

In October 2001 a student at Purdue University requested an E-Mail interview for an English Literature paper. I agreed to discuss the questions that he posed, in context of a brief outline provided. I also referred him to two other individuals, including Prof. Jed E. Rose of Duke University, so that he could acquire diverse views on his subjects.

The subjects of the paper are the feasibility of a worldwide ban on the sale of tobacco, and to phase out tobacco companies. Four questions were propounded:

1. Do I think the proposal (to ban tobacco sales worldwide and to phase out tobacco companies) is feasible?
2. Why should there be a distinction between tobacco and other forms of drugs?
3. What would be the economic impact of this move?
4. Are there any benefits of this proposal that I can think of?

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*Basic Literary Definitions*

The operative language of the proposal is “a worldwide ban on the sale of tobacco.” The action to be taken is to ban.

Definitions of “Ban” from “The Compact Oxford English Dictionary,” Second Edition, include:

To summon; to proclaim, command; to prohibit, interdict, curse; to reprove, chide, execrate.

1. To summon by proclamation (early use, to arms).
2. To imprecate damnation upon. From Latimer *Sermon* 1555, “They will curse and ban . . . even into the pit of hell all that gainsay their appetites.”
3. To curse. From Byron *Morg. Mag.* XXXV 1820, “Yet harsh and haughty, as he lay he banned.”
4. To chide, address with angry and maledictory language. From *Bullinger’s Decades* 1592, “Bitter speeches, wherewith we use to curse and ban our neighbors.”
5. To pronounce an ecclesiastical curse upon, to anathematize. In Holland *Mistr. Manse* 1874 “As rose the priest with power to bless and to ban.”
6. To interdict, proscribe, prohibit. In Lecky *Ration* 1878 “The religion of the immense majority . . . was banned and proscribed.”
7. A proclamation against any one by the civil power; especially ‘Ban of the [Holy Roman] Empire’ (as from Coleridge *Friend* 1865, “Charles V had pronounced the ban upon him [Luther] and limited his safe convoy to one and twenty days”).
8. Practical denunciation, prohibition, or outlawry, not formally pronounced, as that of society or public opinion. From Martineau, *Essays* 1869 “What are the objects upon which . . . the ban of morality is set?”

The preceding definitions reveal that “Ban” is used in context of judgemental pronouncements. Such edicts usually operate to the benefit of those who impose the ban. Bans are promoted through moral judgement and crafted beliefs. To execrate is to denounce scathingly, to loathe. To interdict is to ostracize or bar from fellowship and sacrament. To reprove is to rebuke, to express disapproval of. The purpose of banning therefore becomes clear: to demean and ostracize others to suit a purpose or to enhance one’s power.

We should appreciate the opportunity to examine the literal context of tobacco control advocacy. When we understand that context we confront a choice to adopt or reject it. Do Oxford’s definitions of “Ban” include behaviors toward our fellow citizens that we accept or advocate?

By definition bans are imposed in place of law and reason. If law and reason supported the proposition denunciation and curses would not be required to impose it. But if tobacco is not banned worldwide tobacco companies cannot be phased out. So the principal focus of feasibility analysis necessarily becomes banning tobacco worldwide.

Were we to consider preventing by operation of law or recognized authority, the most correct word would be to prohibit. Oxford’s definitions of “prohibit” include:

1. To forbid (an action or thing) by or as by a command or statute; to interdict. From Barclay *Shyp of Folys* 1570 “The damnable lust of cards and of dice, and other games prohibited by the lawe.”
2. An action prohibited by legislature. From *Junius Lett.* 1820 “They considered . . . what the thing was which the legislature meant to prohibit.”
3. To create criminal conduct by statute. From Sir H. Davy *Chem. Philos.* 1812 “. . . an act of parliament was passed in the fifth year of the reign of Henry IV prohibiting the attempts at transmutation and making them felonious.”
4. To prevent, preclude, hinder, or debar (an action or thing) by physical means. From Hall *Chron. Henry V* 1548 “The Frenchmen gathered together a greate nombre of men of warre, redy to defend and prohibite the passage.”
5. To directly or indirectly prevent. From J. Sergeant *Schism Dispatch’d* 1657 “Those Authors, whose books are prohibited printing in England under great penaltise.”
6. A command *not* to do something; to cause a thing *not* to happen or to take place. From the Earl of Bindon *Land Gaz. No. 4339* “To prohibit all Coach-Makers . . . that they do not use Varnished Bullion-Nails.”

