

MANIPULATIVE LANGUAGE IN CORPORATE DISCOURSE: A CASE STUDY OF  
DECEPTION IN A MAJOR TOBACCO INDUSTRY SPEECH

by

BROOKE HELLER

(Under the direction of Don Rubin)

ABSTRACT

Two main purposes motivated this research: 1) to demonstrate deliberate manipulation and intent to deceive in a document that is exemplary of tobacco industry language; and 2) to demonstrate that authorial intent can be uncovered by applying tools and methods from different linguistic perspectives, especially draft analysis. The document analyzed, a taped speech by Philip Morris CEO Geoff Bible to worldwide employees, was written in early April, 1996 when the industry was at its most vulnerable. It covers topics crucial in tobacco control research (e.g. controversial FDA investigations, industry insiders turned whistle blowers, and mounting litigation). Four sequential drafts were available for analysis.

Analytic methods draw from discourse analysis, computer programming, cognitive linguistics, and corpus linguistics. Utilizing a draft analysis computer program, paragraph-by-paragraph comparisons of the speech were conducted. These comparisons involved both lexical semantics and a pragmatics-based approach to deception. Results demonstrated that the difficult issue of determining author/speaker intent to manipulate an audience can be overcome when concrete textual evidence via draft comparison is used. For example, the word ‘addiction’ appears in the first three drafts but is omitted from the final draft demonstrating the authors’ knowledge of and intent to avoid discussing such a crucial public health topic.

The methodology offers another avenue for tobacco control research and practice by demonstrating that purely textual analysis of tobacco industry documents can provide evidence of manipulation and deception.

INDEX WORDS: tobacco documents; draft analysis; computer-assisted text analysis; pragmatics; semantics; authorial intent; deception; manipulation; tobacco control; Philip Morris; Geoff Bible

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BROOKE HELLER

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BROOKE HELLER

Approved:

Major Professor: Don Rubin

Committee: William Kretzschmar, Jr.  
Lewis C. Howe

Electronic Version Approved:

Maureen Grasso  
Dean of the Graduate School  
The University of Georgia  
December 2007

## DEDICATION

To my grandmothers, Tura Hobbs and Dorothy Heller, who have the most direct line to  
divine intervention of any two women I have ever known;

To the memory of my grandfathers, Carl A. Hobbs, a postmaster and veteran, and Gilbert  
Heller, a cobbler and firefighter, who were so proud of everything their grandchildren  
accomplished, large or small;

To my mother, Dr. Terry Heller, and my father, Dr. Richard Heller, who have supported  
me financially, encouraged me liberally, and loved me unconditionally through this and  
many other endeavors in my life;

I dedicate this work.

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I have crossed paths with many friends over the years but will mention just a few here. Surviving the final year of this master's degree would have been unlikely without culinary (and other) adventures with George Felis, Jess DeLisi, and Stephen Tyndall, all in Athens; or the jaunts to visit old friends in Clara's Coffee Shop in Charleston; and finally, without the mentoring of Paula Mellom and Lloyd Martin or the long distance chatting with Manda Martinek and Kim Hokanson, this last year would have been bleak indeed. I am grateful to have had such a wonderful group of people in my life.

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## CHAPTER 1

### INTRODUCTION

There are two main purposes of this research. The first goal is to show there was deliberate manipulation and intent to deceive in a particular document that is exemplary of tobacco industry language. The particular speech to be analyzed, given by the then Philip Morris CEO Geoff Bible to the company's worldwide employees, was written in the time period around April 9, 1996 and was chosen because it covers five crucial topics, contains an explicit argument for why the tobacco industry is 'right,' and has many drafts with multiple editors. In these ways it is a rich source of internally generated language at a time when the industry was at its most vulnerable. The second goal of this research is to demonstrate that authorial intent can be uncovered by bringing together tools and methods from different linguistic perspectives. Furthermore, intent may be specifically recovered by analyzing the writing and rewriting process found in multiple drafts of a text.

#### 1.1 WHY DO DRAFT ANALYSIS?

By analyzing the differences in drafts chronologically, we can compare what words were changed from the original and thus hypothesize why an author made those changes.

The essence of "authorial" intent is inferred through the process of choosing words and of demonstrating that certain words were chosen for very particular reasons. In the case of this thesis, the reason for looking at why the certain words were chosen is to find out if there was likely intent to deceive. Without being able to analyze drafts of a document, very little could be said about the decision making process behind the final draft. However, with several drafts we can compare original choices with what choices make it to the podium and can

therefore get a glimpse at what could have been said, but was edited in favor of something else.

## 1.2 WHY CHOOSE THESE PARTICULAR DRAFTS?

The speech that Geoff Bible gave on April 9, 1996 was designed to be recorded and sent out to all Philip Morris employees world wide. The overall feel of the speech is that of a ‘state of the company’ address and also a kind of pep rally. At a time when Philip Morris was increasingly in the public eye with very little positive coverage, there was certainly an internal need to defend its products and corporate practices. However, the fact that there is so much defending even within the company reflects Philip Morris’ leadership is concern for their position at that time.

The timing of the speech is also significant. The year 1996 was at the climax of tobacco control litigation and within a year, the bottom fell out of the tobacco industry’s arguments. Ultimately, the industry settled with the united states attorneys general in 1998, promising an unprecedented settlement that included one of the largest sums ever to be paid in liability plus access to nearly every document that belonged to any of the settling companies. These documents have become the Legacy Tobacco Documents Library online and is the main source for current tobacco-related research.

The subject matter of the speech is particularly intriguing. The speech can be broken out into five main topics, more thoroughly described in Chapter 3. They are, briefly, as follows:

- 1) The tobacco company Liggett Ltd. was settling a lawsuit with the first seven states attorneys general, independently and against the advice of the rest of the tobacco companies. At the same time, the tobacco industry in general was facing a national class action lawsuit nicknamed the Castano suit after the lead plaintiff;
- 2) The FDA was actively investigating the industry’s advertising campaigns regarding the target age of potential customers under the legal age of consumption;
- 3) Several industry-internal documents which indicated that the tobacco companies were

manipulating nicotine levels in cigarettes to keep people addicted were made public via insider whistle blowers ;

4) The FDA was also investigating the status of nicotine as a drug and its use by the tobacco industry as such, thus making it possible for the tobacco industry to come under FDA regulation;

5) The enormous, and growing law suit that began when Mike Moore, Attorney General of Mississippi, sued the tobacco industry for Medicaid reimbursement because of the number of patients treated for smoking-related diseases was proceeding toward disposition.

The fact that the speech covers each controversial topic is also rare among documents. This breadth could be partially because of the timing but also possibly because the audience, world-wide Philip Morris employees, needed to be updated on as many issues as possible in that short space of time.

Another compelling reason to examine this speech is that there were four distinct drafts and many editors, most of whom were top players in Philip Morris (CEO Geoff Bible, VP and General Counsel Murray Bring, and VP of Corporate Affairs Steve Parrish, for example). The fact that such high-level management was involved in constructing this message tells a lot about not only the significance of the speech but what the key decision makers in the company found acceptable. Also, by reading iterations of the same text, we may speculate more aptly about why certain phrases or words were chosen over others in the drafting process. It is in those changes that I hope to discover language that is being used to hide the truth of the topic being discussed.

### 1.3 WHAT DOES THIS RESEARCH CONTRIBUTE TO TOBACCO CONTROL RESEARCH?

The majority of research conducted on the tobacco documents involves analyzing historical, medical, and financial details in the narratives of the documents. In other words, the archives have been searched for “smoking gun” documents that will prove that the industry possessed information about the health risks of tobacco and was deliberately hiding it. The current

project differs from these past approaches in that the documents themselves are the subject of investigation. Here the language and style of tobacco industry texts is of interest, rather than consequences of their factual content. Important precedent done in this perspective can be found in Cati Brown's 2006 dissertation that searched the Tobacco Documents Corpus at UGA (Kretzschmar et al 2004) for documents that rate highly among six linguistic indicators of deceptive corporate strategies. The present research, which is complimentary to Brown (2006), examines the possibilities of deceptive rhetoric in the same typological framework found in Brown's research, but from a perspective of how an individual document changes, rather than the perspective comparing different documents in a corpus.

The most salient contribution this research makes to overall research on the tobacco documents is that it offers another avenue for uncovering evidence of deception in the industry as a whole, which could add to the mounting body of evidence that the deception was deliberate and well planned.

#### 1.4 WHAT DOES THIS RESEARCH CONTRIBUTE TO LINGUISTICS?

An unusual feature of this study is how many different areas of linguistics it draws on to create a holistic picture of the data. It could be best described as a convergence of computational linguistics and discourse analysis. Further, this project combines principles from corpus linguistics, to inform the computational tools, and cognitive linguistics, to ground the discourse analysis tools.

The Draft Analysis Program, the software created for this project and used to split the electronic text into analyzable chunks for comparing across drafts, was informative about the nature of writing drafts and editing even before any discourse analysis tools were applied. For example, one expectation about drafts going into this project was that they are more similar than different. Using the paragraph as the level of comparison, the program returned only four paragraphs that remained unedited across the several drafts, contrary to the original expectations.

The methodology of this thesis is grounded in discourse analysis in that it systematically dissects the drafts of a speech to fully describe its meaning. Several definitions of discourse analysis will be discussed in later chapters but it is worth noting one here. The term ‘discourse analysis’ is broadly defined as “the analysis of language in use” (Brown and Yule, 1996:1). As such, there are different perspectives and tools for analyzing texts within discourse analysis. In particular, this study uses a close semantic analysis of the words that are changed among drafts of a speech and a broader pragmatic analysis of the results of those changes as they relate to the cultural context of the speech. One of the goals of this study is to show that these specific discourse analysis tools are the effective tools for analyzing the language used in the speech and, furthermore, that this collection of tools could be employed again to other texts.

Semantic analysis used here is closely associated with cognitive linguistics. Cognitive linguistics involves studying language from the perspective of how it works in the brain with what we know about mental modeling, memory, and brain anatomy. Semantic and pragmatic analyses are influenced by notions of implicature, semantic frameworks, and logical entailments, all of which are associated with the psychology of language, how these things are perceived and how they are remembered. Without this viewpoint, the analyses would resemble literary criticism rather than linguistic analysis.

Corpus linguistics influenced the computational aspects of this thesis. In corpus linguistics, there is a great need for the automation of some kinds of analyses because there is so much electronic language data available. Even though my “corpus” is quite small, the task of separating the paragraphs was done much more efficiently by the Draft Analysis Program than by a person. Also, the program makes it possible to instantly generate word lists and frequency tables, and generates the discourse unit (paragraph) numbers that are maintained throughout the analysis. All of these techniques are used in corpus linguistics and produced useful information for the present analysis and discussion of the drafts.



## 1.5 HOW THIS THESIS IS ORGANIZED.

This thesis is organized into six chapters. Chapter 1, the introduction, is designed to give a brief description of the research to follow, the reasons the research was undertaken, and what it endeavors to contribute to its disciplines. The literature review found in Chapter 2 summarizes some relevant research that informs the reader about the scholarship and theory that shaped the methodology. The literature review covers not only works related to discourse analysis but also tobacco document research and research on the writing and revising process. The third chapter gives some background information and the context in which the speech was written, since understanding the environment that shaped the contents of the speech is a vital part of analyzing it. It is split into five sections that explicate the five topics present in the speech and maintains the order in which they appear in the speech. The methodology of the present study is found in Chapter 4 which outlines the process for examining the drafts and includes a description of the Draft Analysis Program. The fifth chapter is the results of applying the methodology set out in Chapter 4 to the drafts of Geoff Bible's speech and preserves the topic organization set out in Chapter 3. Within each topic section, the analyses are in turn divided into semantic analysis and pragmatic analysis. The sixth and final chapter discusses conclusions that may be drawn from the analyses, the strengths and weaknesses of the study, and what might be done in the future.

## CHAPTER 2

### LITERATURE REVIEW

This chapter is intended to introduce some of the underlying principles of discourse analysis that inform the methodology and the results of the current study. It will also provide information on some of the relevant literature in tobacco industry research which clarifies the specific gap in that field this study is intended to fill.

#### 2.1 DISCOURSE ANALYSIS

The purpose of reviewing literature from discourse analysis is that discourse analysis provides the background information about the methods used to analyze the drafts of Geoff Bible's speech.

Discourse analysis can be defined as an approach that “looks at patterns of language across texts and considers the relationship between language and the social and cultural contexts in which it is used,” (Paltridge 2006:2). This definition is useful for framing this study in that it emphasizes changes across texts which are realized as edits across drafts in the language analyzed in the speech. The definition also highlights the importance of incorporating the social and cultural contexts, the facts on the ground, as it were, that affect the meaning of texts. This is a vital point to searching for deceptive language: without knowing something about the true state of affairs, nothing can be said about whether or not someone is lying about them.

One way of looking at “patterns of language across texts” is to analyze the meanings of words and phrases and how those meanings relate to each other and to the text as a whole. The study of meaning, or semantics, will be used in this thesis to explicate the differences in

the words and phrases that are changed across drafts and to relate how those changes affect the meaning of the text.

Similarly, studying the “social and cultural contexts” of language calls for an analysis of meaning. This kind of study of meaning is pragmatics, “the study of meaning in relation to the context in which a person is speaking or writing,” and “includes social, situational, and textual context” (Paltridge 2006:53). The notion of pragmatics as a contextual study of meaning will be used in this thesis to examine possible instances of deception as they relate to social and situational contexts relevant to Geoff Bible’s speech.

Though both semantics and pragmatics as areas of study are extensive, it is not the purpose of this thesis to either summarize each field in its entirety nor argue for any theory over the other. This thesis employs a specific, albeit very basic, notion of semantics and pragmatics to analyze Geoff Bible’s speech. Specifically, semantics interprets language with co-text, pragmatics interprets language in context. It is from this very specific perspective that the analysis in this thesis is carried out.

## SEMANTICS

The most basic definition of semantics is “the study of meaning” (Lyons 1981:135), semantics has been studied for millennia, and the entire field will not (and cannot) be reviewed in detail. However, there are a few useful distinctions within the field of semantics that will help frame the methods for uncovering meaning in Geoff Bible’s speech.

In an introduction to linguistics, Lyon distinguishes between semantics as a study of “the meaning of words - more precisely, of lexemes - and the meaning of sentences: between lexical meaning and sentence-meaning” (1981:139) and, furthermore, it is “generally recognized that one cannot account for the one without the other” (1981:140). This distinction between lexical semantics and sentential semantics is useful for analyzing changes across the drafts of Bible’s speech because not only are the changes in the words relevant to detecting deception, the effect on the meaning of the sentence may induce deception as well.

In an article comparing semantics and pragmatics, Blutner gives following definition “Lexical semantics is concerned with the meanings of the smallest parts of linguistic expressions that are assumed to bear meaning. Assumptions about the meanings of lexical units are justified empirically only in so far as they make correct predictions about the meanings of larger constituents”(2002:4). In other words, a discussion about the meaning of a word must account for its meaning in relation to the words around it. It is lexical semantics, of analyzing the “smallest parts” of meaning, that will be used in this study.

The notion of studying the meaning of a word in relation to the words around it is a central point in corpus linguistics. In fact, Stubbs notes “corpus semantics shows that we have to discuss the relation between words in the lexicon (words in the language system) and words in texts (words in use)”(2001:27) in order to form a more complete picture of what a word means.

## PRAGMATICS

One definition of pragmatics states that it is “the study of meaning in relation to the context in which a person is speaking or writing”(Paltridge 2006:53). This kind of study of meaning, like semantics, is broad and varied. One of the most influential theories, which also informs this study, is Grice’s Cooperative Principle and maxims for conversation.

In the essay *Logic and Conversation* (reprinted in a collection of Grice’s influential work in 1989), Grice delineates his Cooperative Principle for communication of information: “Make your conversational contribution such as is required, at the stage at which it occurs, by the accepted purpose or direction of the talk in which you are engaged,”(1989:26). While this principle is attributed to rules of conversation, it applies to any communication that purports to impart information. Grice further elucidates the Cooperative Principle with four categories of maxims:

- 1) Quantity- “Make your contribution as informative as is required,”(1989:26).
- 2) Quality- “Try to make your contribution one that is true,”(1989:27).

3) Relation- “Be relevant,” (1989:27).

4) Manner- “Be perspicuous,” (1989:27).

The reason Grice’s maxims are repeated here is because they are excellent tools for understanding different kinds of deception. In an exchange of information, violating a maxim can amount to deliberate deception. Grice notes the following example: A professor writes a letter of recommendation on behalf of a philosophy student seeking a teaching position which reads “Mr. X’s command of English is excellent, and his class attendance has been regular.” This recommendation flouts the maxim of quantity because it does not give any information about Mr. X’s philosophical prowess or his ability to teach. The implication from this violation is that the professor would *not* recommend Mr. X for the teaching position, even though the professor will not say so plainly (Grice 1989:33). This is deception in that the explicit purpose of the letter is to recommend Mr. X for the teaching position, but the implicit meaning of the letter implies that he is not qualified.

This review of some perspectives on semantics and pragmatics is designed to give a frame of reference for the tools employed in analyzing the drafts of Bible’s speech to Philip Morris worldwide employees on April 9th, 1996. The reason for establishing a difference between semantic types of analysis and pragmatic types of analysis is to set up the distinction between methods of analyzing meaning in co-text (words as they relate to each other and the text) and meaning in context (words as they relate to the larger social and cultural picture).

## RESEARCH ON REVISION

Fitzgerald’s (1987) article “Research on Revision in Writing” covers various aspects of the research about revision and the writing process including methods for quantitative and qualitative measurements, review of current research, and directions for further studies.

Fitzgerald discusses two main stages in the study of revisions.

First, she gives a brief history of the study of revision as a process. She cites Murray (1978a) as the beginning of recasting of a long standing perspective of the writing process

(pre-writing, writing, post-writing) into pre-vision, vision, re-vision. Murray's work focuses on the revision and ultimately lead to a new view of revision as twofold: the process of revision (cognitive underpinnings) and the product (difference on the page).

The next change in revision study occurred when the improvement of composition skills became a priority in education at the same time that cognitive psychology and linguistics was expanding as serious areas of study. The result was a new formulation of the writing process: a nonlinear model that supports "a dynamic hierarchical cognitive theory of writing, involving planning, transcribing, and reviewing that had a "potential for recursiveness," (Fitzgerald 1987:3).

This cognitive perspective changed three main things about the study of revision: a) revision could happen at any time (and thus is to be analyzed in the same way before pen hits paper as it is after there is something the page); b) the idea of revision became not just a surface level process (editing) but a deeper meaning based process as well (difference between micro and macro structure); and c) the definition of revision was expanded to include the mental processes of changing text as well as "the pen-to-paper aspects."

A good example of an article studying the revision process in the realm of college composition research is Faigley and Witte's (1981) "Analyzing Revision." In this article, a taxonomy of changes is developed and then tested against three different classifications of writers (beginning student, advanced student, and expert or professional). Their taxonomy of changes is "based on whether new information is brought to the text or whether old information is removed in such a way that it cannot be recovered through drawing inferences" (1981:402). The taxonomy first subdivides changes into (1) surface changes and (2) meaning changes. Surface changes do not bring in new information or remove prior information, and are further broken down into two subcategories of (1a) formal changes (spelling, punctuation, format, etc.) and (1b) meaning-preserving changes (consolidation, additions, substitutions, etc.). Meaning changes obviously involve changes in the meaning of the text and are separated into (2a) microstructure (including all concepts in a text, including inferences, are) and (2b)

macrostructure (what the core substance of the text is) changes. For example, a microstructure change may alter a section of a text while a macrostructure change may alter the entire direction or purpose of the text.

John Bryant's website, "*Herman Melville's Typee: A Fluid-Text Edition*," (<http://rotunda.upress.virginia.edu:8080/melville/default.xqy>), provides an excellent illustration of draft analysis of belles lettres. After composition research, literary analysis is the second most common area of study of the revision process. Bryant analyzes several manuscript versions of Melville's novel *Typee*, which he calls a fluid text: "A fluid text is any literary work that exists in multiple versions due to authorial, editorial, or cultural revision." This very comprehensive site tracks the changes across the many versions of *Typee* (including a facsimile of the manuscript which was discovered in 1983) in three text representations: a transcription of Melville's manuscript, a "reading text" (also called a base draft that was Melville's final version of the document), and the first printed text (1846). Much of the analysis is about the overall writing process, how Melville wrote the chapters and in what possible chronological order his revisions occurred. It also includes an interesting corpus linguistic-like discussion of word count: "From the extant manuscript, we know by direct word count that Melville filled the one surviving booklet with 7,706 words. Through whatever acts of revision, these 7706 manuscript words eventually yielded 6,227 words in the first British edition."

Neither composition theory nor literary analysis addresses how the drafting process might work within a group of peers or an organization, nor do they take into account the importance of background historical and social context in the same way that discourse analysts do.

In an interesting and informative study about multiple authorship, Ede and Lunsford found that there are two main types of collaboration: hierarchical and dialogic (1990:133). Hierarchical collaborative writing "is carefully, and often rigidly, structured, driven by highly specific goals, and carried out by people playing clearly defined and delimited roles," (133). The dialogic process is, in context, "loosely structured and the roles enacted within it are

fluid,” and “creative tension inherent in multivoiced and multivalent ventures” is valued by the collaborators (Ede et al 1990:133). They also found that the hierarchical mode of group writing was “a widespread means of producing texts in all the professions” (133) studied while dialogic collaboration is not so widespread. Geoff Bible’s speech was most likely produced in a hierarchical collaborative environment due to the highly formalized roles played in the management of a business as large as Philip Morris.

## DECEPTIVE LANGUAGE RESEARCH

This thesis attempts to identify language that could be considered deceptive through the editing processes of insertion, deletion, and revision. For this reason, Galasinski’s typology of evasion, omission, and commission of both given and implied information, which are closely related to concepts of rewriting, adding and removing text, takes a central place in this review.

Galasinski’s research found in *The Language of Deception: A Discourse Analytic Study* (2000) shines a bright light on the linguistic features of deception. According to Galasinski, there are three main criteria of deception: intent, manipulation of individuals, and giving false information. In this study only two of these areas, intent to deceive and giving (or allowing) false information to be believed by the audience, will be used as a criterion for deception. Determining the audience’s reactions to the speech analyzed here, the results of deception, are not feasible undertakings for this work. Only textual locution, and not perlocution (Austin 1962), will be subject of analysis.

### *Omission*

“Deception by omission occurs when the speaker/deceiver withholds some information from the target” and “does not offer anything in lieu of the withheld information” (Galasinski 2000:22). Omission can be inferred in drafts from the deletion of text from previous drafts without replacing the expression with an equivalent text element or adding the information



elsewhere in the document. For example, say you are an avid horse back rider but your spouse does not approve of your hobby for a variety of reasons including expense and safety concerns. You want to make a large purchase (new saddle, new boots, etc.) but you know that it's against your spouses wishes. Rather than ask permission, or risk leaving evidence in your joint bank account, you cash a personal check and buy what you want with cash. By not telling your spouse about any of this, you are deceiving by omission.

### *Evasion*

“Evasive utterances are those that are intended to be semantically irrelevant,” (Galasinski 2000:59). For example, say your spouse is concerned about a recent fall you took while riding your horse. Your spouse is asking you about your equipment, whether or not you ride with a helmet, wear the appropriate footwear, and so on. Rather than answer the questions directly, you tell your spouse about a person who has ridden horses for forty years barefoot and without a helmet and has never been injured. Because you have shifted the topic from your safety habits to those of another, you are deceiving by evasion.

Although this definition of deception by evasion does not seem to lend itself to text analysis, it can be observed in the drafting process. When an expression is omitted that was salient to the context of the speech in an earlier draft, and replaced by another topic in a later draft, it may be inferred with a high probability that the original topic is being evaded.

### *Commission by Explicit Information*

Commission by explicit information is the outright lie, the deliberate utterance of a statement the speaker knows to be false. For example, your spouse asks you point blank if you bought a horse. You have bought a horse but you tell your spouse that you have not. Clearly, you are explicitly deceiving your spouse.

