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Sweet Freedom: Smokers' Rights & the Rebranding of Philip Morris

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Swarthmore College, May 2013

Sweet Freedom: Smokers' Rights & the Rebranding of Philip Morris

Abstract: This paper discusses how Philip Morris invoked strong American values to defend its own corporate speech as well as “smoker’s rights.” In particular, it examines Philip Morris Company’s Bill of Rights advertising campaign of the early 1990s, especially focusing on an advertisement featuring Everett Alvarez, a prisoner of war during Vietnam. This strategy reveals how Philip Morris was able to manipulate the public conversation about smoking from one about health and disease to one about human rights and freedoms.

On May 27, 1990, thousands of newspaper readers paging through *Parade Magazine* were greeted by what seemed, at first glance, like a public service announcement. The full-page advertisement, found in this weekly Sunday insert in newspaper markets across the United States, neither pictures nor mentions any particular product (Figure 1). On the left two thirds of the page, a man in a black suit and tie looks askance from the camera taking his picture; on the right, five whole paragraphs of copy explain who the man is and what liberty means to him. “You’ll never know how sweet freedom can be,” reads his italicized quote in the upper right hand corner of the page, “unless you’ve lost it for 8½ years.”

The copy goes on to identify the speaker and image as “EVERETT ALVAREZ, JR. VIETNAM POW”. Alvarez, it says, “was starved, beaten and forced to endure unspeakable torture” while in captivity. Upon his release, he remembers that “Everything I touched felt good. Everything I ate tasted good. Everything smelled so good.” His quote ends, and in the lower right-hand corner, the regal seal of Philip Morris Companies (PMC) is followed by a note inviting readers to support “the National Archives' celebration of the 200th anniversary of the Bill of Rights,” by ordering their own free copy of the Bill of Rights via a 1-800 number or Washington, D.C. address.

Philip Morris – the home of Miller Light, Kraft Mac and Cheese, and (most of all) Marlboro cigarettes – had been running this ad and a variety of ones like it for months. The “Alvarez advertisement” or “Alvarez ad” – as I’ll call it for the rest of this paper – is only one in PMC’s 1989 to 1991 Bill of Rights ad campaign. It is just one advertisement, in a series of ads, in a catalogue of other cigarette ads, in an archive of modern images promoting tobacco dating back to the dawn of advertising in the 19th century. But by reading an artifact like this in context, rather than in isolation as above, historians of

public health and public health advocates can get a sense for why Philip Morris created this image and how those Sunday morning readers – and so many others since – consumed it.

I should mention that the ad series never mentions cigarettes. As I'll show, many readers nonetheless interpreted it as a cigarette ad. The firm insisted – publically, and even in some private records it later released through court cases – that the goal of the ads was to rebrand PMC as a multi-industry company standing up for American freedom. This study, then, explores the gap between this stated purpose and consumer reactions, and asks why this image provokes powerful reactions in favor of and against smoking.

This story is not really about the Alvarez Ad. I return to the image as an example and reference, but it's not my focus. This is a story about the dimensions so easily flattened when we consider smoking only as a public health issue. Cigarettes and smoking can seem to be almost completely contained within the boundaries of public health regulation today, but this is actually a very recent phenomenon. Medical consensus about the threat of smoking began in earnest in the United States following the 1964 Surgeon General's Report, but it wasn't until 1986's "The Health Consequences of Involuntary Smoking" – which emphasized the danger of "environmental tobacco smoke" (ETS), or secondhand smoke – that the public health establishment created enough momentum to call for widespread advertising regulations and bans.¹ In 1990, proposals to curtail tobacco advertising were still a flashpoint on the Congressional agenda. Cigarette ads were no less controversial when their influence filtered into elementary school classrooms, colored discussions of domestic and international politics, and dominated newspaper headlines.

But before 1986, and certainly before 1964, smoking was not a controversial subject. It carried cultural meanings of glamor, sexuality, and rebellion, of gender, national, and ethnic identity, and (most relevant to this particular study) of patriotism, freedom, and rights. These meanings existed – and have continued to persist – long before medical discourse took center stage in smoking discussions. In other words, to

¹ "The Health Consequences of Involuntary Smoking: A Report of the Surgeon General." (1986). <http://profiles.nlm.nih.gov/ps/access/NNBCPP.pdf>.

understand how smokers and nonsmokers respond to public health discourses, we must also identify meanings they have received from other sectors of society, including



© Philip Morris Companies Inc. 1999

“You’ll never know how sweet freedom can be unless you’ve lost it for 8½ years.”

EVERETT ALVAREZ, JR.
VIETNAM POW

Everett Alvarez, Jr. was starved, beaten and forced to endure unspeakable tortures.

His years of horror began in 1964 when the U.S. Navy plane he was piloting got shot down over the Gulf of Tonkin. For the next 8½ years he was a prisoner of war—the longest held in North Vietnam.

During those endless months he struggled to preserve his honor and his sense of self. And by his example inspired dozens of other POW’s.

“When you’re caged up in an alien land,” relates Alvarez, “you begin to understand the essence of liberty, and what we have here in this country....”

“The return to freedom was exhilarating. Everything I touched felt good. Everything I ate tasted good. Everything smelled so good. It was sweet beyond belief. Now, I wake up every day and, no matter what I have to face, I look forward to it with anticipation. I’m here and able to choose, able to do, able to act as a free individual.”



Philip Morris Companies Inc.

BRANT GENERAL FOODS • MILLER BREWING COMPANY • PHILIP MORRIS U.S.A.

Join Philip Morris Companies Inc. in support of the National Archives' celebration of the 200th anniversary of the Bill of Rights. For a free copy of this historic document, call 1-800-352-2222, or write Bill of Rights • Philip Morris Companies Inc. • 2020 Pennsylvania Ave. N.W. • Suite 533 • Washington D.C. 20006

Figure 1. The Alvarez advertisement.

advertising. I am tracing how Philip Morris Companies reproduced one set of meanings with a formidable genealogy. This study slowly zooms out to consider these meanings of military, patriotism, and rights, to explain how PMC designed a public relations campaign that pushed regulations on cigarette advertising, and to survey the reactions to that campaign. It then briefly zooms in on Alvarez – on the very personal reactions his picture provoked in other war veterans, and finally, on the man himself.

If we look at cigarette advertising like this, it becomes very obvious that the decision to smoke is never one the smoker makes in dialogue with doctors or public health experts alone. Voices from the media and political spheres – voices that are deceptively complex – are necessarily a part of that conversation. For this reason, consumers respond to advertising in unpredictable, novel, and multiple ways; public health is not all-powerful in dictating reactions. Neither, I should note, is Philip Morris. PMC is a powerful character in this story, but that does not mean they exert mind control over consumers. The Bill of Rights campaign was clever, perhaps even ingenious, but its readers rejected, absorbed, or more ambivalently negotiated its meaning in equal parts.

Background: patriotism, the military, and rights in cigarette advertising

Cigarettes & C-rations

Advertising that connects tobacco, patriotism, and the military go back at least to the 19th Century. In *Smoking in British popular culture: 1800-2000*, historian Matthew Hilton notes the themes of military might and national pride in the United Kingdom's mass advertisements for cigarettes during World War I.² This kind of imagery first proliferated in the United States during the Second World War, paralleling the general increase of smoking among the population.³ During the war, cigarettes were ubiquitous for men at the front; they were supplied free of charge in the American soldier's K and C-rations, alongside crackers, coffee, dextrose pills, and lemonade mix.⁴ Cigarette brands

² Matthew Hilton, *Smoking in British popular culture: 1800-2000*, (Manchester, UK: Manchester University Press, 2000), chap. 4.

³ American Lung Association, "Trends in Tobacco Use," American Lung Association - Research and Program Services Epidemiology and Statistics Unit (2011), <http://www.lung.org/finding-cures/our-research/trend-reports/Tobacco-Trend-Report.pdf>

⁴ Mark Henry, *The US Army in World War II: The Mediterranean*, (London, UK: Osprey Publishing, 2000)<http://www.w2incolor.com/forum/showthread.php?3551-US-Army-Rations-World-War-II> 23-24.

even became the namesakes for a series of camps outside of Le Havre, France from 1944-45: Camp Old Gold and Camp Chesterfield, among others.⁵

The war coincided with a golden age of mass marketing. Cigarette manufacturers used revenues to invest in the newest techniques of advertising. Confounding patriotism and consumerism, they (like so many wartime industries) urged readers to “Buy More Bonds” and, of course, more cigarettes. Sailors posed on ships with their cigarettes, pilots grinned with a carton in hand on planes, girlfriends offered smokes to their returning soldier beaux. The message was simple: buy cigarettes and you’ll support the war effort.

By the Vietnam War, an unpopular conflict by most measures, advertisers were less eager to associate themselves with the image of the soldier or the war veteran. In practice, however, cigarettes remained a part of many soldiers’ lives. For one thing, it wasn’t until 1972 – the very end of the war – that cigarettes were removed from C-rations.⁶ Whether supplied free of charge or not, oral histories and other sources indicate smoking was ubiquitous in the armed forces during the conflict. A Vietnamese soldier in the Army of the Republic of Vietnam recalled how the breakfast of an American GI “has to include coffee and cigarettes,” despite the danger of giving away one’s position by these two strong smells.⁷ One Vietnam War reporter remembered an anecdote about a General crouching in an awkward pushup position in the mud in an effort to keep his cigarettes dry.⁸ In terms of anecdotes, as well as sales, the cigarette remained among the American soldier’s closest comrades.