In general, to “Ban” or to “Prohibit” accomplishes the same end—to stop or prevent an activity—but through different means. To “Ban” is to prevent through curse or edict; to “Prohibit” is to prevent through law or recognized authority.

*Distinctive Choices*

As to the proposition to ban a legal product we confront a choice. The choice is not about the product or its sales. The characteristics of the product are mere pretense to “justify” the ban—sufficiently demonize a product and one may do what they will to its consumers. The choice is about the means used to achieve the end. Is the sale of tobacco to be influenced by lawful authority, or are tobacco sales to be influenced by moral edict, curses, ostracization, and judgemental pronouncement?

To ban requires divisive behavior, one group to pronounce edicts or curses, and another that is targeted by them. Before we proceed to analysis of other merit we must first decide whether we accept public policy that is crafted to be divisive. Do we accept public policy whereby one group is “Targeted” and another group benefits by proclaiming curses?

The choice becomes one of personal beliefs and values. If one accepts that it is appropriate to loath, to demean, to rebuke, to curse, or to ostracize selected fellow citizens to get what they want then the proposition to ban stands. If one regards such behavior to be an unacceptable means to achieve policy objectives then the proposition to ban any product or service falls. Implicit in approving of the proposition to ban is a personal acceptance that others may craft and program our beliefs about our neighbors and fellow citizens to enrich themselves or to increase their political power.

Based on credible definitions of “Ban,” all analysis of proposals to ban any product or service is predicated on that fundamental choice. If one embraces the process to rebuke and to ostracize “Target” fellow citizens then they support banning any legal product or service as suits their purpose. If one rejects that process as unacceptable behavior toward our fellow citizens then the proposition to ban any legal product or service will not be pursued under any circumstances.

Analysis beyond definition of the proposed course of action merely relates to “justification” for a specific ban. When we cross the line to accept that banning is legitimate behavior there are virtually no limits as to what can or will be done to justify that conduct. Then again, if one needs to justify their behavior then it is reasonable to ask whether they should engage in the conduct.

Next we should examine alternative means. Were the true objective of the proposed ban to be to stop tobacco sales that could be accomplished through statute with a stroke of legislative pen. Congress and state legislatures have the power to prohibit the sale and/or use of tobacco products. Neither Congress nor state legislatures have chosen to do so.

Such legislative remedies have not been applied because were legislators to do so they would eliminate a substantive and growing portion of revenues (income per pack of cigarettes to government is greater than tobacco company profit.)

Comparative revenues per pack of cigarettes expose an obvious contradiction of the proposed ban. Were tobacco sales to be prohibited through law institutions with the greatest economic interest in tobacco revenues would necessarily enact statutes to eliminate tobacco sales. The proposed ban is therefore not feasible because state and federal legislatures have decided that the sale of tobacco products will not be prohibited, *and that tobacco revenues to the state will be sustained.*

We are therefore left with analysis of the choice to ban tobacco sales through moral edict, in place of prohibiting by law and statute. The choice to not prohibit tobacco sales by law and statute reveals a state pecuniary interest in continued tobacco use, and the choice to ban through moral edict makes an unsavory statement about its proponents.

To my mind neither choice is acceptable. The choice to garner revenues through continued sale of products that are alleged to be so lethal that they kill tens of thousands of innocent bystanders each year through secondary effects is mor-

ally repugnant and irresponsible public policy; a choice to influence lawful use of a legal product through braying edicts at, and pronouncing curses upon, its consumers is repugnant and delinquent behavior.

In this light we understand tobacco control advocacy to be a choice of personal values. In its distilled and bitter essence the proposition to ban becomes a self-serving question: “Should we continue to rake in bucks by vomiting political dogma on our neighbors, regardless of what the law says?”

To which responsible citizens answer: “No! That is repugnant and dysfunctional behavior.”

