey, Harold	D	Senate	\$0	\$0	\$0	\$0	\$350	\$350
Clay, William	D	House	\$1,000	\$200	\$500	\$0	\$0	\$1,700
Cooper, Bonnie	R	House	\$1,000	\$200	\$250	\$0	\$0	\$1,450
Crump, Wayne	D	House	\$500	\$0	\$300	\$0	\$300	\$1,100
Curls, Phil	D	Senate	\$500	\$800	\$500	\$0	\$150	\$1,950
Danner, Steve	D	Senate	\$500	\$0	\$0	\$0	\$0	\$500
Dawson, William	D	House	\$500	\$0	\$0	\$0	\$100	\$600
DePasco, Ronnie	D	House	\$1,000	\$0	\$250	\$0	\$200	\$1,450
Dirck, Edwin	D	Senate	\$0	\$0	\$0	\$0	\$150	\$150
Dorsey, Richard	D	House	\$0	\$0	\$250	\$0	\$0	\$250
Driskill, Joseph	D	House	\$1,000	\$0	\$500	\$0	\$100	\$1,600
Ehlmann, Steven	R	House	\$500	\$300	\$0	\$0	\$0	\$800
Engelbach, George	R	House	\$0	\$300	\$0	\$0	\$0	\$300
Fallert, Herbert	D	House	\$500	\$300	\$0	\$0	\$0	\$800
Flotron, Francis	R	Senate	\$0	\$500	\$0	\$0	\$200	\$700
Ford, Louis	D	House	\$0	\$100	\$0	\$0	\$0	\$100
Garnett, Jess	D	House	\$0	\$100	\$0	\$0	\$100	\$200
Goode, Wayne	D	Senate	\$500	\$0	\$0	\$0	\$0	\$500
Griffin, Bob	D	House	\$1,000	\$1,000	\$0	\$0	\$450	\$2,450
Hale, David	R	House	\$0	\$300	\$0	\$0	\$100	\$400
Hickey, Patrick	D	House	\$0	\$0	\$0	\$0	\$100	\$100
Hohulin, Martin	R	House	\$0	\$100	\$0	\$0	\$0	\$100
Hoppe, Thomas	D	House	\$500	\$0	\$750	\$0	\$0	\$1,250
Howard, Jerry	D	Senate	\$1,500	\$500	\$0	\$0	\$600	\$2,600
Johnson, Sidney	D	Senate	\$500	\$0	\$0	\$300	\$0	\$800
Karll, Jo Ann	D	House	\$250	\$100	\$250	\$0	\$0	\$600
Kelly, Christopher	D	House	\$0	\$0	\$250	\$0	\$100	\$350
Klarich, David	R	House	\$500	\$200	\$0	\$0	\$0	\$700
Koller, Don	D	House	\$0	\$0	\$0	\$0	\$200	\$200
Lang, Gene	R	House	\$250	\$0	\$250	\$0	\$100	\$600
Leake, Sam	D	House	\$0	\$0	\$0	\$0	\$200	\$200
Lograsso, Don	R	House	\$0	\$300	\$500	\$0	\$0	\$800
Long, Beth	R	House	\$0	\$0	\$750	\$0	\$0	\$750
Lumpe, Sheila	D	House	\$500	\$0	\$500	\$0	\$0	\$1,000
Mathewson, James	D	Senate	\$2,000	\$0	\$500	\$0	\$450	\$2,950
Mays, Carol	D	House	\$500	\$0	\$250	\$0	\$0	\$750
McBride, Jerry	D	House	\$0	\$200	\$0	\$0	\$100	\$300
McCarthy, Karen	D	House	\$500	\$0	\$0	\$0	\$100	\$600
McKenna, William	D	House	\$500	\$500	\$0	\$0	\$100	\$1,100
McNeill, Nolan	D	House	\$500	\$0	\$0	\$0	\$0	\$500
Mitchell, Jim	R	House	\$0	\$0	\$0	\$0	\$200	\$200
Murphy, Jim	R	House	\$0	\$0	\$750	\$0	\$0	\$750
O'Connor, Judith	D	House	\$0	\$200	\$0	\$0	\$100	\$300
Oetting, David	R	House	\$0	\$100	\$0	\$0	\$0	\$100
Ortwerth, Joseph	R	House	\$0	\$300	\$0	\$0	\$0	\$300
Ottinger, Edward	R	House	\$0	\$300	\$0	\$0	\$100	\$400

TABLE A-2. CONTRIBUTIONS MADE TO LEGISLATIVE OFFICEHOLDERS AND CANDIDATES IN 1991-1992

Legislator	Party	House	PM	RJR	TI	UST	MACTD	Total
Panethiere, Henry	D	Senate	\$1,000	\$0	\$1,000	\$0	\$0	\$2,000
Quick, Edward	D	Senate	\$1,000	\$0	\$1,250	\$0	\$0	\$2,250
Reid, Michael	R	House	\$0	\$0	\$0	\$0	\$200	\$200
Ribaudo, Anthony	D	House	\$500	\$0	\$0	\$0	\$0	\$500
Richardson, Mark	R	House	\$0	\$200	\$0	\$0	\$0	\$200
Riley, James	D	House	\$500	\$0	\$250	\$0	\$0	\$750
Rizzo, Henry	D	House	\$500	\$0	\$250	\$0	\$0	\$750
Ross, Carson	R	House	\$0	\$500	\$0	\$0	\$0	\$500
Schellhorn, Edward	D	House	\$0	\$0	\$1,000	\$0	\$0	\$1,000
Schemenauer, Robert	D	House	\$500	\$0	\$0	\$0	\$0	\$500
Scheve, May	D	House	\$500	\$0	\$250	\$0	\$0	\$750
Schwab, David	R	House	\$0	\$0	\$0	\$0	\$100	\$100
Scott, John	D	Senate	\$1,000	\$0	\$0	\$0	\$450	\$1,450
Scoville, Veron	D	House	\$0	\$0	\$500	\$300	\$0	\$800
Secrest, Pat	R	House	\$0	\$0	\$0	\$0	\$100	\$100
Sego, Robert	D	House	\$0	\$200	\$250	\$0	\$100	\$550
Selsor, Jonathan	R	House	\$500	\$0	\$1,000	\$0	\$100	\$1,600
Shelton, O.L.	D	House	\$1,000	\$200	\$750	\$0	\$200	\$2,150
Shields, Charles	R	House	\$500	\$200	\$0	\$0	\$0	\$700
Singleton, Marvin	R	Senate	\$0	\$200	\$0	\$0	\$0	\$200
Skaggs, Bill	D	House	\$250	\$400	\$0	\$0	\$0	\$650
Smith, Todd	R	House	\$1,500	\$0	\$250	\$0	\$0	\$1,750
Steele, Kathleen	D	House	\$250	\$0	\$0	\$0	\$0	\$250
Steinmetz, Kaye	D	House	\$0	\$500	\$0	\$0	\$0	\$500
Stoff, Thomas	D	House	\$500	\$200	\$1,000	\$0	\$0	\$1,700
Surface, Chuck	R	House	\$0	\$200	\$0	\$0	\$100	\$300
Talent, James	R	House	\$0	\$0	\$0	\$0	\$200	\$200
Tate, Phil	D	House	\$0	\$0	\$250	\$0	\$0	\$250
Thomason, Larry	D	House	\$1,000	\$0	\$750	\$0	\$100	\$1,850
Townley, Merrill	R	House	\$0	\$300	\$250	\$0	\$0	\$550
Treadway, Joseph	D	House	\$500	\$200	\$500	\$0	\$100	\$1,300
Treppler, Irene	R	Senate	\$500	\$0	\$500	\$0	\$0	\$1,000
Vogel, Carl	R	House	\$500	\$200	\$0	\$0	\$200	\$900
Wannenmacher, Philip	R	House	\$0	\$100	\$0	\$0	\$100	\$200
Ward, Robert	D	House	\$0	\$2,000	\$300	\$500	\$450	\$3,250
Weil, Harold	R	House	\$0	\$0	\$100	\$0	\$0	\$100
White, Ronnie	D	House	\$500	\$0	\$0	\$0	\$100	\$600
Whiteside, Dale	R	House	\$0	\$300	\$0	\$0	\$0	\$300
Whitten, Larry	D	House	\$750	\$0	\$250	\$0	\$100	\$1,100
Wiggins, Harry	D	Senate	\$0	\$0	\$0	\$0	\$100	\$100
Williams, Marilyn	D	House	\$400	\$300	\$250	\$0	\$0	\$950
Wilson, Roger	D	Senate	\$1,000	\$0	\$0	\$0	\$250	\$1,250
Witt, Gary	D	House	\$2,000	\$700	\$1,000	\$0	\$0	\$3,700
Ziegenhorn, Dennis	D	House	\$0	\$0	\$250	\$0	\$100	\$350
TOTAL			\$36,150	\$15,300	\$20,200	\$1,100	\$8,350	\$81,100