It would be a mistake to think tobacco firms had forgotten about the military market just because they no longer featured military men and women in their ads. To the contrary, they explicitly identified a potential market to be tapped. In 1967, a confidential memo from British American Tobacco observed that one of their directors “was fairly

⁵ “The Cigarette Camps,” *Skylighters: The Story of the 225th AAA Searchlight Battalion* (blog), <http://www.skylighters.org/special/cigcamps/cigintro.html>.

⁶ “Peas and pork to pasta and pesto: Feeding the troops through the years.” *The Washington Post*, 2011 10, 30. <http://www.washingtonpost.com/wp-srv/special/local/military-rations/index.html>

⁷ Cuong, Do. “Interview with Do Cuong, 1981.” *Vietnam: A Television History*. Recorded 27 July 1981. WGBH. Web, <http://openvault.wgbh.org/catalog/vietnam-470cbc-interview-with-do-cuong-1981>.

⁸ Halberstam, David. “Interview with David Halberstam, 1979 [part 2 of 5].” *Vietnam: A Television History*. Recorded 16 January 1979. WGBH. Web, <http://openvault.wgbh.org/catalog/vietnam-cbedc8-interview-with-david-halberstam-1979-part-2-of-5>.

optimistic” about sales as a result of the stalemate in Vietnam.⁹ Demand in the military remained high in 1990; that year, PMC donated 2 million Marlboros to troops serving in the Persian Gulf in response to handwritten notes from service members. Yet despite high consumption among troops and the potential for patriotic associations, soldiers are all but absent from cigarette advertisements until the Alvarez ad emerged twenty-three years after Vietnam ended.

The creation of smokers’ rights and commercial speech

The Bill of Rights campaign, in the Alvarez ad and far beyond, also exploited the language of rights and freedoms, issues distinct from those of patriotism and the military. As in many public health issues, restrictions on cigarettes involve a trade-off between personal freedoms and collective well-being. To what extent does a health threat – an endemic disease, a toxic substance, or a sudden outbreak – merit an authoritarian response like quarantine, vaccination, or surveillance? The earliest public health advocates in the 19th to early 20th century, as sociomedical historian Ronald Bayer observes, did not hesitate to go to coercive extremes to fight infectious disease in the United States.¹⁰ Although tactics such as compulsory vaccination sparked local pockets of resistance, Bayer contends that it was not until the HIV/AIDS epidemic of the 1980s that a real national debate between public health and civil liberties resurfaced in the late 20th century. HIV/AIDS activists emphasized a patient’s rights to refuse testing and to keep their infection status private, an argument which naturally rested on the individual’s rights taking precedence over a poorly understood threat to public well-being.

To Bayer, the patients’ rights discourse around HIV/AIDS became part of the general context that shaped other health discourses, including the one connecting smoking and freedom. With smoking, however, there are two levels of freedom at stake. The first level is the individual’s right to choose his own behavior, but the second level is more novel: the corporate freedom to sell and market a harmful product.

The Bill of Rights campaign and the debate it provoked intersects both of these dimensions. The series invokes the rights to eat and drink as one pleases, and tacitly, the

⁹ British American Tobacco. Legacy Tobacco Documents Library, "Meeting of Committee of Directors Held at Westminster House, London on the 21st November 1967." Last modified 26 August 2006. <http://legacy.library.ucsf.edu/tid/raj96a99>.

¹⁰ Bayer, Ronald. "Talking Point: The continuing tensions between individual rights and public health." *European Molecular Biology Organization Reports*. no. 12 (2007): 1099-1103.

right to smoke as one pleases. While this “smoker’s rights” discourse was largely architected by the tobacco industry, writers on both sides of the tobacco debates have often made it their theme. The second level is the free speech rights of the cigarette firm, Philip Morris, to advertise and to sell a legal product. This issue, though sometimes conflated with the individual choice to smoke, is more often the subject of legal discussions, including the timeline adapted from Bayer’s scholarship below.

There is no doubt that the industry invented smokers’ rights. The concept does not have organic origins, regardless of the spontaneous supporters it would later attract. The earliest known mention of “smokers’ rights” was in an industry trade magazine in 1976.¹¹ This off-hand remark turned into a movement by the late 1980s, as Philip Morris and other manufacturers actively recruited and organized smokers’ rights groups. Their strategy, an analysis of tobacco publications between 1987 and 1992 showed, was to convince consumers that smokers’ rights were under threat and then to promote political and social action against restrictions that these consumers could take.¹² To many critics, the Bill of Rights campaign and the Alvarez Ad were the culmination of one and a half decades’ worth of lobbying and “grassroots” organizing to teach smokers about their apparent rights.¹³

But since its origins in the industry, voices off the tobacco firms’ payroll have picked up the language of rights to stake their own positions. Anti-smoking advocates especially have learned to contest cigarette firms’ use of rights rhetoric. “The tobacco industry wants us to think of smoking as an inalienable right of all free people,” writes polemic anti-tobacco supporter Robert N. Proctor, “but how free is the amputee suffering from Buerger’s disease...?”¹⁴ In other words, since smoking limits freedom by causing disease, Proctor believes it cannot itself *be* a freedom.

¹¹ Cardador, M. Teresa, Anna R. Hazan, PhD, and Stanton A. Glantz, PhD. "Tobacco Industry Smokers' Rights Publications: A Content Analysis." *American Journal of Public Health*. no. 9 (1995). <http://ajph.aphapublications.org/doi/pdf/10.2105/AJPH.85.9.1212>

¹² Same as previous.

¹³ Katz, James E. "Individual rights advocacy in tobacco control policies: an assessment and recommendation." *Tobacco Control*. (2005). http://tobaccocontrol.bmj.com/content/14/suppl_2/ii31.full

¹⁴ Proctor, Robert. *Golden holocaust: origins of the cigarette catastrophe and the case for abolition*. Berkeley: University of California Press, 2011. Print.

Jacob Sullum, a libertarian commentator and Proctor's ideological opposite, thinks scare rhetoric and "red herring questions" like this one lack logic.¹⁵ To Sullum, non-smokers' rights and smokers' rights are a false dichotomy; smokers "have the same rights as other individuals," and thus, anything to limit their freedom of consumption limits all freedoms.¹⁶ Sullum and Proctor read like a concentrated synthesis of the views many commentators on the Bill of Rights campaign also express, although admittedly with greater self-consciousness to the public health versus individual rights balance.

When Philip Morris collected public figures' musings on freedom and rights, it didn't just have the rights of smokers in mind; it was also fighting to reclaim its own freedom of speech. The beginning of this battle for commercial speech have their roots in the early 20th century. Critics as far back as the 1920s claimed cigarette advertisements would corrupt the youth and turn all of the United States into cigarette addicts, but in policy, the Federal Trade Commission's power ended at strongly-worded statements.¹⁷ Following the Surgeon General's 1964 Report, the industry agreed to self-enforce its own Cigarette Advertising Code, prohibiting ads aimed at youth and ads with false health claims. Cigarette firms regularly violated these guidelines.¹⁸

Starting in the 1970s, this window for unrestricted advertising began to tighten. In 1971, the Federal Trade Commission (FTC) secured the blessings of federal courts to recognize the government's ability to regulate acts it termed *commercial speech*.¹⁹ Previously, the FTC had required registered television and radio stations to air anti-smoking messages in proportion to cigarette ads, but it now banned all cigarette ads in both mediums.²⁰ Over the course of the 1980s, the Supreme Court developed guidelines to determine whether commercial speech merited constitutional protection: it must promote a legal activity, it must express an accurate message, and the government holds the burden of proof to demonstrate how restricting the speech will improve the public

¹⁵ Sullum, who has received minor or indirect funds from the tobacco industry, goes to pains to prove that accepting money to voice a view he already holds does not imply he is dishonest.

¹⁶ Sullum, Jacob. *For Your Own Good: The Anti-Smoking Crusade and the Tyranny of Public Health*. Touchstone, 1999.

¹⁷ See note 11.

¹⁸ Richards, J.W., J.B. Tye, and P.M. Fischer. "The tobacco industry's code of advertising in the United States: myth and reality." *Tobacco Control*. no. 4 (1996): 295-311. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1759528/>

¹⁹ Bayer points out that the U.S. is the only liberal democracy that affords advertising free speech rights usually associated with political speech.

²⁰ Bayer, Ronald. "Tobacco, Commercial Speech, and Libertarian Values: The End of the Line for Restrictions on Advertising?." *American Journal of Public Health*. no. 3 (2002): 356-359.

interest.²¹ If anyone had tried to prove that the Bill of Rights campaign fell under the legal restrictions of the FTC's guidelines against cigarette advertisements on television and radio, then, its critics would have needed to make an argument that its message was false and that curtailing it would stop smoking. My intuition says they would have failed both tests.

With that said, medical consensus by the 1990s was in favor of an all-out ban on cigarette ads; the American Medical Association, American Heart Association, American Lung Association, and American Public Health Association all endorsed this radical change. It is no wonder that after almost a century of increasing restriction and half a decade of focused attacks from the medical press, the cigarette industry would invoke the importance of constitutional freedoms in a high-profile branding campaign.

