

SERIES: Caucus: New Jersey with Steve Adubato
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STEVE ADUBATO, host:

Smoking and the legislation that could change everything, next on
CAUCUS: NEW JERSEY.

Announcer: Major funding for this edition of CAUCUS: NEW JERSEY has been provided by New Jersey Breathes, working to protect public health in New Jersey; Johnson & Johnson, the worldwide health-care products company; New Jersey Natural Gas Company, proud to support education in our communities; and by Verizon Communications.

ADUBATO: The Clean Indoor Air Act has passed in several states and is now making its way through the New Jersey state Legislature.

I'm Steve Adubato. Here to talk more about balancing an individual's right to smoke and the public's right to clean air are Dr. Jim Katz, a communications professor at Rutgers University researching public health policies; Barbara McConnell, a lobbyist for the New Jersey Licensed Beverage Association; Herb Jackson, a colleague who is a senior writer at The Record covering smoking legislation; and finally, Dr. Fred Jacobs is chairman of the Council on Public Health for the Medical Society of New Jersey and also the chair of New Jersey Breathes, a volunteer organization.

Dr. FRED M. JACOBS (MD, JD, Medical Society of New Jersey):
Correct.

ADUBATO: And, in fact, for disclosure purposes, they are the underwriter of this series.

Let me--let me put out there an interesting question. Now, Barbara, we've known each other a long time.

Ms. BARBARA McCONNELL (Lobbyist, New Jersey Licensed Beverage Association): Yes.

ADUBATO: You actually ran for governor a few years ago.

Ms. McCONNELL: In '81.

ADUBATO: In '81?

Ms. McCONNELL: It's been a long time.

ADUBATO: Right. Barbara, this whole question of smoking and public health, right?

Ms. McCONNELL: Mm-hmm.

ADUBATO: Where do we need to clear the air? What's confused about this, from your point of view? Because there are some folks--and Fred's going to say this in just a second, that we really need to change the laws to ban smoking in lots of places. What do you think we need to clear up?

Ms. McCONNELL: Well, I think what we need to do with regard to the legislation, I--you know, I--I think it's--it's very clear, I mean, you know, certainly studies show--and I don't think anyone is arguing against the fact that smoking is harmful to your health. But insofar as this legislation's concerned which bans smoking in all public places...

ADUBATO: It doesn't really ban smoking in all public places.

Ms. McCONNELL: Well, it doesn't now, but that was the intent.

ADUBATO: The original intent.

Ms. McCONNELL: That was the intent, yes. The intent of the no-smoking legislation that's passed in several states was based on the premise that secondhand smoke is harmful. So legislatures were trying to protect the health of employees, of patrons...

ADUBATO: Right.

Ms. McCONNELL: ...of public places.

ADUBATO: Nothing wrong with that.

Ms. McCONNELL: Nothing wrong with that. But in New Jersey, the legislation initially--it began to exempt certain people out.

ADUBATO: Such as?

Ms. McCONNELL: Such as veterans clubs, American Legions, private clubs.

ADUBATO: Now casinos and tracks.

Ms. McCONNELL: And now casinos and tracks.

ADUBATO: So therefore...

Ms. McCONNELL: OK. And now it becomes an economic impact issue. I represent bars and taverns in this state. Many are small operators that maybe have no more capacity than, say, 25, 50 patrons, something like that. So when you exempt these private clubs out who are competitors of the bars and restaurants already, you're going to have a tremendous economic impact.

ADUBATO: Unfair advantage.

Ms. McCONNELL: Unfair advantage.

ADUBATO: Dr. Jacobs, what do we need to understand about this iss--issue? Barbara McConnell couches it in economic terms. You couch it how?

Dr. JACOBS: Well, this is really a public health issue, Steve, and I think that the Licensed Beverage Association and big tobacco, who are more or less on the same side on this, see this in economic terms because that's the only argument they can make. They can't make the--that there--that there is no adverse, you know, effects on public health. She just admitted that everybody agrees that this is a dangerous...

ADUBATO: Let's be more specific, Dr. Jacobs. How bad is the impact?

