

Not In My Back Yard!

The Face of Smoke-free Opposition in
Rural Communities



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UK UNIVERSITY OF KENTUCKY
College of Nursing
see blue *in everything we do.

Kentucky Snapshot

- Leads the country in the number of Tobacco Farms (8113) – 50% of all US Tobacco Farms
- Second Leading Burley Tobacco Producer in the U.S.



Characteristics of Rural Communities

- Advocates in rural communities often avoid conflict.
- Less anonymity – everyone knows everyone.
- Advocates reluctant to stand up against vocal opposition.
- Rural citizens often disbelieve or underestimate the threat of the opposition.
- Individual rights and self-reliance are hallmarks of the culture.

Characteristics of Rural Communities

- Strong tobacco heritage.
- Key influential leaders in rural communities put through college by tobacco money.



Russell Spears farm, Lexington, Kentucky, ~1940.

Why do Anti-health Groups Fight Smoke-free Laws?

“Financial impact of smoking bans will be tremendous – 3 to 5 fewer cigarettes per day per smoker will reduce annual manufacturer profits a billion dollars plus per year.”

A Smoker's Alliance, Phillip Morris, 8/1/93

Anti- Health Groups in Kentucky



NKYchoice.com
The scientific facts and figures behind the bans, the social, economic, and philosophical debate, and rational compromises and solutions.



LIBERTARIAN PARTY
OF *Kentucky*

American Smokers Party



DONT TREAD ON ME

'DANGER' OF ETS IS a 100% FRAUD!
70 Million USA Smokers are NOT GOING TO QUIT!
We ENJOY SMOKING! We don't want no stinkin' patches!
REPEAL STOP SMOKING BANS
END HIGH TOBACCO TAXES
VOTE THEM ALL OUT!

www.americansmokersparty.com



BLUEGRASS INSTITUTE
FOR PUBLIC POLICY SOLUTIONS



FREEDOM
KENTUCKY

Constitution Party



Forces
INTERNATIONAL

[www. **aalf** .ws/](http://www.aalf.ws/)
An American who
Loves Freedom

Smoke-free Opposition Tactics

- **Front groups for the tobacco companies are entwined in small communities.**

EXAMPLES:

- ✓ Local restaurant and bar owners - Testify against smoke-free air using talking points from the Tobacco Industry Playbook
- ✓ Business or libertarian coalitions - May be funded by the Tobacco Industry
- ✓ Tobacco retailers

Chief Front Group in Kentucky

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JIM WATER



BLUEGRASS
INSTITUTE

FOR PUBLIC POLICY SOLUTIONS

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Opposition Propaganda Used in Nelson County, Kentucky

Source:
Campaign for Liberty

Policy Progress:

- An attempt at a county-wide ordinance failed in 2008.

Defend property rights - stop the smoking ban!

Think about it... Fiscal Court should not determine which legal activities are allowed on private property! In the context of a "health issue", there would be no limit to only private businesses.

The proposed ban in Nelson County would force business owners to prohibit smoking. This is not a legitimate use of government which exists to protect individual rights. Many already choose not to allow smoking voluntarily - which is the proper way to address this issue.

The right to own and freely use one's property is at the heart of free society. If we concede this freedom, what may be taken in the future?

"Absolute and arbitrary power over the lives, liberty and property of freemen exists nowhere in a republic, not even in the largest majority." **Kentucky Constitution, Section 2**

Take action now!

1) Attend the Fiscal Court hearing at 6:00 PM, July 17 at the Civic Center in Bardstown and let your voice be heard!

2) Contact your elected officials – below are the elected officials who will be deciding this issue. Politely and firmly explain your position.

District map at: http://www.nelsoncountyky.com/nelson_county_map.pdf

3) Send letters to the editor – and inform the public of the situation!
Lisa Tolliver - ltolliver@kystandard.com - 110 W. Stephen Foster

4) Pass this information on to like-minded people!

Judge Executive Dean Watts P.O. Box 578 Bardstown, KY 40004 (502) 348-1800	District 1 Magistrate Maynard Wimsett 227 St. Thomas Ct. Bardstown, KY 40004 (502) 348-0654	District 2 Magistrate Sam Hutchins 542 Greer Ln. Bardstown, KY 40004 (502) 348-2352
District 3 Magistrate Bernard Ice 2165 Bellwood Rd. Bardstown, KY 40004 (502) 348-6170	District 4 Magistrate Tim Hutchins 660 Stonehouse Rd. Bardstown, KY 40004 (502) 348-2316	District 5 Magistrate Jerry Hahn 6050 Plum Run Rd. Bloomfield, KY 40004 (502) 348-5787

Join the Campaign for Liberty!
www.campaignforliberty.org

Opposition Propaganda Used in Bowling Green, Kentucky

SMOKING
HOW COUNCIL
BOWLING GREEN, KY
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ANTI-SMOKING IS A SCAM. HEALTH LIES STUFF D
AND ANTI-SMOKING INDUSTRY COFFERS. S
 PLEASE COPY, MAIL, POST, & SHARE THIS PAGE ANY WAY POSSIBLE, ESPECIA
 WORK ON THE CAMPAIGNS OF THOSE WHO WILL PRESERVE Y



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 ailed in 2007.

