Committee of Counsel 1/11/94
Offices of Tobacco Institute
Washington, D.C.

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Committee of Counsel 1.11.84 {Tobacco Institute Washington, D.C.

(a) Warning Notice: Kornegay gives report. No real developments. Lieberman, et al, still attempting to find a "post-war" to promote substitute bill ("Lieberman bill") in (Waxman) Full Committee. Distinction hoped to be: if "substitute bill" not accepted by House Full Committee — then our supporters will vote against the Waxman bill.

In Quotes, Kornegay says there is some chance there will not be a bill enacted in 1984. Even if Waxman gets his bill out of the Full Committee in the House — still some chance to prevail — 1) on Floor, or 2) in Rules Committee —

Kornegay informs us of one rumor: Some info to affect the Coalition (Insurance & Health) re-considering whether it wants to push for bill this year.

Poppers: discuss B & W's growing concern and misgivings about trying to negotiate any compromise with Waxman group/sub-committee. B & W is approaching the point at which it, B & W, thinks we should withdraw any compromise — & hope for victory in defeating any warning bill in 1984.

(b) Self-Extinguishing: Rupp reports. All companies have approved latest C & B draft. Mackey has been informed that latest industry proposal (Discussion Draft #2 — 11.3.83 draft) is the feature industry will go. See 12.13.83 transmittal letter from Rupp of C & B.

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LIG-0301254

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(2)

Rupp: the 11.3.83 proposal is substantially different from the 8.83 proposal.

As to state bills Rupp - 19 possible. But Rupp thinks we are in reasonably good shape. Might not have all 19 introduced. But a highly tentative situation - since a bad fire in a cigarette-related context can immediately change the whole scenario.

(c) Product liability: ad hoc committee of lawyers to meet on 1.19.84 at offices of C, & B. Durant Federal S.44 - Product liability bill - is in a very watered-down state - & it is questionable whether industry should support such. Consensus of tenting is that there will not be a Federal product liability law this year.

Shim: original bill was a very good bill for industry. Now - very poor bill - & industry should not support support, & perhaps should consider opposing such. - if we can do so in low profile manner lest "Takers opposition" will provide the impetus to get such approved.

(d) "Other": NOTHING

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(1)

(3) EPA Request (Tanks memo of 12.22.83)
A number of questions. Tanks ~~[illegible]~~ [illegible] Cutting Act of 1976. About 70 chemicals have been considered/suggested for testing. On a voluntary basis at present. Because being put on EPA to expedite testing, & make such mandatory an meeting scheduled for 1.16.84.

** → (Get copy of) Tanks memo of 12.22.83 & get answer to Rupp. First - determine whether Liggett is using the chemical in question. The member companies can then decide 1) whether to respond to EPA, & then 2) whether to respond directly to EPA or whether through the supplier.

** → Consider ~~[illegible]~~ entire memo & signing in the context of the Project.

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(4) HHS Report to Congress on Drug Abuse
With reports. Committee of attorneys (S, E, Dealers, et al) with oversight by Witt was charged with preparing a "white paper" for use by TI to respond to anticipated spur to be given to Congress ~~[illegible]~~ by HHS on drug abuse. But Sinnidge to get final draft to Art Stevens, & since will be used w/i prescribed parameters to respond to any report of HHS to Congress on drug abuse that alludes & refers to Tobacco usage as being addicting.

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5

Rupp later County & City in Los Angeles considering Smoking in the Workplace ordinances. Nothing has been enacted as yet - but some type of ordinance is likely.

(d) San Francisco - Possible legal challenge. Legal means distributed. Consensus of thinking is that a suit should NOT be commenced.

(e) Proceedings
(i) Kee suit - Mass. - want to be settled - with a new office to be made available.
(ii) Slater Farm suit in Mo. - ~~the~~ Slater Farm resisting this attack to protect rights of smokers.

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6. FTC - FOIA (Freedom of Information Act) requests.

Rupp & Becker comments new pressing ... firms are seeking from FTC the submissions made by the several tobacco companies to FTC in earlier years.

Fred Newman reports.
Also - Rupp reports of a FOIA request addressed to FTC consideration of possible price fixing. Rupp to distribute this to all company general counsels.

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6

7. Smoking on Aircraft (a) CAB Proposal - Status
Rupp reports - oral argument now scheduled for 2.14.84. Deadline to request oral argument is 1.20.84. Industry to watch deadline before filing request.
(b) Industry Presentation to CAB - discussion as to whether health issues (effects of side-stream smoke on non-smoker) should be covered - or whether presentation should be limited to arguments focusing on competition.

Plan as outlined by Rupp approved by the several General Counsels.

(c) FAA - Possible proposal re: fire safety. Rupp reports.

8. Spruce Projects -
Voting now according to Jim. For status, see most recent Shrim meeting.

Other
1. Q as to whether a common methodology for testing ignition potential of cigarettes should be adopted. Decision: No.
2. Q as to whether to proceed w/ Better Place II. Decision: No.
3. Q's re representation of TMA by C&B. Popplan reports. Approval of C&B representation.