Dr. JACOBS: For instance, environmental tobacco smoke in non-smokers causes 53,000 American deaths every year. That's every year. More people die from environmental tobacco smoke than are killed on the highways or--or died every--in the--in the entire Korean and Vietnam War.

ADUBATO: How do we know this?

Dr. JACOBS: We know this--these are--these are CDC numbers, from...

ADUBATO and Dr. JACOBS: (In unison) ...the Centers for Disease Control.

Dr. JACOBS: So I think that that's--it's a fairly good number. I think if you--plus or minus a few thousand, there's a lot of people dying from environmental tobacco.

ADUBATO: So therefore, what should we do?

Dr. JACOBS: If you're interested in--in, you know, promoting the public health, then I think you have to take legislative action in the interest of the public health. And that means that you avoid those kinds of situations where innocent third-party non-smokers are exposed to the adverse effects of tobacco smoke by making it improper and, in this case, illegal, to smoke where your smoking adversely impacts innocent people.

ADUBATO: Where are we talking about?

Dr. JACOBS: Bars, restaurants, public places, indoor--indoor--indoor arenas of various--of various kinds, where smoking itself will have an adverse impact on non-smokers.

ADUBATO: That is what you believe needs to be done.

Dr. JACOBS: That's what I believe needs to be done, because leaving it to the voluntary action of people, whether they choose to go into a restaurant or an individual place that's smoking or not, implies that that individual understands the risk. I know that once we had a--we had an interview with actually the editorial board of The Star Ledger prior to the last election, Larry Downs, who's the executive director of the New Jersey Breathes, and myself. And one of the reporters there was quite insistent on saying, 'Listen, if I'm an individual and I want to walk into a bar and they allow smoking in the bar, can't I assume that risk?'

ADUBATO: That's a legitimate point of view.

Dr. JACOBS: Yes, it is.

Ms. McCONNELL: I think so.

Dr. JACOBS: But I think that if you're going to assume the risk in a legal sense, that is, under the assumption of the risk doctrine, you have to know what the risk is, and then you have to voluntarily assume it.

ADUBATO: And your position is, we don't know that.

Dr. JACOBS: My position is I don't think most--most individuals in--in the community know what the risk is. They see smoking as being obnoxious, perhaps distasteful, maybe allergic. They don't see it as a deadly threat to the public health.

ADUBATO: Jim Katz.

Dr. JAMES E. KATZ (PhD, Rutgers University Professor): Well, I'm concerned about individual rights. That's the perspective I take. And on the one hand, I think bar owners should be able to have a lot of latitude about what they allow on their--on their own property. On the other hand, we don't allow them to have asbestos in--spread around in there. They don't...

ADUBATO: The Department of Health gives you a problem when you do that, right?

Dr. KATZ: Well, I think it's wrong, whether they do or not, and of course, they do. And--and even if I happen to think I like diesel exhaust, it's not my right to back up a diesel and send that exhaust into a restaurant. The prob...

ADUBATO: Is that a good analogy when you're talking about smoking?

Dr. KATZ: Well, I think actually throwing a javelin is a better one. It's like throwing a javelin. I have a right to throw a javelin; it

ends when that javelin hits somebody else in the chest. So I have no problem with people throwing javelins, I have no people--no problem with people smoking as long as it doesn't bother other people and as long as they're informed of the risk. You know, the tobacco companies have spent millions of dollars misrepresenting the risk, doing things that are actually illegal, paying--secretly paying philosophers to write articles against the right to s...

ADUBATO: What does that have to do with the discussion regarding whether this Clean Indoor Air Act makes sense or not?

Dr. KATZ: Well, part of the argument that people object to this act is they falsely assume the property owners have a right to poison themselves and poison patrons when--without realizing that that poisoning act is--is a result of the manipulation, lying and--and illegal activities.

ADUBATO: Herb, let me ask you a question. You've covered this issue for a long time. You're one of the most respected journalists in the state of New Jersey. The politics, if you will, of this issue--does it get debated like this? Does it sound like this?