Source: Campaign disclosure statements from the Missouri Secretary of State, Missouri State Archives.

Note: In this table, "tobacco industry" sources of funds included: Philip Morris, R. J. Reynolds Tobacco, the Tobacco Institute, United States Tobacco, and the Missouri Association of Candy and Tobacco Distributors. Not included in these calculations were contributions from non-tobacco subsidiaries such as Philip Morris' Kraft General Foods and Miller Beer and individuals associated with the tobacco industry.

TABLE A-3. CONTRIBUTIONS MADE TO LEGISLATIVE OFFICEHOLDERS AND CANDIDATES IN 1993-1994

Legislator	Party	House	PM	RJR	TI	UST	STC	MACTD	Total
Akin, Todd	R	House	\$500	\$0	\$0	\$0	\$0	\$0	\$500
Auer, Ron	R	House	\$500	\$0	\$0	\$0	\$0	\$100	\$600
Backer, Gracia	D	House	\$0	\$0	\$0	\$250	\$0	\$0	\$250
Banks, J.B.	D	Senate	\$2,000	\$500	\$0	\$0	\$0	\$250	\$2,750
Barnes, James	D	House	\$0	\$300	\$0	\$0	\$0	\$0	\$300
Burton, Gary I.	R	House	\$0	\$0	\$0	\$0	\$0	\$100	\$100
Chrismer, Rich	R	House	\$500	\$0	\$0	\$0	\$0	\$100	\$600
Clay, William	D	Senate	\$1,000	\$0	\$1,000	\$0	\$0	\$0	\$2,000
Cooper, Bonnie	R	House	\$500	\$0	\$0	\$0	\$0	\$0	\$500
Copeland, F. E.	D	House	\$1,000	\$300	\$0	\$0	\$0	\$250	\$1,550
Crump, Wayne	D	House	\$500	\$0	\$500	\$0	\$0	\$100	\$1,100
Davis, Doratheia	D	House	\$0	\$0	\$200	\$0	\$0	\$0	\$200
Dawson, William	D	House	\$500	\$0	\$0	\$0	\$0	\$0	\$500
DePasco, Ronnie	D	Senate	\$500	\$0	\$0	\$0	\$0	\$0	\$500
Dougherty, Patrick	D	House	\$0	\$0	\$0	\$0	\$0	\$100	\$100
Dyer, Fred	R	Senate	\$500	\$1,000	\$500	\$0	\$0	\$0	\$2,000
Elliott, Mark	R	House	\$0	\$0	\$0	\$0	\$0	\$100	\$100
Fallert, Herbert	D	House	\$0	\$300	\$0	\$0	\$0	\$0	\$300
Fiebelman, Ken	D	House	\$0	\$500	\$0	\$0	\$0	\$0	\$500
Foley, James	D	House	\$0	\$500	\$0	\$0	\$0	\$100	\$600
Garnett, Jess	D	House	\$500	\$0	\$0	\$0	\$0	\$100	\$600
Gratz, W.W.	D	House	\$1,000	\$0	\$250	\$0	\$0	\$100	\$1,350
Graves, Sam	R	House	\$1,000	\$0	\$0	\$0	\$0	\$0	\$1,000
Green, Timothy	D	House	\$1,000	\$0	\$500	\$0	\$0	\$0	\$1,500
Griffin, Bob	D	House	\$2,000	\$0	\$700	\$0	\$0	\$250	\$2,950
Gross, Charles	R	House	\$500	\$0	\$0	\$0	\$0	\$0	\$500
Hagan-Harrel, Mary	D	House	\$250	\$0	\$0	\$0	\$0	\$0	\$250
Hall, Glenn	R	House	\$500	\$0	\$0	\$0	\$0	\$0	\$500
Hand, Raymond	R	House	\$0	\$0	\$0	\$0	\$0	\$100	\$100
Hegeman, Daniel	R	House	\$1,000	\$0	\$0	\$0	\$0	\$0	\$1,000
Hickey, John	D	House	\$1,000	\$0	\$250	\$0	\$0	\$0	\$1,250
Hoppe, Thomas	D	House	\$500	\$0	\$0	\$0	\$0	\$0	\$500
Howard, Jerry	D	Senate	\$0	\$500	\$0	\$0	\$0	\$0	\$500
Humphreys, Millie	D	House	\$0	\$300	\$0	\$0	\$0	\$0	\$300
Jacob, Ken	D	House	\$500	\$0	\$0	\$0	\$0	\$0	\$500
Johnson, Sidney	D	Senate	\$1,000	\$0	\$0	\$0	\$0	\$0	\$1,000
Keeven, Ron	R	House	\$250	\$0	\$0	\$0	\$0	\$0	\$250
Kelly, George	D	House	\$500	\$0	\$0	\$0	\$0	\$0	\$500
Kinder, Peter	R	Senate	\$1,000	\$0	\$0	\$0	\$0	\$0	\$1,000
Klarich, David	R	House	\$1,000	\$0	\$0	\$0	\$0	\$250	\$1,250
Klumb, Jason	D	House	\$0	\$0	\$500	\$0	\$0	\$0	\$500
Koller, Don	D	House	\$500	\$0	\$0	\$0	\$0	\$0	\$500
Kreider, Jim	D	House	\$1,000	\$0	\$0	\$0	\$0	\$0	\$1,000
Leake, Sam	D	House	\$0	\$600	\$0	\$0	\$0	\$100	\$700
Liese, Christopher	D	House	\$500	\$0	\$0	\$0	\$0	\$0	\$500
Linton, William	R	House	\$0	\$0	\$0	\$0	\$0	\$100	\$100
Lograsso, Don	R	House	\$750	\$300	\$500	\$0	\$0	\$0	\$1,550
Long, Beth	R	House	\$500	\$0	\$0	\$0	\$0	\$0	\$500
Lumpe, Sheila	D	House	\$0	\$0	\$0	\$0	\$250	\$0	\$250
Lybyer, Mike	D	Senate	\$1,000	\$500	\$0	\$0	\$150	\$450	\$2,100