There are some things we simply should not do, regardless of the desired effect. Banning neighbors to line our pockets and to gratify a personal urge for power over others is one of those things. Scant decades ago, when the KKK rather than anti-tobacco dominated state politics, lynching a black person was a social event for many people. That everyone enjoyed the party did not make the lynching right, nor did it make such conduct less reprehensible. Today we observe similar behavior through tobacco control advocates promoting a tested and proven plan to cyanide product tamper with cigarettes. Beside every bigot with a ban stands a moron with a mandate. Behind the bigot and the moron is the shadow of a high priest of intolerance; his left hand holds a noose, the right extends palm upward to receive alms from the poor.

The proposed course of action is therefore not feasible because legitimate means to accomplish it do not exist. Tobacco sales will not be statutorily prohibited for economic reasons, and tobacco cannot be banned without imposing severe cultural environment consequences on we the people.

Vested economic interests in tobacco sales reveal that those who promote banning tobacco through moral edict, in place of prohibiting by law, are anarchists and manipulators who use deception to achieve their ends. Ban proponents are anarchists because they necessarily choose to ignore the law, they are manipulators because they craft and apply standards to others not recognized by the law, and they are deceivers because it is obvious that the end they claim to pursue—eliminating tobacco sales—cannot and will not occur. We find ourselves chasing the illusionary tail of a ban that will not occur while the Big Dogs skulk away with the prize revenue bone.

#### *Ban Proponents Present Themselves*

Within the distinctions between the words “Ban” and “Prohibit” are found definitions of those who gravitate toward agendas to ban what others do and those who oppose such agendas. Those who gravitate toward ban agendas are driven by a compulsion for judgemental pronouncements about others in defiance of law, and those who oppose such agendas find that means to accomplish any end to be unacceptable.

Those of the “Ban” mentality need to recognize that by cavalierly throwing about that term they are also making a statement about themselves and their personal values.

I considered the above definitions of “Ban” in context of policy stated in the Tobacco Free Washington Coalition’s 1993 booklet “Planning For A Tobacco Free Washington,” to reduce public tolerance for and to change public acceptance of tobacco use. I also thought about those definitions in light of

a Washington legislator's letter to me, wherein she mentioned strategies to "denormalize" tobacco use. And I thought about those definitions as I read again a June 1988 Letter to the Editor by a past president of the Tobacco Free Washington Coalition, in which that individual described persons who smoke as drug addicts and likened convenience stores that sell cigarettes to crack houses.

Through such statements we hear today's version of Bullinger's "Bitter speeches, wherewith we use to curse and ban our neighbors." Such policy and beliefs inevitably lead to aggressive "discrediting" of opposition, bringing us to confront once again through anti-tobacco Latimer's Sermon of nearly 500 years passed, "They will curse and ban . . . even into the pit of hell all that gainsay [oppose] their appetites." An appetite for \$200 billion-plus in tobacco settlement and tax revenues garnered by cursing one's neighbors seems to require a considerable amount of damnation toward others.

The consistent behavior of tobacco control and its supporters is to presume authority of moral suasion and crafted belief, in place of respect for their fellow man, earnest public discourse and freedom to choose. Such is necessarily the case because the choice to ban is, by definition, also a choice to curse and to command by edict. One cannot ban without also judging. It is in the compulsion to judge others that I find the most repugnant characteristics of those who presume to ban.

Lost in the fray of ban pronouncements is a question: By what authority, other than that proclaimed for themselves, do those who presume to ban operate? That question is on point in considering the instant proposition because the language of the proposal contains an act—to ban—that necessarily, and by definition, embraces a personal choice to judge, to pronounce, to curse, to influence through moral edict.

As we read the proclamations of today's high-priests of consumer "Targeting" echoes of Holland's "As rose the priest with power to bless and to ban" resound from more than a century ago. And, needless to say, billions in tobacco settlement and new tax revenues contain the inherent potential for many priestly blessings. Such power to bless necessarily includes considerable emotional gratification. But legitimate public policy is not about how big a rush the high-priest can get, ultimately such policy must be judged on its merits of producing benefits for the flock of we the people.