Mr. HERB JACKSON (The Record): No. It's a tough thing. I mean, if you go back 20 years, nobody really thought we needed to ban smoking in office buildings. Now you wouldn't think that somebody would light up at their desk. And it's--it's taken time for people to get used to that. You had some of the same arguments. The politics of this, only 20, 25 percent of the people smoke, so you would think 75 percent would want to ban it. But when you start getting into bars, when you start getting into casinos, you start getting into areas where a majority of the patrons already have some sort of compulsive behavior. You know, most people don't hang out in bars, but the people who do are not the same as the people who don't, and they're the ones who feel more strongly about more people having freedom to do things that don't necessarily...

ADUBATO: Even tho...

Mr. JACKSON: ...get condoned in society.

ADUBATO: I want to be clear. Even those of us who don't smoke, you're saying there are a fair number of us who are saying, 'Hey, I may not smoke, but it's a bar. No big deal.'

Mr. JACKSON: There's--there's enough people who go to bars who don't smoke who think that the government shouldn't be banning it because it starts getting into the whole government as mommy thing.

ADUBATO: Yeah, the number that I've seen--I've got to say, the numbers I've seen on this, and I could be wrong, is that most folks support the idea of banning smoking in public places, and that includes restaurants, right, Barbara?

Dr. KATZ: It--and it includes smokers, too. Most smokers don't want to be around cigarette smoke.

ADUBATO: Most people on this that--I mean, those are what the polls say, right, Barbara?

Ms. McCONNELL: The--that's true, and there are--allegedly there's 25 percent of the smokers. But you know, bars and restaurants get about 75 or 80 percent of that 25 percent that patronize bars...

ADUBATO: OK.

Ms. McCONNELL: ...and taverns. So...

Mr. JACKSON: And if it were a slam dunk in polls, this wouldn't be a problem for legislators.

ADUBATO: Is that right?

Mr. JACKSON: Yeah. I mean, we...

ADUBATO: So--so--so--whoa, whoa, whoa.

Mr. JACKSON: ...they have no problem with doing what's very popular.

ADUBATO: So you're--you're s--you're trying to say that if the will of the public was such that, hey, people--most people are saying this is what they want, it would be done. You buy that, Doctor?

Dr. JACOBS: There's a lot of money in this. You know, I mean, this--this is an issue where campaign contributions are made. They--whether we like it or not, influences how legislators view public policy issues. And I think that you have an unlimited amount of money on the side of opposing any kind of smoking restriction, in New Jersey or anyplace else, for that matter.

Mr. JACKSON: But there is--there's going to be time that people need to get used to it. I mean, it--but it's happening everywhere.

ADUBATO: Well, New York City, right?

Mr. JACKSON: I mean, it's happening in Europe. I mean...

ADUBATO: We have a big audience...

Mr. JACKSON: ...the Irish are going to ban smoking everywhere next year.

ADUBATO: Well, OK. But we have a big audience in New York City as well. Pretty interesting stuff happening over there. The law has been in place for how long?

Dr. JACOBS: About a year.

Ms. McCONNELL: About a year.

ADUBATO: There are those who say if you can do it in New York, come on, Jersey should be...

Mr. JACKSON: You can do it anywhere.

ADUBATO: You can do it anywhere. Exactly.

Ms. McCONNELL: Right.

ADUBATO: It should be a slam dunk.

Mr. JACKSON: Well, New Jersey would like to have a clean outdoor act first, but...

ADUBATO: That's a whole 'nother story.

Mr. JACKSON: Yeah.

Ms. McCONNELL: That's right.

ADUBATO: Barbara, I didn't give you a chance to finish your point before. Go ahead.

Ms. McCONNELL: But, Steve--but, Steve, with regard to the New York situation, the New York Post wrote an article, there have been several others, about the economic impact of the no-smoking ban in New York and how New Jersey and Massachusetts and Pennsylvania has benefited from that trade as a result of the no-smoking ban.

ADUBATO: Benefited economically.