Adjournment
2:00 pm [illegible]

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Committee of Counsel 1/11/94
Office of Tobacco Litigation
Washington, D.C.

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Committee of Counsel 1.11.84 {Tobacco Institute Washington, D.C.

(a) Warning Notice. Kornegay gives report. No real developments. Lieberman, et al, still attempting to find a "post man" to promote substitute bill ("Lieberman bill") in (Waxman) Full Committee. Distinction hoped to be: if "substitute bill" not accepted by House Full Committee — then our supporters will vote against the Waxman bill.

On Quotas, Kornegay says there is some chance there will not be a bill enacted in 1984. Even if Waxman gets his bill out of the Full Committee in the House — still some chance to prevail — 1) on Floor, or 2) in Rules Committee —

Kornegay informs us of one rumor: some info to affect the Coalition (Insurance & Health) re-considering whether it wants to push for bill this year.

Coppers: discuss B & W's growing concern and misgivings about trying to negotiate any compromise with Waxman group/sub-committee. B & W is approaching the point at which it, B & W, thinks we should withdraw any compromise — & hope for victory — defeating any warning bill in 1984.

(b) Self-Extinguishing: Rupp reports. All companies have approved latest C & B draft. Mackley has been informed that latest industry proposal (Discussion Draft #2 — 11.3.83 draft) is the feature industry will go. See 12.13.83 transmittal letter from Rupp of C & B.

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(1)

(3) EPA Request (Tanks memo of 12.22.83)
A number of questions. Texas ~~[illegible]~~ Interim Act of 1976. About 70 chemicals have been considered/suggested for testing. On a voluntary basis at present. Decision being put on EPA to expedite testing, or make such mandatory as voting scheduled for 1.16.84.

** → (Get copy of) Tanks memo of 12.22.83 & get answers to Rupp. Drift - determine whether Liggett is using the chemical in question. The member companies can then decide 1) whether to respond to EPA, & then 2) whether to respond directly to EPA or whether through the Supplier.

** → Consider ~~[illegible]~~ entire memo & signing in the context of the Project.

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(4) HHS Report to Congress on Drug Abuse
With reports. Committee of attorneys (S, E, Deslen, et al) with oversight by With was charged with preparing a "white paper" for use by TI to respond to anticipated report to be given to Congress ~~[illegible]~~ by HHS on drug abuse. But Sundgen to get final draft to Art Stevens, & sure will be used w/ principal parameters to respond to any report of HHS to Congress on drug abuse that deliver & refer to Texas usage as being addicting.

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6

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Rupp reports - oral argument now scheduled for 2.14.84. Deadline to request oral argument is 1.20.84. Industry to [illegible] deadline before filing [illegible].
(b) Industry Presentation to CAB - discussion as to whether health issues (effects of side-stream smoke in non-smoke) should be covered or whether presentation should be limited to arguments focusing on competition.

Plan as outlined by Rupp approved by the [illegible] General Counsels. -

(c) FAA - Possible proposal re: fire safety. Rupp reports.

8 Equipment Projects -
[illegible] according to Shinn. For status, see most recent Shinn mailing.

Other
1. Q as to whether a common methodology for [illegible] equation potential of cigarettes should be adopted. Decision: No.
2. Q as to whether to proceed w/ Better Plan II. Decision: No.
3. Q's re representation of TMA by C&B. Popplan reports. Approval of C&B representation.

Adjournment
2:00 p.m. [illegible]

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LG 2000902

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LG 2000904

①

Committee of Counsel 1.11.84 {Tobacco Institute, Washington, D.C.

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On Quotas, Kornegay says there is some chance there will not be a bill enacted in 1984. Even if Waxman gets his bill out of the Full Committee in the House — still some chance to prevail — 1) on Floor, or 2) in Rules Committee —

Kornegay informs us of one rumor: some info to affect the Coalition (Insurance & Health) re-considering whether it wants to push for bill this year.

Coppers: discuss B & W's growing concern and misgivings about trying to negotiate any compromise with Waxman group/sub-committee. B & W is approaching the point at which it, B & W, thinks we should withdraw any compromise — & hope for victory — defeating any warning bill in 1984.

(b) Self-Extinguishing: Rupp reports. Ice companies have approved letters C & B drafts. Mackley has been informed that latest industry proposal (Discussion Draft #2 — 11.3.83 drafts) is the fastest industry will go. See 12.13.83 transmittal letter from Rupp of C & B.

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(4) HHS Report to Congress on Drug Abuse
With reports. Committee of attorneys (S, E, Dealers, et al) with oversight by Witt was charged with preparing a "Wait paper" for use by TI to respond to anticipated report to be given to Congress ~~[illegible]~~ by HHS on drug abuse. But Sinnidge to get final draft to Art Stevens, & sure will be used w/ principal parameters to respond to any report of HHS to Congress on drug abuse that alludes & refers to Tanks usage as being addicting.