So, considering both practical and moral aspects, the conclusion must be that a worldwide ban on tobacco is not feasible. Reality is that we do not need, and cannot afford, a worldwide expansion of our unique U.S. brand of orchestrated intolerance and self-serving hatred of our neighbors to the rest of the world. We cannot have a worldwide ban of anything without, by definition, also fostering worldwide judgement of and intolerance toward others.

The choice to ban is therefore not about the merits of a "Target" product, whether tobacco, hamburgers, beer, or coffee. The choice to ban is about how we regard and behave toward our fellow man. By that standard we have much intellectual and spiritual house cleaning to do here at home before we expand or export any agenda to the world. We would be well advised to get about the business of earnestly growing together as a people, rather than promoting our current divisive and self-serving intolerance worldwide.

Is it feasible to prohibit the sale of tobacco worldwide?

As previously noted, we have not prohibited by statute the sale of tobacco in the United States. Congress was presented with the opportunity to merely regulate (much less prohibit) tobacco in 1997, when the original tobacco settlement was presented to the U.S. Senate through John McCain's legislation. That legislation was defeated and withdrawn in 1998.

Given the defeat of Senator McCain's 1997 legislation it is apparent that the 1998 tobacco settlement crafted by state attorneys general defies the will of the people, as expressed through their elected representatives. Through that settlement we observe tobacco control anarchy in action.

The failure of John McCain's tobacco legislation is relevant because to prohibit requires lawful authority. Worldwide tobacco prohibition must therefore be viewed with the understanding that we do not have lawful authority to do so in the United States, let alone the rest of the world.

To my knowledge we do not yet have a sovereign one world government of planet Earth. The United Nations does not have sovereign authority over its national members, nor are global advocacy groups such as the World Health Organization chartered with sovereign authority.

A worldwide prohibition of tobacco is fatally flawed for at least two reasons: First, we do not have lawful authority for such a prohibition in the United States, much less the rest of the world; second, there is no sovereign world government that has authority to proclaim or enforce a prohibition.

We therefore confront a fundamental reality about a worldwide prohibition of any product or service: The means to lawfully proclaim and to legitimately enforce such prohibitions do not exist. Much like a choice to ban, proponents of a choice to prohibit must make a personal decision. Are we to be a nation and a world of law, or do we choose to be a people who ignore the absence of lawful authority for our conduct?

Similar to a ban, the choice of worldwide prohibition speaks volumes about its proponents. Absent lawful global authority to do so worldwide prohibition advocates reveal themselves to be anarchists who simply ignore any requirement that their agendas and their economic gratification be constrained by the encumbrance of enacted statute.

I submit that such an approach to world affairs is irresponsible. Those who regard lawful authority for conduct of their policy to be an encumbrance that is evaded through self-proclaimed moral edict merit neither serious attention nor respect among civilized and decent people.

The bottom line to the proposed course of action is that the means to carry it out—through ban or prohibition—do not legitimately exist for civilized people. To ban tobacco worldwide is to prevent lawful use of legal products through imposition of edict and curse; to prohibit the sale of tobacco worldwide is to prevent lawful use of legal products through operation of law for which neither judicial precedent nor sovereign infrastructure presently exist.

We therefore reach the conclusion that such a course of action is neither morally acceptable nor lawfully possible. Under those conditions the answer to whether there should be a worldwide prohibition or ban on tobacco is clearly "No!"

If we are to hold ourselves out as responsible world citizens, and if we are to merit world leadership, we must be equally concerned about *how* we get things done as we are about *what* is to be undertaken. There are no conditions under which responsible world leaders embrace promoting intolerance of our fellow man as a legitimate means to any end, nor can it be proper to pursue any regulatory scheme that is not supported by sovereign infrastructure and lawful statute.

We broach these issues at a poignant time. As this is written Christian bombs blanket Muslim Afghanistan in retribution for the leveling of World Trade Center towers. When do we residents of planet Earth comprehend that both the Mullahs and the Priests of orchestrated intolerance are fundamentally dangerous to decent people of all nations? How much crafted bigotry does it take for us to understand that when we usurp the right of our fellow citizen to lawfully engage in legal behavior we necessarily diminish the quality of our own cultural environment? Are we so blinded by crafted beliefs that we no longer look beyond “what’s in it for me today?” Would we enforce a worldwide tobacco ban with gunboat diplomacy, flinging cruise missiles at nations that do not comply?