TABLE A-3. CONTRIBUTIONS MADE TO LEGISLATIVE OFFICEHOLDERS AND CANDIDATES IN 1993-1994

Legislator	Party	House	PM	RJR	TI	UST	STC	MACTD	Total
Marshall, Thomas	D	House	\$0	\$0	\$0	\$0	\$0	\$200	\$200
Mathewson, James	D	Senate	\$1,000	\$0	\$0	\$0	\$0	\$250	\$1,250
Maxwell, Joe	D	House	\$0	\$0	\$0	\$0	\$500	\$250	\$750
May, Brian	D	House	\$500	\$0	\$0	\$0	\$0	\$0	\$500
McCarthy, Karen	D	House	\$250	\$0	\$0	\$0	\$0	\$0	\$250
McKenna, William	D	Senate	\$1,500	\$500	\$600	\$0	\$0	\$0	\$2,600
Montgomery, Jim	D	House	\$250	\$0	\$0	\$0	\$0	\$100	\$350
Moseley, Joe	D	Senate	\$1,000	\$0	\$0	\$0	\$0	\$0	\$1,000
Nordwald, Charles	R	House	\$500	\$0	\$0	\$0	\$0	\$0	\$500
O'Connor, Patrick	D	House	\$1,000	\$0	\$750	\$0	\$0	\$500	\$2,250
Oetting, David	R	House	\$500	\$0	\$0	\$0	\$0	\$100	\$600
O'Toole, James	D	House	\$1,000	\$0	\$0	\$0	\$0	\$0	\$1,000
Park, Carole	D	House	\$500	\$0	\$0	\$0	\$0	\$0	\$500
Quick, Edward	D	Senate	\$0	\$0	\$0	\$0	\$0	\$250	\$250
Reid, Michael	R	Senate	\$0	\$0	\$0	\$0	\$0	\$250	\$250
Richardson, Mark	R	House	\$0	\$600	\$0	\$0	\$250	\$0	\$850
Ridgeway, Luann	R	House	\$1,000	\$600	\$0	\$0	\$0	\$0	\$1,600
Rizzo, Henry	D	House	\$500	\$0	\$0	\$0	\$0	\$100	\$600
Rohrbach, Larry	R	Senate	\$250	\$500	\$0	\$0	\$0	\$350	\$1,100
Ross, Carson	R	House	\$0	\$600	\$0	\$0	\$0	\$0	\$600
Scott, Delbert	R	House	\$0	\$300	\$0	\$0	\$0	\$0	\$300
Scott, John	D	Senate	\$1,000	\$0	\$0	\$0	\$0	\$250	\$1,250
Shelton, O.L.	D	House	\$1,000	\$0	\$500	\$0	\$125	\$100	\$1,725
Skagg, Bill	D	House	\$0	\$800	\$0	\$0	\$0	\$0	\$800
Smith, Philip	D	House	\$0	\$600	\$0	\$0	\$0	\$0	\$600
Smith, Todd	R	House	\$500	\$300	\$0	\$0	\$0	\$0	\$800
Sombart, Paul	R	House	\$250	\$0	\$0	\$0	\$0	\$0	\$250
Staples, Danny	D	Senate	\$2,000	\$1,000	\$0	\$0	\$0	\$250	\$3,250
Surface, Chuck	R	House	\$0	\$0	\$0	\$0	\$0	\$100	\$100
Tate, Phil	D	House	\$500	\$0	\$0	\$0	\$0	\$0	\$500
Thomason, Larry	D	House	\$500	\$0	\$500	\$0	\$250	\$100	\$1,350
Treadway, Joseph	D	House	\$500	\$0	\$500	\$0	\$250	\$100	\$1,350
Treppler, Irene	R	Senate	\$0	\$0	\$0	\$0	\$0	\$250	\$250
Troupe, Charles	D	House	\$750	\$0	\$0	\$0	\$0	\$0	\$750
Vogel, Carl	R	House	\$0	\$300	\$250	\$0	\$0	\$100	\$650
Ward, Robert	D	House	\$2,000	\$500	\$500	\$0	\$0	\$0	\$3,000
Whiteside, Dale	R	House	\$0	\$300	\$0	\$0	\$0	\$0	\$300
Wiggins, Gary	D	House	\$500	\$0	\$0	\$0	\$0	\$0	\$500
Wiggins, Harry	D	Senate	\$500	\$0	\$0	250	\$0	\$500	\$1,250
Williams, Marilyn	D	House	\$0	\$600	\$0	\$0	\$0	\$114	\$714
Witt, Gary	D	House	\$1,000	\$600	\$1,000	\$0	\$0	\$0	\$2,600
Wooten, Chuck	R	House	\$250	\$0	\$0	\$0	\$0	\$0	\$250
Yates, Michael	R	House	\$0	\$600	\$0	\$0	\$0	\$300	\$900
Total			\$46,750	\$14,300	\$9,500	\$500	\$1,775	\$7,164	\$79,989

Source: Campaign disclosure statements from the Missouri Secretary of State, Missouri State Archives.

Note: In this table, "tobacco industry" sources of funds included: Philip Morris, R. J. Reynolds Tobacco, the Tobacco Institute, United States Tobacco, Smokeless Tobacco Council and the Missouri Association of Candy and Tobacco Distributors. Not included in these calculations were contributions from non-tobacco subsidiaries such as Philip Morris' Kraft General Foods and Miller Beer and individuals associated with the tobacco industry.