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Rupp reports - oral argument now scheduled for 2.14.84. Deadline to request oral argument is 1.20.84. Industry to [illegible] deadline before filing [illegible].
(b) Industry Presentation to CAB - discussion as to whether health issues (effects of side-stream smoke on non-smoker) should be covered or whether presentation should be limited to arguments focusing on competition.

Plan as outlined by Rupp approved by the [illegible] Central Committee. -

(c) FAA - Possible proposal re fire safety. Rupp reports.

8 Ephrine Drugs -
Voting [illegible] according to Shum. For status, see most recent Shum meeting.

Other
1 Q as to whether a common methodology for [illegible] ignition potential of cigarettes should be adopted. Decision: No.
2 Q as to whether to proceed w/ Better Plane II. Decision: No.
3 Q's re representation of TMA by C&B. Popplan reports. Approval of C&B representation.

[illegible]
2 [illegible]

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Committee of Counsel 1.11.84
Offices of Tobacco Institute
Washington, D.C.

LIG-0301253

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Committee of Counsel 1.11.84 {Tobacco Institute Washington, D.C.

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(b) Self-Extinguishing : Rupp reports. All companies have approved latest C & B draft. Mackley has been informed that latest industry proposal (Discussion Draft #2 — 11.3.83 draft) is the farthest industry will go. See 12.13.83 transmittal letter from Rupp of C & B.

LIG-0301254

LG 2000910

~~[illegible]~~ Handle this urgently

(3.) EPA Request (Tanks memo of 12.22.83)
A number of questions. Toxic ~~[illegible]~~ Substances Control Act of 1976. Above 70 chemicals have been considered/suggested for testing. Done on a voluntary basis at present. Pressure being put on EPA to expedite testing, or make such mandatory as meeting scheduled for 1.16.84.

** → (Get copy of) Tanks memo of 12.22.83 & get answers to Regs. First - determine whether Liggett is using the chemical in question - The member companies can then decide 1) whether to respond to EPA, & then 2) whether they respond directly to EPA or whether through the Supplier.

xx → Consider ~~[illegible]~~ entire memo & Liggett in the context of the Project.

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~~Eg~~ (b) Industry Presentation to CAB - discussion as to whether health issues (effects of side-stream smoke on non-smokers) should be covered or whether presentation should be limited to arguments focusing on competition.

Plan as outlined by Rupp approved by the several General Counsels. -

(c) FAA - Possible proposal re: fire safety. Rupp reports.

8. Special Projects -
Nothing new according to Shinn. For status, see most recent Shinn mailing.

Other
1. Q as to whether a common methodology for testing ignition potential of cigarettes should be adopted. Decision: No.
2. Q as to whether to proceed w/ Bettel Plane II. Decision: No.
3. Q's re representation of TMA by C&B. Popplan reports. Approval of C&B representation.

Adjournment
2:00 p.m. [illegible]

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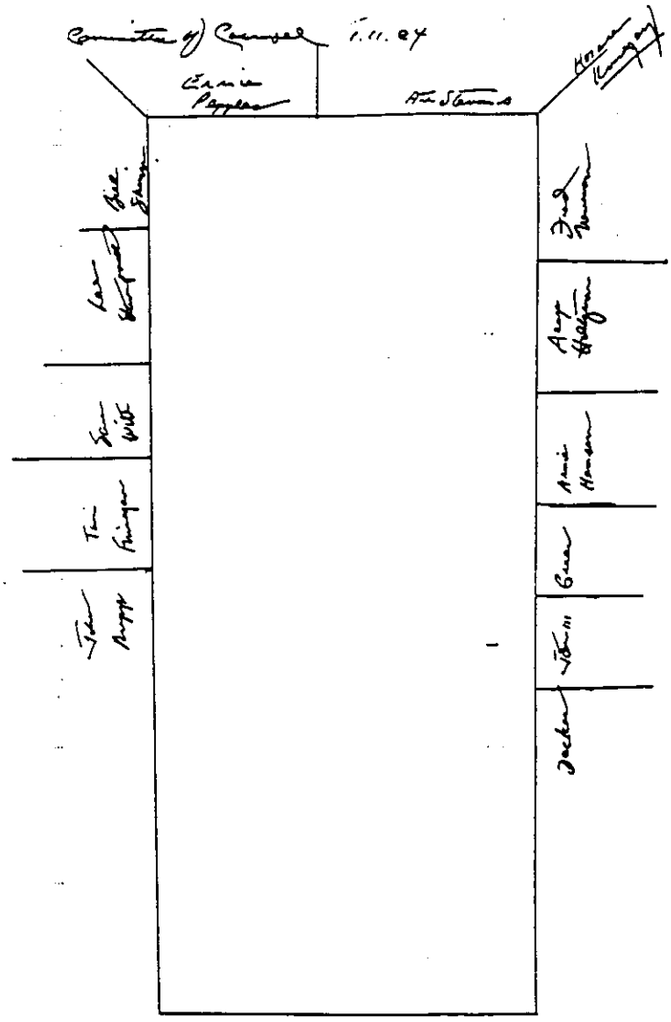

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