Outlining the Bill of Rights campaign

The Bill of Rights campaign evaded regulation not just by rallying meanings of military might and patriotism to its cause, nor just by wrapping itself tightly in constitutional freedoms. Its big trump card was its stated content: the firm always maintained that the campaign intended to build corporate identity, not to hawk cigarettes or any other product. This distinction was key. The message, according to PMC, wasn't that consumers should smoke a Marlboro in a toast to freedom, but that they should count on PMC as a stalwart of American rights. It was a brilliant maneuver; promoting corporate values, unlike promoting a hazardous substance, is perfectly legal.

PMC said its campaign was timely given some recent changes to diversify its product line. Towards the end of 1988, Philip Morris Companies purchased Kraft, Inc., making it the world's largest consumer goods company.^{22 23} On the heels of its big acquisition, the company argued that these ads representing its corporate identity were intended to promote all of its products, not just cigarettes. In terms of profits, though, Philip Morris Companies was hardly an even split between cigarettes and other goods. In

²¹ Bayer, Ronald, Lawrence O. Gostin, Gail H. Javitt, and Alan Brandt. "Tobacco Advertising in the United States: A proposal for a constitutionally acceptable regulation." *Journal of American Medicine Association*. no. 22 (2002).

²² The Associated Press. "COMPANY NEWS; Kraft Deal Settled, Philip Morris Says." *The New York Times*. sec. Business Day, December 6, 1988. <http://www.nytimes.com/1988/12/06/business/company-news-kraft-deal-settled-philip-morris-says.html>

²³ Deutsch, Claudia H. "CASE STUDY: The Philip Morris-Kraft Merger; Why Bigness May Not Matter." *The New York Times*, sec. Business Day, October 23, 1988. <http://www.nytimes.com/1988/10/23/business/case-study-the-philip-morris-kraft-merger-why-bigness-may-not-matter.html?pagewanted=all&src=pm>

1991, *The New York Times* reported that cigarettes accounted for 64 percent of PMC's operating income, over twice the profits from its food and beer products.²⁴

Regardless of branding, the name Philip Morris, to some ears, will always mean cigarettes.²⁵ For that reason and so many outlined below, the Bill of Rights campaign – tacitly, subtly – seemed to promote cigarettes and to safeguard the right to sell them. Combining conventional print and broadcast components with a 50-state tour of an original Bill of Rights facsimile, PMC found an innovative way to sidestep official censure while still attracting massive public attention (Figure 2). Dissecting this two-part campaign gives more inclusive context for how a message without the word cigarette can still goad consumers to defend the habit or stand more strongly against it.²⁶

The glossy scope of advertising

As the year 1990 approached, the National Archives solicited donations from a variety of corporations to underwrite a nationwide celebration of the Bill of Rights 200th Anniversary. Offering a \$600,000 donation to the Archives' trust fund, Philip Morris won the sponsorship bid handily.

From a legal perspective, this sponsorship was above board. The editorial page of the *New York Times* decried PMC's \$60 million advertising campaign as an effort “to

²⁴ Uchitelle, Lewis. "Business Scene; The Soaring Cost Of Cigarettes." *The New York Times*, sec. Business Day, July 30, 1991. <http://www.nytimes.com/1991/07/30/business/business-scene-the-soaring-cost-of-cigarettes.html>

²⁵ In fact, it's worth noting that in 2003, Philip Morris Companies, Inc. changed its name to Altria Group, Inc., a rebranding move intended to emphasize that the company's portfolio included far more than cigarette brands. Today, most of its income still comes from international and domestic tobacco sales.

²⁶ Predictably, most materials about the Bill of Rights campaign are available today through partisans and critics. On one side, anti-tobacco groups, most notably the Advocacy Institute (AI), left a useful paper trail of their efforts to combat Philip Morris' advertising campaign. Congressional records of hearings and correspondence, while less central to my discussion, also represent the views of anti-tobacco crusaders in the government. On the other side, Philip Morris and its allies in the tobacco, food, and advertising industries – not to mention less obvious surrogates, including an industry lobbying group called the Tobacco Institute – have been compelled to release thousands of documents as part of legal settlements and court orders. Over 14 million of these documents, plus some other tobacco-related research, are now publically available the University of California's Legacy Tobacco Documents Library (<http://legacy.library.ucsf.edu/>). I found most of the primary sources used in this project, both sources supporting and opposing the tobacco industry, in this archive.

At the same time, I have tried to supplement the biases and silences in my source material. For one thing, in order for a document to be included in the Legacy Tobacco archive at all, it must be a source either produced or appropriated by a tobacco firm or by a researcher aligned against tobacco firms. Tobacco companies like Philip Morris certainly had their ears pricked to any mention of their products – positive, negative, or neutral – but their paper trail runs especially thick whenever identifying and countering bad publicity. As a result, it can be difficult to decipher whether press coverage of the Bill of Rights campaign was in reality more negative than positive, or whether the negative coverage simply occupies a larger space in the archive since it required the extra effort of damage control. The same bias applies to scrutinizing the work of the Advocacy Institute and other anti-tobacco parties. Since the job of such groups, in part, is to amplify controversy, the newsletters and records they tend to leave behind can be an echo chamber of dissenting views. To try to fill in the gaps and compensate for these biases, I've also searched more comprehensive news and media archives.

rent the Bill of Rights” for the industry’s own ends, but admitted that it was within the Archives’ mandate.²⁷ A spokeswoman for the Archives remarked that both Philip Morris and the Archives had engaged in such public-private partnerships in the past; other companies had helped the National Archives to finance the Constitution’s bicentennial events, and Philip Morris already had sponsored exhibits at the National Art Gallery.²⁸ For the promotion’s critics in Congress, the sponsorship issue was a dead end, but in the court of public opinion, many observers would contest PMC’s right to the National Archives’ stamp of approval.

The whole campaign began with a traditional advertising effort, but a spectacle would follow – gallery showings, parades, lectures, a gala event, and a poster contest – but first came an onslaught of television, radio, and print ads. It’s difficult to compare the size and impact of these two efforts. In fact, even if the Bill of Rights’ TV, radio, and magazine spots were a more traditional method of promotion, they were no less impressive in scope or subtle in design than the more inventive parts of the effort that would follow. In either case, the advertising wave hit on November 1, 1989, flooding \$60 million into television, radio, and print markets across the United States.

In tone, the television and print campaign both strike a pose of straight-faced solemnity. The 30-second television advertisement opens with a glowing document – ostensibly the Bill of Rights – ensconced in the atrium of a domed building with ionic columns reminiscent of the U.S. Capitol. Angelic choral music plays. “The freedom to say and think what we believe, to express our individuality and diversity – that’s our birthright,” intones a male narrator, “and it’s ensured by this document.” As in the print ads, the spot closes with the Philip Morris seal and an invitation to order a copy of the document free of charge.²⁹ According to polling conducted for PMC, many viewers dialed that 1-800 number at the end of the ad; within its first two weeks, Philip Morris

²⁷ "The Bill of Rights, for Rent." *The New York Times*, sec. Editorial, November 11, 1989. <http://www.nytimes.com/1989/11/19/opinion/the-bill-of-rights-for-rent.html>.

²⁸ Cabrera, Denise. "TWO CONGRESSMEN QUESTION ARCHIVES-CIGARETTE AGREEMENT." *The Associated Press*, November 15, 1989. <http://www.apnewsarchive.com/1989/Two-Congressmen-Question-Archives-Cigarette-Agreement/id-a3c2dd7318d878c27640ad40f7cd8281>

²⁹ Philip Morris Companies.. "1990 Philip Morris Companies Bill of Rights Commercial" Posted August 06 2012. Web, <http://www.youtube.com/watch?v=MD1---pYGjM>.

fielded over 300,000 requests from viewers asking for a free copy of the Bill of Rights, and had distributed 1.5 million copies at poll time.³⁰

If this seemingly generic ad lacks personality, the print campaign that followed it had almost an excess of personalities. Alvarez was in good company alongside former U.S. Presidents (Thomas Jefferson, Franklin D. Roosevelt, Abraham Lincoln) as well as African American civil rights leaders (Benjamin Hooks and Barbara Jordan) and performers (James Earl Jones, Judith Jamison, and Louis Gossett Jr.).³¹ There was an ad in the series with hearing-impaired actress Marlee Matlin, another with the President of the University of Notre Dame, and a third with Nobel Peace Prize laureate and Polish Solidarity leader Lech Walesa.^{32 33} Each spot followed the same general format as the Alvarez Ad: an image of the speaker, followed by a moving quote from them on the meaning of the Bill of Rights.

The reach, price, and context of print advertising are harder to peg than for television ads. The May 26, 1991 issue of *Parade*, released almost exactly a year after the Alvarez Ad, had a circulation of 35,314,497 copies.³⁴ Of course, the Bill of Rights print campaign was also in other publications; the Alvarez ad in particular was also featured in the June 1990 issue of *Ebony*.³⁵ Regardless of magazine and newspaper circulation, it seems print advertisements rather than television spots had the biggest impact on Philip Morris' brand recognition indicators. A May 1990 poll of consumers for Philip Morris Companies and the advertising firm Ogilvy & Mather found that nearly 2/3 of consumers had been exposed to Philip Morris in magazines, more than in any other medium.³⁶

Besides designing the explicit advertisement, Philip Morris kept a close eye on the contexts in which ads were printed and aired. On television, PMC purchased 30 second and 60 second spots on local, network, and cable stations, especially targeting

³⁰ Decisions Center, Inc. Legacy Tobacco Documents Library, "THE PHILIP MORRIS COMPANIES ADVERTISING TRACKING - WAVE I AND II." Last modified 10 March 2008. <http://legacy.library.ucsf.edu/tid/ind70b00>

³¹ "Philip Morris Companies, Inc. Sponsor of Bill of Rights Tour; Observes 200th Anniversary." *Jet*, October 1, 1990. <http://bit.ly/XAcVuR>

³² Philip Morris. Legacy Tobacco Documents Library, "For people like me the Bill of Rights is loud and clear." Last modified 11 June 2009. <http://legacy.library.ucsf.edu/tid/wqd04b00>.