**TABLE A-4 CONTRIBUTIONS MADE TO LEGISLATIVE OFFICEHOLDERS
AND CANDIDATES IN 1995-1996**

Legislator	Party	House	PM	RJR	TI	UST	STC	MACTD	OTHERS	Total
Akin, Todd	R	House	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$100
Auer, Ron	R	House	\$200	\$0	\$0	\$0	\$0	\$0	\$0	\$200
Backer, Gracia	D	House	\$300	\$350	\$0	\$0	\$0	\$100	\$0	\$750
Ballard, Charles	R	House	\$350	\$0	\$0	\$0	\$0	\$0	\$0	\$350
Banks, J.B.	D	Senate	\$200	\$400	\$750	\$0	\$0	\$0	\$0	\$1,350
Barnett, Rex	R	House	\$100	\$100	\$0	\$0	\$0	\$0	\$0	\$200
Bennett, Jon	R	House	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$100
Boatright, Matt	R	House	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$100
Bonner, Dennis	D	House	\$0	\$0	\$0	\$0	\$0	\$0	\$250	\$250
Broach, David	R	House	\$0	\$100	\$0	\$0	\$0	\$0	\$0	\$100
Burton, Gary	R	House	\$100	\$150	\$0	\$0	\$0	\$0	\$0	\$250
Carter, Paula	D	House	\$100	\$0	\$250	\$0	\$0	\$0	\$0	\$350
Chrismer, Rich	R	House	\$300	\$100	\$250	\$100	\$0	\$0	\$0	\$750
Cierpiot, Connie	R	House		\$200	\$0	\$0	\$0	\$100	\$0	\$300
Clay, William	D	Senate	\$200	\$200	\$0	\$0	\$0	\$0	\$0	\$400
Clayton, Robert	D	House	\$100	\$0	\$0	\$0	\$100	\$0	\$0	\$200
Cooper, Bonnie	R	House	\$100	\$350	\$0	\$0	\$0	\$0	\$0	\$450
Copeland, Gene	D	House	\$200	\$500	\$0	\$0	\$0	\$0	\$0	\$700
Crum, Joe	D	House	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$100
Crump, Wayne	D	House	\$200	\$400	\$0	\$200	\$0	\$0	\$0	\$800
Curls, Phil	D	Senate	\$700	\$0	\$0	\$0	\$0	\$500	\$0	\$1,200
Daniels, Fletcher	D	House	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$100
Davis, Dorathea	D	House	\$100	\$100	\$0	\$0	\$0	\$0	\$0	\$200
Days, Rita	D	House	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$100
DePasco, Ronnie	D	Senate	\$200	\$400	\$250	\$0	\$0	\$0	\$0	\$850
Dougherty, Patrick	D	House	\$0	\$0	\$0	\$0	\$0	\$100	\$0	\$100
Elliott, Mark	R	House	\$0	\$250	\$0	\$0	\$0	\$0	\$0	\$250
Evans, Brent	R	House	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$100
Farnen, Ted	D	House	\$600	\$0	\$0	\$0	\$100	\$0	\$0	\$700
Flotron, Francis	R	Senate	\$200	\$0	\$0	\$0	\$0	\$250	\$0	\$450
Froelker, James	R	House	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$100
Garnett, Jess	D	House	\$100	\$0	\$0	\$100	\$0	\$0	\$0	\$200
Gaskill, Sam	R	House	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$100
Goward, Russell	D	House	\$0	\$200	\$250	\$0	\$0	\$500	\$0	\$950
Graham, Jim	R	House	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$100
Graves, Sam	R	Senate	\$200	\$200	\$0	\$0	\$0	\$0	\$0	\$400
Green, Timothy	D	House	\$100	\$0	\$250	\$0	\$0	\$0	\$0	\$350
Griesheimer, John	R	House	\$0	\$250	\$0	\$0	\$0	\$0	\$0	\$250
Gross, Charles	R	House	\$100	\$100	\$0	\$0	\$0	\$0	\$0	\$200
Hagan-Harrel, Mary	D	House	\$100	\$250	\$0	\$0	\$0	\$100	\$0	\$450
Hall, Glenn	R	House	\$300	\$250	\$0	\$100	\$0	\$0	\$0	\$650
Hand, Raymond	R	House	\$0	\$200	\$0	\$0	\$0	\$0	\$0	\$200
Hartzler, Ed	R	House	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$100
Heckemeyer, Joe	D	House	\$100	\$100	\$0	\$0	\$0	\$0	\$0	\$200
Hegeman, Daniel	R	House	\$200	\$300	\$0	\$0	\$0	\$0	\$0	\$500
Hickey, John	D	House	\$100	\$200	\$0	\$0	\$0	\$0	\$0	\$300
Hohulin, Martin	R	House	\$100	\$250	\$0	\$0	\$0	\$0	\$0	\$350
Hoppe, Thomas	D	House	\$300	\$0	\$250	\$0	\$0	\$0	\$0	\$550
House, Ted	D	Senate	\$200	\$0	\$0	\$0	\$0	\$0	\$0	\$200
Howard, J.T.	D	Senate	\$200	\$400	\$250	\$0	\$0	\$0	\$0	\$850

TABLE A-4 CONTRIBUTIONS MADE TO LEGISLATIVE OFFICEHOLDERS AND CANDIDATES IN 1995-1996

Legislator	Party	House	PM	RJR	TI	UST	STC	MACTD	OTHERS	Total
Howerton, Jim	R	House	\$450	\$250	\$250	\$0	\$0	\$100	\$0	\$1,050
Jacob, Ken	D	House	\$500	\$0	\$400	\$0	\$0	\$250	\$0	\$1,150
Johnson, Sidney	D	Senate	\$200	\$0	\$0	\$0	\$0	\$0	\$0	\$200
Kauffman, Sandra	R	House	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$100
Keeven, Ron	R	House	\$200	\$200	\$0	\$0	\$0	\$0	\$0	\$400
Kelly, Glenda	D	House	\$800	\$200	\$0	\$0	\$0	\$0	\$0	\$1,000
Kenney, Bill	R	Senate	\$0	\$0	\$0	\$0	\$150	\$250	\$0	\$400
Kinder, Peter	R	Senate	\$700	\$0	\$400	\$0	\$0	\$0	\$0	\$1,100
Klarich, David	R	Senate	\$200	\$200	\$0	\$0	\$0	\$0	\$0	\$400
Koller, Don	D	House	\$200	\$250	\$250	\$0	\$0	\$100	\$0	\$800
Kreider, Jim	D	House	\$200	\$100	\$250	\$0	\$0	\$0	\$0	\$550
Leake, Sam	D	House	\$300	\$0	\$0	\$0	\$0	\$100	\$0	\$400
Legan, Ken	R	House	\$100	\$100	\$0	\$0	\$0	\$0	\$0	\$200
Levin, David	R	House	\$0	\$0	\$0	\$0	\$0	\$100	\$0	\$100
Liese, Christopher	D	House	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$100
Linton, William	R	House	\$0	\$100	\$0	\$0	\$0	\$0	\$0	\$100
Lograsso, Don	R	House	\$300	\$500	\$500	\$0	\$0	\$0	\$0	\$1,300
Long, Elizabeth	R	House	\$100	\$300	\$250	\$0	\$0	\$100	\$0	\$750
Loudon, Jon	R	House	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$100
Luetkenhaus, William	D	House	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$100
Lumpe, Sheila	D	House	\$100	\$0	\$0	\$0	\$250	\$0	\$0	\$350
Marble, Gary	R	House	\$0	\$0	\$0	\$0	\$0	\$100	\$0	\$100
Marshall, Thomas	D	House	\$0	\$100	\$0	\$0	\$0	\$0	\$0	\$100
Mathewson, James	D	Senate	\$700	\$0	\$400	\$0	\$200	\$0	\$0	\$1,300
Maxwell, Joe	D	Senate	\$200	\$0	\$0	\$0	\$0	\$0	\$0	\$200
Mays, Brian	D	House	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$100
Mays, Carol	D	House	\$200	\$0	\$0	\$0	\$0	\$100	\$0	\$300
McBride, Jerry	D	House	\$100	\$100	\$0	\$0	\$0	\$0	\$0	\$200
McKenna, William	D	Senate	\$700	\$500	\$0	\$500	\$0	\$500	\$0	\$2,200
Mitchell, James	R	House	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$100
Montgomery, Jim	D	House	\$100	\$0	\$0	\$0	\$0	\$100	\$0	\$200
Mueller, Walt	D	Senate	\$0	\$700	\$250	\$0	\$0	\$500	\$0	\$1,450
Murphy, Jim	R	House	\$200	\$0	\$0	\$0	\$0	\$0	\$0	\$200
Murray, Dana	D	House	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$100
Naeger, Patrick	R	House	\$0	\$0	\$0	\$100	\$0	\$0	\$0	\$100
Nordwald, Charles	R	House	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$100
O'Connor, Patrick	D	House	\$100	\$300	\$250	\$0	\$0	\$0	\$0	\$650
Oetting, David	R	House	\$100	\$700	\$200	\$0	\$0	\$0	\$0	\$1,000
O'Neill, Matt	D	House	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$100
Overschmidt, Francis	D	House	\$100	\$250	\$0	\$0	\$0	\$0	\$0	\$350
Pouche, Fred	R	House	\$0	\$150	\$0	\$0	\$0	\$0	\$0	\$150
Prost, Donald	D	House	\$0	\$300	\$0	\$0	\$0	\$0	\$0	\$300
Pryor, Charles	R	House	\$0	\$200	\$0	\$0	\$0	\$0	\$0	\$200
Quick, Edward	D	Senate	\$700	\$500	\$400	\$0	\$200	\$0	\$0	\$1,800
Reynolds, David	D	House	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$100
Ribaudo, Anthony	D	House	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$100
Richardson, Mark	R	House	\$100	\$400	\$250	\$100	\$0	\$100	\$0	\$950
Ridgeway, Luann	R	House	\$100	\$100	\$100	\$0	\$0	\$0	\$0	\$300
Rizzo, Henry	D	House	\$100	\$350	\$250	\$0	\$0	\$0	\$0	\$700
Robirds, Estel	R	House	\$100	\$250	\$0	\$0	\$0	\$0	\$0	\$350