This brings up an interesting problem for the researcher in that it is difficult to assess a lie without knowing if the author believed it to be true. For example, if John believes that

all linguists speak more than one language and tells Mary as much, the fact that not all linguists speak more than one language does not necessarily mean he is lying to Mary, only that he is wrong. This dilemma is one of the greatest difficulties of searching for deceptive language, namely proving the speaker's knowledge and intent. If John does not know many linguists or have access to information about linguists, and if there is little or no reason why John would mislead Mary about linguists' capabilities, it is unreasonable to assume that John was deceitful rather than incorrect. Therefore, rather than attempting to prove what the authors of the Bible speech knew or intended, this study, where applicable, will provide documentary evidence of what the authors were highly likely to have known and speculate about why they might prefer to lie about it. Much of this evidence comes from previously confidential tobacco industry documents.

#### *Commission by Implicit Information*

Commission of deception through implicit information that is false allows the speaker to use Grice's maxims for nefarious purposes. To illustrate, the use of the adjective *so called* with a noun implies that there is some question about the validity of the noun. A listener/reader will assume, according to Grice's maxim of relevance, that *so called* was used for a reason, and furthermore, that the speaker/writer probably has evidence to support the reason. In this way, the speaker commissions deception by implying information that is false. For example, say you have owned one horse for several years and have just purchased another, a purchase that your spouse has opposed. Your spouse asks you how many horses you own and you reply that you own one horse. This is not a false statement, you do in fact own one horse, but it's also true that you own two horses. This violates Grice's maxim of quantity, which states that you should give exactly the amount of information required, no more and no less. In this case, there is too little information given to be entirely truthful, so stating that you own one horse when you actually own two is implicitly deceitful.

## 2.2 REVIEW OF TOBACCO INDUSTRY LITERATURE

### CURRENT RESEARCH ON TOBACCO DOCUMENTS

An extensive body of research utilizes previously secret tobacco industry documents. The University of California, San Francisco maintains a current bibliography of research articles that are based on using tobacco industry documents from their online collection. The site breaks down the articles into several categories including the following: Strategies and Tactics; Litigation; Marketing; and Youth.

Articles researching the strategies and tactics used by the tobacco industry cover a wide range of topics. For example, there are several articles that provide revelations about the political alliances made by the industry (Balbach et al 2005; Givel et al 2001; and Tannenbaum 1998) and hitherto secret strategies for dealing with public policy (Bryan-Jones et al 2003; and Saloojee et al 2000). There are also articles that discuss the international flavor of the tobacco industry's business and influence, especially in Australia (Carter 2003; and Liberman 2002) and developing countries (Collin et al 2004; and Sebrie 2006).

Articles researching litigation range anywhere from applying tobacco suits to law suits in other health liability areas (Alderman et al 2006), to the role of the expert in the courtroom (Francis et al 2006; Kyriakouides 2006), to strategies that the industry used prevent negative rulings (Friedman et al 2005; Friedman 2006).

Articles about marketing issues vary from secret plans to target particular consumer groups such as women (Anderson et al 2005), African Americans (Gardiner 2004), Asian Americans and Pacific Islanders (Muggli et al 2002), the gay and lesbian community (Stevens et al 2004), and the military (Joseph et al 2005). There are also document research articles about different advertising campaigns (Pollay et al 2002; Gardner et al 2006; and Davis et al 2000) and those that deal specifically with Hollywood (Mekemson et al 2002; Charlesworth et al 2006) and car races (Dewhirst et al 2002; Collin et al 2004).

Industry document research articles about youth smoking range from uncovering marketing strategies (Cummings et al 2002; Ling et al 2002), to insider perspectives on youth smoking prevention programs created by tobacco companies (Landman et al 2002).

#### THE TIRC AND “A FRANK STATEMENT TO SMOKERS”

One of the earliest and most widely cited instances of deceptive text in the tobacco industry is a document titled “A Frank Statement to Smokers” (Bates 680262216-2218). The statement announced the creation of the Tobacco Industry Research Committee in response to public concern about the health effects of smoking. The statement is briefly reviewed here for two reasons: First, to demonstrate the well-established precedent of deceptive language in the tobacco industry; and second, to cite some instances of research on such language in tobacco control research.

On December 15, 1953, the presidents of the major cigarette manufacturing companies, including Philip Morris, met with the executives of the public relations firm Hill and Knowlton, Inc. After this meeting, Hill and Knowlton submitted a proposal recommending that a research committee be formed, funded by the tobacco companies, that would fund independent research on tobacco related health issues. Also in the recommendation was that a public statement should be made and circulated as widely as possible about the creation of the research committee. The tobacco company presidents took this advice and on January 4th, 1954 published the single page advertisement titled “A Frank Statement to Smokers” which announced the formation of the TIRC to an estimated circulation of over 43 million people. (Glantz et al 1996:33)

The ‘Frank Statement’ as a text is on the surface meant to convey information. Essentially, the document does two things. First, it calls current and recent research on smoking and lung disease into question:

Distinguished authorities point out:

1. That medical research of recent years indicates many possible causes of lung

cancer.

2. That there is no agreement among the authorities regarding what the cause is.

3. That there is no proof that cigarette smoking is one of them. (Glantz et al 1996:34)

Second, it states the intention of the tobacco industry to fully support scientific study of the health effects of their products:

Many people have asked us what we are doing to meet the public's concern aroused by the recent reports. Here is the answer:

1. We are pledging aid and assistance to the research effort into all phases of tobacco use and health. ...

2. For this purpose we are establishing a joint industry group consisting initially of the undersigned. This group will be known as TOBACCO INDUSTRY RESEARCH COMMITTEE.

3. ... A group of distinguished men from medicine, science, and education will be invited to serve on this [Advisory] board. These scientists will advise the Committee on its research activities. (Glantz et al 1996:34)

The final sentence supposedly tells the reader why the committee was being formed and why the advertisement was issued: "This statement is being issued because we believe the people are entitled to know where we stand on this matter and what we intend to do about it." (Glantz et al 1996:34-35)

Brown (2006) discusses the language of the "Frank Statement" advertisement as a public relations strategy. She notes that despite this surface level sincerity, numerous internal tobacco industry documents, specifically a 1953 summary finding that clinical research confirmed a high correlation between smoking and lung cancer, place the statement squarely in the category of managing public opinion and not disseminating accurate information. Furthermore, the language in the ad that calls into question scientific research while proposing to

support unbiased studies became one of the cornerstones of public discourse for the tobacco industry all the way up to the 1990s, (Cummings et al 2002).

Similarly, Glantz et al (1996) discusses the commitment to fund and report tobacco research, several years later, as delineated in the “Frank Statement” in contrast to the “decision to withhold important research on nicotine pharmacology” made by Brown and Williamson management (1996:74). Glantz et al’s discussion is a reflection of analyzing several internal documents that recommended nicotine research not be sent to the Surgeon General’s Advisory Committee on Smoking and Health which was preparing a report for the year 1964 (1996:72-74).

## CHAPTER 3

### BACKGROUND AND CONTEXT

Considering the significant influence that tobacco industry events of the mid 1990's had on the subject matter of the speech, this chapter is devoted to describing the topics from a historical perspective. In that respect, this chapter provides necessary extra-textual context for understanding this discourse.

As can be imagined, there was a significant amount of information to be covered when building the contemporary context of this speech. Six main sources were used for this purpose: *Ashes to Ashes* (Kluger 1996), *Assuming the Risk* (Orey 1999), *The Cigarette Papers* (Glantz 1996), *Civil Warriors* (Zegart 2000), *The People Vs. Big Tobacco* (Mollenkamp et al 1998), and *A Question of Intent* (Kessler 2001). Since there is significant distillation of the information in these books, they are cited by author, including the relevant page numbers, at the bottom of the paragraphs that use them.

#### 3.1 TOPIC 1: LIGGETT SETTLEMENT AND CASTANO CLASS ACTION SUIT

There were several lawsuits pending at the time this speech was written but the two that Bible mentions explicitly in his presentation are of particular importance to the overall result of litigation against the tobacco industry. The first is a national class action lawsuit called the Castano case and the second was the settlement arranged by the small tobacco company Liggett and its maverick owner Bennet LeBow.

The Castano case was the first national class action lawsuit brought against the tobacco industry on behalf of smokers suffering from lung diseases, of which lung cancer is the most notable. The argument against the industry hinged on the allegation that cigarettes were the

cause of certain lung diseases and that nicotine was addictive, which had not been proven in court. The class action was filed in court on February 17, 1995 in New Orleans by the plaintiffs, who were represented by upwards of sixty law firms. For the first time in history, the plaintiffs had enough resources to be considered on the same playing field as the tobacco industry. If the national class action lawsuit were settled in favor of the Castano group, each individual tobacco company would quickly go bankrupt, even with their seemingly bottomless coffers, because of the sheer magnitude of the plaintiffs' clients. But the tobacco industry did everything it could to end the class action status and had filed several appeals by the time of Bible's speech. (Zegart 2000:150-155; Mollenkamp et al 1998:73-76,202)

The Castano case also changed the nature of the plaintiffs' arguments: It was the first to argue about addiction itself rather than about each individual smoker's disease. The essence of the argument was this: 1) that the addictiveness of the product (via nicotine) prohibited the customer from choosing to discontinue to use the product; and 2) that addiction itself was a damage worthy of compensation. The landmark thought of this argument is that it circumvents the 'individual's freedom of choice' retort that the tobacco lawyers had thrown so successfully at anyone claiming personal damages for smoking. (Kluger 1996:760)

On the other side of the legal battle, one tobacco CEO was considering breaking rank with the rest of the industry. In March of 1996, Liggett Tobacco Corporation's CEO Bennett LeBow agreed to pay "five million dollars over the next ten years and as much as 7.5 per cent of Liggett's pretax profit for up to twenty-five years," (Mollenkamp et al 1998:57) in a settlement he secretly arranged with Attorneys General from five states, including Mike Moore of Mississippi. Several new issues in tobacco litigation emerged in the aftermath of Liggett's surprise settlement, but Bible only addresses two in the speech analyzed in this thesis. (Orey 1999:317; Mollenkamp et al 1998:57-62)

In the speech, Bible states that Liggett's settlement was an attempt by LeBow to take over RJ Reynolds, an accusation that was well founded, though LeBow was unlikely to succeed. Earlier in 1996, LeBow and a former business partner had managed to purchase



over 7 per cent of the stock RJR Nabisco Holdings (RJ Reynolds parent company), giving LeBow a boost towards taking over the company's board. During the talks for his settlement with the Attorneys General, LeBow tried to negotiate to include a clause that would allow any company that purchased Liggett to be grandfathered into the settlement. He planned to take over the board, buy Liggett from himself, and therefore RJR would be free and clear of being sued by the five Attorneys General and absolved of paying out a settlement fee. However, the Attorneys General would not agree to the clause and by the time LeBow settled, he had already sold most of his stock in RJ Reynolds because he had not been able to convince the shareholders either. The main problem for RJ Reynolds was that if it had bought Liggett, including a grandfather clause in the settlement, RJ Reynolds would not have been able to back out of any further litigation since it would have been bound by the stipulations of the Liggett settlement. At this point, the tobacco industry still believed that it was immune from any long term legal battles. However, that notion was quickly being dispelled. (Orey 1999:316; Mollenkamp et al 1998:61)

Bible's second problem with the Liggett settlement is not expressly stated in his speech but is much more damaging to the industry. The blow the Liggett settlement dealt was a psychological one, namely that the tobacco industry was not unbeatable and the companies could be forced to negotiate and settle. The burden of proof shifted to the tobacco companies instead of to the anti-tobacco lawyers. For decades, the tobacco industry's primary argument for why it would not settle was because it never had, so there was no precedent. Once Liggett settled, and by doing so tacitly admitted that they did not think they would win in court, the rest of the companies could not use their main argument of precedent which had until then been all that was necessary to win in court.

The fundamental damage that these two cases did to the tobacco industry as a whole was to show that it was vulnerable. Even though the Liggett settlement had nothing directly to do with Philip Morris and the Castano case was eventually dismissed, the possibility that the industry could be held accountable loomed much larger to Geoff Bible than it had before.

It was not that there was a “crack in the dam” of the industry’s arguments as Bible quotes in the speech, but rather that the plaintiffs’ flood waters were greater than the Big Tobacco architects had imagined. (Orey 1999:313-319; Zegart 2000:201)

### 3.2 TOPIC 2: YOUTH SMOKING ISSUE

Although it may appear to be out of place for the Food and Drug Administration (FDA) to investigate the marketing strategies of the tobacco industry, David Kessler, FDA Commissioner from 1990 to 1997, asserted that “understanding how the tobacco companies sold their merchandise, and to whom, was essential in order for us to decide how to regulate products used by 50 million Americans” (Kessler 2001:273). Under Kessler’s guidance, the FDA launched an extensive investigation into the tobacco industry’s advertising practices, targeting specifically its effect on children, and it is this ongoing investigation that Bible rails against in the speech.

In the late summer of 1994, Kessler began reviewing boxes of internal documents that he had requested from the National Tobacco Clearing House in Canada. Among these documents, Kessler identified two studies written by consultants for Imperial Tobacco, the Canadian sister of Brown and Williamson, that he claimed “were overt attempts on the part of the industry to understand why children start to smoke and why they want to quit” (Kessler 2001:276). First, the Project 16 study “quoted from focus groups with preteen and adolescent smokers, boys who once thought that cigarettes would make them men, and girls who believed that cigarettes would make them glamorous” (Kessler 2001:276). Second, the study called Project Plus/Minus, a follow-up of Project 16, corroborated the original findings and included the observation that children do indeed become addicted (Kessler 2001:277). From these two studies and the rest of the documents, it was safe to assume that the tobacco industry’s marketing strategies included securing and retaining young consumers even if they were not allowed to market directly to them.

Steadily, the FDA’s tobacco team worked marketing restrictions into their proposed rule for regulations. Kessler also quietly sought out possible informants who could provide first hand evidence regarding the marketing policies of tobacco companies. Perhaps the most telling information from Kessler’s recruited informants came from a source, code-named “Beach,” who worked for RJ Reynolds. Beach informed two of Kessler’s key tobacco investigators, Gary Light and Tom Doyle, that RJ Reynolds had deliberately used the word “birthday” instead of “anniversary” to commemorate 75 years of selling Camel brand cigarettes in an effort to appeal to a younger crowd. The reported reason was that “birthday” sounded youthful and entertaining while “anniversary” sounded like an older adults’ celebration. Most of the tobacco industry’s marketing strategies that targeted a younger smoking crowd fell into the “birthday” versus “anniversary” category. The companies never directly marketed to underage consumers but they made subtle adjustments to maintain a noticeably youthful image.

In his speech, Geoff Bible expressed his disgust that Liggett was getting praise for preventing youth smoking when Philip Morris had been so active in their Action Against Access, a program that purported to educate vendors, parents, and kids both in communities and in schools about the law regarding cigarette sales. In a document titled “Action Against Access: Program Summary,” the company stated:

At Philip Morris USA, we have always believed that minors should not smoke, nor should they have access to cigarettes. Smoking is – and must remain – strictly an adult choice. Much has been done over the years to limit youth access to cigarettes – including our support of passage of legislation which made it illegal in all 50 states to sell cigarettes to minors. (Bates 2062906080)

The supposed objective of the Action Against Access initiative was to create a marketplace in which the only way to buy tobacco products was to show proof of age to a trained retailer. However, while this program seemed serious about keeping minors from purchasing

tobacco, it did not address making it illegal for minors to smoke nor did it address the fact that the industry's advertising practices attract underage customers.

### 3.3 TOPIC 3: WHISTLE BLOWERS

Essentially, Geoff Bible's speech is the result of culminating evidence that finally made Philip Morris take the attacks on the company, and on the industry, seriously. For the most part, the cases against the tobacco industry hinged on the testimony of whistle blowers who had access to sensitive documents, often in breach of contract with their tobacco company employers. Not only were the whistle blowers ready to give testimony, they were sometimes willing to go to the press. In this way, the information about the internal workings and research of the tobacco industry was leaked to the media.

The whistle blowers as mentioned in the speech can be split into two groups: those who set the precedent but are merely implied in the speech; and those whose affidavits are specifically discussed by Bible in the text. The rest of this section is devoted to elucidating these two groups. First, those whistle blowers who were willing to tell their stories to news outlets, "Deep Cough", Merrell Williams, and Dr. Jeffery Wigand, will be described, including the context that shaped their contributions. Second, the affidavits of the three former employees directly mentioned in the speech, Dr. Ian Uydess, Jerome Rivers, and Dr. William Farone, will be reviewed and some of their research summarized.

The whistle blowers were tobacco company employees who made public highly confidential information in the form of internal documents. Much of this controversial information reached the public via the media in two programs: ABC's *Day One* which aired in March 1994 and CBS's *60 Minutes* aired in November 1995.

ABC's *Day One* weekly news magazine aired a segment on February 28, 1994 about the industry's practice of adding nicotine to paper-like sheets made of tobacco leaf scraps. Their main informant was an RJ Reynolds ex-employee and also a key witness for the FDA investigation. The identity of the informant has never been disclosed and he or she is only

known by the moniker Deep Cough. Because Deep Cough's interview on *Day One* implicated the whole tobacco industry, Philip Morris filed a ten billion dollar libel suit against ABC (Mollenkamp et al 1998:62). The program alleged that the companies added back more nicotine than was found naturally in the tobacco:

Now, a lengthy *Day One* investigation has uncovered perhaps the tobacco industry's last best secret, how it artificially adds nicotine to cigarettes to keep people smoking and boost profits. (Bates 2078327191)

Philip Morris's lawsuit rested on the allegations that they, and the rest of the tobacco industry, did not deliberately manipulate nicotine, increasing nicotine above the actual level found naturally in tobacco to keep customers addicted. Philip Morris, and the rest of the of the industry, claimed that they utilized "reconstituted tobacco," as a filler to a varying degree depending on the quality of the cigarette. As far back as the 1950's, the industry had developed a process that resembled paper-making for using stems, scraps, and other left-overs from the tobacco plant after it was harvested and brought in to be processed. The manufacture of "recon," the shortened name for reconstituted tobacco, involves adding a solvent to the left-overs and creating a slurry that is then spread into a thin sheet. A certain amount of nicotine contained in these scraps dissolves in the solvent and is concentrated and sprayed back onto the paper sheets. (Kessler 2001: 82)

The amount of nicotine applied to recon was at the heart of the story that ABC broke. It was reported on *Day One* that the tobacco industry added nicotine to the recon, that they actually put in more nicotine than the scraps had in them naturally. As pointed out by Philip Morris, this account was not true and ultimately, ABC settled with Philip Morris for fifteen million dollars, covered Philip Morris's legal fees, and issued a public apology for being incorrect about the alleged added nicotine in their products. On behalf of the *Day One* program, ABC stated:

We now agree that we should not have reported that Philip Morris adds significant amounts of nicotine from outside sources. That was a mistake that was

not deliberate on the part of ABC, but for which we accept responsibility and which requires correction. We apologize to our audience and Philip Morris. (Bates 2063145304)

Settling the lawsuit and getting ABC to publicly recant was a huge win for the tobacco industry and especially for Philip Morris' CEO Geoff Bible who had been so adamant about the integrity of his company. It would, however, be the last time that the tobacco industry succeeded in muffling a whistle-blower.

In 1988, Merrell Williams was hired by the law firm Wyatt, Tarrant and Combs to sort and file internal documents from their client, Brown and Williamson Tobacco Corp. The documents were being filed by category to make it easier for the firm's lawyers to determine which would be helpful or harmful in court. The categories included classifications such as "D" for documents about disease and "DA" for documents that talked about addiction. The more Williams read the more he wanted to know and after doing his own research on patents and public health policy, he began to make copies of the most disturbing documents keeping them at his home. Williams believed that what he was reading indicated a decades long conspiracy to keep information about the hazards of cigarettes from the public. He copied and kept roughly four thousand documents. (Kluger 1996: 151-160; Mollenkamp et al 1998:39-41)

In the spring of 1993, a year after being fired from the document-sorting position at Wyatt, Tarrant, and Combs, Merrell Williams told his lawyer J. Fox DeMoisey about his unusual collection. Williams and DeMoisey attempted to privately negotiate compensation with Wyatt, Tarrant, and Combs after Williams had a heart attack and quadruple by-pass. They argued that the stress of the job filing such alarming documents had brought on Williams heart attack. Wyatt, Tarrant, and Combs refused to negotiate and on September 29 1993 filed suit against Williams for violating attorney-client confidentiality laws when he copied Brown and Williamson's documents and removed them from the law firm. Because of the nature of the documents, the court forbade Williams from speaking to DeMoisey about

anything referring to their contents, which slowed down the suit immensely. (Glantz 1999:8; Zegart 2000:99)

Meanwhile, Williams sent the boxes of documents to a friend in Orlando to be safe while he decided what to do with them. Through his earlier research and some of his own connections, he sent a fax to attorney Don Barrett in Mississippi who was working on that state's Medicaid suit with Dick Scruggs and Mike Moore, Mississippi's Attorney General. Williams, along with Barrett and Scruggs, met his friend in Orlando and on April 15, 1994 where he gave the boxes to them, and less than a month later officially signed the contents over to Moore, Barret and Scruggs. (Mollenkamp et al 1998:41-3,46)

Almost immediately Barrett wanted to make the documents public. Barrett, with Scruggs and Moore, determined that once the documents were in the public domain, they could be used as evidence in the Mississippi Medicaid case regardless of the fact that they were confidential and stolen. The entire set was sent to Congressman Henry Waxman who had led the series of hearings in which the C.E.O.s of the seven biggest tobacco companies had stated under oath that nicotine was not addictive. (Glantz 1999:6-9; Orey 1999: 208)

Barrett also sent a complete copy of the documents to Walt Bogdanich at ABC, but ABC's in-house attorneys halted the project when Barrett refused to be cited as an "anonymous government official". (The ABC attorneys were so serious about terminating the story that within days they had removed every page Barrett sent from the premises and made sure that no one had made any copies.) However, the legal counsel for the *New York Times* advised that although a court injunction kept everyone named from discussing the documents, it only applied to those involved in that lawsuit. So Philip J. Hilts wrote a twenty-one hundred word article titled "Tobacco Company Was Silent on Hazards" that ran on page one of the Times May 7, 1994. (Orey 1999:208-210)

Finally, on May 12, a box of documents arrived at the office of Dr. Stanton Glantz, professor at The University of California, San Francisco. Glantz immediately displayed the documents in the university library with full public access and more than a year later on

July 1, 1995, the documents were posted on the Internet, linked to the library's website, indexed and annotated, free to the public. (Orey 1999:208-210; Glantz 1999:6-11)

The whistle blower who arguably did the most damage to the tobacco industry as a whole was Dr. Jefferey Wigand, former vice president of Research and Development Department at Brown and Williamson. Wigand, who was hired in 1989 and fired in March of 1993, was recruited by *60 Minutes* to explain some of the science of the tobacco industry for one of their early pieces in 1993. At this point, he was unwilling to break the lengthy confidentiality statement that he signed with Brown and Williamson, in order to keep the health insurance included in his severance package, but was willing to explain the more technical aspect of some Philip Morris documents. (Zegart 2000:173,185)

In 1994, the Federal Drug Administration contacted Dr. Wigand to sound him out as a possible informant for their ongoing investigation. After an unusual request to meet Commissioner Kessler personally, Wigand was secretly escorted into FDA headquarters on May 13 and though he was very thorough in teaching Kessler about the nature of the industry, he would not discuss his position at Brown and Williamson. During this and other important interviews, Wigand informed the FDA of a tobacco leaf genetically engineered to contain more nicotine than regular plants. It seemed that the manipulation of nicotine was not just going on in the process of reconstituted tobacco but in the leaf in the field before it ever reached the manufacturer. Furthermore, Wigand told the FDA about a compound added in the manufacturing process called diammonium phosphate (DAP) that, when burned in the cigarette, chemically altered the nicotine molecules making them more easily absorbed in the blood stream. In this revelation, Wigand speculated that Philip Morris had perfected the use of DAP in its Marlboro brand which was the most popular cigarette in the world. (Kessler 2001:183-183; Mollenkamp et al 1998:113-114)

Lowell Bergman, the producer at *60 Minutes* who had worked with Dr. Wigand in 1993, convinced him to tape an interview with Mike Wallace about his confidential work at Brown and Williamson. Knowing Wigand would need a lawyer, Bergman put him in touch with



Ephraim Margolin who in turn contacted Dick Scruggs in Mississippi. Wigand met Scruggs in October 1995, became his client, and agreed to testify in the Mississippi Medicaid law suit. (Mollenkamp et al 1998:113; Orey 1999:303)

Ultimately, the *60 Minutes* segment never aired as it had been taped because CBS lawyers decided to drop the story rather than agree to Scruggs' requirement of complete legal protection if Brown and Williamson sued Wigand. However, parts of the transcript were leaked. On November 17, a story was published in the *New York Daily News* that not only quoted parts of the transcript but also disclosed the identity of the interviewee, Dr. Wigand. With all the law suits being filed against Dr. Wigand, Dick Scruggs arranged for Ron Motley, a nationally prominent anti-tobacco lawyer, to take Wigand's deposition for the Mississippi Medicaid suit on November 29, 1995. After that, all the information that Wigand had about the deceptive activities of the tobacco industry was on permanent public record. (Orey 1999:302-310; Zegart 2000:81-193)

The affidavits discussed in the Bible speech are from three former employees whose testimony was taken by the FDA anonymously and then released publicly, with their permission and full legal protection. The affidavits given were all related to the FDA's investigation into the industry's manipulation of nicotine.