³³ Bergson, Paul C. "A Bright, Shining Light." *The Washington Post*. sec. Letters, May 26, 1990. <http://legacy.library.ucsf.edu/tid/czu38b00/pdf>

³⁴ Urice, James M. Legacy Tobacco Documents Library, "No Title." Last modified 2 February 2002. Accessed March 21, 2013. <http://legacy.library.ucsf.edu/tid/oot72f00>.

³⁵ *Ebony*, June 1990. <http://bit.ly/WgmPzL> (accessed March 21, 2013).

³⁶ Philip Morris. Legacy Tobacco Documents Library, "PHILIP MORRIS COMPANIES "BILL OF RIGHTS" CAMPAIGN." Last modified 1 September 2008. Accessed March 21, 2013. <http://legacy.library.ucsf.edu/tid/jfn51b00>.

early morning, early evening, and prime time slots.³⁷ While many advertisers seek to buy airtime during breaking news, Philip Morris even targeted specific breaking news events. Following South African anti-apartheid leader Nelson Mandela's release from prison on February 11, 1990, PMC unexpectedly stepped up the Bill of Rights television campaign. Philip Morris originally had planned to resume Bill of Rights ads on February 12, but it moved its plans up a day to coincide with Mandela coverage. Among other requests, the food and cigarette conglomerate asked CNN if it could air Bill of Rights advertisements between 15-minute segments about South Africa. CNN declined the request due to scheduling uncertainty, but CNBC closed 13 reports on Mandela's release with a Bill of Rights ad, as requested specifically by Philip Morris.³⁸

The art of the endorsement

What exactly did Philip Morris hope to gain by linking itself to personalities like Mandela? Mandela was one figure whose prestige and pitch for rights PMC exalted to raise its own corporate identity. As referenced earlier, PMC included a variety of endorsers in its print ads, a move that would seem calculated to prove the Bill of Rights – not to mention Philip Morris products – is meant for everyone. In the same way that Alvarez was selected to convey a set of meanings, these other figures were also chosen to represent different facets of freedom, rights, and patriotism to different audiences.

The art of the endorsement, and of how public figures can represent a range of values to audiences, was by no means a new advertising trope.³⁹ Historian Roland Marchand, who studies the cultural role of business and advertising in the early 20th century, dates the modern testimonial back to at least the 1920s, a moment of intense competition for consumers' attention. Cigarette industry leader Lucky Strike was an early adapter to the technique. Recruiting a vast variety of public figures – “from business tycoons and society women to athletes and women” – Lucky Strike used high-profile endorsements to differentiate its product in a crowded market. By 1927, testimonials were so in vogue, one actress reportedly hawked 11 different products at one

³⁷ Ibid.

³⁸ David, Kiley. "BREAKING NEWS AS NELSON MANDELA WALKS FREE, THE MARLBORO MAN RIDES IN PHILIP MORRIS POSITIONS ITS 'BILL OF RIGHTS' ADS NEXT TO MANDELA COVERAGE." *Adweek*, February 19, 1990. <http://legacy.library.ucsf.edu/tid/dhl85e00>

³⁹ Because the range of personalities used for the Bill of Rights campaign includes broadly defined “public figures”, I am opting not to use the more commonplace term “celebrity endorsements” to describe them. The figures featured in the ads, in my opinion, are not an example of the emergent category of celebrity in the second half of the 20th Century.

time.⁴⁰ Since then, cigarette firms have attracted an impressive range of endorsements; in the entertainment industry alone, the glamorous Marlene Dietrich, a young Ronald Regan (then a B-movie actor), and, most recently, actor Stephen Dorff are just a sampling of the countless many who have mugged for the industry. Public endorsements, then, are neither new to advertising strategies nor to cigarette ads in particular.

But the Bill of Rights ads tweaked the typical endorsement format. None of the figures actually *endorse* a PMC product. (Some of them, indeed, never lived to witness the invention of the modern cigarette, so they never *could* have endorsed Philip Morris's signature brands.) The figures give testimonials not about the taste or feel or pleasure of consumption, but about rights, freedoms, and patriotism. The long-honored American Presidents, distinguished civil rights leaders, and respected performers featured in the ads give their credible, expert opinion on a value system rather than on a stated consumer good, a value system the consumers could then associate with PMC's corporate identity. In other words, the personality in the ad delivers this set of meanings from the brand to the consumer.⁴¹

Or rather, the people in each ad deliver subtly adjusted meanings to different consumers. Walesa, the labor leader who would become President of Poland at the end of 1990, provides one especially clear example of a figure positioned to appeal to a specific constituency with connotations of freedom different from those of the other figures in the campaign. It's not a stretch to suppose that Thomas Jefferson, as a founding father from the United States' colonial past, conveys a different idea of rights than Walesa. Similarly, while Jefferson's iconic visage graces 5-cent nickels in the U.S., Walesa is a less recognizable figure to Americans.

⁴⁰ Marchand, Roland. *Advertising the American Dream, Making Way for Modernity, 1920-1940*. pp.98. London: Univ of California Press, 1986.

⁴¹ There is some debate among scholars about how to interpret product endorsements by public figures. Consumer Studies professor Grant McCracken contends that the two dominant models for understanding celebrity endorsements – the source credibility model (celebrity endorsements work because consumers consider endorsers to be experts) and the source attractiveness model (endorsements work because the endorser is likable, familiar, and similar to the consumer) – are both inadequate. McCracken instead proposes that the power of the celebrity endorser lies in the meanings a celebrity brings to the ad, and transfers to the consumer through the product. With his ideas in mind, I loosely use a combination of source credibility/attractiveness models and McCracken's meanings model to interpret this series of ads. McCracken, Grant. "Who is the Celebrity Endorser? Cultural Foundations of the Endorsement Process." *Journal of Consumer Research*. no. 3 (1989).

He would, however, be a potent symbol in Poland and the former Soviet bloc – and that’s exactly why, according to many observers, PMC courted his endorsement.⁴² Following the break up of the Soviet Union, Philip Morris Companies immediately announced plans to enter markets in Eastern Europe.⁴³ Even before the fall, Marlboros were the best-selling cigarette in the USSR, a statistic that included the government’s order of 22 billion Marlboros by the end of 1991, the largest export order ever for PMC. “Moscow truly is Marlborough Country,” declared a reporter hired by PMC upon visiting the Russian capital.⁴⁴

An independence leader known for his chain-smoking, Walesa was tailor made to continue guiding Eastern Europe into an era of American-style consumer freedoms. In a meeting with PMC’s Vice President of Corporate Affairs Guy Smith, Walesa agreed to be featured in ads promoting the American Bill of Rights for a fee between \$20,000 and \$25,000. Walesa’s spokespeople later admitted the labor leader had no idea his endorsement of human rights could be taken as a pitch for cigarettes, but some observers suggested the messages were one and the same to many people in Eastern Europe.⁴⁵ “The right to smoke is political,” noted *The Christian Science Monitor*, even suggesting that in a society marked by government control of individual choice, some people valued the right to light up more than the right to vote.⁴⁶ Grasping this popular spirit, Philip Morris pointed the Bill of Rights public relations machine towards Eastern Europe, appropriating Walesa’s image to further conflate consumption, freedom, and a resurgent Polish (rather than strictly American) patriotism. Mobilizing specific public figures to direct meanings at different consumers indeed seems to have been a powerful tool.

The Bill of Rights, on tour

With all of this in mind, PMC’s undeniable focus was the United States, not the USSR. The country-wide tour of a Bill of Rights facsimile expanded Philip Morris’ public face beyond television, radio, and print ads to a series of free, local events in

⁴² Barron, James H. "Smoke Signals in Eastern Europe." *The Christian Science Monitor*, October 23, 1990. <http://www.csmonitor.com/1990/1023/dsmoke.html>

⁴³ "Burnett Expands Into Eastern Europe." *Adweek*, April 1, 1991.

⁴⁴ Philip Morris Companies, Inc. "PM In Motion - Philip Morris Video Magazine." *UCSF Tobacco Industry Videos* Recorded 1990. Web, <http://archive.org/details/zvp23e00>.

⁴⁵ "Ex-smoker Walesa 'having second thoughts' about ad." *USA Today*, Final Edition edition, sec. News, May 25, 1990.