Smoke-free Opposition Tactics

“Little” tobacco has emerged in rural tobacco-growing areas.

- Employ the covert tactics of Big Tobacco.
- Use local esteemed community members as spokespersons.
- Frame as property rights to appeal to sense of individual liberties.



Smoke-free Opposition Tactics

Smoker Courtesy

Adults who have made the personal choice to smoke have rights and responsibilities.

For example:

- Adults who smoke should avoid exposing minors to secondhand smoke.
- Smokers should be respectful and courteous about where they smoke.
- Smokers should properly dispose of cigarette butts and empty packages.

(Take from RJ REYNOLDS website - www.rjrt.com/home.asp)

Organized Opposition Targets Specific Regions



<http://www.nkychoice.com/philosophy>

Did you know...

- That smoking bans cause an increase in DUI fatalities?
- Smoking bans hurt local economies, and cause small businesses to go out-of-business?
- That over two-thirds (66%) of all restaurants in Northern Kentucky are already smoke-free, by their own choice?

Bad Logic in the Debate (According to Anti-health Groups)

Thousands of communities have protection from secondhand smoke. None are taking back these laws because DUIs are going up.

One thing you'll never see; government admitting it was wrong.

Meanwhile, this statistic is not widely reported. When people know that **there was an increase in DUI fatalities because of smoking bans**, when they can easily avoid smoking establishments, support for these bans does decrease.

Technology Enhances the Opposition Message



Courtesy of the Bluegrass Institute

Announcing FreedomKentucky.org!

Striving to be a respected, one-stop source of information about what is really going on in Kentucky.

What is FreedomKentucky?

FreedomKentucky is a wiki built to focus on liberty issues important to Kentucky citizens. It serves as a meeting ground for concerned individuals who want to share information about their community, schools and elected officials.

How Can I Help?

As a wiki, FreedomKentucky thrives on open collaboration. The site will become more specific and accurate with your participation. There are no restrictions as to who is allowed to contribute.

Publish it! [Get started here!](#)

Follow FreedomKentuck.org on Twitter at <http://twitter.com/FreedomKentucky!>

Visit [FreedomKentucky.org's blog](#) for updates about recent articles and helpful tips about contributing.

Smoke-free Opposition: Fun for the Whole Family

It's time to party like it's 1773!

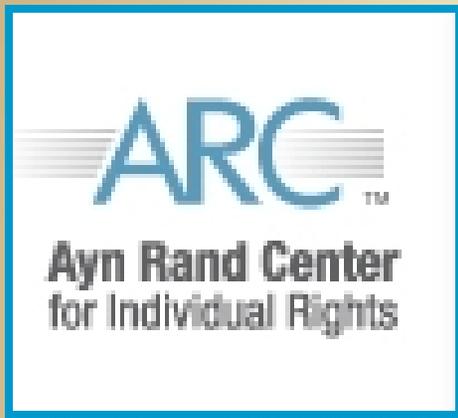
SAVE THE DATE! BLUEGRASS TAX LIBERATION DAY APRIL 18

Think of it like Kentucky's first "Liberty Fair" with games, prizes, music and face painting. Fun for the whole family in the name of limited government, free enterprise, individual responsibility, property rights and the principles that founded our nation!

*Applebee's Ball Park
207 Legends Lane
Lexington, KY 40505
Saturday, April 18, 2009
11am-2pm
rain or shine*

For more info contact the Freedom Center or
visit www.bipps.org/events

National Front Groups Enlisted in the Rural Smoke-free Fight



Don Watkins,
Columnist

Anti-smoking laws a cancer on American liberty

Don Watkins
Guest columnist

movement says, in effect, belongs to every individual, based on his assessment of the evidence. opposition to smoking, it medicine, in order to is entrenching paternal- relieve us inept Americans

The Ayn Rand Center (ARC) is the public policy and outreach division of the [Ayn Rand Institute](#).

The Center's mission is to advance individual rights (the rights of each person to life, liberty, property, and the pursuit of happiness) as the moral basis for a fully free, laissez-faire capitalist society.