Ms. McCONNELL: Benefited economically, yeah. And also what's happened there, patrons are going outside the bars to have their cigarettes, so they're polluting out there, and they're littering the sidewalk, and they're also walking off without paying their tab in New York. And so there have been many, many stories--what happens is the proponents of no-smoking bans will say to you, 'Oh, it really didn't hurt the bars and restaurants and--and the taverns in California.'

ADUBATO: Right.

Ms. McCONNELL: 'It didn't hurt them in New York.' What happens is that initially there's a tremendous impact of lost business, laid-off employees, and then they go away, and a year later, people say, 'See, they're not in business anymore; it really didn't hurt them.'

ADUBATO: I see you shaking your head, Doctor.

Dr. JACOBS: Yeah, well, you see it, but if you look at the numbers, I mean, in the--in the immediate quarter following the im--the imposition of that Clean Indoor Air Act in the city of New York, there was an increase in employment in restaurants of about 14 percent. There were 1,500 new jobs; there were 10,000 new jobs over that next year. If you're hiring more people, hiring more people in bars and restaurants in the city of New York after the smoking ban goes into effect, I'd be interested to know how you explain that that's adversely affecting the job market in such institutions.

Ms. McCONNELL: Well, as I say, there have b--there have been bars that have gone out of business, employees laid off. And you don't hear them crying out anymore; I mean, they're gone.

Dr. JACOBS: But why are they...

Ms. McCONNELL: They've lost their...

Mr. JACKSON: But you also have to be careful with any statistics about New York restaurants and bars in 2002 because they took a real hit in 2001, people who just didn't want to go to New York...

ADUBATO: OK, I understand.

Mr. JACKSON: ...who started to slowly come back.

ADUBATO: But the concern I have here is that we can argue statistics...

Ms. McCONNELL: Exactly.

ADUBATO: ...lots of different ways, depending upon our point of view. But--but, Dr. Jacobs, you know, we've had these discussions before, you know. And as I said, New Jersey Breathes is a part of this effort. But it's got to frustrate you on some level that you've been fighting for so many years for such a ban, and the most recent effort in the state Legislature has been to exempt, take out, casinos and racetracks.

Mr. JACKSON: And bars.

ADUBATO: And bars. I mean, what's the point of the legislation at this point if you've gutted it on that--to that degree?

Dr. JACOBS: Well, I--you see, Steve, I think if you look at the legislation as amended...

ADUBATO: Was it wrong to gut--gut it that way?

Dr. JACOBS: It--it was not wrong if we can get it to pass. I'm--I'm a believer--I'm--I'm not so much of an idealist as to think that we

can have a perfect piece of legislation first shot out of the track.

ADUBATO: Excuse me. You don't want to ban smoking.

Dr. JACOBS: I don't want to ban smoking. I want to ban smoking in public places...

ADUBATO: No, go ahead.

Dr. JACOBS: ...where smoking impacts innocent third parties. Now i--if you were to--you know, for instance, if you were to do what Barbara said, mainly have a level playing field all over, it's really a poison pill because there are so many powerful opponents in the special interests--I hate to use that term; it's overused--that oppose this, that leaving them in kills it in the Legislature. And I'm a believer in Everett Dirksen. Everett Dirksen used to say, 'Politics is the art of the possible.' If this is what we have to do to get this ban now, I think it's a huge step forward for the public health in New Jersey. And that doesn't cause us any problem with getting back into this fight later. We're not stopped from getting back into this fight later and--and getting back into the casino issue.

ADUBATO: So this--excuse me. This is what we--you're saying if this is what we can get, quote, "politically," right now...

Dr. JACOBS: Yeah.

ADUBATO: ...then let's get it, and if we have to revisit it down the road, then we do that.

Dr. JACOBS: Not--not only that, but remember, the people who work in bars and restaurants usually are--are small individuals in the fact that they're not organized...

Ms. McCONNELL: Right.