William Farone testified in his affidavit about the industry's knowledge and maintenance of nicotine levels in their cigarettes as demonstrated by their research attempts to develop a low tar cigarette. There were four ways the tobacco researchers used to adjust the nicotine in the low tar cigarette as compared to regular cigarettes: blend, filter, reconstituted tobacco, and ammonia. (Farone Testimony Bates 2064229291 -9299)

### *Blend*

The blend of tobacco used affects the weight and tar content of the cigarette. Different tobacco leaves contain different levels of tar and nicotine, among other things. The leaves most used by Philip Morris were from Burley and from Bright tobacco plants. It was established that the higher the tar, the heavier the cigarette. However, an all Burley cigarette

of the same weight as an all Bright cigarette actually contained more nicotine. Therefore, a blend of the two using more Burley than Bright would reduce the tar but maintain the nicotine.

#### *Filter*

The industry could also control nicotine levels through the filter of any given cigarette. Filter manufacturers offered detailed specifications on their products that used “selective filtration.” It is possible to regulate the nicotine that reaches the consumer through features like filter substance and what additives were used that would remove more tar than nicotine from the smoke drawn through it.

#### *Reconstituted Tobacco*

Also called “recon,” reconstituted tobacco is made up of the scraps of the tobacco cigarette manufacturing process such as stems, tobacco leaf dust, returned cigarettes, and was originally developed as a way to save money. Basically the process was like making paper from the reduced soup of the scraps with the finished product being a sheet of tobacco paper. Because the industry could control what went in, they could control the features of the finished sheet like nicotine content and tar ratio. If the recon sheet were to be used in a light cigarette blend, then the content of Burley scraps was higher. The chemical make up of the recon was monitored at many stages of the manufacturing process by gas or liquid chromatography and if the levels did not meet the required standards for that blend, the recon was removed and reprocessed.

#### *Ammonia*

The chemical processes of a burning cigarette are quite complex. The addition of ammonia compounds to the process of smoking a cigarette increases the basicity of the smoke which in turn increases the nicotine in a gaseous form then in solid form. If there is more nicotine in the smoke, there is a greater chance that more will get through the filter to the consumer.

Dr. Victor DeNoble, one of Farone’s colleagues from Research and Development at Philip Morris in the early 1980s, played an important though private role in helping the FDA’s

nicotine investigation and later guided the Castano suit lawyers through his highly technical research. Essentially, DeNoble, a top-notch psychologist with a specialty in studying addiction, studied the nature of nicotine for three years in a rat lab at Philip Morris' operation in Richmond, VA. The most relevant of his findings were that "rats would self-administer the drug, that nicotine induced an enormous tolerance comparable to or greater than that developed to cocaine or heroin, and that it acted in some of the same brain sites as cocaine" (Zegart 2000:74). Though he was not as public a figure as the rest of the whistle blowers, he was a vital link among the scientists who did go public and the anti-tobacco community.

Jerome Rivers held a position as manager of the BL (Blended Leaf or reconstituted tobacco) plant in Richmond from 1991 to 1995. In his affidavit, Rivers states that ammonia was added to the mixture of stems, dust, etc. that makes up the recon sheets. The alkaloid content of the mixture was constantly measured in order to maintain nicotine level for any given formula. There were many formulas depending on the product for which a particular sheet was being made. (Bates 2048250850-0853)

The original research project that Ian Uydess was hired for involved biotechnical analysis of the liquid extract in the reconstitution process. The desired result was to remove nitrate from the liquid by means of a specific bacteria. The problem with nitrate is that it deteriorates into nitrite which was a known health hazard. In his affidavit, Uydess states that the problem was solved around 1983-84, meaning that nitrates were successfully removed from the liquid by biotechnology, but the process was never implemented by Philip Morris. Uydess also gives the industry definition for 'impact' and 'flavor' (Bates 2064229287). Finally, Uydess stated that there was constant communication between the CEOs in New York and the Research and Development department at his plant in Virginia. This implies that the testimony of the former CEO Bill Campbell was false when he swore in the Waxman committee hearings that they did not know nicotine was addictive (Bates 2023615433-5441).

### 3.4 TOPIC 4: NICOTINE MANIPULATION ISSUE

In the speech, Bible states, “We do not ‘manipulate’ nicotine levels in our cigarettes to keep people smoking.” Bible is defending Philip Morris against accusations from the FDA, who would obtain absolute jurisdiction to regulate the tobacco industry if it could be proved that companies intentionally manufacture products with certain nicotine levels in order to addict consumers and maintain that addiction.

The FDA’s investigation began with a meeting about “the regulation of cigarettes as a drug” (Kessler 2001:31) on May 2, 1991. The meeting addressed two petitions to the FDA which originated in 1988. Several months later, Scott Ballin, chairman of the Coalition on Smoking OR Health comprised of the American Medical Association, the American Cancer Society, and the American Lung Association, continued to file similar petitions with the FDA to regulate cigarettes. Finally, after the Coalition added new petitions to the docket in February 1992, including one suggesting regulating Philip Morris’ low-tar brand Merit Ultima, Kessler approved the creation of a group of agency staff members, headed by Ilisa Bernstein, to thoroughly examine nicotine as an addictive substance. (Kessler 2001:50-52)

In the fall of 1992, Bernstein’s group was ready to present a paper detailing options for responding to the Coalition’s petitions. Though the group had made a good deal of progress, their arguments for regulating tobacco were not convincing. However, not long after their presentation, David Adams, one of the group members, requested a private word with Kessler about it. Adams reported that Bernstein’s group had discovered that nicotine was not an inextricable component of the tobacco plant’s chemistry, that it could in fact be removed from a tobacco product, and that the manufacturers chose to leave it in. If that was true, the FDA could regulate cigarettes because the tobacco companies intended for their products to contain nicotine. (Kessler 2001:62-63)

Consequently, the FDA seriously pursued the idea of regulating nicotine. Kessler recruited two specialists, Gary Light and Tom Doyle, to interview potential informants and began searching for insiders who would be candid with the FDA about the aspects of cigarette

production that dealt with nicotine. One of their first breakthroughs came with the informant Deep Cough from RJ Reynolds who began to share her considerable knowledge in the fall of 1993. In fact, Walt Bogdanich of ABC persuaded Deep Cough to do an interview that would be a vital part of the *Day One* segment on nicotine manipulation. (Kessler 2001:80-83)

On February 25, 1994, Commissioner Kessler released a letter scrupulously composed by his tobacco team in response to the Coalition's petitions. This letter disclosed the FDA's ongoing and detailed investigation into the practices of the tobacco industry which alarmed tobacco company executives because of the implications: if the government was investigating and had accumulated evidence, then the government no longer believed that the industry was benign. Because it was a milestone in tobacco investigation and because Geoff Bible spends a significant portion of the speech denying its contents, it is appropriate for three paragraphs of the letter to be excerpted here:

Although technology was developed years ago to remove nicotine from cigarettes, cigarettes are still marketed with levels of nicotine that are sufficient to produce and sustain addiction. In fact, it is our understanding that manufacturers commonly add nicotine to cigarettes to deliver specific amounts of nicotine. There is also evidence discovered in recent litigation that some individuals involved in the manufacture of cigarettes in the 1970s regarded their products as nicotine-delivery systems. (Bates 2065118437)

This evidence, along with the growing body of data related to new products proposed for the treatment of nicotine addiction from smoking, suggests that cigarette vendors intend the obvious – that many people buy cigarettes to satisfy their nicotine addiction. Should the agency make this finding based on an appropriate record or be able to prove these facts in court, it would have a legal basis on which to regulate these products under the drug provisions of the Act.

A strict application of these provisions could mean, ultimately, removal from the market of tobacco products containing nicotine at levels that cause or

satisfy addiction. Only those tobacco products from which the nicotine had been removed or, possibly, tobacco products approved by FDA for nicotine-replacement therapy would then remain on the market. (Bates 2065118438)

After issuing the letter, the FDA began its aggressive public pursuit of the regulation of nicotine using the question of intent to fuel the investigation.

Not one month later, the Waxman hearings began in which the FDA, and Kessler specifically, played a significant role providing the bulk of the evidence entered in the hearings. On March 25, 1994, Commissioner Kessler gave his testimony at the hearings and presented two things: “First, I want to address the addictive nature of nicotine. Second, I will talk in some detail about the apparent ability of cigarette companies to control nicotine levels in cigarettes.” (Bates 2061696218) The evidence that the FDA team provided for Kessler’s testimony was the foundation for proving that tobacco companies intended to addict those who consumed their products despite capabilities of controlling nicotine levels in those products. If this was in fact the case, as was overwhelmingly shown in the data, the Subcommittee on Health and the Environment could propose legislation to put the regulation of the tobacco industry under the FDA.

Although the letter to the Coalition and the Waxman hearings make up largest part of the FDA’s public accusations and evidence against the tobacco industry, Commissioner Kessler made one additional speech that catapulted the issue of nicotine addiction from public health to ethical policy.

In the speech, given at Columbia Law School’s Morningside campus on March 8, 1995, Kessler “outlined, for the first time in a public forum, the concept of nicotine addiction as a pediatric disease,” (Kessler 2001:319). He argued that the goal of the tobacco industry was to target possible customers before they started to smoke in order to establish brand loyalty which, through the FDA’s own investigation, appeared to be when those potential smokers were children. Kessler quotes interviews from several individuals who began smoking when they were kids and then sums up the trend: “It’s the age-old story, kids sneaking away to

experiment with tobacco, trying to smoke without coughing, getting dizzy, and staring at themselves in a mirror just to see how smooth and sophisticated they can look,” (Bates 2046484866).

In this one speech, Kessler combines the FDA’s general accusations that the tobacco industry had been deliberately marketing to young people to ensure a large consumer base when they come of age and the fact that nicotine levels in cigarettes are high enough to addict 70 per cent of people who try smoking within the first year of experimentation.

### 3.5 TOPIC 5: ISSUES IN LITIGATION

When Geoff Bible states in his speech that Philip Morris “will never settle any litigation,” he is referring mainly to the lawsuit brought against the tobacco industry by Mike Moore, Attorney General of Mississippi. While the statement seems implausible in hindsight, there was no precedent for anyone being awarded monetary compensation from Big Tobacco in a trial by jury in 1996.

The tobacco industry had been impregnable for decades when, in the mid 1980s, a case brought against it called Cipellone came very close to being the industry’s first loss. Instead, the result of that case was found in favor of the industry stating that only smokers who started smoking before the Surgeon General’s 1965 declaration that smoking was hazardous to one’s health could sue the industry from then on. However, the industry was rattled by the proceedings of the Cipellone case, especially by the negative attention it generated in the media, and began spending more money and attention on these health-related law suits. (Zegart 2000:83-85; Mollenkamp et al 1998:51)

The first case that the tobacco industry lost was in 1990, filed in Florida by Don Barrett on behalf of his client Nathan Horton. However, even though the jury found for the plaintiff, they did not award any monetary compensation for Nathan Horton and the tobacco companies could still claim that they had never paid out damages in a law suit about the health effects of tobacco products. Nevertheless, the Horton case created an important precedent for going

to trial against the tobacco industry and succeeding. (Orey 1999:29-31; Zegart 2000:88; Mollenkamp et al 1998:43)

Three years later in May of 1993, Mike Lewis, a Mississippi lawyer, formulated a plan to hold the tobacco industry accountable for the damage it caused in millions of smokers. After he visited a friend in the hospital who was being treated for lung cancer, it occurred to him that treating smoking-related diseases is extremely costly and most of it was paid by Mississippi's Medicaid fund. Since the tobacco industry could never be sued for the deaths of smokers after the 1965 Surgeon General's warning, Lewis planned to sue for the money that States paid through Medicaid to treat the aged and indigent, a sum roughly 940 million dollars for the state of Mississippi. (Orey 1999:223-224)

This idea was revolutionary because it drastically departed from the arguments of prior law suits. The tobacco industry had been able to easily fend off individual lawsuits by claiming that they were not responsible for people's individual choices and behavior. By focusing on the amount of money that States spent caring for ailing smokers, Lewis avoided the whole problem of individual choice. (Mollenkamp et al 1998:23-25)

A few weeks later, Lewis contacted his old classmate Mike Moore, the Attorney General of Mississippi, and outlined his plan. Moore was encouraging and suggested that Lewis get in touch with two other old classmates, Don Barrett and Dick Scruggs, who were trying a case against the tobacco industry in Greenville, Mississippi. Both Scruggs and Barrett were convinced that this was a suit that could be won and the industry's old defense of smoker responsibility would no longer protect them. (Zegart 2000:92-93) (Barrett is quoted as saying, "Eureka! ... The state of Mississippi has never smoked a cigarette." (Mollenkamp et al 1998:29))

On May 23, 1994, Mike Moore sued Philip Morris and the tobacco industry for the cost of treating Medicaid patients for smoking related health issues. By April 1996, West Virginia, Minnesota, Florida, and Massachusetts had declared their own suits. (Interestingly, thirteen



more states had begun suits by the end of 1996 bringing the total to eighteen, more than one third of the state attorneys general in the United States.)

Though most of the litigation, including the suits brought by the attorneys general, was filed in civil court, one notable case was filed in criminal court by the United States Department of Justice. The suit stemmed from the testimony given by tobacco executives on April 14, 1994 during the Waxman hearings. The Department of Justice opened the case in July 1994 and by July 1995 a grand jury was convened in New York to investigate the possibility that the tobacco industry had been lying about the adverse health effects of smoking and the executives that had testified had in fact committed perjury when they stated that they did not believe that nicotine was addictive.

In late January 1996, Jeffery Wigand testified, as part of the Mississippi suit, that the tobacco executives did know that nicotine was addictive and on April 1, 1996 Congressman Waxman stated in a PBS online forum that there was still an ongoing criminal investigation regarding the executives' testimony. The CEO of Philip Morris at the time of the Waxman hearings in 1994 (where the presidents and CEO's of the major tobacco companies swore under oath that they did not believe nicotine was addictive) was Bill Campbell. Wigand accused him directly of lying under oath in his congressional testimony and the implication of Waxman's PBS statement is that Campbell was still under criminal investigation. Bible's speech offered explicit support to Bill Campbell, who was suffering the indignity of criminal proceedings.

## CHAPTER 4

### METHODOLOGY

This chapter describes the methods used to examine the drafts of Geoff Bible's April 9th, 1996 speech to all Philip Morris employees worldwide. Although there are many areas of linguistic study that have informed this research, the relevant methods discussed below focus on discourse analysis tools and on the software Draft Analysis Program. First, however, a general description of the speech is given with the original document image found in Appendix A.

The speech analyzed in this thesis was given on April 9, 1996 by Geoffrey Bible, CEO of Philip Morris. It was written and edited in two rounds by at least four executives of Philip Morris, including the company's general counsel Stephen Parrish. Although there were certainly multiple authors, Geoff Bible, who gave the speech, will be cited when discussing authorship throughout the rest of this study.

The sequence of drafts was established by examining numerous document images. The drafts used in this analysis were determined by comparing several original documents. For each numbered draft shown in the appendix, there are at least two original documents that were used to create the text. The first two drafts were created from original documents labeled as either draft 1 or draft 2 by the authors, making the comparison of those documents much easier. What became the third draft was not labeled like the first two but was in a different format and contained some different language from the first two. Draft 4 was a document hand labeled as "Final" and was compared with another document of the same format and language.

The other features of the various documents, other than format, that informed the decision process of sequencing the drafts were notes in the margins made by different editors. The comments on the documents helped establish the order of the drafts. For example, early comments in the margins of photocopied reproductions appeared in later documents as part of the speech's text. This trace of early edits appearing in later drafts was particularly helpful in discerning the difference between draft 3 and draft 4, which were not explicitly labeled as such in the original documents and which all had the same format (very large type face with textual cues for the speech such as "(Pause)"). The document labeled "Final" and a document that matched the language of "Final" had no comments on them, which was one clue that they were indeed the final draft of the speech to be read by Geoff Bible. Another helpful clue was that some of the hand written changes found in documents that became draft 3 were incorporated as part of the text in the "Final" document, which became draft 4.

The speech was videotaped in a conference room of Philip Morris corporate headquarters in New York City and was sent to all offices of Philip Morris, Incorporated worldwide. The view out of the full length window behind the podium is a skyscraper skyline, not only a physically imposing backdrop but also financially impressive, which sets the stage for the speech. Bible enters the room down an aisle while the audience stands and applauds him and then he steps behind the podium. The audience then sits except for those in the very back of the room who do not have seats.

The video begins with a separately taped introduction by Stephen Parrish, then Geoff Bible's speech, which is followed by a structured question and answer session with members of the audience. Each of these three parts of the video are found as separate texts in the Legacy Tobacco Documents web site and other online corpora, such as the Tobacco Documents Corpus at the University of Georgia. Bible's speech is the main element of the video and is a highly stylized form of address, where Bible has the floor and no one else can interrupt him until he asks for questions at the end of it.

The fact that there is a question and answer portion of the video brings up an interesting point about the audience. One of the questions in both the text of the question and answer session and on the video is about what Philip Morris employees should tell their friends and family when asked about the negative public image of the company. In a document titled *Questions and Answers April 9, 1996 Meeting with Employees* with the header ‘Draft 1 8:00 A.M. April 8, 1996,’ the first question is, “What should I tell my friends and acquaintances when they ask me about the latest media reports about our company?” On the video, the third question is from a woman who asks “What can I say confidently to my friends and others that ask me about all these media reports?” This question indicates that there is an indirect audience that the contents of this speech was intended to reach, one that is not internal to Philip Morris.

Although there is a question and answer session in the speech, it is highly scripted and as such does not impart much information about the true reaction of the audience to the content of the speech. Therefore, this analysis does not seek to describe the results of the deception and manipulation in the speech. Rather, the point of this research is to examine the deceptive and manipulative language of the text itself.

The speech can be separated into two different sections, exclusive of the introduction and conclusion: reactive and proactive. The first section, paragraphs 1-32 of the final draft, seem to be a reaction to contemporary accusations levied against the tobacco industry and designed to bolster the morale of the employees after the negative attention directed to Philip Morris in the media (see Chapter 3 for context). The first section of the speech also purports to be informative, as indicated in the third paragraph of the final draft, “Today, I want to answer your questions, but let me start by laying a framework for where I believe we are” (4.3), a kind of state-of-the-corporation address.

The second section of the speech, paragraphs 33-44, seems proactive in that there is a deliberate argument that serves to justify the company’s position in relation to the rebuttal from the first portion. In fact, the proactive section begins with the statement, “I believe

passionately that we are right, and let me tell you why,”(4.34) and is followed by three (of the remaining ten paragraphs) that each start with “We are right because” (4.35, 4.36, 4.37). This second section “pushes back” against the industry’s critics.

This thesis focuses on the first portion of the speech for three reasons. The first reason is that there are more than enough data in the first 32 paragraphs to analyze. The second reason is that of the four paragraphs that remain constant through all four drafts of the speech, half are found in paragraphs 33-44, which means that 20 per cent of the text in that section is not analyzable for edits. The third reason is that the second section presents Philip Morris’ programmatic statements of justification, evolved over several years time, which means that the topic is more insular and less likely to be affected by context. In short, there are fewer revisions to be analyzed in the second section of the speech. The second section manifests fewer differences among the drafts and seems more insular in its topic than the first section. However, rather than dismiss paragraphs 33-44 entirely, a brief general description and discussion is given in the appendix.

## 4.1 DISCOURSE ANALYSIS

Several different discourse analysis tools can be used to say meaningful things about discourse, but this analysis seeks to uncover as much of the textual picture as possible. This means analyzing the text as it changes on the page and also interpreting its place in the greater environment. Therefore a close semantic analysis was chosen to delineate the meaning within the text and a pragmatic analysis for explicating the speech’s meaning in its contemporary context.

### 4.1.1 SEMANTICS

The methodology of the semantic analysis is as basic as the definition provided in the lit review: it is a comparison of the meanings of words and phrases as that language changes across the drafts.

First, the four base drafts were run through the Draft Analysis program to assign numbers to the paragraphs and determine what paragraphs were identical or different. The drafts are compared only two at a time so there were three sets of results: Draft 1 to draft 2, draft 2 to draft 3, and draft three to draft 4. For continuity both with the flow of the speech and flow of analysis, results were divided by main topics contained in the speech: 1) the Liggett settlement and Castano class action suit; 2) the youth smoking issue; 3) whistle blowers; 4) the nicotine manipulation issue; and 5) issues in litigation.

Next, the kinds of revision operations, additions, deletions, and rewrites, were picked out among the drafts and described to illuminate the specific differences of meaning in the text that the Draft Analysis Program returned in unmatching paragraphs.

Finally, the differences among the words are discussed as they change the meaning of text on the page. In some instances the revisions are surface level, such as spelling or punctuation, and those are noted as well.

#### 4.1.2 PRAGMATICS

One of the reasons Galasinski's (2001) typology was chosen for this kind of analysis is because it lines up well with both the editing process and Grice's maxims.

The omission classification (Galasinski 2001:22) most obviously pairs with deletions. The most conservative approach in establishing instances of deception by omission is taken in the analysis of the drafts. This means that only those instances substantiated by textual revision, that omit language which was present in a previous draft, were chosen for analysis. In other words, deception by omission occurs when textually relevant information is deleted from a prior draft, thus requiring only internal textual evidence as opposed to elusive external evidence. Deletions were analyzed in light of the relevance of the deleted information to the topic of the text and as it related to the truth of an accusation. Though "truth" is socially constructed, we can still posit a truth in the text-world, the truth that is consistent with meanings conveyed in the text. Through the deletions in the drafts we can point to where

items were deliberately removed. Depending on the semantic and pragmatic nature of what was deleted, we can speculate about the motivation for such an edit and whether or not it could be classified as deceptive. However, not all omissions or deletions are deceptive: some are purely stylistic or surface level in nature. These are noted where they are found but are not discussed at length.

The three remaining classifications of deceptive language, evasion and both explicit and implicit commission, are not so easily organized, and there is overlap in the editing processes and maxims that match them.

Evasive language is best found in changes of topic and rewrites of existing language to give it a different focus. Galasinski (2001) describes evasion as an utterance that is irrelevant to the topic, which would violate Grice's maxim of relevance. Here the methodology calls for an evaluation of revisions as they relate to the topic of an earlier draft than where the changes are found.

Commissive deception, both implicit and explicit as described by Galasinski (2001:22), can also be found in rewritten language though it is more specifically seen in insertions and broadening or narrowing changes in the language. Explicit commissive language is the equivalent of saying something that is known to be untrue for deceptive reasons, what most people think of as "lies," and can be seen in rewritten language of the editing process. Implicit commissiveness is deceiving by implication and lends itself to changes that narrow or broaden the original meaning listeners or readers are likely to interpret the text in a manner most favorable to the message source (i.e., Philip Morris in this case).