Logan News Democrat
LEADER 2009

Published in the Logan News Democrat
May 2009 ~ Logan County, Kentucky

The Opposition Does Not Stop after the Ordinance is Implemented

182 -72
Business owners should
that decision, not through the government. You punish them

In August, 2008, Danville, KY enacted a comprehensive smoke-free ordinance covering all workplaces and enclosed public places.

The following article is from the February 22, 2009 edition (Circ. 10218, Page 7, 70102) of the *Advocate Messenger* in Danville, KY.

who will say the inevitable, "I don't want to eat in a restaurant that allows smoking." Well the solution is simple, punish them through the markets for making

of these reasons, I am against the smoking ban.

Trent Strong
Danville

Countering Anti-health Group Messages

- Provide examples from other rural communities.
- Train coalitions and local advocacy groups on opposition tactics and potential front groups.
- Expose industry tactics early and often.
- Work with coalitions early on to determine locally effective ways to counter delay and diversion tactics.
- Encourage advocates to maintain and reinforce the *worker health* message.

Countering Anti-health Group Messages

- Train advocates on how to assess the validity of scientific studies.
- Assist advocates in developing talking points that counter specific opposition claims.
- Encourage advocates form a relationship with their media outlets.
- Assist advocates in writing Letters to the Editor and Opinion Editorials to precede and rebut opposition coverage.

Countering Anti-health Group Messages

- Educate advocates on the differences between education/advocacy and lobbying.
- Identify those who can lobby and educate/train them.
- Reassure advocates that:
 - 1) The facts are on our side.
 - 2) Being assertive without being malicious or provocative is the best approach (vs. doing nothing).

Countering Anti-health Group Messages

- Explore the Tobacco Industry Tracking Database© at www.tidatabase.org for possible relationships between the tobacco industry and new front groups in the community
- Research the ties of anyone opposing the issue.
- Monitor the opposition on blogs, FaceBook, MySpace, and opposition websites.

A Government's Duty to Protect Its Citizens

The April 2004 Kentucky Supreme Court ruled local governments have the power to promote and safeguard public health.

The Supreme Court also noted that “... the protection of public health... is not only a right but a manifest duty...”

Protecting the public from exposure to environmental tobacco smoke, sometimes known as second-hand smoke, can be the proper object of the police power of local government... This Court has held on several occasions that the protection of public health is uniformly recognized as a most important municipal function.

Honoring a Tobacco Heritage



*We Can Honor Our
Heritage Without
Compromising The Health
Of Our Workers And
Citizens!*

~ President of the Burley Tobacco Growers: Testimony provided at the US House of Representatives Thursday, March 26, 2009 – 10:00 a.m. Subcommittee on Rural Development, Biotechnology, Specialty Crops, and Foreign Agriculture—Public Hearing.

Educational and Advocacy Materials

Rebuttals to Common Claims by the Opposition

1) Opposition Claim:

There are "negative effects of a smoking ban on bars and restaurants. Peer reviewed scientific data, the following factors must be accounted for:

Rebuttal:

There is no longer any doubt in the scientific community that secondhand smoke causes cancer, heart disease, emphysema and stroke. There is no longer any debate that secondhand smoke is known to cause cancer, heart disease, emphysema and stroke.

- The study measures what actually occurs in bars and restaurants. Peer reviewed scientific data, the following factors must be accounted for:
- The study uses hard numbers such as tax receipts and employment data.
- The study includes information from independent sources.
- The study uses at least one year's data and accounts for underlying trends.
- The study uses at least one year's data.
- The source of funding for the study is disclosed.
- The study is published in a peer reviewed journal.
- The study is financed by an agency other than the tobacco industry.

The American Beverage Institute (ABI) Study

Mr. Megerle cites a 1999 American Beverage Industry study on Bars, Taverns and Night Clubs: A Survey of California statewide smoke-free law was implemented in 2003. The study was not based on sound science, but on business owners' opinions about whether the law would affect their business. The California bar ban went into effect in 2003. The study did not take actual sales receipts into account.