TABLE A-4 CONTRIBUTIONS MADE TO LEGISLATIVE OFFICEHOLDERS AND CANDIDATES IN 1995-1996

Legislator	Party	House	PM	RJR	TI	UST	STC	MACTD	OTHERS	Total
Rohrbach, Larry	R	Senate	\$0	\$200	\$0	\$0	\$0	\$0	\$0	\$200
Ross, Carson	R	House	\$100	\$250	\$0	\$0	\$0	\$0	\$0	\$350
Sallee, Mary	R	House	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$100
Scheve, May	D	House	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$100
Schwab, David	R	House	\$0	\$200	\$0	\$0	\$0	\$0	\$0	\$200
Scott, Delbert	R	House	\$0	\$100	\$0	\$100	\$0	\$0	\$0	\$200
Scott, John	D	Senate	\$0	\$700	\$400	\$0	\$0	\$250	\$0	\$1,350
Secrest, Pat	R	House	\$0	\$150	\$0	\$0	\$0	\$0	\$0	\$150
Sheldon, Norman	D	House	\$200	\$200	\$250	\$0	\$0	\$100	\$0	\$750
Shelton, O.L.	D	House	\$250	\$250	\$350	\$0	\$0	\$0	\$0	\$850
Shields, Charles	R	House	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$100
Sims, Betty	R	Senate	\$200	\$0	\$0	\$0	\$0	\$0	\$0	\$200
Skaggs, Bill	D	House	\$100	\$100	\$0	\$0	\$0	\$0	\$0	\$200
Smith, Philip	D	House	\$100	\$100	\$0	\$0	\$0	\$0	\$0	\$200
Staples, Danny	D	Senate	\$200	\$200	\$0	\$0	\$0	\$0	\$0	\$400
Surface, Chuck	R	House	\$100	\$100	\$0	\$0	\$0	\$0	\$0	\$200
Thomason, Larry	D	House	\$300	\$500	\$250	\$100	\$0	\$0	\$0	\$1,150
Treadway, Joseph	D	House	\$200	\$150	\$500	\$0	\$0	\$200	\$100	\$1,150
Treppler, Irene	R	Senate	\$200	\$200	\$0	\$0	\$200	\$0	\$0	\$600
Troupe, Charles	D	House	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$100
Van Zandt, Tim	D	House	\$600	\$0	\$0	\$0	\$0	\$0	\$0	\$600
Wannenmacher, Philip	R	House	\$0	\$250	\$0	\$100	\$0	\$0	\$0	\$350
Westfall, Morris	R	Senate	\$1,200	\$0	\$0	\$0	\$0	\$0	\$0	\$1,200
Whiteside, Dale	R	House	\$0	\$0	\$0	\$100	\$0	\$100	\$0	\$200
Wiggins, Gary	D	House	\$100	\$0	\$0	\$100	\$0	\$0	\$0	\$200
Wiggins, Harry	D	Senate	\$200	\$0	\$0	\$250	\$0	\$0	\$0	\$450
Williams, Deleta	D	House	\$0	\$0	\$0	\$100	\$0	\$0	\$0	\$100
Williams, Marilyn	D	House	\$200	\$350	\$0	\$0	\$0	\$0	\$0	\$550
Wooten, Chuck	R	House	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$100
Total			\$21,250	\$17,400	\$8,650	\$2,050	\$1,200	\$4,700	\$350	\$55,600

Source: Campaign disclosure statements from the Missouri Ethics Commission.

Note: In this table, "tobacco industry" sources of funds included: Philip Morris, R. J. Reynolds Tobacco, the Tobacco Institute, United States Tobacco, Smokeless Tobacco Council, Missouri Association of Candy and Tobacco Distributors, Bob Liquor and Tobacco, Barber and Sons Tobacco Company. Not included in these calculations were contributions from non-tobacco subsidiaries such as Philip Morris' Kraft General Foods and Miller Beer and individuals associated with the tobacco industry.

TABLE A-5. CONTRIBUTIONS MADE TO LEGISLATIVE OFFICEHOLDERS AND CANDIDATES IN 1997-1998

Legislator	Party	House	B/W	PM	RJR	TI	UST	MACTD	OTHERS	Total
Akin, Todd	R	House	\$0	\$1,250	\$200	\$0	\$0	\$0	\$0	\$1,450
Alter, Bill	R	House	\$0	\$0	\$0	\$275	\$0	\$0	\$0	\$275
Auer, Ron	D	House	\$0	\$250	\$0	\$250	\$0	\$0	\$0	\$500
Backer, Gracia	D	House	\$0	\$250	\$250	\$0	\$0	\$0	\$0	\$500
Ballard, Charles	R	House	\$0	\$250	\$0	\$0	\$0	\$0	\$0	\$250
Banks, J.B.	D	Senate	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Barnett, Rex	R	House	\$0	\$250	\$0	\$0	\$0	\$0	\$0	\$250
Bennett, Jon	R	House	\$0	\$250	\$0	\$0	\$0	\$0	\$0	\$250
Berkstresser, Judy	R	House	\$0	\$0	\$150	\$0	\$0	\$0	\$0	\$150
Campbell, Marsha	D	House	\$0	\$0	\$0	\$275	\$0	\$0	\$0	\$275
Carter, Paula	D	House	\$0	\$0	\$275	\$0	\$0	\$0	\$0	\$275
Chrismer, Rich	R	House	\$0	\$250	\$0	\$0	\$0	\$0	\$0	\$250
Clay, William	D	Senate	\$0	\$500	\$0	\$0	\$0	\$0	\$0	\$500
Crump, Wayne	D	House	\$0	\$250	\$0	\$0	\$0	\$100	\$0	\$350
Davis, Dorathea	D	House	\$0	\$0	\$0	\$275	\$0	\$0	\$0	\$275
Elliott, Mark	R	House	\$0	\$0	\$250	\$0	\$0	\$0	\$0	\$250
Evans, Brent	R	House	\$0	\$250	\$0	\$0	\$0	\$0	\$0	\$250
Farnen, Ted	D	House	\$0	\$100	\$0	\$0	\$0	\$0	\$0	\$100
Foley, James	D	House	\$0	\$250	\$250	\$0	\$200	\$0	\$0	\$700
Ford, Louis	D	House	\$0	\$0	\$125	\$275	\$0	\$0	\$0	\$400
Franklin, Richard	D	House	\$0	\$0	\$100	\$0	\$0	\$0	\$0	\$100
Graham, Jim	R	House	\$0	\$0	\$250	\$0	\$0	\$0	\$0	\$250
Graves, Sam	R	Senate	\$0	\$1,500	\$800	\$500	\$0	\$0	\$0	\$2,800
Green, Timothy	D	House	\$0	\$250	\$250	\$250	\$0	\$0	\$0	\$750
Gunn, Russell	D	House	\$0	\$250	\$0	\$0	\$0	\$0	\$0	\$250
Hegeman, Daniel	R	House	\$0	\$250	\$0	\$250	\$0	\$0	\$0	\$500
Hickey, John	D	House	\$0	\$250	\$0	\$0	\$0	\$100	\$0	\$350
Hollingsworth, Katherine	D	House	\$0	\$0	\$0	\$250	\$0	\$0	\$0	\$250
Hoppe, Thomas	D	House	\$0	\$0	\$0	\$0	\$350	\$0	\$0	\$350
Howard, J.T.	D	Senate	\$0	\$0	\$0	\$500	\$0	\$200	\$0	\$700
Howerton, Jim	R	House	\$0	\$250	\$250	\$0	\$0	\$100	\$0	\$600
Johnson, Sidney	D	Senate	\$0	\$1,000	\$350	\$1,025	\$0	\$0	\$0	\$2,375
Kenney, Bill	R	Senate	\$0	\$0	\$500	\$0	\$0	\$0	\$0	\$500
Kissell, Don	D	House	\$0	\$250	\$150	\$0	\$0	\$0	\$0	\$400
Klarich, David	R	Senate	\$1,000	\$0	\$0	\$0	\$0	\$200	\$0	\$1,200
Klindt, David	R	House	\$0	\$0	\$0	\$0	\$0	\$0	\$100	\$100
Koller, Don	D	House	\$0	\$250	\$275	\$0	\$0	\$0	\$0	\$525
Kreider, Jim	D	House	\$0	\$250	\$250	\$0	\$525	\$0	\$0	\$1,025
Lawson, Maurice	D	House	\$0	\$250	\$0	\$0	\$0	\$0	\$0	\$250
Leake, Sam	D	House	\$0	\$250	\$250	\$250	\$0	\$0	\$0	\$750
Legan, Ken	R	House	\$0	\$250	\$0	\$0	\$0	\$0	\$0	\$250
Lograsso, Don	R	House	\$0	\$200	\$0	\$1,000	\$250	\$0	\$0	\$1,450
Long, Elizabeth	R	House	\$0	\$0	\$0	\$275	\$0	\$0	\$0	\$275
Loudon, Jon	R	House	\$0	\$0	\$100	\$0	\$0	\$0	\$0	\$100
Luetkenhaus, William	D	House	\$0	\$250	\$150	\$0	\$0	\$0	\$0	\$400
Mathewson, James	D	Senate	\$0	\$0	\$500	\$0	\$350	\$0	\$0	\$850
Maxwell, Joe	D	Senate	\$0	\$0	\$0	\$0	\$250	\$0	\$0	\$250
Mays, Carol	D	House	\$0	\$250	\$0	\$250	\$0	\$0	\$0	\$500
McBride, Jerry	D	House	\$0	\$250	\$0	\$0	\$0	\$0	\$0	\$250
O'Connor, Patrick	D	House	\$0	\$250	\$0	\$250	\$0	\$0	\$0	\$500

