

STATEMENT OF HONORABLE THOMAS J. BLILEY
SUBCOMMITTEE ON HEALTH AND THE ENVIRONMENT
HEARING ON THE OVERSIGHT OF TOBACCO PRODUCTS
MAY 26, 1994

MR. CHAIRMAN, TODAY WE WILL HEAR IN GREATER DETAIL ABOUT THE COUNCIL FOR TOBACCO RESEARCH, A PRIVATE, NON-PROFIT ORGANIZATION THAT USES FUNDS FROM THE TOBACCO INDUSTRY TO SUPPORT RESEARCH INTO QUESTIONS OF TOBACCO USE AND HEALTH. AS WITH OTHER TOBACCO-RELATED ISSUES THAT THIS SUBCOMMITTEE HAS CONSIDERED RECENTLY, ONLY ONE SIDE OF THIS ISSUE HAS BEEN AIRED IN THE PRESS. IT IS THEREFORE CRITICALLY IMPORTANT THAT ONCE AGAIN OUR DELIBERATIONS ATTEMPT TO SEPARATE FACT FROM FICTION AND THAT WE OPT FOR GOOD POLICY RATHER THAN GOOD HEADLINES.

WE MUST APPROACH TODAY'S PROCEEDINGS WITH AN APPRECIATION OF THE FACT THAT THE COUNCIL FOR TOBACCO RESEARCH HAS BEEN IN OPERATION FOR 40 YEARS. WE MUST ALSO APPRECIATE THE FACT THAT, DURING RECENT TIMES, SOME MEMBERS OF THE PUBLIC, OF THE SCIENTIFIC COMMUNITY, AND EVEN OF THIS BODY HAVE COME TO SEE TOBACCO AS AN ITEM NOT WORTH STUDYING; AND THAT ANY SCIENTIFIC ORGANIZATION THAT IS NOT ACTIVELY TRYING TO DRIVE THE TOBACCO INDUSTRY OUT OF BUSINESS AND SMOKERS UNDERGROUND MUST BE INSTEAD PROMOTING TOBACCO

USE:

HOPEFULLY, MEMBERS OF THE SUBCOMMITTEE WILL TREAT OUR WITNESS FAIRLY TODAY, AND LET HIM EXPLAIN AS FULLY AS HE MAY NEED TO CONCERNING WHAT IS UNDOUBTEDLY A LONG AND COMPLEX HISTORY.

TO EMPHASIZE THE ONE-SIDEDNESS OF THIS DEBATE, PERMIT ME TO FOCUS FOR A MOMENT ON THE SECOND OF THE PURPORTED BASES FOR THE REQUESTED INVESTIGATION --- IN PARTICULAR, AN ARTICLE THAT APPEARED ON THE FRONT PAGE OF THE NEW YORK TIMES ON MAY 7 [CHART 1]. THE NEW YORK TIMES STORY CLAIMED THAT AN EXECUTIVE OF BROWN & WILLIAMSON TOBACCO COMPANY CONCLUDED AS EARLY AS 1963, ON THE BASIS OF THE COMPANY'S OWN RESEARCH, THAT CIGARETTE SMOKING HAD BEEN SHOWN TO CAUSE OR CONTRIBUTE TO THE DEVELOPMENT OF LUNG CANCER, HEART DISEASE AND EMPHYSEMA. THE ARTICLE WENT ON TO CHARGE THAT THE COMPANY HAD ATTEMPTED, WITH SOME SUCCESS, TO HIDE ITS CONCLUSIONS ON SMOKING AND HEALTH ISSUES FROM FEDERAL HEALTH AUTHORITIES, THE U.S. CONGRESS AND THE AMERICAN PUBLIC.

THREE WEEKS LATER, A SHORT "EDITORS NOTE," BURIED AT THE BOTTOM OF PAGE 2 OF THE NEW YORK TIMES, BELOW ADVERTISEMENTS FOR TIMBERLAND SHOES, ETHAN ALLEN FURNITURE, A PUBLIC AUCTION FOR PERSIAN RUGS AND

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SUNDRY OTHER ITEMS, ACKNOWLEDGED THAT THE EARLIER TIMES STORY HAD BEEN ERRONEOUS. {CHART 2} ACCORDING TO THE EDITOR'S NOTE, THE EARLIER ARTICLE HAD "INCORRECTLY" QUOTED BROWN AND WILLIAMSON'S GENERAL COUNSEL AS SAYING THAT THE COMPANY'S RESEARCH HAD SHOWN THAT CIGARETTES CONTRIBUTE TO CERTAIN HEALTH PROBLEMS WHEN, IN FACT, THE GENERAL COUNSEL WAS SIMPLY PREDICTING WHAT THE SURGEON GENERAL WAS LIKELY TO SAY IN HIS 1964 REPORT TO CONGRESS ON CIGARETTES. {CHARTS 3 AND 4}.

FINALLY, MR. CHAIRMAN, I MUST REGRETTABLY NOTE MY CONCERN OVER THE CONDUCT OF THIS INVESTIGATION. AS YOU WELL KNOW, THESE HEARINGS ARE QUITE A DEPARTURE FROM OUR USUAL LEGISLATIVE HEARINGS WHERE IT IS CLEAR WHAT THE UNIVERSE OF INQUIRY WILL BE. IN THIS PARTICULAR CASE, WE ARE PRESENTED WITH A HEARING THAT COULD EASILY ENCOMPASS ANY ACTIVITY OF THE COUNCIL DURING ITS FORTY YEAR HISTORY. I THINK EVERYONE WOULD AGREE THAT WITHOUT THE DOCUMENTS THAT THE MAJORITY INTENDS TO FOCUS ON, IT IS IMPOSSIBLE FOR MEMBERS AND STAFF TO PROPERLY PREPARE. THUS, I THOUGHT OUR AGREEMENT TO SHARE DOCUMENTS MADE SENSE.

YOUR STAFF DID AGREE TO SHARE A MAJORITY STAFF REPORT WITH MY STAFF, BUT ONLY ON AN EMBARGOED BASIS.

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I WAS VERY DISAPPOINTED TO LEARN THAT AT 4:30 YESTERDAY AFTERNOON, MY STAFF WAS INFORMED THAT NONE OF THE OTHER DOCUMENTS WOULD BE AVAILABLE TO THEM UNTIL MIDNIGHT OR ONE O'CLOCK IN THE MORNING. IN MY YEARS AS THE RANKING MEMBER ON THE OVERSIGHT AND INVESTIGATIONS SUBCOMMITTEE, MINORITY STAFF WERE AFFORDED TIMELY AND ADEQUATE ACCESS TO THOSE DOCUMENTS THAT WERE THE SUBJECT OF THE HEARING. I THOUGHT I HAD ASSURANCES THAT THIS SUBCOMMITTEE'S INVESTIGATION WOULD BE CONDUCTED IN A SIMILARLY PROFESSIONAL FASHION. I REGRET THAT I WAS MISTAKEN.

H: COUNCIL. STA

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