In contrast to deception by omission, language that is explicitly commissive is difficult to establish textually because it requires external criteria. In other words, outside evidence must be produced to prove certain words or phrases are lies. Furthermore, in an industry as old and complex as tobacco, there is simply a mountain of information and many opportunities to lie about it. This category, therefore, somewhat misaligns with analyzing intent through changes across drafts.

## 4.2 DRAFT ANALYSIS PROGRAM SOFTWARE

The software Draft Analysis Program was written to help process texts that are drafts of one final document. First, it was used to be able to tell which documents were copies of a previously identified draft with different editorial marks on them, and which were in fact different drafts. In order to draw these distinctions, the extensible mark-up language, or xml tags that had been inserted into the TDC documents (Kretzschmar et al 2004), had to be removed from the original document before the text was analyzed. Second, the program was used to determine what changes were made to the drafts and where they occurred returning numbered paragraphs as either same or different. The reason the paragraph was used as a category for separating the text is mostly for ease of programming. It is much easier to identify a paragraph in computer code than it is to define a sentence.

When the Draft Analysis Program is first opened, there is a background window called Draft Analysis and a window titled *Welcome* on top of it. The *Welcome* window has a brief description of what the program does and what prompts the user can expect to see. At the bottom of the *Welcome* window is a “Continue” button that must be clicked to proceed to the *Choose Drafts* window.

In the second step, the user chooses which texts to compare in the *Choose Drafts* window. When the user clicks a “Browse” button, a file dialog box appears in which the user chooses a document to be analyzed. When a document is chosen, the file path or address is returned to the text box that is to the left of the “Browse” button that was originally clicked. After two files have been chosen to be analyzed, the user clicks the “Continue” button to go to the next window titled *View Drafts*.

The *View Drafts* window is where the bulk of the action happens. When it opens, it displays the text of the chosen documents in two different text boxes named Draft 1 and Draft 2, a pattern that will remain in all subsequent windows. When each document is processed, the text is separated at the level of paragraph and each paragraph is given a number in the order it appears in the original document. That paragraph number is maintained throughout



the rest of the program so that when the paragraphs are compared, as described below, they will retain their original assigned number to make comparing them easier. For example, if an introductory paragraph is added to the second draft of a document but otherwise remains the same, the first paragraph of the first draft, paragraph 1 or 1.1, will be returned as the same as the second paragraph of the second draft, paragraph 2 or 2.2. It is important to note that this program only analyzes two documents at a time and that the titles of the text boxes, Draft 1 and Draft 2, do not change depending on the names of the texts being processed. It is up to the user to determine a convention for naming particular paragraphs after the original numbering. This thesis uses the convention of placing the draft number first, followed by a period, and then the paragraph number so that each paragraph from any draft may be referred to without confusion.

In between the text boxes of the *View Drafts* window are the three buttons that contain the methods for analyzing the texts: “Show same...”; “Show different...”; and “Word Lists.” The “Show Same...” button opens the *Same Paragraphs* window with only those paragraphs in each text that are identical. The “Show different...” button opens the *Different Paragraphs* window with only the paragraphs are not the same in both texts in their respective text boxes. Finally, the “Word List” button opens the *Word List* window with a list of word frequency pairs of each text in the appropriately named box. Also, below each text box in each of the windows (from the *View Drafts* window on) there is a “word count” button that when clicked will return the words in the text box directly above it.

Finally, there is a drop down menu at the top of each window which contains the option to save the individual texts as they appear, including the format and paragraph numbers. When the user rolls over the “Save as...” option, another drop down menu appears that prompts the user to choose which text is to be save, Draft 1 or Draft 2, and then opens a dialog box for the user to choose where to save the file. This is particularly helpful when analyzing more than two documents, as this thesis does, so that the user can take a break in the analysis task at any time.

## CHAPTER 5

### RESULTS

The format of the results chapter is organized by topic in the same format as Chapter 3 and in fact, the subject of each subsection in this chapter corresponds to the same section on background and context. For example, Chapter 3.3 on the topic of whistle blowers corresponds to Chapter 5.3 containing analyses of the paragraphs about whistle blowers.

Within each topic section, the changes among drafts are found in chronological order. First, the semantic analysis is provided with side-by-side tables of the relevant different paragraphs produced by the Draft Analysis program. Second, the pragmatic analysis describes the speech according to Galasinski's typology of deceptive language: omission, evasion, and both explicit and implicit commission.

Before proceeding to the directly to the analyses, some of the statistical results of the Draft Analysis Program (DAP) should be described.

One of the surprising results of the DAP was that only two paragraphs in the 32 paragraph portion of the speech selected for analysis remained unchanged throughout the editing process. The following table lists all the paragraphs that remained the same across each draft to draft comparison and between the first and last draft.

The first observation among these unaltered paragraphs is that they do not necessarily correspond in sequence from one draft to the next. There are four reasons why this change in sequence happens: 1) some paragraphs from a preceding draft are split or combined in a subsequent draft; 2) some paragraphs are added or deleted; 3) some subsequent paragraphs are created from merged sentences of prior paragraphs; or 4) words, phrases, or sentences from prior paragraphs are expanded into new full paragraphs.

Paragraphs Remaining the Same Across Draft Sets							
Draft 1 to Draft 2		Draft 2 to Draft 3		Draft 3 to Draft 4		Draft 1 to Draft 4	
1.2	2.2	2.2	3.2	3.6	4.2	1.6	4.2
1.4	2.4	2.4	3.4	3.10	4.7	1.13	4.7
1.5	2.5	2.5	3.5	3.14	4.11	1.40	4.36
1.6	2.6	2.6	3.6	3.29	4.28	1.47	4.44
1.9	2.8	2.8	3.8	3.29	4.28		
1.12	2.11	2.12	3.10	3.14	4.11		
1.13	2.12	2.15	3.13	3.37	4.36		
1.17	2.16	2.28	3.14	3.14	4.11		
1.38	2.36	2.17	3.15	3.43	4.43		
		2.20	3.18				
		2.23	3.21				
		2.24	3.22				
		2.16	3.26				
		2.30	3.29				
		2.36	3.35				
		2.38	3.37				
Total- 9		Total- 16		Total- 8		Total- 4	

Table 5.1: Paragraphs Remaining the Same Across Draft Sets

A second observation is that there is a markedly large number of paragraphs returned as the unchanged between drafts 2 and 3. In the speech, there does not seem to be any textual reason for this pattern between drafts 2 and 3, but there is a clue in the typography of the original documents. The most noticeable difference between drafts 2 and 3 is the increase in

the number of pages, which turns out to be due to the much larger type face of the printed text in draft 3. Drafts 1 and 2 are set in a typical 12 point font while drafts 3 and 4 are set in larger font. The most likely reason for this change is that beginning with draft 3, the speech was rehearsed as it would be presented, read aloud and possibly at a podium where the pages would be farther away from the reader. From this evidence it is reasonable to speculate that the point of draft 3 was to get the speech ready to be read aloud and that changes in content were secondary.

Of the four paragraphs that remain the same throughout all four drafts as shown in the table above, 4.2 and 4.7 are in section of the speech being analyzed in the current study. These two paragraphs are briefly described below.

The first unchanged paragraph (1.6, 2.6, 3.6, 4.20) is as follows: “Our business is growing by leaps and bounds. We will report a strong first quarter and the next quarter looks equally good.” The fact that this paragraph remains in all iterations of the speech, as well as its position in the beginning, demonstrates the overall importance of the financial health of Philip Morris. As opposed to all the calamities surrounding the tobacco industry at the time of the speech, good quarterly earnings received top billing. It may be that the upper management determined that this would be the topic that was of utmost importance to their audience of employees, but another reason for the prominence of this paragraph is the pervading goal of making a profit that characterizes the tobacco industry and fostered the corporate environment that would allow tobacco companies systematically to ignore their product’s risk to public health.

The second paragraph that remains the same across all drafts (1.13, 2.12, 3.10, 4.7) is a single line:

It isn’t our dam that is showing cracks. It is theirs.

This sentence is the subject of discussion in the conclusion chapter of this thesis, but a short synopsis here is appropriate. This line shows the depth of Philip Morris’ commitment to their arguments for the legitimacy of the tobacco industry. At the time of this speech, the

executives of the tobacco companies expressed a firm conviction (at least in public) that they would win any case brought against them and would face down any attempt by the FDA to further regulate their products.

## 5.1 TOPIC 1: LIGGETT SETTLEMENT AND CASTANO CLASS ACTION SUIT

This section presents semantic and pragmatic analysis of paragraphs about Topic 1, the Liggett settlement and Castano class action law suit, that was described in Chapter 3.

Topic 1: Liggett Settlement and Castano Class Action Suit		
Draft 1	paragraphs 1.5 - 1.14	10 total
Draft 2	paragraphs 2.5 - 2.13	9 total
Draft 3	paragraphs 3.5 - 3.11	7 total
Draft 4	paragraphs 4.4 - 4.7	4 total

Table 5.2: Paragraph Distribution across Drafts in Topic 1

### 5.1.1 SEMANTICS: TOPIC 1 (LIGGETT SETTLEMENT AND CASTANO CLASS ACTION SUIT)

In semantic analysis sections, the drafts are compared two at a time (draft 1 to draft 2, draft 2 to draft 3, and draft 3 to draft 4) in tables with a semantic analysis of each pair directly following the table to which it refers. The Draft Analysis Program returns a unique number assigned to each paragraph in each draft which is found directly above the paragraph it designates.

Also, the paragraphs are presented in comparison tables vertically in the order they occur in the text and are matched horizontally to the corresponding paragraphs in the other draft

in the pair. Where there is a blank space in the table, there is no paragraph that corresponds with it at that point in the other draft.

Draft 1 to Draft 2 Changes: Topic 1 (Liggett Settlement and Castano Class Action Suit)	
1.11	2.10
But the strength of our position in these suits is still untouched. Indeed, in the hearings last week on the Castano case, we feel we did very well. Even the press agreed.	But the strength of our position in these suits is untouched. Indeed, in the hearings last week on the Castano case we feel we did very well.
1.14	2.13
Everyone now understands that the Liggett settlement is a sham. It will be challenged in the courts by plaintiffs – since it is a lousy deal for them – and by other lawyers. And, make no mistake, Liggett has not bought itself legal peace with this settlement. They got pats on the back from hypocritical politicians and lawyers, but they got nothing and gave nothing. All they did in the end was to destroy significant value for investors in our industry.	Everyone now understands that the Liggett settlement is a sham. It will be challenged in the courts by the plaintiffs – since it is a lousy deal for them – and by other lawyers. And, make no mistake, Liggett has not bought itself legal peace with this settlement. They got pats on the back from some hypocritical politicians and lawyers, but they got nothing and gave nothing. All they did in the end was to destroy significant value for investors in our industry.

Table 5.3: Topic 1: Draft 1 to Draft 2 Paragraph Comparison Liggett Settlement and Castano Class Action Suit

Paragraph 2.10 deletes the final sentence, “Even the press agreed,” from paragraph 1.11 but is otherwise unchanged: “But the strength of our position in these suits is still untouched. Indeed, in the hearings last week on the Castano case, we feel we did very well.”

Paragraph 2.13 contains an insertion. The word ‘some’ was added in 2.13 in the following sentence from 1.14: “And, make no mistake, Liggett has not bought itself legal peace with this settlement. They got pats on the back from some hypocritical politicians and lawyers, but they got nothing and gave nothing.”

The changes from draft 1 to draft 2 observed above demonstrate a change of certainty. By removing the phrase “even the press agreed,” the authors eliminate a strong statement in support of their assertion that the Liggett settlement had not weakened Philip Morris’ cases. The word ‘even’ is used to align something or someone with the extremes of a scale that, contrary to expectations, either agrees or disagrees with what the speaker/writer wants to communicate. In this case, ‘even the press agreed’ bolsters the claim that Philip Morris is succeeding in the Castano class action suit because ‘the press’ rarely agreed with tobacco companies at that time.

Similarly, the insertion of the word ‘some’ in front of ‘hypocritical politicians’ indicates that the authors are not willing to call all politicians hypocritical. This is a prudent change; it demonstrates a tendency toward moderate claims rather than broad bold assertions.

Draft 2 to Draft 3 Changes: Topic 1 (Liggett Settlement and Castano Class Action Suit)	
2.13	3.11
Everyone now understands that the Liggett settlement is a sham. It will be challenged in the courts by the plaintiffs – since it is a lousy deal for them – and by other lawyers. And, make no mistake, Liggett has not bought itself legal peace with this settlement. They got pats on the back from some hypocritical politicians and lawyers, but they got nothing and gave nothing. All they did in the end was to destroy significant value for investors in our industry.	Everyone now understands that the Liggett settlement is a sham. It will be challenged in the courts by the plaintiffs – since it is a lousy deal for them – and by other lawyers. And, make no mistake, Liggett has not bought itself legal peace with this settlement. They got pats on the back from some hypocritical politicians and lawyers, but they got nothing and gave nothing. All they did in the end was to temporarily erode significant value for investors in our industry.

Table 5.4: Topic 1: Draft 2 to Draft 3 Paragraph Comparison Liggett Settlement and Castano Class Action Suit

Paragraph 3.11 reveals an insertion and deletion from paragraph 2.13 in the preceding draft. In 2.13, the sentence that is edited reads “All they did in the end was to destroy significant value for investors in our industry“ and is changed in 3.11 to read “All they did in the end was to temporarily erode significant value for investors in our industry.”

This revision is a temporal semantic change. In the first draft, ‘destroy significant value’ has the sense that the value is unrecoverable, a highly undesirable state of affairs for ‘investors in our industry.’ By changing the phrase to ‘temporarily erode significant value,’ the authors indicate that the circumstances are not permanent and that although stocks may have decreased somewhat, they are not ruined. In other words, when something is destroyed, it goes from something to nothing but if it is eroded, it goes from being something to being a little less, but still something.

Draft 3 to Draft 4 Changes: Topic 1 (Liggett Settlement and Castano Class Action Suit)	
3.9	4.5
Originally, the newspapers described the Liggett settlements as a crack in the dam. But now everyone understands that the proposed settlements were a tactic in a war which has nothing to do with the fundamentals of tobacco litigation. It is a desperation move by Bennet LeBow in his efforts to take over RJR. And we will know next week whether or not he will succeed in that quest. But the strength of our position in these suits is untouched. Indeed, we were encouraged by hearings last week on the Castano case. Even the press agreed that the Court seemed skeptical of many of the plaintiff’s arguments.	First, let me begin with the proposed Liggett settlement. It is a sham. Originally, the newspapers described the settlement as a crack in the dam. But now everyone understands that the proposed settlement was just a tactic in a war which has nothing to do with the fundamentals of tobacco litigation. It was a desperation move by Bennet LeBow in his efforts to take over RJR.



3.10	4.6
It isn't our dam that is showing cracks. It is theirs.	Second, the proposed Liggett settlement does <u>not</u> change the litigation. The strength of our position in these suits is untouched. Indeed, we were encouraged by the hearing last week in the Castano class action. The investment community and even the press agreed that the Court seemed skeptical of many of the plaintiff's arguments.
3.11	4.7
Everyone now understands that the Liggett settlement is a sham. It will be challenged in the courts by the plaintiffs – since it is a lousy deal for them – and by other lawyers. And, make no mistake, Liggett has not bought itself legal peace with this settlement. They got pats on the back from some hypocritical politicians and lawyers, but they got nothing and gave nothing. All they did in the end was to temporarily erode significant value for investors in our industry.	It isn't our dam that is showing cracks. It is theirs.

Table 5.5: Topic 1: Draft 3 to Draft 4 Paragraph Comparison Liggett Settlement and Castano Class Action Suit

The changes that occur in the paragraphs about Liggett in drafts 3 and 4 are more complex to describe. The content and much of the phrasing of 3.8-11 is reduced and tightened to create 4.5-6, although 3.7 (“Let me explain.”) is deleted entirely. The rest of the changes are as follows.

Paragraph 4.5 takes the bulk of its content from 3.8 with the exception of the first sentence which is an addition: “First, let me begin with the proposed Liggett settlement.”

The next sentence in 4.5, “It is a sham.” is a reduction from the first sentence of 3.11: “Everyone now understands that the Liggett settlement is a sham.” The third and fourth sentences in 4.5 are copied directly from the second and third sentences of 3.9 which read: “But now everyone understands that the proposed settlements were a tactic in a war which has nothing to do with the fundamentals of tobacco litigation. It is a desperation move by Bennet LeBow in his efforts to take over RJR.”

Paragraph 4.6 is taken from the second half of 3.9 and from mixing in 3.7. The first sentence was created: “Second, the proposed Liggett settlement does not change the litigation.” The second and third sentences in 4.5 come directly from 3.9 with the deletion of ‘but’: “(But) The strength of our position in these suits is untouched. Indeed, we were encouraged by the hearing last week in the Castano class action [replacement for ‘case’ in 3.9].” The fourth and final sentence of 4.6: “The investment community and even the press agreed that the Court seemed skeptical of many of the plaintiff’s arguments.” includes the essence of the subject in the second 3.6 sentence: “The Wall Street analysts who follow us continue to recommend our stock.” and the last sentence of 3.9: “Even the press agreed that the Court seemed skeptical of many of the plaintiff’s arguments.”

The paragraphs in draft 4 about Liggett and Castano do not significantly change the semantic meaning or overall gist of paragraphs from draft 3 that cover the same topic. However, the effect of the changes is that there is a clearer sequencing of points, as indicated by the addition of ‘First’ and ‘Second.’ Because these paragraphs are more concise and better organized, the text is more persuasive than the preceding drafts.

The following are sentences from draft 3 paragraphs 8-11 that were deleted from draft 4. After each deleted sentence is quoted, a possible semantic analysis is given for the reasons behind removing it.

3.6.1: “And even if our stock has taken a bit of a beating, some of this was inevitable profit taking in the market.” By removing this statement, the authors avoid addressing the

negative impact of events on Philip Morris' stock prices. (This deletion is discussed further in the following pragmatic analysis of deception by omission.)

3.9.4: "And we will know next week whether or not he will succeed in that quest." Here, the authors remove language that indicates the importance of the outcome of the Liggett's attempt to take over RJ Reynolds.

3.11.2-5: "It will be challenged in the courts by the plaintiffs since it is a lousy deal for them and by other lawyers. And, make no mistake, Liggett has not bought itself legal peace with this settlement. They got pats on the back from some hypocritical politicians and lawyers, but they got nothing and gave nothing. All they did in the end was to temporarily erode significant value for investors in our industry." The first sentence deleted from this paragraph, 3.11.2, removes a sentence that was not on topic. Cutting the second statement, 3.11.3, removes an infelicitous remark that could remind audience that Liggett, Philip Morris, and the entire tobacco industry have not been able to buy "legal peace." By deleting the third sentence quoted above about "hypocritical politicians," (3.11.4) the editors remove the possibility that a potentially prominent politician will be unnecessarily offended. Finally, by removing the last sentence of the paragraph, 3.11.5, the editors keep from acknowledging that Liggett's settlement affected industry-wide stock prices.

#### 5.1.2 PRAGMATICS: TOPIC 1 (LIGGETT SETTLEMENT AND CASTANO CLASS ACTION SUIT)

The following pragmatic analysis of paragraphs about Liggett and Castano (Topic 1) discusses the changes among drafts as they pertain to the four categories of deception: omission, evasion, and both explicit and implicit commission (Gakasinski 2001).

##### *Omission: Topic 1*

The omission in this section of the speech about Liggett and Castano is not precisely about Liggett and Castano but rather is a reference to Philip Morris' stock performance. In the first three drafts of the speech, the discussion of the financial effects of "all the noise

and thunder”(1.5, 2.5, 3.5) surrounding tobacco industry law suits assures the audience that “even if our stock has taken a bit of a beating, some of this was inevitable profit-taking in the market”(1.7, 2.7, 3.7). However, none of those paragraphs are retained in draft 4. The status of Philip Morris stock prices is obliquely referred to in draft 4 paragraph 2 in the assertion “we will report a strong first quarter and the second looks equally good” but all other reference to the dip in stock value has been removed. The truth is that the fall of tobacco stock prices was concurrent, if not directly caused by, the report of the Liggett settlement in national news.

*Evasion: Topic 1*

In all but draft 4 of this section the tactic of evasion is employed for the purpose of distracting the audience from Philip Morris’ underlying problem: law suits. The evasive language is found in three paragraphs, 1.14, 2.13 and 3.11, but is deleted from draft 4. The relevant sentences that were deleted from draft 4 are found in paragraph 3.11: “It [the Liggett Settlement] will be challenged in the courts by the plaintiffs since it is a lousy deal for them and by other lawyers. And, make no mistake, Liggett has not bought itself legal peace with this settlement. They got pats on the back from some hypocritical politicians and lawyers, but they got nothing and gave nothing. All they did in the end was to temporarily erode significant value for investors in our industry.”

The general gist of paragraph 3.11 (and 1.14 and 2.13 as well) is that Liggett had tried and failed to resolve the legal troubles that plagued the industry as a whole: the Castano class action suit, the suits of the Attorneys General, and the investigations by the FDA. In other words, Liggett’s solution to the tobacco industry’s legal woes was to compromise. By describing how badly the settlement turned out for Liggett, Bible’s speech attempts to show that Philip Morris is in a much better situation because they refuse to compromise. Ultimately the sentences, meant as a diversion, were removed possibly because it was preferable not to remind the audience of the extent of legal trouble Philip Morris was still in, a topic assiduously avoided in the rest of the speech as well.

A diluted version of this instance of deception by evasion appears in the first sentence of 4.6 stating that “the proposed Liggett settlement is a sham.” Bible goes on to state that “the strength of our position in these suits is untouched” (4.6) which is the opposite of evading the subject. However, the jab at the Liggett settlement and attributing it to the greed of Liggett’s owner, Bennett LeBow, echoes the sentiments of paragraph 3.11 in which the impact of the settlement was evaded by denouncing it.

*Explicit Commission: Topic 1*

Determining deceptive language by explicit commission can be difficult. Rarely, and not in this speech, is there any editorial comment stating that some sentence or paragraph is an outright lie. Errors of fact, especially if they can be proven to have been known by the author, are as close as discourse analysis can come. This section affords a glimpse at what is possible in analyzing explicit commission of deception.

The paragraph “It isn’t our dam that’s showing cracks. It is theirs.” (1.13, 2.13, 3.10, and 4.7), is, in the context of background discussed in Chapter 3, a lie in the form of metaphor. According to Lakoff and Johnson (2003), “metaphors have entailments through which they highlight and make coherent certain aspects of our experience” which “may be the only way to highlight... those aspects” and “may create... social realities” (156). This metaphor, ‘a crack in the dam,’ entails an object, the dam, and a substance contained in it. Bible attributes the metaphor to the media, stating that “originally, the newspapers described the settlement as a crack in the dam” (4.5). In this context, the crack in the dam can refer both to tobacco litigation in general and to Philip Morris’ stake in it in particular. There is enough ambiguity in referring to the topic of law suits (“*the* fundamentals of tobacco litigation” (4.5), but also “*our* position in these suits” (4.6) emphasis mine) to make it difficult to argue for one perspective over the other. Both Philip Morris’ and the tobacco industry’s status in litigation would have been of interest to an audience of tobacco company employees.

Bible continues the metaphor but turns it around to describe the arguments and allegations brought against Philip Morris and the tobacco industry: “It isn’t our dam that is

showing cracks. It is theirs.” The validity of this claim is questionable for the following reasons. The tobacco industry’s and Philip Morris’ legal position was very much compromised by the Liggett settlement. Liggett’s CEO, Bennett LeBow, had made the same claims and statements as the rest of the industry’s leaders (including testifying in the Waxman hearings) and was now retracting. The ironclad argument employed for so long, namely that there was no precedent for settling, depended on two things: first, not ever settling, and second, maintaining a united front in the face of lawsuits. Bennett LeBow had destroyed both these elements with the Liggett settlement. As further evidence, not two years later Philip Morris settled the Attorneys General suits of the same states, plus thirteen more, that Liggett settled with in the month before this speech was given.