⁴⁶ Barron, James H. "Smoke Signals in Eastern Europe." *The Christian Science Monitor*, October 23, 1990. <http://www.csmonitor.com/1990/1023/dsmoke.html>

celebration of the document's bicentennial. The basic structure of the tour seemed innocent enough. Following almost a full year of promotional advertising, the tour began on October 10, 1990 in Barre, Vermont. The exhibit included a 5,000-square-foot pavilion with museum-style graphic displays and a "hexagonal-shaped audiovisual theater" to help visitors explore "past and contemporary civil liberties issues."⁴⁷ Fourteen months later, the tour ended with a weeklong celebration in Richmond, Virginia. Among other attractions, there was a parade with "costumed dignitaries" and "young people, bearing the flags of all 50 states," a lecture series at the University of Richmond, and a gala.⁴⁸

Were any of these events the de facto soapbox for PMC to preach smokers' rights, or were they a purer venue to celebrate key American values without a profit motive? The impact of PMC's sponsorship on the content of the tour blurs the line between a promotion and laissez-fair goodwill donation. It's not even clear which events on the agenda – on the most superficial level of financial influence – were even on Philip Morris' dime. A PMC press release only identifies the gala, on behalf of the Virginia State Library, as being "underwritten" by PMC, but other anniversary events bare degrees of input beyond strict finances. An actor whose troupe impersonates colonial founders on educational tours recalled how Philip Morris contracted his group of players to appear at one of their Bill of Rights events. "They never put any words in our mouth," he said. "They allowed us to write the scripts, interpret the Bill of Rights in a perfectly quality, historical way and left it at that." In this case, then, PMC was content to hand its collaborators a blank check, permitting this group to explain less flattering details of tobacco's history in colonial America.⁴⁹

Unlike these historical impersonations, Philip Morris more noticeably influenced a series of one-off lectures, another element of the tour with an educational flavor. Again, however, the extent to which tour contributors adjusted their tune to support smoking rights isn't immediately clear. A.E. Dick Howard, a law professor previously who spoke

⁴⁷ "PHILIP MORRIS CORPORATE AD CAMPAIGN CELEBRATES BILL OF RIGHTS BICENTENNIAL." PR Newswire. Date Accessed: 2013/03/18. www.lexisnexis.com/hottopics/lnacademic.

⁴⁸ "NATIONAL BILL OF RIGHTS TOUR PLANS GRAND FINALE." PR Newswire. Date Accessed: 2013/03/18. www.lexisnexis.com/hottopics/lnacademic.

⁴⁹ Roberts, Roxanne. "Coming Face to Face With History; Patriot Games: Latter-Day Washington, Jefferson Et al. Answer The Role Call." *The Washington Post*, Final Edition, sec. Style, July 4, 1992.

against labor laws permitting employers to discriminate against smokers, gave the series' final session, but other lecturers were more cautious in their support.⁵⁰ Rodney A. Smolla of the University of Richmond, in a legal testimony before the FDA a decade later, almost reluctantly recommended that Congress should “[steer] clear of the resurrection of [anti-tobacco] advertising restrictions” to avoid

⁵⁰ Geyelin, Milo. "The Job is Yours - Unless You Smoke." *The Washington Post*, April 21, 1989. <http://legacy.library.ucsf.edu/documentStore/o/r/c/orc02f00/Sorc02f00.pdf>



Stand closer to freedom than ever before.

Stand in awe.

Because that's about all you'll be able to do when the Bill of Rights arrives in your state.

This historic document is the centerpiece of an extraordinary exhibition that will capture your eyes, your ears and, most of all, your heart. You'll be enveloped by history, transported into the present, and reenter the world with a new appreciation of our freedoms.

The people of Philip Morris Companies are proud to bring you this once-in-a-lifetime event in honor of the 200th anniversary of the Bill of Rights.

There's no admission fee. We want everyone to come. Because in its own deeply moving way, it will be a blockbuster experience.

For more information and group reservations call: 1-800-231-7000.

See the Bill of Rights in the coming months*

Marietta, GA Cobb County Civic Center, Jan. 3-Jan. 8, 1991

Raleigh, NC Raleigh Civic and Convention Center, Jan. 13-Jan. 15, 1991

Montgomery, AL Montgomery Civic Center, Jan. 21-Jan. 23, 1991

Tallahassee, FL Tallahassee Leon County Civic Center, Jan. 27-Jan. 30, 1991

Knoxville, TN Knoxville Convention Exhibition Center, Feb. 1-Feb. 8, 1991

Baton Rouge, LA Riverside Centroplex, Feb. 12-Feb. 16, 1991

Little Rock, AR Rick's Armory, Feb. 20-Feb. 24, 1991

Dallas, TX Fair Park, Mar. 2-Mar. 5, 1991

Houston, TX Sam Houston Coliseum, Mar. 8-Mar. 12, 1991

Oklahoma City, OK Myriad Convention Center, Mar. 16-Mar. 24, 1991

Albuquerque, NM Albuquerque Convention Center, Mar. 28-Apr. 2, 1991

Phoenix, AZ Phoenix Civic Center, Apr. 10-Apr. 16, 1991

Las Vegas, NV Cashman Field Center, Apr. 18-Apr. 21, 1991

San Francisco, CA Festival Pavilion, Fort Mason Center, Apr. 26-May 2, 1991

Los Angeles, CA Shrine Exposition Center, May 7-May 12, 1991

Honolulu, HI Aloha Tower, May 21-24; May 26-28, 1991

Seattle, WA Washington State Convention and Trade Center, June 11-June 15, 1991

Portland, OR Portland Exposition Center, June 19-June 24, 1991

Juneau, AK Centennial Hall Convention Center, July 2-July 12, 1991

Boise, ID Western Idaho Fair & Exposition Center, July 21-July 24, 1991

Butte, MT Butte Civic Center, July 30-Aug. 3, 1991

Salt Lake City, UT Salt Palace Center, Aug. 6-Aug. 10, 1991

Casper, WY Casper Events Center, Aug. 15-Aug. 18, 1991

Topeka, KS Kansas Expo Center, Aug. 22-Aug. 25, 1991

Denver, CO Colorado Convention Center, Aug. 29-Sept. 6, 1991

Saint Paul, MN Saint Paul Civic Center, Sept. 13-Sept. 19, 1991

Lincoln, NE Pershing Municipal Auditorium, Sept. 23-Sept. 28, 1991

Bismarck, ND Bismarck Civic Center, Oct. 2-Oct. 6, 1991

Sioux Falls, SD Sioux Falls Arena, Oct. 10-Oct. 14, 1991

Davenport, IA River Center/Adler Theatre, Oct. 22-Oct. 27, 1991

Columbia, MO Holiday Inn Executive Center, Nov. 2-Nov. 7, 1991

Milwaukee, WI The MECCA, Nov. 12-Nov. 16, 1991

Chicago, IL Navy Pier, Nov. 19-Nov. 24, 1991

Louisville, KY Commonwealth Convention Center, Dec. 3-Dec. 7, 1991

Indianapolis, IN Indiana State Fairgrounds, Dec. 11-Dec. 14, 1991

Jackson, MS Mississippi Trade Mart, Dec. 18-Dec. 21, 1991

Cleveland, OH Cleveland Convention Center, Jan. 7-Jan. 11, 1992

Detroit, MI Cobo Arena, Jan. 14-Jan. 19, 1992

Charleston, WV Charleston Civic Center, Jan. 22-Jan. 25, 1992

Richmond, VA The Richmond Center for Conventions and Expositions, Feb. 5-Feb. 9, 1992

© Philip Morris Management Corp. 1990

*Subject to change.



Philip Morris Companies Inc.

KRAFT GENERAL FOODS • MILLER BREWING COMPANY • PHILIP MORRIS U.S.A.

Figure 2. The original stops for the Bill of Rights tour.

a long First Amendment court battle.⁵¹ More significant than the views PMC's tour *did* represent are the views they excluded: none of the professors featured favored a less libertarian opinion of this founding document.

Philip Morris couldn't control some other educational efforts on the tour. At nearly every stop, anti-Big Tobacco groups followed PMC's trail to refute what they saw as misinformation in the Bill of Rights gimmick. An anti-tobacco group called the Advocacy Institute, lead by former Federal Trade Commission chairman and firebrand Mike Pertschuk, dubbed the tour the "Philip Morris' Bill of Rights Death March" and estimated the number of tobacco deaths over the course of the campaign.⁵² ⁵³ The activists used the tour as their chance to reclaim the rights and freedoms the industry had coopted on behalf of cigarettes. In one move, they ironically proposed rebranding the Statue of Liberty as a woman holding a cigarette called "Nicotina."⁵⁴ The parody statue imagined a world in which corporate sponsorship took over other national symbols of freedom - and didn't like what it saw. If Philip Morris could sponsor the Bill of Rights, why not sponsor the Statue of Liberty, too?

Even with this biting commentary, PMC's tour schedule had the last laugh over the tools of the anti-tobacco lobby. The campaign launch not only marked a bicentennial, but also preceded the 13th Annual Great American Smoke Out on November 16 by just two weeks.⁵⁵ Whether by design or not, the timing meant that both support and backlash for the Bill of Rights campaign worked its way into stories about the Great American Smoke Out celebrations, giving the tobacco firms an opportunity to upstage these events with their own showmanship.

Between Education & Advertising

On April 22, 1991, just as the Bill of Rights tour was scheduled to approach Los Vegas, good news came to a decidedly sleepier town. That day, Kingston, Massachusetts

⁵¹ Philip Morris. Legacy Tobacco Documents Library, "WRITTEN TESTIMONY OF RODNEY A. SMOLLA SENATE COMMITTEE ON HEALTH EDUCATION, LABOR, AND PENSIONS HEARING ON FDA JURISDICTION AND TOBACCO PRODUCTS 20020919." Last modified 15 March 2004. <http://legacy.library.ucsf.edu/tid/ezr34a00>

⁵² Dolly, Langdon. "F.T.C. Chairman Mike Pertschuk Is the Bureaucrat Who Makes Some Businessmen Turn Blue." *People Magazine*, September 10, 1979. <http://www.people.com/people/archive/article/0,,20074544,00.html>

⁵³ Tobacco Institute. Legacy Tobacco Documents Library, "Advocacy Ihsitgte." Last modified 30 November 2009. <http://legacy.library.ucsf.edu/tid/xde49b00>.