TABLE A-5. CONTRIBUTIONS MADE TO LEGISLATIVE OFFICEHOLDERS AND CANDIDATES IN 1997-1998

Legislator	Party	House	B/W	PM	RJR	TI	UST	MACTD	OTHERS	Total
O'Toole, James	D	House	\$0	\$350	\$200	\$250	\$0	\$0	\$0	\$800
Overschmidt, Francis	D	House	\$0	\$250	\$250	\$250	\$0	\$0	\$0	\$750
Parker, Kelly	D	House	\$0	\$275	\$275	\$0	\$0	\$0	\$0	\$550
Patek, Jewel	R	House	\$0	\$250	\$0	\$0	\$0	\$0	\$100	\$350
Pouche, Fred	R	House	\$0	\$250	\$0	\$0	\$0	\$0	\$0	\$250
Pryor, Charles	R	House	\$0	\$0	\$250	\$0	\$0	\$0	\$0	\$250
Purgason, Chuck	R	House	\$0	\$0	\$0	\$200	\$0	\$0	\$0	\$200
Reinhart, Annie	R	House	\$0	\$0	\$150	\$0	\$0	\$0	\$0	\$150
Reynolds, David	D	House	\$0	\$0	\$0	\$0	\$0	\$50	\$0	\$50
Richardson, Mark	R	House	\$0	\$650	\$450	\$0	\$0	\$0	\$0	\$1,100
Ridgeway, Luann	R	House	\$0	\$250	\$275	\$0	\$0	\$0	\$0	\$525
Rizzo, Henry	D	House	\$0	\$250	\$250	\$275	\$0	\$0	\$0	\$775
Robirds, Estel	R	House	\$0	\$250	\$0	\$0	\$0	\$0	\$0	\$250
Rohrbach, Larry	R	Senate	\$0	\$500	\$500	\$500	\$0	\$90	\$0	\$1,590
Ross, Carson	R	House	\$0	\$250	\$250	\$0	\$0	\$0	\$0	\$500
Scheve, May	D	House	\$0	\$250	\$250	\$275	\$0	\$0	\$0	\$775
Schneider, John	D	Senate	\$0	\$0	\$0	\$500	\$0	\$0	\$0	\$500
Secrest, Pat	R	House	\$0	\$0	\$250	\$0	\$0	\$0	\$0	\$250
Seigfreid, James	D	House	\$0	\$250	\$250	\$0	\$0	\$0	\$0	\$500
Shelton, O.L.	D	House	\$0	\$250	\$450	\$0	\$0	\$0	\$0	\$700
Shields, Charles	R	House	\$0	\$250	\$0	\$0	\$0	\$0	\$0	\$250
Sims, Betty	R	Senate	\$0	\$0	\$500	\$0	\$0	\$200	\$0	\$700
Singleton, Marvin	R	Senate	\$0	\$0	\$300	\$0	\$0	\$0	\$0	\$300
Smith, Philip	D	House	\$0	\$250	\$250	\$0	\$0	\$0	\$0	\$500
Staples, Danny	D	Senate	\$0	\$500	\$0	\$1,050	\$0	\$0	\$0	\$1,550
Stokan, Lana	D	House	\$0	\$0	\$150	\$0	\$100	\$0	\$0	\$250
Stoll, Steve	D	House	\$0	\$500	\$550	\$500	\$0	\$0	\$0	\$1,550
Summers, Don	R	House	\$0	\$250	\$250	\$0	\$0	\$0	\$0	\$500
Thompson, Vernon	D	House	\$0	\$250	\$0	\$0	\$0	\$0	\$0	\$250
Treadway, Joseph	D	House	\$0	\$250	\$0	\$250	\$200	\$0	\$0	\$700
Troupe, Charles	D	House	\$0	\$0	\$400	\$0	\$0	\$0	\$0	\$400
Van Zandt, Tim	D	House	\$0	\$250	\$0	\$0	\$0	\$0	\$0	\$250
Wiggins, Harry	D	Senate	\$0	\$250	\$300	\$0	\$0	\$0	\$0	\$550
Williams, Marilyn	D	House	\$0	\$100	\$0	\$0	\$0	\$0	\$0	\$100
Yeckel, Anita	R	Senate	\$0	\$0	\$500	\$800	\$0	\$250	\$0	\$1,550
TOTAL			\$1,000	\$17,675	\$12,925	\$11,000	\$2,225	\$1,290	\$200	\$46,315

Source: Campaign disclosure statements from the Missouri Ethics Commission.

Note: In this table, "tobacco industry" sources of funds included: Brown and Williamson, Philip Morris, R. J. Reynolds Tobacco, the Tobacco Institute, United States Tobacco, Missouri Association of Candy and Tobacco Distributors, St. Joseph Tobacco Company, and Eastside Tobacco. Not included in these calculations were contributions from non-tobacco subsidiaries such as Philip Morris' Kraft General Foods and Miller Beer and individuals associated with the tobacco industry.