Dr. JACOBS: ...they have no representation, and they're--they're pretty much helpless against employers. The--the people who work in casinos are organized; they're unionized. And they're much more able to deal with this in collective bargaining and stick up for themselves. So maybe they don't need as much help as the small mom-and-pop stores and bars and restaurants around. But I think that--so--so I think that's--you know, that's point number one. They can--they can handle themselves. And, two, we'll help them again if we can get this as step one.

ADUBATO: Gotcha. Let me ask you this. We've talked about the politics...

Ms. McCONNELL: But the co...

ADUBATO: Go ahead, Barbara.

Ms. McCONNELL: I just wanted to respond to the allegation that always comes up as the reason we've not been able to get the no-smoking ban in New Jersey is because of the big tobacco companies.

ADUBATO: Big money.

Ms. McCONNELL: Big money and the big alcohol industry.

ADUBATO: Big money going to legislative candidates and individual legislators.

Ms. McCONNELL: Let me just make...

ADUBATO: So they're afraid.

Ms. McCONNELL: I just want to make it clear, Steve, that in this recent fight on this no-smoking legislation, the tobacco companies did not get involved in the no-smoking ban. They were so busy on the increase in the tobacco tax that that's where they put their efforts. But they did not weigh in on the no-smoking ban. The New Jersey Licensed Beverage Association doesn't even have a PAC. It's a small organization that does not make big political contributions. And so it is our--i...

ADUBATO: So your position is, there's no big money involved in this.

Ms. McCONNELL: It is our association and the Restaurant Association--now I don't know about their PAC or the political contributions they make, but this is always the argument that New Jersey Breathes and the--and the proponents of this legislation always come forth with. We're talking about small bars and taverns that have paid anywhere from \$50,000 to \$1/2 million for their liquor license. That is going to have a tremendous impact on their business. I've done a survey among some of our--some of our--our bars and restaurants. They're going to go out of business. Seventy-five, 80 percent of their patrons smoke. Now we have a large number of our members that are smoke-free establishments, but they let the consumer drive that issue.

Dr. JACOBS: Are they going out of business?

Ms. McCONNELL: No, because the consumers that come to them, the patrons that come to them are not smokers.

Dr. KATZ: You know, I--I...

Ms. McCONNELL: Those that are go to the smoking facilities.

Dr. KATZ: ...I'm troubled because there is so much--so much use of front groups. So, for example, the history of tobacco publicity has been to create front groups, so--things like...

ADUBATO: For example?

Dr. KATZ: For ex--something called the National Smokers Alliance, paid for by Philip Morris, in an attempt to mobilize smokers to make the kind of noises that Herb referred to about accommodations. The entire accommodation program was designed by some of the highest-paid...

ADUBATO: What is that, an accommodation program?

Dr. KATZ: That's to al--it's a program by tobacco companies to get people to accept poison, to say, 'Oh, it's good manners to allow other people to smoke around me, so I'm going to breathe their smoke.' They crafted that message and said, 'Let's persuade the public to accommodate smokers. Isn't that a decent thing to do?' That was created by tobacco industries because they knew people's inherent good manners would allow them to smoke. And you say, why isn't there an outcry? It's because of the very clever use of front groups, restaurant associations, even in some cases licensed beverage associations to manipulate the public's view, the employees' view, and to distort the facts.

Ms. McCONNELL: Oh, come on!

Dr. KATZ: That is the problem.

ADUBATO: It sounds like you...

Ms. McCONNELL: What about the Medical Society? What about the front groups that are behind this kind of legislation? And I'm getting a little tired about, you know, the research and the studies and the statistics that are thrown back and forth. Every time that there is a--a--a--research that comes up and they say, 'Oh, well, it's paid for by the tobacco companies; therefore, it's not valid.'

Dr. JACOBS: Well?

Ms. McCONNELL: And yet most of the research that you're referring to, relying upon, was paid for by the tobacco settlement money.

ADUBATO: So I want to be--I want to--I want to understand something. And by the way, for disclosure purposes, I mean, Barbara, this program and the program we are doing, the programming that we're doing on this issue, some of the dollars came from, you know, other than the big corporations and generous sponsors and underwriters that we have--some of it came from New Jersey Breathes. Now does that make this discussion less relevant?