⁵⁴ Ibid.

⁵⁵ Philip Morris. Legacy Tobacco Documents Library, "PM FYI." Last modified 1 February 2002. <http://legacy.library.ucsf.edu/tid/aos24e00>.

sixth-grader Kerry Shea won an all-expense-paid trip to Washington, DC, a total of \$1,500 in U.S. Savings Bonds, a position as a special guest at an awards luncheon and gala event, *and* her own National Press Club photo-op among other honors.

Why all the hoopla? Shea was one of three national winners out of nearly 10,000 reported entries selected by Philip Morris in their “Spirit of Liberty: 1791-1991” poster contest. A national press release from PMC quoted the “soft-spoken schoolgirl” saying she participated in the contest simply because “[she liked] being free.” Aesthetically, the piece earned accolades for its “clean lines” – originally drafted in crayon – that depicted hands against the backdrop of the flag using cut paper. Despite a century of anti-smoking programs and rhetoric aimed at protecting children from Big Tobacco, Philip Morris had once again entered the classroom.⁵⁶

The Bill of Rights campaign, then, was not solely a fight over the meanings of sacred American values, but for *who* could pitch these values to the next generation. The Spirit of Liberty contest was only the latest volley in a centuries-long tug of war between cigarette marketers and anti-cigarette crusaders for the hearts and pocket change of American youth. In the United States, the fight over minors’ smoking habits had its roots in the late 19th Century. As Alan Brandt reviews in his comprehensive history of the cigarette as an American product, the dawn of advertising *was* the beginning of advertising to youth. Early tobacco tycoon James Duke’s pioneering merchandise in the 1880s included collecting cards of actresses, sports, adventure, and Civil War figures to entice young (usually male) consumers (31).

But the dawn of youth advertising was quickly followed by a backlash. Temperance movements against smoking and alcohol consumption in the 1890s called on girls and boys to pledge abstinence from these substances. Cigarettes, according to these voices, were a moral hazard to the young. Many critics linked childhood smoking to adolescent delinquency and street crime. Preventing youth smoking through educational curriculum became a major component of the moral crusade against cigarettes.⁵⁷

⁵⁶ Philip Morris Companies. "KINGSTON SIXTH GRADER HONORED AS NATIONAL WINNER IN SPIRIT OF LIBERTY POSTER CONTEST." *PR Newswire*, sec. State and Regional News, April 22, 1991.

⁵⁷ Brandt, Alan. *The Cigarette Century: The Rise, Fall, and Deadly Persistence of the Product that Defined America*. Basic Books, 2007.

It was Joe Camel, that “smooth character” of the 1990s, who provoked a renaissance in anti-tobacco youth campaigns a full century after teetotalers started their fight against youth uptake. When RJ Reynolds Tobacco Company launched the Joe Camel series in 1988, it opened the floodgates to a renewed wave of criticism. Children’s advocates feared that RJR designed the cartoon camel to seduce young viewers into buying cigarettes the same way a less nefarious character like Tony the Tiger lures them to his cereal brand. These fears were swiftly confirmed in 1991, when internal RJ Reynolds documents leaked to an ABC News reporter showed that Joe Camel was explicitly part of a wider strategy to hook young smokers.⁵⁸ As research connecting Joe Camel to youth uptake of smoking mounted, the Surgeon General released 1994’s *Preventing Tobacco Use Among Young People*, arguing that whether causal or not, tobacco ads targeting the young could only encourage the habit.⁵⁹

In 1991, when the Spirit of Liberty contest was taking place, the fight over youth smoking had not yet reached this fever pitch. National and regional press releases like the one describing Shea’s award – one release for each of the 15 regional winners, 3 more for the national finalists, and 2 announcing the complete list of schoolchildren aged 10 to 18 that had earned honors – raised some eyebrows as they made their way through the news wires, but were not the subject of organized attack in the same way the tour itself had been targeted.

The cigarette industry’s growing footholds in local primary education systems had, however, generated some criticism. In 1990, the Washington, DC school district decided to accept some \$1 million from Philip Morris, provoking a letter of outrage in the *Washington Post*.⁶⁰ This gift, notably, was dwarfed by food and tobacco conglomerate RJR Nabisco’s donation of \$30 million to precollege education the year before, the largest such corporate gift to this sector of education at the time.⁶¹ The trend in corporate giving to children’s charities and educational programming sponsored by private companies continued well outside the cigarette industry, with Nike, McDonald’s, Burger King, and others funding public service announcements and in-school teaching

⁵⁸ Ibid., 386-91.

⁵⁹ See note 21.

⁶⁰ Spitzer, Carlton E. "Tainted Money for District Schools." *The Washington Post*, sec. Editorial, April 8, 1990.

⁶¹ Cooper, Kenneth J. "\$30 Million Gift to Aid School Reform; RJR Nabisco Donation Believed Largest at Precollegiate Level." *The Washington Post*, Final Edition. November 2, 1989.

material.⁶² Whether by direct monetary donations, by hosting educational competitions, or by giving out facsimiles of a historical document, Philip Morris and other firms were finding creative ways to blur the line between educational material and promotional ploy. PMC had muddied standards for legal ads and ads pitched to youth, but a trap was set for any lawmakers that stepped in to redraw those boundaries.

Regulation versus Rights: Thomas Luken fights PMC

Congress took the bait. Philip Morris' celebration of the Bill of Rights – ironically, if predictably – lured some lawmakers into renewed calls for limits to the First Amendment. The contest of the campaign itself put legislators in an uncomfortable position; their duty as public servants called for them to ensure constituents' safety, but also their freedoms. Aligning itself with advertising agencies and other companies eager to preserve corporate speech rights, PMC was more than ready for the showdown.

National legislative restrictions on cigarette advertisements, an action that necessarily limits free speech rights, had been in place for a two full decades in 1990. By the late 1980s and early 1990s, a contingent of congressmen was fighting to tighten restrictions or widen the ad ban even more. Some initiatives proposed in 1989 suggested curtailing advertisements in sports stadiums, ending sports sponsorship, levying a tax on cigarette ads, and enforcing stronger self-regulation guidelines. As of 1990, none of these efforts had met with much success.

Representative Thomas Luken, an Ohio Democrat and Chairman of the House Subcommittee on Transportation and Hazardous Materials Committee on Energy & Commerce, was a leader in the Congressional battle against tobacco. In 1988 he proposed a ban of all tobacco advertisements, and in 1989, his subcommittee held hearings debating whether the government could lawfully limit tobacco advertisers to uniform black typeface on a white background.⁶³

Luken had particular ire for the Bill of Rights campaign. At a hearing on November 16, 1989, a written statement from Philip Morris asserted that the Bill of Rights ads were “not advertising Marlboro, or any other brand of cigarettes,” but Luken

⁶² Liesse, Julie. "Line between public service, paid ads blurs." *Advertising Age*, sec. News, October 8, 1990.

⁶³ Richard W., Pollay, and Carter-Whitney David. Legacy Tobacco Documents Library, "The History of Advertising Archives. More Chronological Notes on the Promotion of Cigarettes." Last modified 13 January 2013. <http://legacy.library.ucsf.edu/tid/dgp10j00>.

wasn't buying it. In a letter to Philip Morris CEO Hamish Maxwell, Luken said the Bill of Rights advertisements were "really cigarette advertisements" and were thus unlawful under the Cigarette Labeling and Advertising Act.⁶⁴ Luken postulated that if Americans heard a cigarette manufacturer preaching the value of Constitutional rights, they would assume the firm's real meaning was to naturalize the right to smoke. If that was the case, Luken and his committee hoped, they must pull the ads and cut the campaign short.

But where was his proof? In the past, Philip Morris had made explicit connections between the Bill of Rights and "smokers' rights"; in 1986, for example, the company created a "Great American Smoker's Bill of Rights" to counter the American Cancer Society's "Great American Smokeout".⁶⁵ Despite these precedents, Luken found it difficult to draw a connection between Philip Morris' past discourse on smokers' rights and its current campaign. The Bill of Rights ads and tour never named cigarettes. Luken would need evidence that Philip Morris nonetheless had the same intent as it did in 1986. In search of that purpose, Luken demanded "all documents in the possession, custody, or control of Philip Morris companies, Inc. (or any of its subsidiaries or agents) referring or relating to the purpose or effect of the Bill of Rights advertisements."

Many of the documents he sought – "memoranda, correspondence with Ogilvy & Mather, and any studies...of the effects of various proposed advertisements" – wouldn't have given him much ammunition. Like the ads, the private correspondence between the two firms never mentions cigarettes specifically. One memo stated that the purpose of the campaign was "to increase awareness of the National Archives' celebration of the 200th Anniversary of the Bill of Rights and Phillip Morris Companies' sponsorship of this event."⁶⁶ At face value, Philip Morris had neither designed the campaign with smokers' rights involved nor monitored the effect of the campaign on cigarette consumption. Two polls from independent marketing research firms monitored whether consumers were more likely to recognize or positively identify PMC following the Bill of Rights series –

⁶⁴ Luken, Thomas A. Legacy Tobacco Documents Library, "No Title." Last modified 15 August 2003. Accessed March 21, 2013. <http://legacy.library.ucsf.edu/tid/vaz57c00>. Luken was mistaken about the law regulating cigarette advertisements on television and radio. This act, to the best of my knowledge, actually did not ban cigarette advertising at all, but simply required warning labels on all products and ads.