TABLE A-6. CONTRIBUTIONS MADE TO LEGISLATIVE OFFICEHOLDERS AND CANDIDATES IN 1999

Legislator	Party	House	PM	RJR	TI	UST	STC	Others	1999	Grand Total	Tobacco Policy Score
Abel, Mark	D	House	\$700	\$0	\$275	\$0	\$0	\$0	\$975	\$975	3.0
Berkstresser, Judy	R	House	\$0	\$250	\$0	\$0	\$0	\$0	\$250	\$400	5.0
Clay, William	D	Senate	\$0	\$0	\$0	\$300	\$0	\$0	\$300	\$5,100	3.6
Crump, Wayne	D	House	\$500	\$250	\$0	\$0	\$0	\$0	\$750	\$4,100	3.5
DePasco, Ronnie	D	Senate	\$1,000	\$300	\$0	\$0	\$0	\$0	\$1,300	\$4,300	4.2
Foley, James	D	House	\$500	\$0	\$0	\$0	\$0	\$0	\$500	\$1,800	3.8
Graham, Jim	R	House	\$0	\$250	\$0	\$0	\$0	\$0	\$250	\$600	4.6
Hampton, Mark	D	House	\$500	\$250	\$0	\$0	\$0	\$0	\$750	\$750	3.8
Hendrickson, Carl	R	House	\$500	\$250	\$0	\$0	\$0	\$0	\$750	\$750	5.8
Hoppe, Thomas	D	House	\$500	\$0	\$0	\$0	\$0	\$0	\$500	\$3,150	1.8
Howard, J.T.	D	Senate	\$1,000	\$300	\$0	\$0	\$0	\$0	\$1,300	\$2,850	4.4
Jacob, Ken	D	Senate	\$1,000	\$250	\$0	\$0	\$0	\$0	\$1,250	\$2,900	5.8
Kinder, Peter	R	Senate	\$1,000	\$0	\$0	\$0	\$0	\$0	\$1,000	\$3,100	4.4
Klindt, David	R	House	\$0	\$250	\$0	\$0	\$0	\$100	\$350	\$350	3.8
Koller, Don	D	House	\$0	\$250	\$0	\$100	\$0	\$0	\$350	\$2,375	3.3
Kreider, Jim	D	House	\$1,000	\$0	\$0	\$0	\$500	\$0	\$1,500	\$4,075	2.4
Leake, Sam	D	House	\$500	\$0	\$0	\$0	\$0	\$0	\$500	\$2,600	3.8
Liese, Christopher	D	House	\$500	\$0	\$0	\$0	\$0	\$0	\$500	\$1,100	5.0
Lograsso, Don	R	House	\$500	\$0	\$0	\$0	\$0	\$0	\$500	\$5,600	2.4
Luetkemeyer, Blaine	R	House	\$0	\$250	\$0	\$250	\$0	\$0	\$500	\$500	5.0
Mathewson, James	D	Senate	\$1,000	\$0	\$0	\$500	\$0	\$0	\$1,500	\$10,650	3.6
McKenna, Ryan	D	House	\$750	\$500	\$0	\$0	\$0	\$0	\$1,250	\$1,250	5.3
Murphy, Jim	R	House	\$250	\$0	\$250	\$0	\$0	\$0	\$500	\$1,650	4.2
Naeger, Patrick	R	House	\$500	\$0	\$0	\$0	\$0	\$0	\$500	\$600	5.0
O'Connor, Patrick	D	House	\$500	\$0	\$0	\$0	\$0	\$0	\$500	\$3,900	3.3
Ostmann, Cindy	R	House	\$0	\$250	\$0	\$0	\$0	\$0	\$250	\$250	6.0
O'Toole, James	D	House	\$500	\$0	\$0	\$0	\$0	\$0	\$500	\$2,300	4.3
Overschmidt, Francis	D	House	\$500	\$0	\$0	\$0	\$0	\$0	\$500	\$1,600	3.4
Patek, Jewel	R	House	\$500	\$0	\$0	\$0	\$0	\$0	\$500	\$850	4.5
Quick, Edward	D	Senate	\$1,000	\$500	\$0	\$0	\$0	\$0	\$1,500	\$5,500	4.6
Richardson, Mark	F	House	\$500	\$250	\$0	\$0	\$0	\$0	\$750	\$3,850	3.8
Rizzo, Henry	D	House	\$500	\$0	\$0	\$0	\$0	\$0	\$500	\$3,425	3.8
Ross, Carson	R	House	\$500	\$250	\$0	\$0	\$0	\$0	\$750	\$2,700	4.8
Shelton, O.L.	D	House	\$500	\$250	\$0	\$0	\$0	\$0	\$750	\$6,175	1.4
Smith, Philip	D	House	\$0	\$250	\$0	\$0	\$0	\$0	\$250	\$1,550	6.6
Steelman, Sarah	R	Senate	\$0	\$0	\$0	\$300	\$0	\$0	\$300	\$300	4.3
Thompson, Betty	D	House	\$0	\$0	\$275	\$0	\$0	\$0	\$275	\$275	6.0
Treadway, Joseph	D	House	\$500	\$250	\$0	\$0	\$0	\$0	\$750	\$6,250	4.3
Wagner, Wes	D	House	\$500	\$250	\$275	\$0	\$0	\$0	\$1,025	\$1,025	4.3
Ward, Dan	D	House	\$500	\$0	\$0	\$0	\$0	\$0	\$500	\$600	3.8
Williams, Marilyn	D	House	\$0	\$250	\$0	\$0	\$0	\$0	\$250	\$2,464	4.4
Yeckel, Anita	R	Senate	\$0	\$500	\$0	\$0	\$0	\$0	\$500	\$2,050	4.8
TOTAL			\$18,700	\$6,350	\$1,075	\$1,450	\$500	\$100	\$28,175	\$106,589	

TABLE A-7 MEMBERS OF THE 1999 LEGISLATURE WHO DID NOT RECEIVE TOBACCO INDUSTRY CONTRIBUTIONS

Legislator	Party	Chamber	Tobacco Policy Scores
Akin, Todd	R	House	4.8
Alter, Bill	R	House	5.2
Auer, Ron	R	House	4.0
Backer, Gracia Y.	D	House	5.2
Ballard, Charles	R	House	5.6
Barnett, Rex	R	House	4.4
Barry, Joan	D	House	7.6
Bartelsmeyer, Linda	R	House	5.4
Bartle, Matt	R	House	5.3
Bennett, Jon	R	House	5.2
Bentley, Roseann	R	Senate	8.8
Berkowitz, Sam	D	House	6.0
Black, Lanie	R	House	3.8
Bland, Mary Groves	D	Senate	4.6
Blunt, Matt	R	House	5.0
Boatright, Matt	R	House	5.2
Bonner, Dennis	D	House	5.0
Boucher, Bill	D	House	7.4
Boykins, Amber	D	House	5.8
Bray, Joan	D	House	7.4
Britt, Phillip M.	D	House	4.5
Burton, Gary I.	R	House	3.5
Campbell, Marsha	D	House	5.3
Carter, Paula J.	D	House	5.0
Caskey, Harold L.	D	Senate	6.2
Champion, Norma	R	House	6.4
Childers, Doyle	R	Senate	6.3
Chrismer, Rich	R	House	4.6
Cierport, Connie J.	R	House	4.3
Clayton, Robert	D	House	5.4
Crawford, Larry	R	House	5.3
Curls, Melba J.	D	House	5.8
Davis, D.J.	D	House	6.8
Davis, Dorathea	D	House	3.8
Days, Rita .	D	House	6.2
Dolan, Jon	R	House	6.5
Dougherty, Patrick	D	House	8.5
Ehlmann, Steve	R	Senate	5.6
Elliott, T. Mark	R	House	3.8
Enz, Catherine S.	R	House	6.0
Evans, Brent	R	House	4.4
Farnen, Ted	D	House	5.4
Fitzwater, Rodger	D	House	5.8
Flotron, Francis E.	R	Senate	4.8
Ford, Louis H.	D	House	2.5
Foster, Bill I.	R	House	4.5
Franklin, Richard	D	House	4.6
Fraser, Barbara	D	House	7.0
Froelker, James V.	R	House	5.0
Gambaro, Derio	D	House	5.5