### *Three Final Questions*

Three additional questions were propounded:

1. Why should there be a distinction between tobacco and other forms of drugs? Because tobacco is a *legal* product. Merely asking the question reveals the irresponsible nature of the proposition because the question infers there should be no distinction. There must be a distinction between citizens who lawfully consume legal products and those who unlawfully use illegal products. Promoting the idea that there is no distinction between those who use legal and illegal products only serves to perpetuate negative labels and unfavorable stereotypes of “Target Groups,” a much relished, liberally applied, and highly profitable stock in trade of tobacco control.

2. What would be the economic impact of this move? Were it to be achieved it would eliminate hundreds of billions in revenues derived through imposing discriminatory costs on “Target” consumers. Persons who smoke have an advantage over tobacco control activists, however: they can quit. In contrast, those who embrace the ban mentality are hopelessly addicted to the rush from pronouncing moral edicts about their neighbors to “Save” them. Add to that delinquent propensity massive profits garnered through promoting mandates for one’s fellow citizens and we create a species that knows no other way to feed. Dependency on feeding off of one’s neighbors assures the proposal will not become reality. That contradiction—if anti-tobacco were to accomplish what it claims to be about it would eliminate its own revenue source—is resolved by understanding that anti-tobacco is not, and never has been, about material and sustaining reductions in tobacco use. Tobacco control’s track record is that it is a policy instrument whereby tobacco use is stabilized and expanded, while optimum revenues are extracted from “Target” citizens. The ultimate impact of promoting a world wide ban on tobacco will be that the USA will export its tobacco control agenda. Nations targeted with bans will see increases in tobacco use as we experienced in the United States during the 1990s.

3. Are there any benefits of this proposal? There is a laudable benefit to eliminating tobacco sales: The only known food source to legions of parasites on the body politic would disappear. Absent sustaining revenue that pestilence would die out.

### *An Alternative Choice*

We cannot look to tobacco control for solutions. Anti-tobacco’s fifteen-year track record is that it systematically increased tobacco use and that it will use any means, including promoting blatant falsehoods, to optimize revenues from its “Target Group” of choice. We therefore necessarily dismiss tobacco control advocates as irrelevant to functional policy.

We cannot take anti-tobacco seriously enough to earnestly debate its proposals. It takes two to present a truth, one to speak it and another to hear it. Anti-tobacco is demonstrably tone deaf to discussions that do not support its agenda. We know tobacco control programs do not produce the results advertised, we know smoking cessation products they promote are 85 percent ineffective, and we know that our children were targeted by anti-tobacco programs that increased youth smoking in the 1990s. Those are sufficient reasons to remove tobacco control advocates from policy decisions.

The choice that we face as a people is brought to the fore by the language of the proposal examined. Are we a civilized people of law who respect our neighbors and their rights to legal behavior, or have we become narcissistic, cynical beings who care not where what we have comes from, so long as our desires are sated today through the expedience of edict?

The alternative choice is to ignore those who promote the idea that to ban—to prevent by judgemental pronouncement or edict—is acceptable behavior under any circumstance, or for any reason. We can grow in spirit and come together as a people. We can share common positive values rather than adopting divisive and hurtful beliefs. We begin by acknowledging that we cannot have it both ways; we cannot achieve by judgemental ban that which we will not do by just law.

In the final analysis the proposition is not should we have a worldwide ban on any product, our choice is whether we embrace the ban mentality. Ultimately it becomes a decision as to our personal beliefs and how we regard our fellow citizens. There is hope in that because nations rise to greatness or fall to ruin on the beliefs and values of their citizens.

The challenge emerges: Do we rise to the greatest that we can achieve together, or do we fall to the ruin of what we can take from our neighbor through mandate, curse and edict?

We can embrace that challenge with a simple thought:

Where energy flows life surely goes.

As we believe things come to be.

We define what’s real, our lives, our way,  
by what we think and believe each day.

If we fail to assume responsibility for our values and beliefs others will define them for us. This commentary is written about the values and beliefs tobacco control has defined. Ban proponents will ultimately find it necessary to recognize that this nation and our world belong to normal people, too.

*Redmond Washington November 26, 2001*