⁶⁵ Broder, Karen, and Tim Hensley. "Philip Morris and National Archives Light-Up Bill of Rights." *Journal of the National Cancer Institute*. no. 82 (1990). http://www.columbia.edu/itc/hs/pubhealth/p9740/readings/tobacco-broder_hensley.html

⁶⁶ See note 36.

not whether they were sympathetic to smokers' rights.^{67 68} Increased cigarettes sales were never a metric either.

Such documents, if Representative Luken ever attained them, would not have helped him to build his case. He did, however, find evidence of illegal intentions in press coverage of the Bill of Rights campaign. In *Adweek* earlier that year, an article paraphrased an unnamed Ogilvy & Mather executive admitting that "the campaign was designed, in part, to protect PM's right to advertise tobacco and beer against proponents of an ad ban."⁶⁹ Luken took note. Following the article, he invited O&M Chairman and Chief Executive Officer Graham Philips to speak at an upcoming hearing. The response was a flat no. "I am bewildered as to why you have invited him to speak since Ogilvy & Mather does not have a cigarette account, nor do we do any tobacco advertising," came the reply from the firm's general council.⁷⁰ In the face of stonewalling, beyond *Adweek's* paraphrase and wide speculation in the press, there is no evidence that Ogilvy & Mathers or Philip Morris ever acknowledged their campaign as an effort to preempt an ad ban on tobacco or alcohol.

Philip Morris wasn't about to take efforts at tightened regulation lying down. They certainly had the resources to fight back. In 1988, a year before it launched the Bill of Rights campaign, Philip Morris was riding high.⁷¹ Even when cigarette industry sales declined overall, Philip Morris posted gains. With its hefty profits, Philip Morris Companies was the second-most prolific advertiser in the United States. As legislation threatened to unseat it from its advertising throne, it took cover behind a new group, the Leadership Council on Advertising Issues.⁷² The group, which also represented the interests of General Foods, Mars Inc., Ogilvy Group, Procter & Gamble Co. and Time Inc., sought to fend off advertising taxes and other restrictions.⁷³ By moving in this

⁶⁷ Decisions Center, Inc. Legacy Tobacco Documents Library, "THE PHILIP MORRIS COMPANIES ADVERTISING TRACKING - WAVE I AND II." Last modified 10 March 2008. <http://legacy.library.ucsf.edu/tid/ind70b00>

⁶⁸ Targeting Systems. Legacy Tobacco Documents Library, "PHILIP MORRIS BILL OF RIGHTS SURVEY EXECUTIVE SUMMARY." Last modified 1 February 2002. <http://legacy.library.ucsf.edu/tid/mfc16e00>.

⁶⁹ See note 37.

⁷⁰ Reis, Elaine S. Legacy Tobacco Documents Library, "No Title." Last modified 1 February 2002. Accessed March 21, 2013. <http://legacy.library.ucsf.edu/tid/aos24e00>.

⁷¹ See Pollay and Whitney-Carter, note 63.

⁷² Colford, Steven W. "Philip Morris force behind new council." *Adage*, March 4, 1988.

<http://legacy.library.ucsf.edu/tid/wwr62f00>

⁷³ *Ibid.*

direction, Philip Morris repositioned itself as fighting for free speech rights, not for the right to sell a product biomedicine had long ago confirmed to be hazardous.

To fill in the gaps left by congressional lobbying, Philip Morris turned part of its advertising clout towards exercising its own right to public advocacy. In 1989, a pro-smoking lobbying group that included representatives from Philip Morris called the Tobacco Institute placed advertisements in 19 major American newspapers, claiming that a majority of Americans did not support a ban on cigarette advertising.⁷⁴ The claim, it turned out, was false. A closer breakdown of the same data by the *Washington Post* showed that a plurality of Americans in fact *supported* partial regulations and restrictions on cigarette ads. Statistical discrepancies aside, whether PMC acknowledged a connection between this ad and the coincident Bill of Rights campaign, the threat of advertising restriction clearly ranked among their concerns.

The Right to the Rights: journalists & advocates in the media

The debate wasn't just an inside the Beltway affair. As the Bill of Rights tour made its way across the country, so did a debate about the campaign in the local press of cities on and off the Bill of Rights trail. Anticipating or reacting to a nearby tour stop, some local editorial pages and talk show hosts buzzed with opinions on the Philip Morris campaign. In particular, people contested or supported Philip Morris' notion of Constitutional rights.

Most reactions to the advertising campaign were negative. The *Tallahassee Democrat* of Florida was furious about the tour. "The Bill of Rights seems to be part of a sophisticated marketing plan attempting to portray smokers as victims of an intolerant society," they observed. "Smokers are victims – of a highly addictive habit."⁷⁵ For these writers, if PMC put its logo on an ad for rights, it was automatically an ad for smoking and advertising rights. In Maine, an editorial in the *Kennebec Journal* tried to reconcile regard for the actual Bill of Rights with the need to limit the rights of smokers and cigarette advertisers for a public good. The ads, to them, had an "unholy odor"; locals

⁷⁴ Morin, Richard. "Tobacco Institute Ads Shaded Truth." *The Washington Post*, January 26, 1989. <http://legacy.library.ucsf.edu/tid/impl14e00/pdf>

⁷⁵ "Bill of Rights as Marketing Tool." *Tallahassee Democrat*, January 26, 1991. <http://legacy.library.ucsf.edu/tid/jkj12f00/pdf>

could visit the local tour stop if they wished, but they were advised to “hold [their] nose.”⁷⁶

In one case, a journalist used Philip Morris’ public relations gimmick to do his own riff on Constitutional rights. Reporter and non-smoker John D. Callaway proposed a stunt to counter the tour in which he pledged to “smoke a Philip Morris cigarette in full view of reporters...as a health-sacrificing act of support for the campaign for the U.S. Bill of Rights.”⁷⁷ Callaway, clearly, was thumbing his nose at the idea that smoking a cigarette was an appropriate show of solidarity with Constitutional freedoms. When someone at Philip Morris got ahold of the article, they forwarded it along to Vice President of Corporate Affairs Guy Smith. “I think,” read a modest, handwritten note in the top margin, “he is challenging you.”⁷⁸

While many journalists and editors spoke from a position of independence, obvious partisans stirred much of the ruckus over the campaign. Some writers observed that PMC wasn’t selling the Bill of Rights at all; the only bill it cared about was the sales tab for cigarettes. “Philip Morris says it wishes to show the American people the Bill of Rights,” said one representative of the New York State Coalition on Smoking, “[but] we feel the company wants to sell them a bill of goods to improve its own tarnished image.” The Advocacy Institute tried to reclaim the rights discourse with a pamphlet called “the Philip Morris Bill of Wrongs,” in which it accused PMC of silencing free speech with its economic clout.⁷⁹ Bob Keeshan, better known as Captain Kangaroo, chimed in with his own “Passionate Nonsmoker’s Bill of Rights.”

People in favor of the Bill of Rights campaign came from outside and inside the industry. A few independent voices made earnest pleas in the name of First Amendment rights on behalf of PMC. An editorial in conservative newspaper *The Washington Times* condemned Representative Luken’s efforts to take the Bill of Rights advertisements off the air as “a congressional inquisition.” More than inquisitorial, though, the *Times* challenged Luken’s logic. “A Philip Morris subsidiary makes cigarettes, the ads mention

⁷⁶ See note 53.

⁷⁷ Callaway, John D. “Light Up For Rights: The Least a Non-Smoker Can Do.” *Chicago Tribune*, June 4, 1990. http://articles.chicagotribune.com/1990-06-04/news/9002150347_1_philip-morris-companies-cigarette-packs

⁷⁸ JRN. Legacy Tobacco Documents Library, “To GLS.” Last modified 10 March 2008. <http://legacy.library.ucsf.edu/tid/fqt60b00/pdf>.

⁷⁹ See note 53.

Philip Morris, so the ads promote cigarettes,” the editorial said, reviewing Luken’s stance. “By such reasoning, it is illegal for Philip Morris to say anything about, well, anything.”⁸⁰ Not all of the Bill of Rights campaign’s supporters were ideologically conservative. *Advertising Age*, which at other times criticized PMC’s Bill of Rights tactics, published an editorial conceding that even if most Americans opposed cigarette advertising, the Bill of Rights itself “was fashioned to protect unpopular minority positions” like those of Big Tobacco.⁸¹ The *Boston Herald* (though it, too, also published critiques of the series) said the firm wasn’t promoting cigarettes, but “one of the great charters of human freedom.”⁸²

But the masters of rights and democracy discourse were representatives of the tobacco industry itself. Guy Smith told *The World* that Philip Morris supported the project to give every American “an opportunity to see this extraordinary document, which embodies many of our democratic traditions.”⁸³ In a special guest column for *USA Today*, Smith acknowledged criticism of PMC’s tour and ad campaign, adding that the Bill of Rights “protects even such an extreme view” as suggesting the ads were illegal.⁸⁴ For the tobacco industry’s critics and supporters alike, the conversation about the Bill of Rights campaign was never really about health – it was about rights.