There is an interesting reference found later in the speech related to this container metaphor, the verb ‘to leak’. In the context of the tobacco industry, the whistle blowers ‘leaked’ documents and information to the press and the public. In this metaphor, the tobacco industry is the container and information, presumably private or secret information, is the substance. It turns out that we find an instance of this metaphor in Bible’s speech: “So we can expect more leaks and sensational stories,” (4.29). It is interesting to note that this use of the container metaphor, “expect more leaks,” is at odds with the first metaphor in that if there is not a crack in the dam, then there should not be any leaks.

#### *Implicit Commission: Topic 1*

Deceptive language by implicit commission is mostly an analysis of the implicature found in the final draft, draft 4, with attention paid to the changes that occurred in the prior drafts.

Paragraph 4.4 implies that though there were serious legal rumblings (“noise and thunder”) there was no disaster in the courtroom (“nothing fundamental has changed”). As discussed above, there were in fact very serious changes in the fundamental of tobacco litigation, not the least of which was the Liggett settlement.

In paragraph 4.5 and 4.6, the use of the word ‘proposed’ with ‘Liggett settlement’ implies that at the time of the speech it was not yet finalized. This modifier is in fact

false. According to the legal documents, Liggett settled with West Virginia, Florida, Mississippi, Massachusetts, and Louisiana on March 15th, 1996 and with Castano et al on March 12th. Bible gave the speech analyzed here on April 9th, 1996, more than three weeks since the Liggett Settlement was signed. Although there was some question at the time about whether or not the Castano agreement would hold (it was later dismissed as a class action suit, see reference in 4.6: “we were encouraged by the hearing last week in the Castano class action.”), there was no doubt that Liggett had signed the papers.

One possible reason for presence of this implicit commissive deception in Bible’s speech is that it implies that Liggett’s settlement was uncertain, a settlement that would nullify the tobacco industry’s argument that it would never settle any litigation because there was no precedent. By including this implication, Bible is able to make the claims that “it isn’t our dam that’s showing cracks” and the settlement “does not change the litigation.” Without the word ‘proposed;’ the implication is that the Liggett settlement was fact, which would have changed Philip Morris’ litigation strategy.

Furthermore, by asserting that Liggett’s reason for settling was motivated purely by business, Bible implies that that reason is insufficient for undermining Philip Morris’ reasons, and the rest of the industry’s reasons as well, for not settling. In other words, the speech implies that because Liggett did not settle for legal reasons, Philip Morris’ legal position was not compromised.

## 5.2 TOPIC 2: YOUTH SMOKING ISSUE

The following section presents semantic and pragmatic analysis of paragraphs regarding issues in youth smoking, Topic 2, as delineated in Chapter 3.

Topic 2: Youth Smoking Issue		
Draft 1	paragraphs 1.15 - 1.16	2 total
Draft 2	paragraphs 2.14 - 2.15	2 total
Draft 3	paragraphs 3.12 - 3.13	2 total
Draft 4	paragraphs 4.8 - 4.10	3 total

Table 5.6: Paragraph Distribution across Drafts in Topic 2

## 5.2.1 SEMANTICS: TOPIC 2 (YOUTH SMOKING ISSUE)

Draft 1 to Draft 2 Changes: Topic 2 (Youth Smoking Issue)	
1.15	2.14
In retrospect, the worst part of the LeBow charade was to see Liggett receive praise for being a leader on the youth smoking issue. Dead wrong. We are the leader in the U.S. industry on the youth issue. Our Action Against Access program here in the United States is being aggressively implemented across the country. I'm proud of this effort and you should be too. It puts our money where our mouth is – which is <u>against</u> youth smoking.	In retrospect, the worst part of the LeBow charade was to see Liggett receive praise for being a leader on the youth smoking issue. Dead wrong. We are the leaders in the U.S. industry on the youth issue. Our Action Against Access program here in the United States is being implemented aggressively across the country. I'm very proud of this effort and you should be too. It puts our money where our mouth is – which is <u>against</u> youth smoking.
1.16	2.15
Over the next weeks you will see us communicating more on this effort. That is not just chest beating. We are going to fight back strongly against any misperception or distortion of our position on youth smoking. We oppose it. We want it to stop. Period.	Over the next weeks you will see us communicating more on this effort. You have already seen the first ad. That is not just chest beating. We are going to fight back strongly against any misperception or distortion of our position on youth smoking. We oppose it. We want it to stop. Period.

Table 5.7: Topic 2: Draft 1 to Draft 2 Paragraph Comparison Youth Smoking Issue



The change from paragraph 1.15 to 2.14 presents a reversal of two words, from ‘aggressively implemented’ to ‘implemented aggressively.’ Also, a sentence insertion occurs in the text from 1.16 to 2.15. In 2.15 the sentence “You have already seen the first ad”‘ is added in between the two sentences of 1.16.

The changes in these two paragraphs emphasize the action the tobacco industry is taking. Though purely stylistic in nature, the attention to the verb and adverb order of “implemented aggressively” indicates authorial sensitivity to action. Furthermore, the insertion in 2.15 draws attention to action Philip Morris had already taken to inform people about their Action Against Access Program.

Draft 2 to Draft 3 Changes: Topic 2 (Youth Smoking Issue)	
2.14	3.12
In retrospect, the worst part of the LeBow charade was to see Liggett receive praise for being a leader on the youth smoking issue. Dead wrong. We are the leaders in the U.S. industry on the youth issue. Our Action Against Access program here in the United States is being implemented aggressively across the country. I’m very proud of this effort and you should be too. It puts our money where our mouth is – which is <u>against</u> youth smoking.	In retrospect, the worst part of the LeBow charade was to see Liggett receive praise for being a leader on the youth smoking issue. In truth, we are the leaders in the U.S. industry on the youth issue. Our Action Against Access program here in the United States is being implemented aggressively across the country. I’m very proud of this effort and you should be too. It puts our money where our mouth is – which is <u>against</u> youth smoking.

Table 5.8: Topic 2: Draft 2 to Draft 3 Paragraph Comparison Youth Smoking Issue

The change noted from 2.14 to 3.12 deletes the sentence “Dead wrong” from “In retrospect, the worst part of the LeBow charade see Liggett receive praise for being a leader on

the youth smoking issue. Dead wrong. We are the leaders in the U.S. industry on the youth issue” and inserts “In truth, we are the leaders in the U.S. ...”

The edit accomplishes a change in tone from the negative ‘Dead wrong’ to the positive ‘In truth,’ which not only removes a proposition difficult to prove, but inserts language that encourages the listener to think of Philip Morris as truthful and honest.

Draft 3 to Draft 4 Changes: Topic 2 (Youth Smoking Issue)	
3.12	4.8
In retrospect, the worst part of the LeBow charade was to see Liggett receive praise for being a leader on the youth smoking issue. In truth, we are the leaders in the U.S. industry on the youth issue. Our Action Against Access program here in the United States is being implemented aggressively across the country. I’m very proud of this effort and you should be too. It puts our money where our mouth is – which is <u>against</u> youth smoking.	Third, let me talk about the issue of youth smoking. We believe kids should not smoke and Philip Morris has been a leader in the effort to keep cigarettes away from kids.
3.13	4.9
Over the next weeks you will see us communicating more on this effort. You have already seen the first ad. That is not just chest beating. We are going to fight back strongly against any misperception or distortion of our position on youth smoking. We oppose it. We want it to stop. Period.	One of the most frustrating things about the past few weeks has been to see Liggett being praised as a leader on the youth smoking issue. Nothing can be further from the truth. Our Action Against Access program here in the United States is being implemented aggressively across the country. I’m very proud of this effort and you should be too. It puts our money where our mouth is – which is <u>against</u> youth smoking.

	4.10
	Over the next weeks you will see us communicating more on this effort. You have already seen the first ad. That is not just chest beating. We are going to fight back strongly against any misperception or distortion of our position on youth smoking. We oppose youth smoking. We want it to stop. Period.

Table 5.9: Topic 2: Draft 3 to Draft 4 Paragraph Comparison Youth Smoking Issue

Paragraph 4.8 is largely an insertion and, in fact, the first sentence is entirely new: “Third, let me talk about the issue of youth smoking.” This introduces the same topic that is covered in draft 3 at the point in the organization of the speech. The second sentence in 4.8 derives from the second sentence of 3.12 which reads “In truth, we are the leaders in the U.S. industry on the youth issue.” However, the sentence in 4.8 contains an insertion (“We believe kids should not smoke and”), a change from “we are” to “Philip Morris has been,” and it rewrites “the youth issue” to “in the effort to keep cigarettes away from kids.” The final version of the sentence in 4.8 reads “We believe kids should not smoke and Philip Morris has been a leader in the effort to keep cigarettes away from kids.”

There are three interesting features of the edits in these paragraphs. First, the insertion of “We believe kids should not smoke” reinforces the notion that Philip Morris is against youth smoking which is a sentiment already contained in the rest of the sentence. Second, the change from the verb ‘are’ to ‘has been’ shifts the temporal perspective to give the notion that Philip Morris had always been against youth smoking rather than only currently having that belief. Third, the change from ‘on the youth issue’ to ‘effort to keep cigarettes away from kids’ which has the effect of narrowing the audience’s possible interpretations of what Philip Morris’s stance is regarding kids as consumers.

Paragraph 4.9 contains mostly text from 3.12 with one rewrite, a deletion and replacement sentence. The first sentence of 4.9 is a rewrite of the first sentence in 3.12. So, 4.9.1 is “One of the most frustrating things about the past few weeks has been to see Liggett being praised as a leader on the youth smoking issue” compared to 3.12.1 which reads “In retrospect, the worst part of the LeBow charade was to see Liggett receive praise for being a leader on the youth smoking issue.” “In retrospect” is marginally represented as “in the past few weeks” and the “worst part of the LeBow charade” is rephrased as “one of the most frustrating things,” a much less evocative and a more toned-down interpretation. The description of the praise that Philip Morris was due on the youth issue moved from a passive constructive, “receive praise for being a leader” to an agentless construction “being praised as a leader.” (The second sentence in 3.12, ‘In truth, we are the leaders in the U.S. industry on the youth issue,’ makes an appearance in the above paragraph.) The second sentence in 4.9 is an insertion: “Nothing could be further from the truth,” a substitute for “dead wrong” and a more reasoned word choice. Finally, the last three sentences of 4.9 are taken directly from the last three sentences of 3.12.

The edits in this paragraph produce a more subtle effect than the previous one since mostly style is affected rather than semantic substance.

Paragraph 4.10 is a direct quote from 3.13 with only one change. The pronoun “it” in “We are going to fight back strongly against any misperception or distortion of our position on youth smoking. We oppose it.” is replaced with the antecedent in 4.10 “...our position on youth smoking. We oppose youth smoking.”

This change reaffirms or emphasizes a point already made, a change that is stylistic but also serves to narrow interpretation and focus the audience on the main point of the paragraph, that Philip Morris opposes youth smoking.

Overall these paragraphs express a sense of action, a sense that was not as focused or as clear in previous drafts. The tone is also more temperate and not so emotionally loaded in draft 4.

### 5.2.2 PRAGMATICS: TOPIC 2 (YOUTH SMOKING ISSUE)

#### *Omission: Topic 2*

In the changes in the drafts regarding the topic of youth smoking, nothing of significance is deleted that could be interpreted as deception by omission

#### *Evasion: Topic 2*

There is not necessarily an evasive or irrelevant utterance, but rather there is a shift in focus on what is irrelevant. Instead of addressing the accusations levied against the tobacco industry, Bible focus on their efforts against youth smoking. This is a subtle but significant distinction.

In a 1995 speech at the Columbia Law School, then FDA Commissioner Kessler publicly associated tobacco advertising and underage smokers. From that date forward, the industry's advertising practices were scrutinized and made frequent news headlines (for example, a Google search returned 336 hits for news articles about youth smoking and the FDA in the year between Kessler's speech and the speech analyzed here). Furthermore, the accusations were about the tobacco industry's marketing to a young audience and not about whether or not the companies believed minors should smoke.

#### *Explicit Commission: Topic 2*

An instance of explicit commission comes in 4.8: "We oppose youth smoking. We want it to stop. Period." If this were true, Philip Morris would have had a different marketing policy. As late as 1992, an internal report was issued that stated that Marlboro Red depended on "the ability to attract new smokers and develop them into a young adult franchise" in order to establish "long term brand development" (Bates 2044895389). Later in the same report, a summary of the three things needed to attain successful franchise development of Marlboro in general states are:

- Attracting a high level of starters and building a strong smoker base of young adult smokers

- Maintaining a young, high brand image and profile
- Delivering superior quality. (Bates 204485396)

Two of the three items are not only related to marketing but marketing specifically to young people. If the tobacco industry in general and Philip Morris in particular were serious about keeping kids from smoking, they would not be so intent on market strategies that make kids want to smoke.

*Implicit Commission: Topic 2*

Paragraphs 4.9 and 4.10 imply two ideas. The first idea is that Philip Morris' Action Against Access Program, which had been "implemented aggressively across the country," (4.9) was the most proactive Philip Morris could be expected to be in order to fulfill its corporate obligations to prevent kids from smoking. Similarly, Bible goes on to say that he is "very proud of this effort and you should be too" (4.9) which imparts the notion that Philip Morris was doing everything possible to stop kids from smoking. According to FDA investigations, Philip Morris' Action Against Access Program was a public relations strategy to preempt congressional regulations on advertising and to "take the youth issue away from Kessler" (Kessler 2001:312).

The second idea implied in the paragraphs is that the television advertisement stating Philip Morris' position against youth smoking was sufficient for proving they were indeed against youth smoking ("It puts our money where our mouth is, which is against youth smoking." 4.9). However, according to a study done on the effectiveness of anti-smoking ads run by tobacco companies, those ads were significantly less effective than ads already being run by various states agencies (*A Long History of Empty Promises*, report from tobaccofreekids.org).

### 5.3 TOPIC 3: WHISTLE BLOWERS

This section describes the semantic and pragmatic analysis of paragraphs regarding Topic 3, the tobacco industry's whistle blowers, whose roles in litigation and tobacco control research were described in Chapter 3.

Topic 3: Whistle Blowers		
Draft 1	paragraphs 1.18 - 1.24	7 total
Draft 2	paragraphs 2.17 - 2.23	7 total
Draft 3	paragraphs 3.15 - 3.21	7 total
Draft 4	paragraphs 4.12 - 4.20	9 total

Table 5.10: Paragraph Distribution across Drafts in Topic 3

#### 5.3.1 SEMANTICS: TOPIC 3 (WHISTLE BLOWERS)

Draft 1 to Draft 2 Changes: Topic 3 (Whistle Blowers)	
1.18	2.17
Now let me address the affidavits of our ex-employees. I know that some of you have felt that we have been a little slow on this one and, perhaps, we have been. Let me tell you why.	Now let me mention the affidavits of our former employees. I know that some of you have felt that we have been a little slow on this one and, in a sense, we have been. Let me tell you why.
1.19	2.18
Our opponents handled these leaks with real media relations skills. The affidavits were given to reporters and not to us. So we were asked to comment on documents we did not have and could not see.	To be sure, our opponents handled these leaks with real media relations skills. The affidavits were given to reporters and not to us. So we were asked to comment on documents we did not have and could not see.

1.20	2.19
We rightly refused to do that. Why? Because it would be wrong. We can not be shooting back wildly on these issues – particularly when they involve people who have worked for our company. The three individuals who have given these affidavits worked for us for many years. They seem to be reasonable and honorable people. We have to take the time to see exactly what they are saying so that we can respond with reason and care.	We refused to do that. Why? Because it would be foolish. We can not be shooting back wildly on these issues – particularly when they involve people who have worked for our company. The three individuals who have given these statements worked for us for many years. They are entitled to their views. We have to take the time to see exactly what they are saying so that we can respond accurately and persuasively.
1.22	2.21
Now we have reviewed the affidavits in detail. We have talked to other people involved in these issues, and will shortly take the depositions of the three ex-employees.	We have now reviewed the statements in detail. We have talked to other people involved in these issues, and will shortly cross-examine at least two of the three former employees.

Table 5.11: Topic 3: Draft 1 to Draft 2 Paragraph Comparison Whistle Blowers

In draft 1, there are six occurrences of the word ‘affidavit’ referring to the information made public by the whistle blowers (“Now let me address the affidavits...”(1.18); “The affidavits were given to...”(1.19); “The three individuals who have given these affidavits...”(1.20); “Now we have reviewed the affidavits...”(1.22); “We are completely confident that the affidavits have errors...”(1.23); and “...nothing in these affidavits will undermine the fundamentals...”(1.24)). In draft 2, half of those were changed to say ‘statements,’(2.19, 2.21, 2.23) and remained the same through the final draft. The change in meaning from ‘affidavit’ to ‘statement’ is significant. ‘Affidavit’ is a specialized word used to describe a kind of written testimony and carries a kind of official weight. The word ‘statement’ on the other hand can be used in both specific legal settings regarding testimony but also in more common settings to describe what someone has said. By using the word ‘statement’ instead of ‘affidavit’ Bible



undermines the official and legally significant nature of the information made public by the whistle blowers Uydess, Rivers, and Farone (see Chapter 3 section 3 for background on these whistle blowers and their testimony).

Also, in paragraphs 1.20 and 2.19 the first revision is a replacement of the third sentence in which the “three individuals” are first described as “reasonable and honorable” and then as “entitled to their views.” There is a perceptible change in the content and scope of the sentence and may be characterized as shifting from the perceived proactive attribution as “whistle blowers” to a more passive attribution as average citizens with opinions about the tobacco industry. The focus shifts from describing the individuals involved to describing a relatively benign instance of everyday American civil liberty.

A similar change occurs from draft 1 to draft 2 in the phrase “will take depositions of the three ex-employees” which becomes “will shortly crossexamine at least two of the three former employees.” While the numerical change is insignificant (and later removed), the change in verb indicates a slightly more adversarial stance but without directly stating an *Us versus Them* framework.

Throughout all four documents the phrase “so-called whistle blowers” is used only once, but by using the descriptor ‘so-called’, Bible accesses a very specific group of people while at the same time calling into question the legitimacy of the term. The term whistle blowers categorizes those individuals who publicly called the industry’s practices into question. The use of the term without qualification would imply that the tobacco companies broke a rule, an implication which the industry might be expected assiduously to avoid. The term ‘so-called’ in this case also gives rise to the intended interpretation that these individuals were not ‘blowing whistles’ because there were no whistle-worthy events taking place. Therefore, the term ‘whistle blowers’ is used as reference to these individuals but ‘so-called’ is appended to it to mitigate the effects or intents of their testimonies.

Draft 2 to Draft 3 Changes: Topic 3 (Whistle Blowers)	
2.19	3.17
We refused to do that. Why? Because it would be foolish. We can not be shooting back wildly on these issues – particularly when they involve people who have worked for our company. The three individuals who have given these statements worked for us for many years. They are entitled to their views. We have to take the time to see exactly what they are saying so that we can respond accurately and persuasively.	We refused to do that. Why? Because it would be foolish. We can not be shooting back wildly on these issues – particularly when they involve people who have worked for our company. The three who have given these statements worked for us for many years. They are entitled to their views. We have to take the time to see exactly what they are saying so that we can respond accurately and persuasively.

Table 5.12: Topic 3: Draft 2 to Draft 3 Paragraph Comparison Whistle Blowers

The singular edit in this passage from draft 2 to draft 3 draws the focus away from whistle blowers as individual people and directs the focus toward their work at Philip Morris by deleting the word ‘individuals’: “The three *individuals* who have given these statements worked for us for many years.” (emphasis mine)

Draft 3 to Draft 4 Changes: Topic 3 (Whistle Blowers)	
3.15	4.12
Now let me mention the affidavits of our former employees. I know that some of you have felt that we have been a little slow on this one and, in a sense, we have been. Let me tell you why.	Now let me mention the affidavits of our former employee.
3.16	4.13
To be sure, our opponents handled these leaks with real media relations skills. The affidavits were given to reporters and not to us. So we were asked to comment on documents we did not have and could not see.	Our opponents handled these affidavits with real public relations skills. The affidavits were given to reporters and not to us. So we were asked to comment on documents we did not have and could not see.

3.17	4.14
We refused to do that. Why? Because it would be foolish. We can not be shooting back wildly on these issues – particularly when they involve people who have worked for our company. The three who have given these statements worked for us for many years. They are entitled to their views. We have to take the time to see exactly what they are saying so that we can respond accurately and persuasively.	We refused to do that. Why? Because it would be foolish. We can not be shooting back wildly on these issues. We have to take the time to see exactly what the facts are so that we can respond accurately and persuasively.
	4.17
	<u>Let me be clear.</u>
3.20	4.18
We are completely confident that the affidavits have errors of fact and many incorrect assertions. We will go into this in detail <u>after</u> the depositions and after we have submitted our formal response to the FDA. Not before.	We are completely confident that the affidavits have been misrepresented by our opponents but that they also contain errors of fact and many incorrect assertions. We will go into this in detail <u>after</u> the depositions and after we have submitted our formal response to the FDA. Not before.
3.21	4.19
But let me assure you I am confident that these statements will not undermine the fundamentals of our position, which has been stated repeatedly and was restated in the ad we ran three weeks ago. Let me state it yet again.	But let me assure you I am confident that these statements will not undermine the fundamentals of our position, which has been stated repeatedly and was restated in the ad we ran three weeks ago.
	4.20
	Let me state it yet again

Table 5.13: Topic 3: Draft 3 to Draft 4 Paragraph Comparison Whistle Blowers

Paragraph 4.12 contains only one sentence, “Now let me mention the affidavits of our former employees,” that corresponds to the first sentence of paragraph 3.15. Two sentences are deleted from draft 3 to draft 4 in these corresponding paragraphs: “I know that some of you have felt that we have been a little slow on this one and, in a sense, we have been. Let me tell you why,”(3.15). By deleting these two sentences, Bible removes any acknowledgement that Philip Morris has not handled the affidavits of the whistle blowers well.

Paragraph 4.13, which corresponds to paragraph 3.16, contains a deletion and a revision of in the first sentence. The clause “To be sure,”(3.16) is deleted, thus the first sentence of 4.13 begins with “Our opponents.” This deletion seems to be a matter of style only. The revision found between these two paragraphs is the change from “these leaks” in 3.16 to “these affidavits” in 4.13. This revision both narrows the reference of the object (to testimony given most recently by Philip Morris employees) and neutralizes the negative implication of using the word “leaks” by replacing it with the technical word “affidavits.”

The sentence in 3.17 “They are entitled to their view” does not appear in draft 4. Also, the instance of the phrase “particularly when they involve people who have worked for our company” is deleted. This removes references to the whistle blowers as people who have a legitimate claim to the testimony they gave.

Paragraph 4.17 is an insertion that has rhetorical force but does not change the meaning of the text: “Let me be clear.”

Finally, paragraph 3.21 was divided to create two new paragraphs, “But let me assure you I am confident that these statements will not undermine the fundamentals of our position, which has been stated repeatedly and was restated in the ad we ran three weeks ago,”(4.19) and “Let me state it yet again,’(4.20). This change, like the insertion of 4.17, has rhetorical force but does not change the meaning of the text.

By draft 4, the emphasis on whistle blowers is replaced by a more diffused focus on questioning the general validity of anonymous claims against Philip Morris in particular and

versus the tobacco industry as a whole. This change of emphasis in draft 4 further distances the “former employees” from the current Philip Morris team.

### 5.3.2 PRAGMATICS: TOPIC 3 (WHISTLE BLOWERS)

The only two typologies present in pragmatic analysis of the whistleblower section are omission and evasion. It should not be surprising that there is not much commission when there is significant omission and evasion. There simply is not much present to analyze if it has been successfully omitted or evaded.

#### *Omission: Topic 3*

An omission that may have contained language about the whistle blowers pertinent to the audience of employees is their names, positions, and when they worked for Philip Morris. There may be non-deceptive reasons for withholding that information in the speech but including such personnel information would have given more credibility to their testimony since they had been prominent researchers in the company. Bible and Philip Morris management would certainly have wanted to mention as little as possible about the information the whistle blowers had access to, but it also may have made good management sense not to frighten the current employees in the audience with ridicule of former ones.

#### *Evasion: Topic 3*

There are two instances of deception by evasion in the paragraphs about whistle blowers. The first is the semantic move from talking about the whistle blowers’ testimony to talking almost exclusively about the affidavits without reference to where they came from. This is an instance of deception by evasion because it allows Bible to undermine the validity of the statements, claiming that they “contain errors of fact and many incorrect assertions” (4.18), without having to contend with the credibility of the scientists who made them.

