

## **From *Slings And Arrows*, O'er The Ramparts**

Before the year 2000, I had never spoken publicly in front of an audience on the smoking issue. That February I traveled to New York City and gave an impromptu five-minute presentation to Vincent Robles and City Councilors at a hearing purportedly held to evaluate the current restaurant ban, but actually used by Antismokers to begin promoting the idea of a bar ban.

With the help of Audrey Silk, the outspoken Brooklyn policewoman who founded NYC CLASH (Citizens Lobbying Against Smoker Harassment), and other outspoken Free Choice supporters, the City Council heard, in no uncertain terms, that there was no need to extend the current restaurant ban, and that even that ban itself should be revisited for amendment. Every speaker, from the high and mighty James Repace who had been flown in from who knows where, down to a waitress from a bar in the neighborhood, was given just five minutes to make their presentation, and Councilman Robles saw that they all got a fair and equal hearing.<sup>1</sup>

I expected the Philadelphia hearing to go the same way. I was sadly surprised to find that antismoking Councilman Michael Nutter and his supporters had the first day's hearing structure set up to give the antismoking speakers almost unlimited reign throughout the opening hours of testimony. Their presentations were so overwhelming, so filled with official-sounding facts and figures and claims, that I ended up more or less slinking out of the door at the back of the hearing room without having spoken once I knew the hearing was to be continued on another day. I honestly had no idea what I could say in the five to ten minutes that ordinary citizens (mainly against the ban) were being allowed that would counter the avalanche of material presented by the other side.

I'd learned from my New York experience that I was not yet a skilled and confident extemporaneous speaker. So I sat down with my notes to prepare a formal, written testimony for the Council's next session. My six minute testimony was suddenly cut to three minutes at the sudden dictate of a Council with no desire for lengthy presentations from ban opponents, so I improvised by eliminating most of the middle of my testimony. What was left was effective however. I got one of the few rounds of outright applause from the chamber's audience as I slowly and forcefully read the introduction and ending of my testimony into the public record.

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<sup>1</sup> Although he did bend the rules a bit when Antismokers paraded their kids up to the microphone to read testimonies obviously prepared by the parents. The antismoking tactic of abusing our love for children worked, as it almost always does, and Councilman Robles soon had them up on his knee, praising them for their civic concern while giving them City Hall mementos to take home.

## **Testimony To Philadelphia City Council May 31, 2000**

Councilpeople, thank you for the opportunity to speak today. My name is Michael McFadden and I'm a long term resident of West Philadelphia. I have no connection to any bars, restaurants, or tobacco companies other than being a good customer.

Last Wednesday you heard from Antismoking advocates that Environmental Tobacco Smoke had been added to the National Toxicology Register as a carcinogen. What you DIDN'T hear was that alcohol and sunlight were ALSO added at the same time.

Antismoking advocates consistently ignore the clear and simple fact that there never has been and very likely never will be shown any threat at all from the microscopic exposures to smoke that might exist in well-designed nonsmoking sections. If you refer to the testimony that began today's session, you'll note that the Advisor to the Surgeon General herself carefully referred only to "smoky" and "smoke-filled" rooms in most of her testimony. At no point did she indicate that well ventilated smoking and nonsmoking sections posed a threat to the general population.

There's no need for glass partitions or airlock doors: smoke does NOT "travel where it wants". Even a mild movement of air pushes smoke quite effectively in the direction of the air movement. Passing a law prohibiting smoking sections in restaurants on the basis of cancer risk is like passing a law prohibiting windows in restaurants where sunlight might come in and give cancer to innocent diners.

Most studies that have looked at the long term health effects of smoking upon nonsmokers have been based on situations where nonsmokers lived and worked closely with smokers, often in poorly ventilated conditions, every day of the week, over periods of up to 40 or 50 years. Even at THOSE extreme exposures only about one study out of 10 has consistently found any statistically significant link between secondary smoke and even small increases in diseases like lung cancer.

The claim made here last Wednesday that these studies were “unanimous” in their findings is clearly false.

Some studies have even come up with NEGATIVE correlations ... (Text of WHO Abstract, list of 124 study results, and critical examination of two previous pro-ban testimonies submitted for the record.) ... <sup>2</sup>

A \*lot\* of the testimony heard from Antismoking advocacy groups at these hearings was like this: basic touches of fact, expanded, tortured, and twisted into visions of death and destruction far beyond what reputable scientists not connected with such groups actually subscribe to.

Councilpeople, I do not believe we are here today because of a real concern about the health of nonsmokers. We're here because smoking bans are seen as one of the most effective weapons in the arsenal of social engineering when it comes to reducing smoking and getting smokers to quit smoking. At least three of last week's Antismoking advocates spoke of that in their testimony.

I'm here today Councilpeople because this is NOT George Orwell's 1984. Our government should NOT be in the business of making laws designed to pressure citizens into thinking in proper ways or conforming to a politically correct healthy lifestyle.

Education about the dangers of smoking is fine. Social engineering and behavior modification is not. That's NOT what government in the United States is supposed to be about, and by voting for proposals like this one I believe you will actually be hurting our country and its people a LOT more than you'll be helping.

Thank you.

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<sup>2</sup> The ellipse marks (...) used several times here indicate deletions to avoid repetitive material, material not verbally presented, or simply to move the reading along a bit faster. The original materials was up to 50% longer.