US Senate kills tobacco bill

Barry Grey
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The death of the tobacco bill on the floor of the US Senate Wednesday was a particularly shameful display of the subservience of Congress and the government as a whole to corporate interests.

Despite a months-long campaign by the bill's sponsors and the Clinton White House promoting the measure as a means of reducing teen smoking, and even in the face of newly released documents proving that the tobacco companies covered up research on the addictive and deadly effects of nicotine, the industry was able to scuttle the bill with relative ease.

In April the Big Five tobacco firms put together a $40 million TV, radio and newspaper advertisement campaign to attack the bill. Some two months later the measure's chief sponsor, Republican Senator John McCain of Arizona, was left to concede ruefully, "The tobacco companies have made a very wise investment, and they have won."

Even this conservative defender of American capitalism seemed stunned by the way in which a money-laden and powerful industry was able to derail legislation dealing with a massive health risk—legislation, moreover, that seemed all but assured of passage, at least in the Senate. "Maybe we ought to remember the obligations that we incur when we govern America," he warned his colleagues after the procedural vote that effectively buried the bill.

At the beginning of April the Senate Commerce Committee approved the measure by a 19-1 bipartisan vote. The Clinton White House and congressmen from both parties confidently predicted it would be passed and signed into law. On April 8, however, the chairman of RJR Nabisco made a speech at the National Press Club denouncing the legislation, declaring his firm was pulling out of negotiations with Congress and predicting that he and his fellow tobacco executives would kill the measure.

The vote that bore out this prediction came on a cloture motion, i.e., a move to cut off debate and bring the bill to a floor vote. Sixty votes were needed to invoke cloture. The vote split largely along partisan lines, with 43 Democrats and 14 Republicans voting "yes" and 2 Democrats and 40 Republicans voting "no".

Significantly the two Democrats who voted to kill the bill are both from tobacco states: Ford of Kentucky and Robb of Virginia. The influence of the tobacco industry was also demonstrated in the vote reversal of several Republican members of the Commerce Committee who had approved the measure back in April.

The bill that had been approved by the Commerce Committee was itself constructed so as to protect the most vital interests of the tobacco industry. It accepted the legitimacy of marketing products that are proven to maim and kill millions, placed no limits on tobacco profits, and even capped the industry's liability pay-outs at $6.5 billion a year. Moreover, it linked industry payments of an estimated $516 billion over 25 years to an increase in cigarette prices of $1.10 in the course of the next five years. This would be tantamount to a new, highly regressive tax, falling most heavily on low and moderate income people.

For all of that, the McCain bill was tougher on the tobacco companies than the agreement they had reached in June 1997 with 40 state attorneys general. That deal had a lower cap on annual liability payments, a lower level of cigarette price increases and only $368 billion in corporate pay-outs. Most importantly, from the standpoint of the industry, it granted the firms immunity against future class action lawsuits. When the backers of the McCain bill refused to include a similar ban on class action suits, the tobacco companies bolted and launched their media war against the measure.

In addition to the sheer weight of the tobacco lobby—one of the biggest purveyors of corporate campaign contributions—a major factor in rallying opposition in Congress to the bill was the determination of big business to block any new social reform measures, even of the most timid sort. In the budget proposal Clinton unveiled last January, he allocated $65.5 billion in anticipated tobacco industry payments over the next five years for modest programs in the fields of healthcare, education and childcare. The collapse of the tobacco bill removes the funding for these initiatives.