Ms. McCONNELL: No, absolutely not.

Dr. JACOBS: You know, I think there's--there's a million things to

be made, because...

Ms. McCONNELL: Absolutely not, because I think this is a fair and balanced dialogue that we're having here.

ADUBATO: But--but you--but you called the Medical Society a front group.

Ms. McCONNELL: He's referring to...

ADUBATO: A front group to what? Like what are they looking to sell? I mean, you know...

Ms. McCONNELL: He is cr--he is cr--he...

Dr. JACOBS: Whe--where's the economic interest the Medical Society has here? I mean, it's really contra--it's contrary to their interests.

ADUBATO: It's really against their interests, because people don't get as sick.

Dr. JACOBS: That's right.

Ms. McCONNELL: The only reason I said that...

ADUBATO: People don't get as sick. Go ahead.

Ms. McCONNELL: ...is because he alleged that the Restaurant Association and the Licensed Beverage Association...

ADUBATO: You're a front group to the tobacco industry.

Ms. McCONNELL: ...that we are a front group for the tobacco industry.

ADUBATO: You're fro--OK. Barbara McConnell--excuse me for interrupting, Barbara. Front group for those who are looking to ban smoking.

Dr. JACOBS: You bet.

ADUBATO: You plead guilty on that?

Dr. JACOBS: Absolutely. The medical society is interested in furthering the public health. I mean, that's what the medical society does. If you were to take it to its logical extreme, if we banned or if--if we were able to eliminate all illness, doctors would be out of business as opposed to banning smoking when the tobacco companies go out of business, that's a--that's the economic impact they want to avoid. Doctors have been working on--I don't want to make this sound like a commercial for doctors--for 3,000 years to advance the public

health and reduce the impact of illness and disease on the public.

ADUBATO: Let's try this. Herb, I want to get you back in in a second. Two things: one, I'm going to go to a public service announcement spot that was put together by REBEL, a group of young people, teen-agers, dealing with smoking issues. But first, folks in the control room, could we put up a full-screen graphic of our resource ad--resource guide? Smoking Control: What Works, What Doesn't. And this is a resource guide that we are making available free of charge. Everything that we know, everything that we can get our hands on in terms of research, background material, articles and places you can turn, if you want to actually stop smoking--Right?--if you want to find out more about this legislation that we're talking about in New Jersey, the New York legislation, California law, if you will, everything that we can put together in this resource guide, reach out.

Let me ask you, Herb, the governor--Governor Jim McGreevey, where is he on this issue?

Mr. JACKSON: He's taking a flier. He's basically said he supports letting local governments ban it in their own towns, but he does not think the state should be getting involved. Or if--if--if the st--if they send him a ban to his desk, he'll look at it.

ADUBATO: What are the implications of the governor not taking a public position on this?

Mr. JACKSON: Well, since the Legislature isn't coming back before the election, he's not--it's not like it's going to happen anyway. But it's interesting that we were talking about the bill being amended as though that's where it stands now, but I talked to a sponsor in the Assembly yesterday, Loretta Weinberg, who says that even though she sponsored the bill and allowed amendments that weakened it out of her house, she wants to take those amendments out on the floor. She just did that to get it out of committee and onto the floor. And she's concerned that she'd rather not pass a ban that doesn't go as far.

But you know, you look back 20 years again. There was this debate over whether to--how far to make the indoor smoking ban when we first banned it in offices, and in restaurants at the time, the rule only became you have to say if you have a smok--non-smoking section or not. You know, it--it--there...

ADUBATO: That's what the law is right now.

Mr. JACKSON: Right. There's a...

ADUBATO: So right now you just have to say that we have a non-smoking section.

Mr. JACKSON: There's evolution.

Ms. McCONNELL: That's right.

Mr. JACKSON: Or we don't have a non...

ADUBATO: Or we don't have it. But you have to publicly state it in a place--I'm not sure what the--the specifics are. You have to be able to say...

Mr. JACKSON: Where people come in and they can see it.