Veterans read the Alvarez Ad

This long zoom out puts the Alvarez Ad in the contexts of cultural meanings, legal background, the Bill of Rights campaign, Congressional versus corporate battles, and mass media debate. I will now briefly zoom in, concentrating on a few voices to suggest how Alvarez fit into this cacophony of precedents and responses. The two letters in this section, both written by Vietnam veterans, are more personal than the general editorials and official statements reviewed earlier. The readers of the ad make judgments about whether or not the rights and freedoms Philip Morris Companies espoused in their ads were the same ones Alvarez represented during his service and so highly valued

⁸⁰ "Bill of Rights as Marketing Tool." *The Washington Times*, Final Edition, sec. Editorial, November 22, 1989. <http://www.lexisnexis.com/hottopics/lnacademic/>

⁸¹ "The Bill of Rights and PM." *Advertising Age*. Date Accessed: 2013/03/18. [www.lexisnexis.com/hottopics/lnacademic.](http://www.lexisnexis.com/hottopics/lnacademic/)

⁸² "Blowing smoke over Philip Morris' gift." *Boston Sunday Herald*. 19 November 1989. <http://legacy.library.ucsf.edu/tid/icu85e00/pdf>

⁸³ See note 53.

⁸⁴ "These ads celebrate our liberties." *USA TODAY*. Date Accessed: 2013/03/18. [www.lexisnexis.com/hottopics/lnacademic.](http://www.lexisnexis.com/hottopics/lnacademic/)

thereafter. For one letter-writer, these rights were one in the same; for the other, Philip Morris distorted Alvarez's vision of freedom by using him to sell a deadly product.

The first is a letter to the editor in *The Washington Post*. The letter writer doesn't identify himself as a Vietnam veteran – he simply signs his name, Paul C. Bergson. A little research sheds some light on his motives for writing: not only is Bergson a retired U.S. Army Reserves Major General who served in Vietnam, but he is also a former Chairman of the Tobacco Institute Executive Committee.^{85 86} Responding to an op-ed condemning the promotions that included the Alvarez ad, Bergson said Alvarez would probably defend the freedom of speech of Philip Morris's critics. "Of all the people who will ever see the Philip campaign, Alvarez – undoubtedly – has the greatest appreciation for the Bill of Rights," Bergson wrote.⁸⁷ While his positive reaction to the Alvarez ad must be influenced by his affiliation with the tobacco industry, Bergson's reaction in defense of freedom is something many Veterans must also share.

Another response was not so rose-colored. Russell E. Shaw, a psychologist and Vietnam veteran who served at Bien Hoa Air Base in 1964 when the North Vietnamese captured Alvarez, reacted with disgust at the ad. "It is not evil enough for you to push your drug (nicotine) with deceitful advertising, now you wrap yourself in the Bill of Rights and use the life of a Vietnam Veteran to promote your right to sell tobacco, at any cost," Shaw wrote. PMC worked against freedom, Shaw continued, an affront to a man like Alvarez, who fought for it. As a casual former smoker who preferred cigars as a way to emulate commanding officers like United States Air Force General Curtis Lemay, Shaw lived through a time when smoking was a meaningful and ubiquitous gesture for men in the services.⁸⁸ Shaw, who studied ontology and philosophy, now believes that selling tobacco is an act of harm just as bad as war. "One of the lessons [sic] I learned in the Viet Nam war is that I cannot harm another human being without harming myself," he wrote in his letter. "I don't know what it does cost you for the way you do business but I do know it does cost you."⁸⁹ In his reading of the Alvarez Ad, tobacco limits freedom,

⁸⁵ TobaccoDocuments.org, "Bergson, Paul C.." http://tobaccodocuments.org/profiles/bergson_paul_c.html.

⁸⁶ Senior Army Reserve Commanders Association, "PAUL C. BERGSON - SARCA.us." Last modified 10 February 2008. Accessed March 21, 2013. http://www.sarca.us/halloffame/Bergson_2008_bio.pdf.

⁸⁷ See note 33.

⁸⁸ DiPierro, Amy. Interview with Russell E. Shaw, January 2013.

⁸⁹ Shaw, Russell E. Legacy Tobacco Documents Library, "No Title (xtb81f00)." Last modified 1 February 2002. Accessed March 21, 2013. <http://legacy.library.ucsf.edu/tid/xtb81f00>.

so it was a contradiction to sell tobacco in the name of the freedoms Alvarez honored while in captivity.

“How Sweet Freedom Can Be”: Alvarez in context

One crucial perspective on the Alvarez ad I’ve excluded so far is the opinion of Alvarez himself. Who is Everett Alvarez, and how does he feel about Philip Morris using his picture and quotes in their marketing campaign?

From the ad itself, we know that Alvarez was a U.S. Navy pilot, and that in 1964 his plane was shot down over the Gulf of Tonkin. We know he was the longest-held prisoner of war held by North Vietnam. Since his years in captivity – including capture by the North Vietnamese and a stay in the so-called “Hanoi Hilton” prison for American soldiers – he’s been committed to public service at home. Before this advertisement was published, Alvarez served as the Deputy Administrator of the Veterans Administration (VA), and more recently, on the President’s Task Force to improve Health Care Delivery for our Nation’s Veterans. Today he’s on the Library of Congress Veterans History Project Five Star Council Advisory Committee. In other words, Alvarez is active in the Veteran’s community, concerned about the health of his fellow soldiers, and aware of how historians will tell his story.

In a telephone interview, Alvarez spoke to me about how he became a prominent speaker for Vietnam Veterans and what he thinks of the ad. Alvarez says Philip Morris asked him to speak about whether he would support a constitutional amendment honoring the U.S. flag as a celebration for Flag Day. He willingly volunteered; as a prisoner of war, he remembered the special reverence he and other soldiers placed on the flag even as their captors dishonored it. Alvarez says he never connected Philip Morris’s motives to an effort to promote smokers rights; even as a former smoker, it didn’t occur to him.

With this small deception aside, it seems the ad represents Alvarez’s perspective on freedom since coming home fairly. Rather than react with anger when his captors showed him films of the anti-war movement in the U.S., Alvarez says he and other POWs told the North Vietnamese free protest was evidence of American freedoms. He also connects freedom with access to commodities. Alvarez has spoken about what it’s like to live without basic necessities, and how he values physical things – “clothing, shelter,

things like this” – more since his captivity. Alvarez, unlike some who spoke on his behalf, does not appear so perturbed by a cigarette firm telling his story.

Conclusion: *Who has the right to history?* and other unresolved questions

As this study has tried to show, Alvarez’s opinion is really just one voice in a generations-long conversation about how rights, freedoms, and patriotism fit into public health priorities. My goal has been to explain a moment in the cigarette debates and a relative blip in the media cycle by putting these conversations in various contexts. To understand the Bill of Rights campaign– to understand, more importantly, why smokers and non-smokers found it so provocative – I’ve suggested smoking is not exclusively a public health issue. Historical research, in this sense, can enrich the public health debate on cigarettes. The contexts I outline above – the recent genealogy of rights, freedoms, and patriotism as they pertain to smoking, Philip Morris’ extensive public relations ploys, endorsements by public figures as a deliberate choice, the fight over who should sponsor civics lessons in school, Congressional restraint of free speech, media responses both positive and negative, and the personal reflections of veterans and Alvarez himself – comprise just one list of many possible influences on consumer choice and reactions to advertising material.

By this summary, I do not mean to reach a simplifying conclusion. The questions raised by the Bill of Rights bicentennial campaign, and by the Alvarez Ad in particular, do not have tidy answers. One issue is whether the Bill of Rights celebration was a deliberate statement on smoking and advertising cigarettes. Philip Morris’ corporate goodwill tour and branding plan – even if neither ever references a PMC product– definitely manipulates the theme of freedom and rights in a way that would benefit PMC’s ability to advertise and sell cigarettes. After over a decade of orchestrating smokers’ rights groups and finding loopholes in the limits on its own freedom of corporate speech, Philip Morris and other actors in the industry primed consumers to think twice about a cigarette firm’s call for civil liberties. At the same time, there is no definitive proof in their external or internal documentation that would suggest this was the agenda they had in mind.

The popular consensus, however, was that their pitch for rights was tacitly a message meant to defend smokers. Many thought it was disgusting for a corporation to

cover its hazardous activities in the legacy of America's founders. But if not Philip Morris, then who *is* permitted to be an advocate for a nation's past? Who can appropriate history, and to which ends? These issues, although they arise implicitly during many moments of this study, will also be unresolved.

Philip Morris itself was the first to bring the theme of history to the fore with its announcement of the Bill of Rights tour. "You'll be enveloped by history, transported into the present, and reenter the world with a new appreciation of our freedoms," their first ad promised. Then, it went further, promising viewers "a blockbuster experience" of the famous document. In this ad, Philip Morris considers history a resource to be tapped in the present; it is something that gives people virtue, but it also can be exploited for its entertainment value. The question of the right to history once more surfaced in the debate over whether the National Archives should seek corporate sponsorship, and whether it was ethical to accept PMC's money. In this example, it also seemed as if history was a resource – but more like a National Park or common good that must be *shielded* from spoilers rather than rented out to them.

Perhaps it is worth more than a brief mention to observe that Everett Alvarez, Jr. himself currently serves on a committee of the Library of Congress, an institution whose job is to catalogue the past for the benefit of the future. Critics of the Bill of Rights campaign were hesitant to entrust history to a corporation, but I imagine they would have no qualms trusting national artifacts to a library or museum. This study and many like it would not exist if archives did not prove themselves trustworthy. Without accessible, public, and unedited archives, after all, the Alvarez Ad would be lost to *this* history. In that sense, it is fitting that Alvarez should turn out to be a steward of this same cause.