The second instance of deception by evading the topic is found in flow of draft 4. The transition phrase of “Now let me mention the affidavits of our former employees” (4.12) introduces the topic of the whistle blowers. However, in the very next sentence the topic

shifts to focus on their “opponents”(4.13) who “handled these affidavits with real public relations skills”(4.13). Likewise, the topic of paragraphs 4.14 and 4.15 is the strategy in responding to the statements instead of the statements themselves. Furthermore, the last sentence even contains an admission of the fact that Bible is not going to talk about the affidavits, contrary to paragraph 4.12 quoted above, until after they have entered a “formal response to the FDA”(4.18). Though this seems to be an outright admission of evasion, it does not change the fact that they are evading the accusations in the whistle blowers’ testimonies.

*Explicit Commission: Topic 3*

This section does not lend itself to analyzing for outright lies because most, if not all, undesirable discussion of the whistle blowers was successfully evaded. Evading verifiable assertions precludes the possibility of explicitly lying.

*Implicit Commission: Topic 3*

The implication that Philip Morris is taking the rational high-ground by “not shooting back wildly on these issues”(4.14), these issues being the affidavits of the whistle blowers (see Chapter 3.3 for context), may be perceived as deception by implicit commission. However, even if it is likely that Philip Morris is stalling for time rather than “taking the time to see exactly what the facts are,”(4.14) there does not seem to be a contextual way to prove it.

#### 5.4 TOPIC 4: NICOTINE MANIPULATION ISSUE

Topic 4: Nicotine Manipulation Issue		
Draft 1	paragraphs 1.25 - 1.28	4 total
Draft 2	paragraphs 2.24 - 2.27	4 total
Draft 3	paragraphs 3.22 - 3.25	4 total
Draft 4	paragraphs 4.21 - 4.26	6 total

Table 5.14: Paragraph Distribution across Drafts in Topic 4

This section presents the semantic and pragmatic analysis of paragraphs from the speech that cover Topic 4, the issue of nicotine manipulation in the cigarette manufacturing process, which was discussed in Chapter 3.

#### 5.4.1 SEMANTICS: TOPIC 4 (NICOTINE MANIPULATION ISSUE)

Draft 1 to Draft 2 Changes: Topic 4 (Nicotine Manipulation Issue)	
1.25	2.24
We do not “manipulate“ the nicotine levels in our cigarettes. We <u>do</u> have quality control procedures to assure consistency in our brands. That’s it.	We do not “manipulate“ nicotine levels in our cigarettes to keep people smoking. We <u>do</u> have quality control procedures to assure consistency in our brands. That’s it.
1.26	2.25
We also stand four-square behind former PM/USA President Bill Campbell and reject the irresponsible charges that have been made with respect to his Congressional testimony.	We also stand four-square behind former PM USA President and CEO Bill Campbell and reject the irresponsible charges that have been made with respect to his Congressional testimony.
1.27	2.26
And with regards to the so-called “safer cigarette,” the fact is that we have diligently worked on changes to our products which the medical community has sought. We have lowered the tar, we have looked at – and made several modifications – relating to phenols, nitrites, and carbon monoxide.	And with regard to the so-called “safer cigarette,” the fact is that we have worked diligently on changes to our products which some in the medical community has sought. We have lowered the tar, we have looked at –and made several modifications – relating to phenols, nitrites, and carbon monoxide among others.

Table 5.15: Topic 4: Draft 1 to Draft 2 Paragraph Comparison Nicotine Manipulation Issue

Paragraph 2.24 retains the statement from 1.25 but inserts the infinitival phrase ‘to keep people smoking.’ The modified sentence in 2.24 reads “We do not ‘manipulate’ nicotine levels in our cigarettes to keep people smoking.”

Paragraph 2.25 adds ‘and CEO’ to the phrase to describe Bill Campbell from paragraph 1.26. The new expression in 2.25 is “former PM USA President and CEO Bill Campbell.”

In 2.26, the qualifier “some” is added and the words “diligently worked” from 1.27 are interchanged. The sentence in 2.26 reads “And with regard to the so-called ‘safer cigarette,’ the fact is that we have *worked diligently* on changes to our products which *some* in the medical community has sought.” (emphasis mine)

Paragraph 2.27 is an earlier version of 1.28 and reveals a reduction (“specific product modification” becomes “process”) and a sentence-final addition (“and has been for more than 20 years”) to the original. The revised sentence in 2.27 is “Indeed, the process referred to by one of our so-called whistle blowers (as) [sic] denitrification is actually taking place and has been for more than 20 years.”

The editing done in the above paragraphs seems to impose a narrower interpretation of the state of things. The insertions of the prepositional phrase “to keep people smoking” and the additional title “CEO” for past Philip Morris president Bill Campbell both reduce the possible interpretations of the statements they were added to. Also, the introduction of “some” to the noun phrase “medical community” has the effect of implying not all sought the changes. The only change that goes in the opposite direction is the reduction of the noun phrase “specific product modification” to “process” which has the effect of allowing the audience a wider scope of interpretation.

No changes in verbiage occur between drafts 2 and 3 in the area of nicotine manipulation.



Draft 3 to Draft 4 Changes: Topic 4 (Nicotine Manipulation Issue)	
3.21	4.29
But let me assure you – I am confident that these statements will not undermine the fundamentals of our position, which has been stated repeatedly and was restated in the ad we ran three weeks ago. Let me state it yet again.	But let me assure you – I am confident that these statements will not undermine the fundamentals of our position, which has been stated repeatedly and was restated in the ad we ran three weeks ago.
	4.20
	Let me state it yet again.
3.24	4.23
And with regard to the so-called “safer cigarette,” the fact is that we have worked diligently on changes to our products which some in the medical community have sought. We have lowered the tar, we have looked at –and made several modifications – relating to phenols, nitrites, and carbon monoxide among others.	And with regard to the so-called “safer cigarette,” the fact is that we have worked diligently on changes to our products which some in the medical community have looked at – and made several modifications – relating to phenols, nitrites, and carbon monoxide among others.

Table 5.16: Topic 4: Draft 3 to Draft 4 Paragraph Comparison Nicotine Manipulation Issue

Paragraphs 4.19 and 4.20 are breakouts of two sentences from 3.21. In the lone sentence of paragraph 4.20, “Let me state it yet again,” the ‘it’ refers to Philip Morris’ position on the affidavits of three whistle blowers – Farone, Rivers, and Uydess – whose testimony was used by the FDA in the nicotine manipulation investigation.

No changes occur between the language found in 4.21-22 and the earlier version in 3.19-20.

Paragraph 4.23 is a rewrite of 3.24: “And with regard to the so-called ‘safer cigarette,’ the fact is that we have worked diligently on changes to our products which some in the medical community *have sought*. *We have lowered the tar, we have looked at and made several*

modifications relating to phenols, nitrites, and carbon monoxide among others.”(emphasis mine)

Although most changes are stylistic in alterations that occur between drafts 3 and 4 in this topic, it is interesting to note that there is some evidence of more specificity in the updated version. For example, in the transition from 3.24 to 4.23, rather than reiterating that Philip Morris ‘worked diligently’ on product changes relating to the nicotine research, the responsibility for that duty was somewhat foisted onto ‘some in the medical community’ so that the industry retains credit for obtaining expert opinion without having to be responsible for following it.

#### 5.4.2 PRAGMATICS: TOPIC 4 (NICOTINE MANIPULATION ISSUE)

##### *Omission: Topic 4*

The most blatant omission in this section is the conspicuous absence of a direct response to the FDA’s accusation that the tobacco industry manipulates nicotine because it is addictive. In fact, the word ‘addiction’ is present until draft 4 (it appears in 1.35, 2.33, and 3.32 in quotations and immediately preceded by the word ‘so-called’) but was part of the larger deletion and rewording that characterizes the changes between draft 3 and 4. The early draft paragraph containing ‘addiction’ is as follows:

It is also true – and you all know this – that the realities of the U.S. litigation scene hobble us in some of the language we can use on these issues. The other side can be reckless in whatever they choose to say, but everything we say on critical issues of risk, so-called “addiction”, and even the phrase “safer cigarette” is subject to scrutiny and distortion. I wish this were not so. But the plaintiff’s bar’s eagerness to catch us in the slightest shift of nuance requires that we choose our words carefully – no matter how outrageous the other side is. (3.32)

There are very good reasons to delete this paragraph, not the least of which is because it includes the word ‘addiction,’ which the industry typically avoided as much as possible.

This paragraph would give an audience some insight into what could be management's less than complete confidence that they are going to prevail in all areas of legal conflict. The paragraph seems to be that the upper management of Philip Morris was in fact worried about the outcomes of various suits and certainly with regard to their tobacco processing procedures and the manipulation of nicotine in that process.

*Evasion: Topic 4*

There are two notable instances of deception by evasion in the section about nicotine manipulation, both of which are related to avoiding the word 'addiction.'

First, instead of using the word addiction in the paragraphs about the nicotine manipulation issue, Bible uses the phrase "to keep people smoking," (4.21) a euphemistic term if not a strictly irrelevant one.

Second, Bible evades the topic of nicotine manipulation by shifting the subject to the "irresponsible charges that have been made" (4.22) regarding the Congressional testimony of former Philip Morris president Bill Campbell. The insertion of the statement of support for Bill Campbell is a reference to addiction and issues of nicotine manipulation because Campbell testified under oath, along with six other tobacco industry corporate presidents, that he did not believe that nicotine was addictive. By stating that Philip Morris "stands four-square behind" Bill Campbell, Bible is implying that his testimony, including his statements about nicotine and addiction, should be respected.

The reason this reference to Bill Campbell is evasive is because it has nothing to do with Philip Morris' state of affairs at the time the speech was given, a subject that is supposedly the purpose of the speech ("let me give you a framework for where I believe we are" (4.3)). The reference does however have to do with the affidavit of one of the whistle blowers, Dr. Ian Uydess. Uydess's testimony states that there was significant communication between corporate headquarters in New York, when Bill Campbell was president of Philip Morris, and Research and Development in Richmond at the same time Uydess was researching nicotine addiction in lab rats. Therefore, rather than address the very serious issue of nicotine

addiction, Bible evades the topic by defending Bill Campbell and attacking his accusers.

*Explicit Commission: Topic 4*

Catching the authors in an express lie in this particular part of the speech is complicated by the science of tobacco manufacturing and psychopharmacological properties of smoking. It can be said, very strictly speaking, that Philip Morris did not manipulate nicotine “to keep people smoking,” (4.21) There were in fact a myriad of ingredients that interacted with nicotine during and after the manufacturing process that determined how much nicotine was delivered to the consumer.

*Implicit Commission: Topic 4*

Bible et al express the sentiment that Philip Morris does not “manipulate nicotine” to addict people to cigarettes in the following statement: “We do not manipulate nicotine to keep people smoking.” (4.21) This statement can be read with different implications, though the reading with the most deceptive bang for the textual buck, as it were, is the one argued here.

When read in this light, the statement “We do not manipulate nicotine to keep people smoking” (4.21) implies, by mentioning one item, that Philip Morris does manipulate anything at all to keep people smoking. This implication is in fact false. According to Victor DeNoble’s research during his tenure at Philip Morris in the early 1980s, certain additives, namely acetaldehyde, were used to ensure nicotine delivery to the brain (Bates 2050841309). Furthermore, according to DeNoble’s research, the additive acetaldehyde plus nicotine had a supra-additive effect and the combination of the two encouraged self-administration in lab rats at a rate higher than either substance alone:

Preliminary investigation into the interaction of nicotine and acetaldehyde showed that there were several combinations of these compounds that enhanced reinforcing effects relative to either compound alone. (Bates 2050841309)

Denoble’s research shows that Philip Morris did in fact “manipulate” (4.21) chemicals in cigarette tobacco and the company was interested in nicotine delivery to the brain. This

fact is in direct contrast to the implication of Bible’s statement “We do not manipulate nicotine,” (4.21) namely that Philip Morris does not manipulate any chemical “to keep people smoking,” (4.21).

## 5.5 TOPIC 5: ISSUES IN LITIGATION

The final section in the results chapter explicates the semantic and pragmatic analysis of the ongoing issues in tobacco litigation, Topic 5, as covered in Chapter 3.

Topic 5: Issues in Litigation		
Draft 1	paragraphs 1.30 - 1.36	7 total
Draft 2	paragraphs 2.29 - 2.35	7 total
Draft 3	paragraphs 3.27 - 3.33	7 total
Draft 4	paragraphs 4.27 - 4.32	6 total

Table 5.17: Paragraph Distribution across Drafts in Topic 5

### 5.5.1 SEMANTICS: TOPIC 5 (ISSUES IN LITIGATION)

Draft 1 to Draft 2 Changes: Topic 5 (Issues in Litigation)	
1.32	2.30
The other side is engaging in a propaganda campaign of mis-truths, half-truths, innuendo, false piety, and downright deceit. In some ways, they are doing this because their case is so weak. And they are not going to stop doing it as their legal and political positions deteriorate. Which they will.	The other side is engaging in a reckless propaganda campaign of mis-truths, half-truths, innuendo, false piety, and downright deceit. In some ways, they are doing this because their case is so weak. And they are not going to stop doing it as their legal and political positions deteriorate. Which they will.

1.33	2.31
So we must continue to expect further trouble.	So we must continue to expect more leaks and sensational stories.
1.35	2.33
It is also true – and you all know this – that the absurdities of the U.S. litigation scene hobble us in some of the language we can use on these issues. The other side can be reckless in whatever they choose to say, but we are shackled in our language – on critical issues of risk, so-called “addiction,” and even the phrase “safer cigarette.” I wish this were not so. But the plaintiff bar’s eagerness to catch us in the slightest shift of nuance requires that we choose our words carefully – no matter how outrageous the other side is.	It is also true – and you all know this – that the absurdities of the U.S. litigation scene hobble us in some of the language we can use on these issues. The other side can be reckless in whatever they choose to say, but everything we say on critical issues of risk, so-called “addiction,” and even the phrase “safer cigarette” is subject to scrutiny and distortion. I wish this were not so. But the plaintiff bar’s eagerness to catch us in the slightest shift of nuance requires that we choose our words carefully – no matter how outrageous the other side is.
1.36	2.34
So what are we going to do? We are going to continue to fight – first and foremost in those forums such as the courts where the facts can be presented and argued. But we will also fight in the court of public opinion – where sometimes our concern for accuracy and fairness may put us at a disadvantage against unscrupulous opponents.	So what are we going to do? We are going to continue to fight – first and foremost in those forums such as the courts where the facts can be presented and argued. But we will also fight in the court of public opinion – where sometimes our concern for accuracy and fairness may put us at a temporary disadvantage against unscrupulous opponents.

Table 5.18: Topic 5: Draft 1 to Draft 2 Paragraph Issues in Litigation

Paragraph 2.30 inserts the word ‘reckless’ into the following sentence from 1.32: “The other side is engaging in a [reckless] propaganda campaign of mistruths, half-truths, innuendo, false piety, and downright deceit.”

This edit adds an adjective, ‘reckless,’ to the object of the sentence, ‘propaganda,’ which further defines how the audience should interpret the object.

Paragraph 2.31 elaborates on a noun phrase at the end of the sentence. In 1.33, the corresponding paragraph from the first draft, the paragraph reads: “So we must continue to expect further trouble” which in 2.31 changes to “So we must continue to expect more leaks and sensational stories.”

The phrase ‘further trouble’ indicates continued discomfort which entails that there is current discomfort. However, the replacement phrase ‘more leaks and sensational stories’ softens the sentiment and reduces the threat of future occurrences to the company.

Paragraph 2.33 presents both a rewrite and an insertion. The original paragraph, 1.35, reads “but we are shackled in our language on critical issues of risk, so-called ‘addiction,’ and even the phrase ‘safer cigarette.’” The changes in 2.33 read “but everything we say on critical issues of risk, so-called ‘addiction,’ and even the phrase ‘safer cigarette’ is subject to scrutiny and distortion.”

This edit removes the notion that Philip Morris’s actions are restricted by other entities. Using the word “shackled” references being imprisoned and not free to do as one chooses, a highly undesirable impression for Philip Morris to give in the company’s ongoing legal battles. The new sentence gives the impression that Philip Morris is being unfairly monitored which, although it is related semantically to being restricted, is a much more favorable perspective than being controlled by another entity.

Paragraph 2.34 is essentially the same as 1.36 but inserts the word “temporary.” The new sentence in 2.34 reads “sometimes our concern for accuracy and fairness may put us at a temporary disadvantage against unscrupulous opponents.”

This edit ensures that the audience understands that any setback Philip Morris experiences in litigation is not permanent, a vital point for the moral of the company’s employees and for driving home the point that they are doing the right thing and will ultimately win their case.

No changes are present between draft 2 and draft 3 in paragraphs about issues in litigation (Topic 5).

Draft 3 to Draft 4 Changes: Topic 5 (Issues in Litigation)	
3.37	
We are not oblivious to the fact that we took a blow from a public relations perspective over the past several weeks. I wish I could tell you that we can set that right through some sort of p.r. initiative. We can't, because it wouldn't work.	
	4.26
	Those are the facts and the facts will come out.
3.30	4.29
So we must continue to expect more leaks and sensational stories.	So we can expect more leaks and sensational stories.
3.31	4.30
But we have decided that we will not be drawn into their game of half-truths. We can not – we will not – allow ourselves to be forced into simplistic arguments in fabricated media settings. Our ultimate victory depends on responding prudently and with full command of the facts.	I want to assure you that we will not sit silent. We will fight, but we will fight smart. Sometimes that will mean an immediate and vigorous public response. Other times it will mean waiting for a deposition, a court filing and sometimes a trial. But we will respond and the facts will become known.
3.32	4.31
It is also true – and you all know this – that the realities of the U.S. litigation scene hobble us in some of the language we can use on these issues. The other side can be reckless in whatever they choose to say, but everything we say on critical issues of risk, so-called “addiction“, and even the phrase “safer cigarette“ is subject to scrutiny and distortion. I wish this were not so. But the plaintiff's bar's eagerness to catch us in the slightest shift of nuance requires that we choose our words carefully – no matter how outrageous the other side is.	We will not be baited into overreacting. We will not be drawn into addressing complex factual issues in the press if we cannot get an impartial and fair opportunity to present our side of the story. We will not compromise our litigation strategy. In court there is a level playing field, and that is where we have always prevailed.



3.33	4.32
So what are we going to do? We are going to continue to fight – first and foremost in the courts where the facts can be presented and argued. But we will also fight in the court of public opinion – where sometimes our concern for accuracy and fairness may put us at a temporary disadvantage against unscrupulous opponents.	I want to be perfectly clear. We have no intentions of settling any litigation. We will fight in the courts, and we will win, because we are right. And by winning in the courts, we will also ultimately prevail in the court of public opinion.
3.34	
But I remain convinced we will ultimately prevail in the court of public opinion as well. Let me tell you why.	
3.35	
You have heard me say innumerable times that when you fight and you are right, you win. We must never lose sight of why we are right in this fight.	

Table 5.19: Topic 5: Draft 3 to Draft 4 Paragraphs Issues in Litigation

4.26 is a new text insert: “Those are the facts and the facts will come out.” 3.27 is deleted entirely; this paragraph would have presented directly after 4.26: “We are not oblivious to the fact that we took a blow from a public relations perspective over the past several weeks. I wish I could tell you that we can set that right through some sort of p.r. initiative. We can’t, because it wouldn’t work.”

4.29 is the same in content as 3.30 with the exception that the modal verb changes from ‘must’ to ‘can.’ The original sentence in 3.30 reads “So we must continue to expect more leaks and sensational stories” and the sentence in 4.29 reads “So we can expect more leaks and sensational stories.”

This edit removes the certainty of future problems for Philip Morris, comparable to what they were experiencing at the time and merely makes it possible. The effect is a softening of what was seemed before to be impending trouble.

The next section of paragraphs, 4.30-32, contain little of the verbiage of the corresponding paragraphs in the prior draft, 3.31-33, though it does retain the semantic essence of the former paragraphs. Compared to draft 3, draft 4 uses more concrete and concise language, but the language is also more toned down in draft 4 which results in more subtle semantic interpretations.

4.30 begins with “I want to assure you that we will not sit silent.” This idea stems from the preceding draft where there is language acknowledging that some employees expressed the opinion that PM was not responding quickly or thoroughly enough to public accusations. This acknowledgement found in paragraph 3.15, “I know that some of you have felt that we have been a little slow on this one and, in a sense, we have been,” in which Bible is referring to Philip Morris’ response to the whistle blowers’ accusations. The next sentence in 4.30, “We will fight, but we will fight smart,” echoes sentiments found elsewhere such as in 3.13, “We are going to fight back...,” and 3.18, “That is the smart legal strategy.” The two sentences following that sentiment in 4.30 contrast the action taken in the public sphere with action in the legal environment: “Sometimes that will mean an immediate and vigorous public response. Other times it will mean waiting for a deposition, a court filing and sometimes a trial.” The last sentence of paragraph 4.30 is a reaffirmation of the first: “But we will respond and the facts will become known.”

It is interesting to note that this paragraph is reminiscent of 3.33: “So what are we going to do? We are going to continue to fight first and foremost in the courts where the facts can be presented and argued. But we will also fight in the court of public opinion where sometimes our concern for accuracy and fairness may put us at a temporary disadvantage against unscrupulous opponents.”

Paragraph 4.31 also reiterates the sentiment of 3.31: “We will not be baited into over-reacting. We will not be drawn into addressing complex factual issues in the press if we cannot get an impartial and fair opportunity to present our side of the story. We will not compromise our litigation strategy. In court there is a level playing field, and that is where we have always prevailed.” In comparison, 3.31 presents: “But we have decided that we will not be drawn into their game of half-truths. We can not we will not allow ourselves to be forced into simplistic arguments in fabricated media settings. Our ultimate victory depends on responding prudently and with full command of the facts.”

4.32 is an inserted summary of ideas from the previous two paragraphs in 4 and also of ideas presented in 3.33-35: “I want to be perfectly clear. We have no intentions of settling any litigation. We will fight in the courts, and we will win, because we are right. And by winning in the courts, we will also ultimately prevail in the court of public opinion.”

#### 5.5.2 PRAGMATICS: TOPIC 5 (ISSUES IN LITIGATION)

##### *Omission: Topic 5*

There is no overt deception by omission from these paragraphs about issues in litigation. The fact that there are few deletions among the drafts is consistent with the finding that no deception by omission has taken place.

##### *Evasion: Topic 5*

Overall, the language in the section about litigation is evasive because Bible does not address what he said he would at the beginning of the speech: “Today, I want to answer your questions, but let me start by laying a framework for where I believe we are,” (4.3). However, rather than addressing Philip Morris’ status or ‘framework,’ Bible attacks the opponents of the tobacco industry instead.

For example, two sentences in paragraph 4.28, “In some ways they are doing it because their case is so weak. And they are not going to stop doing it as their legal and political positions deteriorate,” are irrelevant to the accusations being leveled against the industry.

The goal of this language seems to be to get the audience to focus on or believe the fact that the problem is with the ‘opponents’, and not Philip Morris, or *them* and not *us*. Similarly, the topic in paragraph 4.31 is the manner in which Philip Morris responds to allegations rather than an actual response to those allegations. This is an example of deception by evasion because the way Philip Morris responds is irrelevant to the fact that they have not yet responded to the accusations in the affidavits. Furthermore, paragraph 4.32, “We have no intentions of settling any litigation,” addresses the outcome of the litigation and not arguments levied against Philip Morris and the tobacco industry by the FDA, the whistle blowers, the Attorneys General, and various other plaintiffs.

It is important to note that the evasion here is about the crisis in public health issues brought to light by the various law suits attempting to hold the tobacco industry accountable for the effects of their products on consumers. In this way, the evasion is deceptive not only for the audience of the Philip Morris employees but for the wider public audience that will hear the sentiments of the speech second-hand.

*Explicit Commission: Topic 5*

It is difficult to say what could be an explicit commission of deception in this section because it is deliberately evasive, as discussed above.