Although ABI states that its mission is to "protect the rights of business owners and an avid opponent of the tobacco industry and an avid supporter of the tobacco industry," Phillip Morris president, Berman. According to a Phillip Morris press release, "hospitality allies who were mobilized to help the U.S."²

New York Smoke-free Ordinance and Economic Impact Study

Regarding the two articles referenced by Megerle, the 2003 article is solely based on a survey conducted by the ABI. The survey only asked to report how they thought the smoke-free law would affect their business, such as tax receipts and employment data, but not actual sales receipts and employment data. It is impossible to tell if venues

Property and Personal Rights Arguments: Talking Points for Advocates

- Smoke free policies are a public health issue, not a rights issue. The science is clear. There is no longer any debate that secondhand smoke is known to cause cancer, heart disease, emphysema and stroke.
- The April 2004 Kentucky Supreme Court ruled local governments have the power to promote and safeguard public health. The Supreme Court ruled that the "protection of public health... is not only a right but a *manifest duty*."
- There are already many laws and regulations by which business owners must abide. These laws regulate many aspects of business, from occupancy permits to fire safety, food preparation, fall protection, and sneeze guards on buffet lines.
- Business owners may privately own their business, but by inviting the public in, they are responsible for providing a safe environment.
- A free market approach does not protect all workers. In the best case scenario, less than 50% of workers can be covered by voluntary smoke-free policies. Business owners are responsible for providing a safe environment.
- Smoke-free laws do not take away anyone's right to smoke. If a smoke free ordinance were enacted, smokers could still smoke in the majority of the city. Smoking is restricted in public places and workplaces where it is harmful to others.
- There is no constitutional right to smoke. However, everyone has the right to breathe clean air.

Prepared by University of Kentucky Clean Indoor Air Partnership, www.kcsp.uky.edu

May 19, 2008

SMOKE-FREE LAWS: WHAT THE OPPOSITION SAYS*

What Does the Opposition Say about Smoke-free Laws?

The tobacco industry partners with their allies in the alcohol, hospitality, and gaming industries, smokers' rights and libertarian groups to work against smoke-free policy at every level by proposing weak and ineffective laws. Their hope is to convince the public that "something is being done" about the harm of secondhand smoke, while "accommodating" smokers. The opposition typically appears shortly after the smoke-free movement goes public or after the law or regulation is passed, and often involves subtle or more blatant intimidation.

PROPERTY RIGHTS MYTH	PROPERTY RIGHTS REALITY
It is the business owner's right to decide whether or not to allow smoking. Smoke-free laws intrude into "private property rights." Smokers will act responsibly without government interference.	The Right to Breathe Clean Air Trumps Property Rights!
	<ul style="list-style-type: none"> • Smoke-free ordinances do not restrict smokers from smoking. They simply restrict smoking in places where others breathe the air. • If personal responsibility were taken seriously, no one would smoke where others breathe the air. • Smoke-free laws respect everyone's basic right to breathe smoke-free air, smokers and non-smokers alike. 

DID YOU KNOW?

- The April 2004 Kentucky Supreme Court ruling on Lexington's smoke-free ordinance states
- "Where public interest is involved it is to be preferred over property interests."
 - "...the protection of public health ... is not only a right but a *manifest duty*..."

ECONOMIC MYTH	ECONOMIC REALITY
Businesses will suffer with a smoke-free ordinance or regulation.	Businesses thrive with smoke-free laws!
	<ul style="list-style-type: none"> • Numerous studies across the U.S. show no negative economic impact of smoke-free laws. • Studies show that smoke-free laws have no significant effect on gaming revenues. • 71.8% of Kentuckians <i>don't</i> smoke and may avoid businesses where smoking is allowed. 

*Excerpt from: Hahn, E.J., et al., *Secondhand smoke and smoke-free policy 2nd Edition*. In Press, University of Kentucky; Lexington, Kentucky, p. 12-13. 1 of 2

Novel Approaches: Media Trainings

A black silhouette of a person's head and shoulders in profile, facing right, with a lit cigarette in their mouth. Wisps of white smoke rise from the cigarette and drift across the background of the image.

Sorting through the smoke:

Covering tobacco and
health in your
community

FREE WORKSHOPS FOR KENTUCKY JOURNALISTS

Novel Approaches: Media Trainings

Workshop for Rural Kentucky Journalists: Objectives

- **Prepare rural journalists to cover the issues of tobacco and health on a local level;**
- **Discuss the evidence, the impacts and the controversies;**
- **Hear opposing views on smoke-free laws;**
- **To share ideas on how to cover these controversial but hugely important subjects.**

Despite Considerable Challenge, Rural Advocates Persevere

Good Morning Ms. Hahn,

I failed last night to win some breathable air for our employees. The situation got totally out of hand. To paint a picture would take far too much of your time....

Short version, the Editor of our local paper who was in attendance, left as I was beginning to introduce my ordinance. Shortly thereafter we had an almost chaotic situation, the Mayor adjourned the meeting without a vote and the policeman had to gently restrain one councilman away from me....

I will not quit, I told the mayor it was a life or death situation and she totally ignored me.

Thank you

Are We Making Progress?



*As of 10/9/09, 30.3% of Kentuckians were covered by a comprehensive smoke-free law.

For More Information

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