ADUBATO: Where people come in and they look--why are you shaking your head, Jim? Isn't that the law?

Dr. KATZ: That's a perfect example of how a good intention to try and create smoke-free environments where people could dine or drink without poisoning themselves is twisted into a--really just a shame, a humiliation for anyone that's seriously concerned about clean air. All restaurateurs need to do is put up a sign--small sign at the entrance saying we have a smoke--`We don't have a smoking section.'

ADUBATO: What's wrong with that?

Dr. KATZ: What's wrong with it is because people are not aware of the hugely damaging effects of smoke, especially on young children. So parents bringing their children into a place, and even if it has a smoke-free section, it's like a having a peeing and non-peeing section of a swimming pool.

Dr. JACOBS: That's what's wrong with it. Because it's the--there is no such thing as a non-smoking section, even when it says a non-smoking section.

ADUBATO: They don't have ventilation systems, no, Doctor?

Dr. JACOBS: Because it--they intermix. After an hour, the--the--the--you know, the concentrations of these elements are about the same. If you wanted to have a ventilation system that would clear the air of smoke in a restaurant, it would have to be 1,000 times more effective than it is now.

ADUBATO: Right.

Dr. JACOBS: You have a virtual windstorm in the restaurant. It doesn't work unless you have a separate, walled off, separately ventilated, non-circulating ventilation system. That's the only way it works. The way it works now when I take my grandchildren to a--to--you know, to a restaurant where there's a bar and smoking is allowed, even though we sit all the way on the other side and they give the kids the coloring books and stuff like that, it's really nice, I know that we're being exposed to as much harmful environmental tobacco smoke products as if I were sitting on the other side of the

room.

ADUBATO: Let me do this. We have a public service announcement that was put together by REBEL. Do we have time to go to that? 'Cause if not, we'll put it on our sister program "One-on-One"--no, we'll do it right here. This is a piece--a 30-second public service announcement, doesn't need a great introduction--detailed introduction. Let's go to it and we'll talk about it right after that, put together by REBEL.

(Excerpt from public service announcement)

(Graphics reading)

Second hand car Second hand boots Second hand clothes Second hand record Second hand dance moves

Unidentified Narrator: A lot of things can be second hand.

Unidentified Teen #1: But smoke should not be one of them.

Unidentified Teen #2: Spare the air. It's what we breath.

(End of excerpt)

ADUBATO: Doctor, the connection between this Rebel spot and the discussion we're having right now is?

Dr. JACOBS: I think that's what it's all about. I think when you go into a restaurant, kids go--or wherever they are, they go into a restaurant and they expect to have a non-smoking section that means there's no smoke, they're really being lied to because that's not what's happening. Kids these days--smart kids know. They know that second-hand smoke is harmful to them. It's deadly for them as they grow older. They want it stopped. And the future of the state--of--of the country in these kids who really understand what the public health issue is and are out there trying to do something about it, and I applaud them. I think they're great.

ADUBATO: Barbara.

Ms. McCONNELL: Well, he makes a very compelling argument there, but insofar as you're taking your grandchildren into a place that allows smoking, why don't you take them some...

ADUBATO: Got about 40 seconds left. Go ahead.

Ms. McCONNELL: Why don't you take them someplace else? And to respond to you, I really resent your saying that customers that go in and see a no-smoking sign or we don't have a smoking section don't know what that means. The public is intelligent. If they're not and they don't know the dangers of smoking, what smoking and non-smoking means, then, you know, we've wasted our money in this country

educating them.

ADUBATO: Real quick, Jim.

Dr. KATZ: Thirty-six billion dollars a year for--\$36 billion have been spent over the life of tobacco industry promoting smoking as glamorous and downplaying, lying and misrepresenting the danger. So even though the public is intelligent, unless they speak out to their legislators, they're going to continue to be poisoned. And...

ADUBATO: Thank you, all of you.

Announcer: If you would like more information on this program or if you'd like to express an opinion, e-mail us at info@caucusnj.org. And visit us on the World Wide Web at www.caucusnj.org.

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