*Implicit Commission: Topic 5*

In paragraph 4.28 the statement that “the other side is engaging in a reckless propaganda campaign of mis-truths” implies that Philip Morris’s opponents have no evidence to support their accusations (‘half-truths, innuendo,’) and that they are immoral (‘false piety, and downright deceit’). Even though Bible do not give a reason their opponents would persist with their accusations, they imply that it cannot be because Philip Morris is actually guilty.

Paragraph 4.29 has what could be considered an unintentional implicature: the word “leaks” implies that there is a secret that could be exposed. This word usage would likely be unintentional because it is undesirable for Philip Morris to imply that there is anything worth leaking.

The gist of paragraphs 4.31 and 4.32 is that Philip Morris will not respond to public accusations until they are ready, which implies that they are in control of the situation. In particular, it implies that Philip Morris is in control of information and that they choose the forum for discussion. Although it was highly desirable to appear in control, Philip Morris and the tobacco industry were increasingly unable to keep sensitive information to themselves, as the whistle blowers so aptly demonstrated.

## CHAPTER 6

### CONCLUSION

This chapter is separated into three sections. The first will discuss the findings from the analyses. The second section will discuss the strengths and limitations of this study and how it relates to the issues set out in the introduction and in the literature and methodology chapter. The final section assesses directions that future studies stemming from this one might take.

#### 6.1 DISCUSSION

After changes across the drafts were analyzed, both in co-text and in context, there did not appear to be any instances of language that could be called categorically deceptive. To illustrate, examples will be provided from both the semantic and pragmatic results with reference to the literature review and the methodology chapters.

The overall result of the changes made from the first to the final draft is that the authors' message is delivered in a more organized, more cohesive text. This result typical of the revising process, according to Fitzgerald: "Revision enables writers to muddle through and organize what they know in order to find a line of argument" (1987:1). It can also be said, after examining the authors' intent in this study, that the final draft is a better expression of what the authors wanted to convey to their audience. For example, the final draft includes the insertion of clear organizational phrases: "First, let me begin" (4.5), "Second, the proposed Liggett settlement" (4.6), and "Third, let me talk about..." (4.8). These phrases serve to guide the audience through the speech in a much clearer, more deliberate way than the previous drafts and are indicative of the net gains made through the revisions made across the drafts.

In the semantic analysis across the drafts, words or phrases were added, deleted, or rewritten that changed the meaning of the text but did not show any particular features of being, by their very nature, deceptive. For example, in semantic analysis of Topic 3, the youth smoking issue, a change from the phrase “Dead wrong” to “In truth,...” does not produce a phrase that could then be applied elsewhere as a deceptive set of words.

Similarly, even the treatment of what to call the former employees-turned-whistle-blowers, arguably the most significant result from all semantic analysis sections, does not produce words that can be considered deceptive. In that analysis, one insidious feature of the rhetoric is the dehumanization of the former prominent Philip Morris employees but the shift in language from talking about the individuals to talking about the statements they gave. The other manipulative language describing the whistle blowers is the use of the phrase ‘so-called,’ which not only calls into question their status as industry insiders but also the legitimacy of their testimonies. However, despite these clear instances of manipulative language, this selection specifically and the semantic analyses generally do not produce linguistic expressions that could be interpreted as a consistently false phrase.

The results of the pragmatic analyses did not return any linguistic expressions that could be considered patently and deliberately false. Galasinski’s typology and Grice’s maxims, however, were useful tools for limiting the range of possibilities for where such deception might be found.

Among the possible categories of deception, the two most employed were evasion and implicit commission which were found across all five topics. Omission was employed in only three topics (Liggett and Castano, whistle blowers, and issues in litigation), while explicit commission was only used in two topics (Liggett and Castano, and youth smoking). Each of these types of deception will be discussed below with examples from the sections in which they appear.

### *Omission*

One of the easiest types of deceptive language to pick out, though not the most common, was examples of omission. For this analysis, deletions of language that were relevant to a given topic were cited as instances of omission. There were three sections in which omission took place: Topic 1, Liggett Settlement and Castano class action suit (cf p. 54); Topic 3, Youth Smoking Issue (cf p. 68); and Topic 4, Nicotine Manipulation Issue (cf p. 3). The omission in Topic 1 removed an undesirable reference to the depreciation of Philip Morris stock value that was related to the Liggett settlement. In Topic 3, the names and positions of Philip Morris' whistle blowers, which would have given credibility to their claims, were not included in the speech. Finally, Topic 4 contains the deletion of the word 'addiction' and any discussion of Philip Morris management's concerns about the FDA's investigation of nicotine as a possible drug to be federally regulated.

Strictly speaking, picking out the omission of certain words precludes calling those words deceptive. In this way, uncovering deception by omission does not yield instances of linguistic expressions that can be called lies, but instead describes deliberate deception in the act of crafting language. In other words, deception by omission is a process discoverable by analyzing changes across drafts though it does not result in words and phrases that can be called categorically deceptive.

The maxim of Grice's cooperative principle that is most flouted in the omission section is that of quantity ("Make your contribution as informative as is required," (Grice 1989:26). This is especially apparent in the omission section of the results because of Bible's stated purpose of the speech in paragraph 4.3: "Today, I want to answer your questions, but let me start by laying a framework for where I believe we are." By deleting several words and phrases from the first three drafts pertinent to the topic at hand, or, in the instance of Topic 4, never discussing the relevant issue of impending FDA regulation at all, Bible flouts the maxim of quantity and so deceives by omission. Still, this is a deception only recovered by observing what was deleted in the process of creating the final text (or absent altogether)



and does not give the desired result of an expression that could be called a deliberate lie.

### *Evasion*

A less straightforward category of deception, though much more pervasive in the speech, is evasion. Deception by evasion occurs in every topic. The evasive language in Topic 1 (cf p. 54), Liggett and Castano, distracts the audience from the very real effects the Liggett settlement and impending national class action Castano law suit could have on Philip Morris', and the tobacco industry's, litigation strategy ("the proposed Liggett settlement is a sham," (4.6)). In Topic 2 (cf p. 62), Bible shifts the focus from FDA investigations of tobacco industry advertising practices regarding youth or underage consumers to Philip Morris' recently launched program to educate retailers about how "to keep cigarettes away from kids," (4.8). Language about the third topic, whistle blowers (cf p. 68), evades both acknowledging the whistle blowers by discussing their statements and affidavits instead and evades discussing the content of those statements at all ("We will go into this in detail after the depositions and after we have submitted our formal response to the FDA. Not before." (4.18)). Topic 4, the nicotine manipulation issue (cf p. 74), Bible uses the phrase "to keep people smoking" (4.12) instead of the more hot button and potentially damaging term "addiction" and then goes on to discuss a former Philip Morris president's congressional testimony about nicotine addiction rather than addiction itself. Finally, in Topic 5 regarding issues in litigation (cf p. 82), Bible attacks "the other side" (4.28), almost personally (their "false piety and downright deceit" (4.28)), rather than addressing the content of their allegations.

This category of deceptive use of language most closely aligns with violations of Grice's third maxim of relevance. Evasive language could be deceptive in that it would provide a euphemism or alternate truth that the speaker wants the audience to believe. In this way, the audience would interpret what the speaker states as the most relevant, and therefore not only preferred but true if the purpose of the communication is to inform. There are, as cited above, plenty of examples of evasive language.

For instance, in Topic 4, as summarized above, the authors avoid using the word ‘addiction’ (it appears in early drafts but is absent in the fourth and final copy). What is used instead is the euphemism ‘to keep people smoking,’ which foists responsibility onto the consumer by implying that people keep smoking because they want to, not because the industry makes them. This is a highly desirable alternate perspective, consumer choice instead of nicotine addiction, because it abstracts the issue away from the tobacco industry and toward consumers’ rights in a free country. Bible also uses events surrounding former CEO Bill Campbell to address the issue of addiction. Since Bill Campbell swore in Congress that nicotine is not addictive (Bates 2023615439), stating that Philip Morris stands ‘four-square’ behind him encourages the interpretation that Philip Morris also believes that nicotine is not addictive.

However, in this example, there is not any implication in this speech that the phrase “to keep people smoking” or the expression of support for Campbell is a catch-phrase for attempting to convince their audience that nicotine is not addictive. In other words, this evasive language, that is demonstrably used to deceive, does not result in instances of words or phrases that can be categorically called lies.

### *Explicit Commission*

Of all the possible sections to find instances of deliberately deceptive language, the explicit commission analyses provide the most obvious places to look. Interestingly, explicit commission it is the least used category in the speech. The only two instances used are found in Topic 1 (cf p. 55), relating to the use of the metaphor “It isn’t our dam that is showing cracks. It is theirs,” (4.7), and in Topic 2 (cf p. 63), regarding Philip Morris’ marketing strategy for underage consumers.

Explicit commissive language relates most closely to Grice’s second maxim, “Try to make your contribution one that is true,” (1989, 27), in that a violation of it would result in a statement that is false. The greatest difficulty in this section is that, while it is not

necessarily difficult to detect statements that are not true (provided a good knowledge of the topic), it is very difficult to prove that such a statement is false on purpose.

In both the above mentioned examples, the use of language labeled as an explicit commission of deception is ambiguous. The first instance is found in the metaphor from the Liggett and Castano section quoted above. In the analysis, this statement is treated as an explicit commission because it represents the idea that the tobacco industry is legally healthy and that their attackers' cases are in danger of collapse. Nevertheless, it is still a metaphor and as such is already abstracted to such a degree that understanding the meaning involved an intermediary step of translating the metaphor to make it relevant.

The second instance of explicit commission is contained in the following phrase from the Youth Smoking section: "We oppose youth smoking. We want it to stop. Period," (4.8). The argument for why this statement is untrue requires two assumptions. First, if Philip Morris was serious about this claim, there would be little or no evidence of marketing strategies targeting young people. There is textual evidence that Philip Morris was actively engaged in building up its customer base by increasing its "new smokers" numbers and developing Marlboro into a "young adult franchise." Second, one must assume that Philip Morris knew that by advertising to young adults, they were also influencing the youth market, who want to be young adults. This is not a small assumption and though it is arguable, it is very difficult to prove.

Despite the fact that both linguistic expressions, the 'crack in the dam' metaphor and the 'We oppose youth smoking' sentiment, are possible instances of deception by explicit commission, neither can be said to be unconditionally deceptive in any context.

### *Implicit Commission*

The sections describing deception by implication were as prevalent as the sections analyzing evasive language. The first instance, found in Topic 1 about Liggett and Castano (cf p.57), involves an overall implication that the Liggett settlement would not effect future tobacco industry litigation, and therefor Philip Morris. Topic 2, regarding youth smoking

issues, contains the erroneous implication the Philip Morris was doing everything that could be expected “to keep cigarettes away from kids,” (4.8). The next section, Topic 3 covering whistle blowers (cf p. 69), includes the implication, though difficult to prove, that Philip Morris is on rational high ground by not “shooting back wildly” (4.14) in response to whistle blower affidavits. Topic 4, regarding nicotine manipulation (cf p. 75), contains the false implication that Philip Morris does not manipulate anything in their cigarettes, implied from the statement “We do not manipulate nicotine to keep people smoking,” (4.21). Finally, in Topic 5, issues in litigation (cf p. 83), Bible falsely implies that Philip Morris’ opponents are lying about their evidence against the tobacco industry “in a reckless propaganda campaign of mis-truths, half-truths, innuendo, false piety, and down right deceit,” (4.28).

Although this section was the most fruitful for revealing instances of deception, it is, along with deception by omission, the least likely place to find words or phrases that can be categorized as patent falsehoods. This is because the lie is not in the language, but in the implications.

What the results sections of pragmatic analyses indicate is that truth and falsity in a text rely heavily on context. This should not be surprising since a discussion of pragmatics includes context by necessity. However, the fact that not one word or phrase could be determined as patently false in this section seems to indicate that something greater than just a good speech writer is at work. Here, the notion of a “good speech” means that the communicative goals of the speech writer were met. In other words, overall meaning of the text matches the purpose for which it is written. This does not mean that the speech is truthful, but rather that accomplishes the communicative intent of its authors, which might include manipulation and deception. What can be safely said about the language in this speech as analyzed through the pragmatic lens is that it is highly manipulative, even if there does not seem to be any outright and categorical lies.

Another finding is that the ultimate goal of uncovering instances of deceptive language was unsuccessful, and will probably remain so. However, by doing a very close reading of the

meaning of the words and phrases in Geoff Bible's speech, both in co-text and in context, it was discovered that deception may be revealed in the changes the authors made to the meaning of the text. In other words, you cannot locate deceptive intent in particular stylistic choices of text, but you can locate deceptive intent in the bigger pattern of crafting and re-crafting the text across drafts.

## 6.2 STRENGTHS AND LIMITATIONS

Cross draft analysis - assisted by computerized draft comparison- is of methodological interest. There were many interesting things to say about the final document because of the ability to place it in the context of its preceding drafts. Although the goal of definitively picking out instances of deceptive rhetoric was not achieved by analyzing drafts, there were certainly instances of audience manipulation that would not have been picked up by analyzing the final draft alone. For instance, the move from talking about the whistle blowers to talking about their statements, the deletion of the paragraph on addiction and a safer cigarette, and omission from the final draft of an admission about Liggett's effect on Philip Morris' stock prices.

The partial speech analyzed was an excellent choice in that it covered a variety of topics that were most relevant to the tobacco industry's trials and tribulations during a crucial period in the tobacco wars. This speech gave more than ample opportunity to discuss Philip Morris' responses to the most prominent accusations aimed at the industry. However, the amount of data was slightly overwhelming in that the range of topics was so wide. It was difficult to determine how much information to include in Chapter 3, on the background and context surrounding the speech. Determining what was relevant to the context of the speech was a major hurdle. It required compiling an extensive background chapter to establish the historical and factual context of each statement. One advantage of tobacco document analysis is the very richness of the historical contextual information available.

One of the goals of this study was to demonstrate that research on tobacco industry language, as the object of investigation itself, is a worthwhile endeavor. The finding that deception in the tobacco documents is best uncovered in the process of crafting and re-crafting text could make a big difference in the way tobacco control researchers go about proving that the industry engaged in widespread public health deception. For example, rather than searching the documents for an admission of deception, researchers could search for drafts of key health related documents. Then, by studying the changes across drafts of a particular health issue, researchers would be in a better position to point to why the tobacco industry made particular statements, which is on the way to proving intent.

In the area of linguistic research, this study offers an example of how combining different linguist tools and perspectives gives the analyses and results a depth and breadth that would not have been achievable otherwise. For example, the basic statistics about the paragraphs across drafts and nearly instantaneous dissection of the text into same paragraphs and different paragraphs greatly sped the process of analyzation and pointed the researcher to facts that might otherwise have been missed.

The definition of semantic analysis as an explication of meaning in co-text was very useful for delineating a solid boundary to discussing the editing changes among the drafts. Similarly, the editing processes, namely addition, deletion and revision, mapped well onto the Galasinski's deceptive language typology of omission, evasion, and commission. However, the category of explicit commissive deception did not lend itself to straight text analysis because it requires external evidence to prove it. While this category is useful for uncovering deception, it is not compatible with the conservative approach to draft analysis used in this study. In other words, because this thesis uses the first draft as a base line for determining deception, using extra-textual evidence to prove a lie is not permissible. Even if draft analysis produced two directly contradicting statements (for example, "I own two horses," in an early draft, but "I do not own two horses," in a later draft), the most that could be said without external evidence is that one of those statements is deceptive.

One of the problems of semantic and pragmatic analysis, is that one can't usually *know* the speaker's intent in choosing particular meanings and uses of language. However, in multiple draft analysis, one *can* know (or at least make a very educated hypothesis about) the speaker's intent based on textual evidence from prior drafts. Another way to look at this advantage is that by picking out certain words and phrases that change across drafts, one can derive pragmatic minimal pairs. The co-textual and contextual environment surrounding those changes remains the same across drafts so that one can focus exclusively on possible reasons behind the change in meaning. For example, in Topic 2 (Youth Smoking Issue), there is a semantically and pragmatically significant change in the verb tense: the clause "we [Philip Morris] *are* the leaders in the U.S. industry on the youth issue" (3.12) becomes "Philip Morris *has been* a leader in the effort to keep cigarettes away from kids," (4.8; emphasis mine). Because the context of both clauses is the same (both written in the same genre, on the same topic, and to the same purpose), we can say that the authors intentionally changed the temporal aspect. Furthermore, that difference in temporal perspective changes the interpretation from seeing Philip Morris as merely a current supporter of keeping kids from smoking to having always been an anti-youth-smoking company. We can reasonably conclude from this change that the authors' intent was for the audience to believe that Philip Morris had always been against youth smoking, which further supports their claim that they do not advertise to a youth market.

The most useful tool by far of the methodology has been the Draft Analysis Program. The ability to instantly see which paragraphs contained changes, as well as having them automatically and discretely numbered, was what made this analysis possible. Without DAP, the task of separating similarities and differences by hand could very possibly have prevented this kind of study from happening at all. Naturally there are limitations to the program. For example, the program only takes text or rich text files as input. Since the tobacco documents online are mostly in pdf image format, there must be an intermediary step to produce analyzable text. This was not a problem for this particular study because the documents are

all electronic texts though the embedded xml tags were removed so that only the original text was compared.

One of the challenges of creating this program was in the nature of the project itself rather than in the programming. The point of comparing texts in general, and drafts in particular, is to analyze the changes in content and meaning and not spelling or formatting. However, it is difficult (perhaps nearly impossible) to automate a process that accounts for such nuances. This is because the problem of text comparison is in degrees and kinds of differences: two sentences might contain all the same words but one preposition and mean two entirely different things whereas two sentences that contain none of the same words but rather words that are synonymous and in the same order that are very similar in meaning. Consequently, the Draft Analysis Program points to places where judgements on the rhetorical significance of the differences must be made. The result is a tool that speeds along the organization and analysis process without rendering the analyst obsolete.

Considering the various strengths and limitations of this research, the most significant contribution the study makes is in the area of pragmatics. This study demonstrates that the difficult issue of determining author/speaker intent to manipulate an audience can be overcome when you have concrete evidence via draft comparison. Although access to drafts of documents is limited, the methodology of uncovering intent in the writing and revising process is a valuable tool for researchers, especially as more and more electronic documents become available on line.

### 6.3 FURTHER STUDY

The idea of deception as discoverable through the process of writing and revising is an area that certainly needs further study. Ideally, many case studies like this one would be done in a variety of different industries (on similarly constructed documents of the same genre) that could then be analyzed as a group for features of deceptive writing processes. Similarly, more drafts from the tobacco industry could be analyzed to see if there are particular trends within



individual companies (or any other category, such as advertising, corporate email blasts, or annual reports). With several of these types of case studies, a researcher could present an even clearer picture of individual documents and the intent of its authors.

The use of this kind of analysis as a spring board for other analyses is quite broad. The results from this kind of analysis could produce particular phrases that could be compared against a corpus to determine what discourse styles are most pervasive in a given linguistic environment. It could also spur analyses of texts that are linguistically related over time to help determine what rhetorical devices were kept, and thus show a fundamental company or industry belief, and what were flash-in-the-pan responses to immediate contexts, and therefore not part of the overall corporate culture.

The most compelling area for further study, however, is in the convergence of different linguistic fields for developing more thorough and well-rounded methodologies in order to reveal a more complete picture of language. This study would not be nearly so informative without all four of its component perspectives of corpus linguistics, discourse analysis, cognitive linguistics, and computer programming. The most interesting research accomplished by linguistics in the future will merge these and other differing methodologies and theories which will result in more solid and elegant explanations of language in use.

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## 6.5 ORIGINAL TOBACCO INDUSTRY DOCUMENTS

This section of the bibliography sets apart the original tobacco industry documents that were used in this study. It includes not only the documents that formed the basis for the drafts analyzed in this thesis but also citations for “A Frank Statement to Smokers,” Kessler’s letter to the Coalition on Smoking or Health, the testimonies of the whistle blowers, and other documents that informed the analysis of Geoff Bible’s speech.

The full title of Geoff Bible’s speech is “Remarks; Geoffrey Bible; Chairman and Chief Executive Officer; Philip Morris Companies, Inc.; April 9, 1996 Meeting with Employees.” Below, the title is shortened to “Remarks ... April 9, 1996 Meeting with Employees.” Also, I have given each document a subtitle in square to help differentiate from these multiple drafts that all have the same title brackets.

Philip Morris *Remarks ... April 9, 1996 Meeting with Employees*. [Draft 1, 8:00A.M. April 8, 1996: Merlo Comments] Bates 2048334053-4056.

Philip Morris *Remarks ... April 9, 1996 Meeting with Employees*. [Draft 1, 8:00A.M. April 8, 1996: Woodward Comments] Bates 2048334030-4034.

Philip Morris *Remarks ... April 9, 1996 Meeting with Employees*. [Draft 1, 8:00A.M. April 8, 1996: MSF Comments 4—8—96 9:10am Privileged and Confidential] Bates 2048334039-4043.

Philip Morris *Remarks ... April 9, 1996 Meeting with Employees*. [Draft 1, 8:00A.M. April 8, 1996: Parrish Comments] Bates 2048334048-4052.

Philip Morris *Remarks ... April 9, 1996 Meeting with Employees*. [Draft 2, 12:00 Noon April 8, 1996: Keane Comments] Bates 2048334022-4026.

Philip Morris *Remarks ... April 9, 1996 Meeting with Employees*. [Draft 2, 12:00 Noon April 8, 1996: “Looks to permanent”] Bates 2048334013-4017.

Philip Morris *Remarks ... April 9, 1996 Meeting with Employees*. [Large Print, 7pages, Draft 3] Bates 2048334097-4103.

Philip Morris *Remarks ... April 9, 1996 Meeting with Employees*. [Large Print, 9 pages, Draft 3] Bates 2048334076-4084.

Philip Morris *Remarks ... April 9, 1996 Meeting with Employees*. [“Final” Draft 4] Bates 2048334067-4075.

Philip Morris *Introduction; Steven C. Parrish; April 9, 1996 Metting with Employees* Bates 2048334018.

Philip Morris *Questions and Answers; April 9, 1996 Metting with Employees* Bates 204833420-4021.

Philip Morris *Testimony of William I. Campbell, President and Chief Executive Officer of Philip Morris U.S.A. Before the Subcommittee on Health and the Environment, House Energy and Commerce Committee* (April 14, 1996) Bates 2023615433-5441.

DeNoble, Victor and Paul Mele *Behavioral Pharmacology Annual Report- 1983* [Summary of behavioral effects of nicotine and acetaldehyde.] (June 1, 1983) Bates 2050841308-1312.

Farone, William A. *The Manipulation and Control of Nicotine and Tar in the Design and Manufacture of Cigarettes: A Scientific Perspective* [Farone’s statement exposing Philip Morris] (March 19, 1996) Bates 2064229291-9299.

Rivers, Jerome *Declaration* [Rivers’ testimony against Philip Morris] (March 7, 1996) Bates 2048250850-0853.

Uydess, Ian L. *Declaration of Ian L. Uydess, Ph.D.* [Uydess’ testimony against Philip Morris] (February 29, 1996) Bates 2064229282-9290.

Tobacco Industry Research Committee *A Frank Statement to the Public by the Makers of Cigarettes.*(December 28, 1953) Bates 680262216-2218.

## APPENDIX

REMARKS BY GEOFFRY C. BIBLE, CEO OF PHILIP MORRIS COMPANIES, INC., GIVEN  
ON APRIL 9, 1996

The following document is an image of the original final speech as found on the Legacy Tobacco web site. It is an example of the look of original documents that went into making the base drafts that were ultimately analyzed in this research.



REMARKS  
GEOFFREY C. BIBLE  
CHAIRMAN AND CHIEF EXECUTIVE OFFICER  
PHILIP MORRIS COMPANIES, INC.

APRIL 9, 1996 MEETING WITH EMPLOYEES

I want to start this session with a thank you. The past few weeks have not been an easy time for any of us. But I have felt in this building -- and around the globe -- that our spirit is strong and that we remain a confident team of people.

Our business is growing by leaps and bounds. We will report a strong first quarter and the next quarter looks equally good.

Today, I want to answer your questions, but let me start by laying a framework for where I believe we are.

As I have said to you before, we must never forget that despite all the noise and thunder of the last few weeks, nothing fundamental has changed.