TABLE A-7 MEMBERS OF THE 1999 LEGISLATURE WHO DID NOT RECEIVE TOBACCO INDUSTRY CONTRIBUTIONS

Gaskill, Sam	R	House	5.5
Gaw, Steve	D	House	6.8
George, Thomas E.	D	House	4.3
Gibbons, Michael R.	R	House	4.8
Goode, Wayne	D	Senate	7.0
Graham, Chuck	D	House	6.3
Gratz, W.W. (Bill)	D	House	4.0
Graves, Sam	R	Senate	5.8
Green, Timothy P.	D	House	2.8
Griesheimer, John E.	R	House	7.2
Gross, Charles	R	House	5.4
Gunn, Russell G.	D	House	3.4
Hagan-Harrel, Mary	D	House	6.2
Harlan, Tim	D	House	8.2
Hartzler, Ed	R	House	5.0
Hatzler, Vicky	R	House	5.2
Hegeman, Daniel J.	R	House	5.8
Hickey, John J.	D	House	3.3
Hilgemann, Robert D.	D	House	5.8
Hohulin, Martin (Bubs)	R	House	4.0
Holand, Roy W.	R	House	7.4
Hollingsworth, Katherine	D	House	4.8
Hosmer, Craig	D	House	9.6
House, Ted	D	Senate	6.0
Howerton, Jim	R	House	4.2
Johnson, Sidney	D	Senate	3.4
Kasten, Mary C.	R	House	5.8
Kelley, Pat	R	House	7.0
Kelly, Glenda	D	House	2.7
Kennedy, Harry	D	House	6.6
Kenney, Bill	R	Senate	4.8
King, Jerry	R	House	5.3
Kissell, Don	D	House	5.2
Klarich, David	R	Senate	5.0
Lakin, Scott	D	House	7.8
Lawson, Maurice	D	House	2.6
Legan, Ken	R	House	2.4
Levin, David	R	House	6.2
Linton, William C.	R	House	5.0
Long, Elizabeth	R	House	3.0
Loudon, Jon	R	House	5.8
Luetkenhaus, William	D	House	5.6
Marble, Gary	R	House	4.3
Maxwell, Joe	D	Senate	5.2
May, Brian	D	House	5.0
Mays, Carol Jean	D	House	6.0
McBride, Jerry E.	D	House	4.2
McClelland, Emmy L.	R	House	6.4
McLuckie, Steve	D	House	7.6
Merideth, Denny J.	I	House	4.3
Miller, Ronnie	R	House	6.2
Monaco, Ralph A.	D	House	4.3
Mueller, Walt	R	Senate	4.0
Murray, Dana L.	D	House	5.0

TABLE A-7 MEMBERS OF THE 1999 LEGISLATURE WHO DID NOT RECEIVE TOBACCO INDUSTRY CONTRIBUTIONS

Myers, Peter	R	House	5.3
Nordwald, Charles	R	House	5.4
Parker, Kelly	D	House	4.8
Phillips, Susan	R	House	4.5
Pouche, Fred	R	House	3.8
Pryor, Charles	R	House	4.3
Purgason, Chuck R.	R	House	4.0
Ransdall, Bill L.	D	House	4.3
Reid, Michael	R	House	5.3
Reinhart, Annie	R	House	5.0
Relford, Randall H.	D	House	6.6
Reynolds, David L.	D	House	4.4
Ridgeway, Luann	R	House	4.4
Riley, Terry	D	House	5.7
Robirds, Estel	R	House	3.5
Rohrbach, Larry M.	R	Senate	3.6
Russell, John T.	R	Senate	5.6
Sallee, Mary Lou	R	House	5.5
Scheve, May	D	House	5.2
Schilling, Mike	D	House	8.8
Schneider, John D.	D	Senate	6.2
Schwab, David	R	House	4.5
Scott, Delbert Lee	R	House	5.4
Scott, John E.	D	Senate	3.2
Secrest, Pat	R	House	5.0
Seigfreid, James	D	House	4.5
Selby, Harold	D	House	5.8
Shields, Charles W.	R	House	5.6
Sims, Betty	R	Senate	6.2
Singleton, Marvin	R	Senate	8.4
Skaggs, Bill	D	House	5.4
Staples, Danny	D	Senate	2.4
Stokan, Lana	D	House	6.4
Stoll, Steve	D	Senate	5.0
Summers, Don	R	House	4.2
Surface, Chuck	R	House	4.0
Townley, Merrill	R	House	5.0
Troupe, Charles Q.	D	House	4.5
Tudor, Bill	R	House	5.5
Van Zandt, Tim	D	House	8.0
Vogel, Carl	R	House	5.8
Westfall, Morris	R	Senate	3.4
Wiggins, Gary	D	House	4.0
Wiggins, Harry	D	Senate	6.0
Williams, Deleta	D	House	7.0
Wilson, Vicky Riback	D	House	8.2
Wilson, Yvonne S.	D	House	5.8
Wright, Mark	R	House	4.8

TABLE A-8 CONTRIBUTIONS MADE TO MAJOR POLITICAL PARTIES FROM 1989-1990 TO 1998-1999 ELECTION CYCLES AND FOR 1999

PARTY	89-90	91-92	93-94	95-96	97-98	99	Grand Total
Democratic	\$0	\$50,000	\$0	\$0	\$0	\$0	\$50,000
Republican	\$0	\$50,000	\$5,000	\$41,500	\$12,500	\$32,500	\$141,500
TOTAL	\$0	\$100,000	\$5,000	\$41,500	\$12,500	\$32,500	\$191,500

Source: Campaign disclosure statements from the Missouri Secretary of State and Missouri Ethics Commission.

TABLE A-9 CONTRIBUTIONS MADE TO STATEWIDE CONSTITUTIONAL OFFICERS FROM 1989-1990 TO 1999-2000 ELECTION CYCLES

OFFICEHOLDER	OFFICE	PARTY	89-90	91-92	93-94	95-96	97-98	99-00	Grand Total
Ashcroft, John	Governor	R	\$0	\$0	---- *	----	----	----	\$0
Carnahan, Mel	Lt. Gov.	D	\$0	\$3,000	----	----	----	----	N.A. **
Blunt, Roy D.	Sec. State	R	\$0	\$0	----	----	----	----	\$0
Kelly, Margaret	Auditor	R	\$0	\$0	----	----	----	----	N.A.
Bailey, Wendell	Treasurer	R	\$0	\$0	----	----	----	----	\$0
Webster, William	Atty. General	R	\$0	\$0	----	----	----	----	\$0
Carnahan, Mel	Governor	D	----	----	\$6,500	\$0	\$0	\$0	\$6,500
Wilson, Roger	Lt. Gov.	D	----	----	\$0	\$1,600	\$1,300	\$0	\$2,900
Moriarty, Judith	Sec. State	D	----	----	\$0	\$0	\$0	\$0	\$0
Kelly, Margaret	Auditor	R	----	----	\$0	\$0	\$0	\$0	\$0
Holden, Bob	Treasurer	D	----	----	\$0	\$0	\$0	\$0	\$0
Nixon, Jay	Atty. General	D	----	----	\$3,500	\$300	\$0	\$0	\$3,800
Total			\$0	\$3,000	\$10,000	\$1,900	\$1,300	\$0	\$13,200

Sources: Campaign disclosure statements from Missouri Secretary of State and Missouri Ethics Commission.

* Did not hold this office.

** Grand Total was carried forward to last office held.