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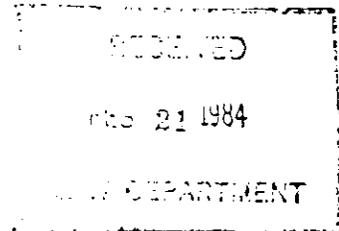
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February 14, 1984

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Gentlemen:

At the request of Sam Witt, I am enclosing copies of memoranda dated December 30 and February 14 relating to the Los Angeles Public Smoking hearing held on December 8.

If you require any further information, please let me know.

With best regards,

Very truly yours,

  
Chester J. Wroblewski

Encs.

cc: S.B. Witt, III, Esq.  
Patrick M. Sirridge, Esq.

LG2001185

December 30, 1983

Memorandum to: S. B. Witt III, Esq.

Re: Los Angeles Public Smoking Hearing  
December 8, 1983

This memorandum summarizes the proceedings before the Los Angeles Public Health Commission on December 8.

The hearing was opened at 9:30 a.m. by the Chairperson, Geraldine Dunn, who informed the audience (about 30-40 people) and the media that the hearing was being conducted pursuant to a motion made by Kenneth Hahn, a member of the Los Angeles County Board of Supervisors, which requested the Public Health Commission to

"study the city and county of San Francisco's smoking ordinance and recommend to the Board of Supervisors whether similar action should be taken in Los Angeles County to safeguard the rights of non-smokers in public places of work and assembly."

The Commission consists of five members, including a medical doctor and a psychologist. In introducing the members

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of the Commission, the Chairperson identified each Commissioner with the Supervisor who had appointed him or her.

The hearing was very tightly run. Each speaker was limited to a five-minute presentation. The Chairperson stated that the Commission would consider written comments received by January 12. A copy of the hearing procedures, the list of witnesses and a sample invitation letter is attached. Also attached is a transcript of the hearing prepared for the TI by Cerrell Associates. The transcript is of poor quality, but it conveys the flavor of the hearing.

The first speaker was Dr. Martin Finn, an employee of the Los Angeles Department of Health Services, who announced that he would not be testifying for or against an ordinance, but would be merely stating "the scientific facts." His recitation of "the facts" was, to say the least, one-sided and included general comments about smoking and health as well as specific comments on ambient tobacco smoke. He stated that although the Hirayama study does not demonstrate a relationship between ambient tobacco smoke and lung cancer, it is sufficient "to raise a concern." Dr. Finn also claimed "there is speculation that smoking increases accidents." He stated, in conclusion, that these were the scientific "facts" and the only issue before the Commission was whether legislation should be enacted.

The second speaker, who was invited by Dr. Finn to address the scientific issues, was Dr. Thomas Mack of the University of Southern California School of Medicine. Dr. Mack's review of the claims made regarding smoking and health was similar to Finn's. With respect to ambient tobacco smoke, he commented that it is difficult, epidemiologically, to measure its effect because most people have smoked tobacco at some time. Dr. Mack conceded that there is no "established scientific truth" that ambient tobacco smoke causes lung cancer, but it is his personal view that "it probably has an effect" and he thought there would be evidence to support his view in a few years.

There followed several speakers designated as "proponents" of an ordinance, all of whom assumed that ambient tobacco smoke is harmful to the health of non-smokers. Charles Mawson, the legislative director for Californians For Non-Smokers' Rights, displayed for the cameras a computer print-out which he described as containing a list of some 300 studies on passive smoking.

The speaker from The American Lung Association stated that ambient tobacco smoke affects the health of children, pregnant women and individuals with respiratory illness. It is

interesting to note that he did not claim that ambient tobacco smoke is otherwise the cause of any disease.

The speaker from the Heart Association referred only to the 1983 Surgeon General's Report on smoking and heart disease (which, of course, does not contain any claims about ambient tobacco smoke) and then proceeded to discuss the merits of different types of public smoking ordinances.

Gloria Allred, an attorney with the Womens Equal Rights Legal Defense and Education Fund, prefaced her remarks with the statement that she was very angry at having received a letter from the tobacco industry encouraging her to testify against an ordinance. The letter suggested that an ordinance would be discriminatory as to women and minorities who are less likely to have private offices. She claimed to be angered at what she characterized as an attempt to misuse the civil rights movement by tobacco interests and argued that discrimination against smokers is permissible because it is not "arbitrary".

Those speaking in opposition to a San Francisco-type ordinance included Tom Howard of the Tobacco Institute and six representatives of various business and trade organizations. Tom Howard urged the Commission to contact scientists who have

information contradicting the claims being made regarding the health consequences of ambient tobacco smoke. Of the four scientific witnesses who were prepared to testify, only Dr. Gerhard Schrauzer was able to speak. Because of prior commitments, Drs. Solmon, Colucci and Bick could not appear before 11:30 a.m. and, unfortunately, the Chairperson could not be convinced to schedule time in the afternoon for scientific witnesses. At 11:00 a.m. the list of speakers who were present was exhausted and the Chairperson concluded the hearing.

Dr. Schrauzer testified regarding studies pertaining to the alleged relationship between ambient tobacco smoke and lung cancer. While there was no questioning of any of the speakers by the members of the Commission, it appeared that the Chairperson was especially attentive to the statement of Dr. Schrauzer. She made a point of asking him for his written comments as he was not able to complete his statement within the time allotted.

Attached is a copy of Dr. Schrauzer's statement together with the statements of Drs. Colucci, Solmon and Bick which have been submitted to the Commission. Statements are

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being prepared by Drs. Lebowitz and Bing; copies will be sent to you shortly. We will also forward copies of the statements being prepared by Drs. Cosentino and Nyden when we receive them from Pat Sirridge.

Michael S. Davidson

MSD/pab  
Enclosures

LG2001191

February 14, 1984

Memorandum to: S.B. Witt, III, Esq.

Re: Los Angeles Public Smoking Hearing  
December 8, 1983

This is to supplement our memorandum of December 30 reporting on the proceedings before the Los Angeles Public Health Commission on December 8.

Attached are the statements of Drs. Lebowitz and Bing which were forwarded to the Commission in January, together with the submissions of Drs. Niden and Cosentino which were provided to me by Pat Sirridge.

I am also attaching the final version of the hearing transcript which I received from Jack Kelly a few days ago. During a recent telephone conversation, Jack summarized the current status of the Los Angeles County situation as follows: The Commission has met several times since the December 8 hearing, but has been unable to agree on a recommendation; the new chairperson of the Commission is "anti-ordinance" and, together with three of the four other members of the Commission, wants the issue to "go away"; the majority cites the fact that

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there is no persuasive scientific evidence of adverse health effects from ambient tobacco smoke, and notes that the only persons favoring an ordinance are from "anti-tobacco" groups; the Commission chairperson will be preparing a report, although no deadline has been set; at most, the report will recommend to the Los Angeles County Board of Supervisors that the issue be dealt with by the business community. Jack also reported that, on the Los Angeles City Council level, any ordinance that emerged would be "quite mild".



CJW