First, let me begin with the proposed Liggett settlement. It is a sham. Originally, the newspapers described the settlement as a crack in the dam. But now everyone understands that the proposed settlement was just a tactic in a war which has nothing to do with the fundamentals of tobacco litigation. It was a desperation move by Bennett LeBow in his effort to take over RJR.

Second, the proposed Liggett settlement does not change the litigation. The strength of our position in these suits is untouched. Indeed, we were encouraged by the hearing last week in the *Castano* class action. The investment community and even the press agreed that the Court seemed skeptical of many of the plaintiffs' arguments.

It isn't our dam that is showing cracks. It is theirs.

Third, let me talk about the issue of youth smoking. We believe kids should not smoke and Philip Morris has been a leader in the effort to keep cigarettes away from kids.

One of the most frustrating things about the past few weeks has been to see Liggett being praised as a

leader on the youth smoking issue. Nothing can be further from the truth. Our Action Against Access program here in the United States is being implemented aggressively across the country. I'm very proud of this effort and you should be too. It puts our money where our mouth is -- which is against youth smoking.

Over the next weeks you will see us communicating more on this effort. You have already seen the first ad. That is not just chest beating. We are going to fight back strongly against any misperception or distortion of our position on youth smoking. We oppose youth smoking. We want it to stop. Period.

(Pause)

Now let me mention the affidavits of our former employees.

Our opponents handled these affidavits with real public relations skills. The affidavits were given to reporters and not to us. So we were asked to comment on documents we did not have and could not see.

We refused to do that. Why? Because it would be foolish. We can not be shooting back wildly on these issues. We have to take the time to see exactly what the facts are so that we can respond accurately and persuasively.

That is smart strategy. It is also the right thing to do.

We have now reviewed the statements in detail. We have talked to other people involved in these issues, and will shortly cross-examine at least two of the three former employees.

Let me be clear.

We are completely confident that the affidavits not only have been misrepresented by our opponents but that they also contain errors of fact and many incorrect assertions. We will go into this in detail after the depositions and after we have submitted our formal response to the FDA. Not before.

But let me assure you -- I am confident that these statements will not undermine the fundamentals of our position, which has been stated repeatedly and was restated in the ad we ran three weeks ago.



Let me state it yet again.

We do not "manipulate" nicotine levels in our cigarettes to keep people smoking. We do have quality control procedures to assure consistency in our brands. That's it.

We also stand four-square behind former PM USA President and CEO Bill Campbell and reject the irresponsible charges that have been made with respect to his Congressional testimony.

And with regard to the so-called "safer cigarette," the fact is that we have worked diligently on changes to our products which some in the medical community have sought. We have lowered the tar, we have looked at -- and made several modifications -- relating to phenols, nitrites, and carbon monoxide, among others.

Indeed, the process referred to by our one of our so-called whistle blowers -- denitrification -- is actually taking place and has been for more than 20 years. His particular process for denitrification was not brought to market because it proved to have problems. This was a practical issue, not a legal one.

(Pause)

Those are the facts and the facts will come out.

I wish I could also tell you that we won't go through another bout like the last few weeks. But I can't. In fact, I have to tell you to expect that there will be other tough days and weeks ahead.

The other side is engaging in a reckless propaganda campaign of mis-truths, half-truths, innuendo, false piety, and downright deceit. In some ways, they are doing this because their case is so weak. And they are not going to stop doing it as their legal and political positions deteriorate. Which they will.

So we can expect more leaks and sensational stories.

I want to assure you that we will not sit silent. We will fight, but we will fight smart. Sometimes that will mean an immediate and vigorous public response. Other times it will mean waiting for a deposition, a court filing and sometimes a trial. But we will respond and the facts will become known.

We will not be baited into overacting. We will not be drawn into addressing complex factual issues in the press if we cannot get an impartial and fair opportunity to present our side of the story. We will not compromise our litigation strategy. In court there is a level playing field, and that is where we have always prevailed.

I want to be perfectly clear. We have no intention of settling any litigation. We will fight in the courts, and we will win, because we are right. And by winning in the courts, we will also ultimately prevail in the court of public opinion.

(Pause)

I believe passionately that we are right, and let me tell you why.

We are right because for millions of people, smoking is part of an adult lifestyle, and efforts to prohibit it are absurd.

We are right because cigarettes are a legal product and for generations people have understood what smoking is and what it isn't.

We are right because whatever one wants to say about tobacco and health -- it is absurd to say that adult smokers are unaware of the claimed risks. Which means they are making informed choices -- when they start, when they continue, and when they quit.

No amount of prohibitionist propaganda can change those fundamentals -- which lie at the heart of our issues. Surveys show quite clearly that most Americans do not agree with the anti-smokers on the basic tobacco issues. They see smoking as part of life, and they know that it is ultimately an issue of personal choice in a free society.

What some people may not understand is that we are an ethical company. Our tobacco business may be controversial, but we are principled people who are honest and straight-dealing. We know who we are and what we do, and we do it with a sense of ethics, integrity and responsibility towards our consumers and towards our society. That is an absolutely critical part of our corporate culture.

(Pause)

In conclusion, I am absolutely convinced that the fundamental strength of our legal position remains intact, and that once we are able to address recent allegations in the objective setting of a courtroom, we will be vindicated.

But let me say again, we will not just quietly wait for these issues to be resolved in court. We will speak out forcefully and often, but we will do it in a way that does not compromise our long term strategy.

And in the meantime, let's keep our eye on the ball. Let's fight hard. Let's fight smart. And let's fight using the ethics and the reasonableness that we know are our greatest weapons -- because they will be the basis of our triumph.

And let us always stick together -- as a team energized by what we are fighting for. This is a battle not just for our products. Nor is it just for our company and our industry. And it is not just for our consumers. It is all of that and more. It is ultimately a fight for personal freedoms, for reasonableness, and for the ability of informed adults to make their own decisions in a free society.

## APPENDIX

### BRIEF ANALYSIS OF THE ARGUMENT SECTION OF THE SPEECH

There are four paragraphs in the second section that overtly spell out the argument for why the tobacco industry and Philip Morris are in the right. Below is a table with the first draft version and the final draft version of that argument.

“We are right because...” Draft 1 to Draft 4 paragraph comparison.	
1.39	4.35
We are right because smoking is part of human custom and efforts to prohibit it are absurd.	We are right because for millions of people, smoking is a part of an adult lifestyle, and efforts to prohibit it are absurd.
1.40	4.36
We are right because cigarettes are a legal product and for generations people have understood what smoking is and what it isn’t.	We are right because cigarettes are a legal product and for generations people have understood what smoking is and what it isn’t.
1.41	4.37
We are right because whatever one wants to say about tobacco and health – it is absurd to say that adult smokers don’t know about the risks. Which means they are taking informed choices – when they start, when they continue, and when they quit.	We are right because whatever one wants to say about tobacco and health – it is absurd to say that adult smokers are unaware of the claimed risks. Which means they are making informed choices – when they start, when they continue, and when they quit.

1.42	4.38
No amount of prohibitionist propaganda can change those fundamentals – which lie at the heart of our issues. Americans know that too. Surveys show quite clearly that most Americans do not agree with the anti-smokers on the basic tobacco issues. They see smoking as part of life, and they know that it is ultimately an issue of personal choice in a free society.	No amount of prohibitionist propaganda can change those fundamentals – which lie at the heart of our issues. Surveys show quite clearly that most Americans do not agree with the anti-smokers on the basic tobacco issues. They see smoking as part of life, and they know that it is ultimately an issue of personal choice in a free society.

The differences among the paragraphs are on the level of co-text. In other words, the revisions are meant to improve the paragraphs at the surface level rather than change the overall direction or purpose of the argument.

There are two notable features of the argument. The first is that the argument does not directly respond to the accusations and investigations aimed at the tobacco industry at that time. On the surface, this is not surprising since the first part of this speech rebutts these allegations. However, there is not an indirect response either: this argument, unlike the rest of the speech, could be taken out of the contemporary context and still make sense in the same way.

For example, by stating that smoking “is ultimately an issue of choice in a free society,” Bible is able to abstract away from more concrete issues such as nicotine manipulation, underage smoking, disease, or addiction. Under the rubric of “adult lifestyle,” Bible is able to put the responsibility of smoking back on the smoker, a long-time strategy of the tobacco industry in the courts. Also, labeling cigarette smoking as a “choice in a free society” links smoking with the rights of citizens of the U.S., and avoids any discussion of Philip Morris’s corporate responsibility for the health effects of their products on those same citizens.

The second notable feature of this argument is that its logical conclusion, that because we live in a free society people can choose to smoke, has an advantageous pragmatic implication:

if people are not allowed to smoke, then we no longer live in a free society. This implication is made possible by the fact that people treat conditional statements, such as “if you broke your curfew, then you will be grounded,” as though they were biconditional statements, which would translate into “if you are grounded, then you have broken your curfew.” This phenomenon has been studied in cognitive psychology and demonstrates that people are much more likely to make inferences based on probability than logical entailment (Taplin 1971; Taplin and Staudenmayer 1973; Staudenmayer 1975).

So, if we translate the conclusion from the last paragraph in the argument above, we get the conditional statement, “If smoking is a possible choice in life, then we live in a free society.” The biconditional version of that statement is “If we live in a free society, then smoking is a possible choice.” This second statement is not logically entailed by the preceding “we are right because” paragraphs but it does follow from a probabilistic interpretation that would presume there was a reason for mentioning those specific conditions in the first place.



## APPENDIX

### DRAFT 1 NUMBERED PARAGRAPHS DRAFT ANALYSIS OUTPUT

1

I want to start this session with a thank you. The past few weeks have not been an easy time for any of us. But I have felt in this building – and around the globe – that our spirit has been strong and that we remain a confident team of people.

2

They say that there is nothing like a battle to bring a team together. Well, today we are together more than ever before. And I thank you – personally and most sincerely – for that support.

3

What I want to do today is answer your questions. And if I can't answer a particular specific, then I will ask Murray Bring or Steve Parrish to step in.

4

But let me start by laying a framework for where I believe we are.

5

First, as I have said to you in memos, we must never forget that despite all the noise and thunder of the last few weeks, nothing fundamental has changed.

6

Our business is growing by leaps and bounds. We will report a strong first quarter and the next quarter looks equally good.

7

And even if our stock has taken a bit of a beating, some of this was inevitable profit-taking

in the market. The analysts who follow us continue to recommend our stock. They know that our fundamentals – including in the litigation area – remain strong.

8

Indeed, when you get past the propaganda and media hype, our litigation and political position in the U.S. is perhaps even stronger than it ever was.

9

Let me explain.

10

Originally, the newspapers described the Liggett settlements as a crack in the dam. But now everyone understands that the proposed settlements were a tactic in a war which had nothing to do with the fundamentals of tobacco litigation. It is a desperation move by Bennett LeBow in his efforts to take over RJR. And we will know next week whether or not he will succeed in that quest.

11

But the strength of our position in these suits is still untouched. Indeed, in the hearings last week on the Castano case, we feel we did very well. Even the press agreed.

12

In fact, subsequent to this hearing, we have seen the plaintiffs lawyers starting a new game of spin control because of the very real possibility that this absurd class action case will be thrown out of court.

13

It isn't our dam that is showing cracks. It is theirs.

14

Everyone now understands that the Liggett settlement is a sham. It will be challenged in the courts by plaintiffs – since it is a lousy deal for them – and by other lawyers. And, make no mistake, Liggett has not bought itself legal peace with this settlement. They got pats on the back from hypocritical politicians and lawyers, but they got nothing and gave nothing.

All they did in the end was to destroy significant value for investors in our industry.

15

In retrospect, the worst part of the LeBow charade was to see Liggett receive praise for being a leader on the youth smoking issue. Dead wrong. We are the leader in the U.S. industry on the youth issue. Our Action Against Access program here in the United States is being aggressively implemented across the country. I'm proud of this effort and you should be too. It puts our money where our mouth is – which is against youth smoking.

16

Over the next weeks you will see us communicating more on this effort. That is not just chest beating. We are going to fight back strongly against any misperception or distortion of our position on youth smoking. We oppose it. We want it to stop. Period.

17

(Pause)

18

Now let me address the affidavits of our ex-employees. I know that some of you have felt that we have been a little slow on this one and, perhaps, we have been. Let me tell you why.

19

Our opponents handled these leaks with real media relations skills. The affidavits were given to reporters and not to us. So we were asked to comment on documents we did not have and could not see.

20

We rightly refused to do that. Why? Because it would be wrong. We can not be shooting back wildly on these issues – particularly when they involve people who have worked for our company. The three individuals who have given these affidavits worked for us for many years. They seem to be reasonable and honorable people. We have to take the time to see exactly what they are saying so that we can respond with reason and care.

21

That is smart legal strategy. It is also the right thing to do.

22

Now we have reviewed the affidavits in detail. We have talked to other people involved in these issues, and will shortly take the depositions of the three ex-employees.

23

We are completely confident that the affidavits have errors of fact and many incorrect assertions. We will go into this in detail after we have taken deposition of the three individuals and have formulated our formal response to the FDA. Not before.

24

But let me assure you – nothing in these affidavits will undermine the fundamentals of our position, which has been stated repeatedly and was restated in the ad we ran three weeks ago. Let me state it yet again.

25

We do not “manipulate“ the nicotine levels in our cigarettes. We do have quality control procedures to assure consistency in our brands. That’s it.

26

We also stand four-square behind former PM/USA President Bill Campbell and reject the irresponsible charges that have been made with respect to his Congressional testimony.

27

And with regards to the so-called “safer cigarette,“ the fact is that we have diligently worked on changes to our products which the medical community has sought. We have lowered the tar, we have looked at – and made several modifications – relating to phenols, nitrites, and carbon monoxide.

28

Indeed, the specific product modification referred to by one of our so-called whistle blowers – denitrification – is actually taking place. His particular process for denitrification was not brought to market because it proved to have problems. This was a practical issue, not a legal

one.

29

(Pause)

30

We are not oblivious to the fact that we took a blow from a public relations perspective over the past several weeks. I wish I could tell you that we can set it right through some sort of p.r. initiative. We can't, because it wouldn't work.

31

I wish I could also tell you that we won't go through another bout like the last few weeks. But I can't. In fact, I have to tell you to expect that there will be other tough days and weeks ahead.

32

The other side is engaging in a propaganda campaign of mis-truths, half-truths, innuendo, false piety, and downright deceit. In some ways, they are doing this because their case is so weak. And they are not going to stop doing it as their legal and political positions deteriorate. Which they will.

33

So we must continue to expect further trouble.

34

But we have decided that we will not be drawn into their game of half-truths. We can not – we will not – allow ourselves to be forced into simplistic arguments in fabricated media settings. We will lose if we respond too quickly or facilely.

35

It is also true – and you all know this – that the absurdities of the U.S. litigation scene hobble us in some of the language we can use on these issues. The other side can be reckless in whatever they choose to say, but we are shackled in our language – on critical issues of risk, so-called “addiction,” and even the phrase “safer cigarette“. I wish this were not so.

But the plaintiff bar's eagerness to catch us in the slightest shift of nuance requires that we choose our words carefully – no matter how outrageous the other side is.

36

So what are we going to do? We are going to continue to fight – first and foremost in those forums such as the courts where the facts can be presented and argued. But we will also fight in the court of public opinion – where sometimes our concern for accuracy and fairness may put us at a disadvantage against unscrupulous opponents.

37

But I remain convinced we will ultimately prevail in the court of public opinion as well. Let me tell you why.

38

You have heard me say innumerable times that when you fight and you are right, you win. We must never lose sight of why we are right in this fight.

39

We are right because smoking is part of human custom and efforts to prohibit it are absurd.

40

We are right because cigarettes are a legal product and for generations people have understood what smoking is and what it isn't.

41

We are right because whatever one wants to say about tobacco and health – it is absurd to say that adult smokers don't know about the risks. Which means they are taking informed choices – when they start, when they continue, and when they quit.

42

No amount of prohibitionist propaganda can change those fundamentals – which lie at the heart of our issues. Americans know that too. Surveys show quite clearly that most Americans do not agree with the anti-smokers on the basic tobacco issues. They see smoking as part of life, and they know that it is ultimately an issue of personal choice in a free society.

43

What they perhaps don't know – which is the galling part for you and me – is that we are an ethical company. We may be in a controversial industry, but we are principled people who are honest and straight-dealing. We know who we are and what we do, and we do it with a sense of ethics and responsibility towards our customers and towards our society. That is absolutely critical part of our culture – particularly because we are in such a controversial industry.

44

It is true that along the way, some of our people have said or written intemperate things or made foolish recommendations. And that will provide our opponents with fodder for their disinformation campaigns. But these are the rare exceptions in our history – which we will be able to show in court.

45

So let me once again assure you. When we get to the forums wher the facts can be put on the table and our history and our present practice can be explained for what it is, we will prevail. And that will also mean ultimate victory for us in the court of public opinion.

46

And in the meantime, let's keep our eye on the ball. Let's fight hard. Let's fight smart. And let's fight using the ethics and the reasonableness that we know are our greatest weapons.

47

And let us always stick together – as a team energized by what we are fighting for. This is a battle not just for our products. Nor is it just for our company and our industry. And it is not just for our consumers. It is all of that and more. It is ultimately a fight for personal freedoms, for reasonableness, and for the ability of informed adults to make their own decisions in a free society.

## APPENDIX

### DRAFT 2 NUMBERED PARAGRAPHS DRAFT ANALYSIS OUTPUT

1

I want to start this session with a thank you. The past few weeks have not been an easy time for any of us. But I have felt in this building – and around the globe – that our spirit is strong and that we remain a confident team of people.

2

They say that there is nothing like a battle to bring a team together. Well, today we are together more than ever before. And I thank you – personally and most sincerely – for that support.

3

What I want to do today is answer your questions. And if I can't answer a particular specific, then I will ask Murray Bring of Steve Parrish to step in.

4

But let me start by laying a framework for where I believe we are.

5

First, as I have said to you in memos, we must never forget that despite all the noise and thunder of the last few weeks, nothing fundamental has changed.

6

Our business is growing by leaps and bounds. We will report a strong first quarter and the next quarter looks equally good.

7

And even if our stock has taken a bit of a beating, some of this was inevitable profit-taking



in the market. The Wall Street analysts who follow us continue to recommend our stock. They know that our fundamentals – including the litigation area – remain strong.

8

Let me explain.

9

Originally, the newspapers described the Liggett settlements as a crack in the dam. But now everyone understands that the proposed settlements were a tactic in a war which has nothing to do with the fundamentals of tobacco litigation. It is a desperation move by Bennet LeBow in his efforts to take over RJR. And we will know next week whether or not he will succeed in that quest.

10

But the strength of our position in these suits is untouched. Indeed, in the hearings last week on the Castano case we feel we did very well.

11

In fact, subsequent to this hearing, we have seen the plaintiffs lawyers starting a new game of spin control because of the very real possibility that this absurd class action case will be thrown out of court.

12

It isn't our dam that is showing cracks. It is theirs.

13

Everyone now understands that the Liggett settlement is a sham. It will be challenged in the courts by the plaintiffs – since it is a lousy deal for them – and by other lawyers. And, make no mistake, Liggett has not bought itself legal peace with this settlement. They got pats on the back from some hypocritical politicians and lawyers, but they got nothing and gave nothing. All they did in the end was to destroy significant value for investors in our industry.

14

In retrospect, the worst part of the LeBow charade was to see Liggett receive praise for being a leader on the youth smoking issue. Dead wrong. We are the leaders in the U.S. industry on the youth issue. Our Action Against Access program here in the United States is being implemented aggressively across the country. I'm very proud of this effort and you should be too. It puts our money where our mouth is – which is against youth smoking.

15

Over the next weeks you will see us communicating more on this effort. You have already seen the first ad. That is not just chest beating. We are going to fight back strongly against any misperception or distortion of our position on youth smoking. We oppose it. We want it to stop. Period.

16

(Pause)

17

Now let me mention the affidavits of our former employees. I know that some of you have felt that we have been a little slow on this one and, in a sense, we have been. Let me tell you why.

18

To be sure, our opponents handled these leaks with real media relations skills. The affidavits were given to reporters and not to us. So we were asked to comment on documents we did not have and could not see.

19

We refused to do that. Why? Because it would be foolish. We can not be shooting back wildly on these issues – particularly when they involve people who have worked for our company. The three individuals who have given these statements worked for us for many years. They are entitled to their views. We have to take the time to see exactly what they are saying so that we can respond accurately and persuasively.

20

That is the smart legal strategy. It is also the right thing to do.

21

We have now reviewed the statements in detail. We have talked to other people involved in these issues, and will shortly cross-examine at least two of the three former employees.

22

We are completely confident that the affidavits have errors of fact and many incorrect assertions. We will go into this in detail after the depositions and after we have submitted our formal response to the FDA. Not before.

23

But let me assure you – I am confident that these statements will not undermine the fundamentals of our position, which has been stated repeatedly and was restated in the ad we ran three weeks ago. Let me state it yet again.

24

We do not “manipulate“ nicotine levels in our cigarettes to keep people smoking. We do have quality control procedures to assure consistency in our brands. That’s it.

25

We also stand four-square behind former PM USA President and CEO Bill Campbell and reject the irresponsible charges that have been made with respect to his Congressional testimony.

26

And with regard to the so-called “safer cigarette,“ the fact is that we have worked diligently on changes to our products which some in the medical community has sought. We have lowered the tar, we have looked at –and made several modifications – relating to phenols, nitrites, and carbon monoxide among others.

27

Indeed, the process referred to by our one of our so-called whistle blowers – denitrification – is actually taking place and has been for more than 20 years. His particular process for

denitrification was not brought to market because it proved to have problems. This was a practical issue, not a legal one.

28

(Pause)

29

We are not oblivious to the fact that we took a blow from a public relations perspective over the past several weeks. I wish I could tell you that we can set that right through some sort of p.r. initiative. We can't, because it wouldn't work. I wish I could also tell you that we won't go through another bout like the last few weeks. But I can't. In fact, I have to tell you to expect that there will be other tough days and weeks ahead.

30

The other side is engaging in a reckless propaganda campaign of mis-truths, half-truths, innuendo, false piety, and downright deceit. In some ways, they are doing this because their case is so weak. And they are not going to stop doing it as their legal and political positions deteriorate. Which they will.

31

So we must continue to expect more leaks and sensational stories.

32

But we have decided that we will not be drawn into their game of half-truths. We cannot – we will not – allow ourselves to be forced into simplistic arguments in fabricated media settings. We will lose if we respond quickly or too facilely.

33

It is also true – and you all know this – that the absurdities of the U.S. litigation scene hobble us in some of the language we can use on these issues. The other side can be reckless in whatever they choose to say, but everything we say on critical issues of risk, so-called “addiction“, and even the phrase “safer cigarette“ is subject to scrutiny and distortion. I wish this were not so. But the plaintiff bar's eagerness to catch us in the slightest shift of

nuance requires that we choose our words carefully – no matter how outrageous the other side is.

34

So what are we going to do? We are going to continue to fight – first and foremost in those forums such as the courts where the facts can be presented and argued. But we will also fight in the court of public opinion – where sometimes our concern for accuracy and fairness may put us at a temporary disadvantage against unscrupulous opponents.

35

But I remain convinced that we will ultimately prevail in the court of public opinion as well. Let me tell you why.

36

You have heard me say innumerable times that when you fight and you are right, you win. We must never lose sight of why we are right in this fight.

37

We are right because smoking is a part of adult custom and efforts to prohibit it are absurd.

38

We are right because cigarettes are a legal product and for generations people have understood what smoking is and what it isn't.

39

We are right because whatever one wants to say about tobacco and health – it is absurd to say that adult smokers don't know about claimed risks. Which means they are taking informed choices – when they start, when they continue, and when they quit.

40

No amount of prohibitionist propaganda can change those fundamentals – which lie at the heart of our issues. Americans know that too. Surveys show quite clearly that most Americans do not agree with the anti-smokers on the basic tobacco issues. They see smoking as part of life, and they know that it is ultimately an issue of choice in a free society.

41

What they perhaps don't know – which is the galling part for you and me – is that we are an ethical company. We may be in a controversial industry, but we are principled people who are honest and straight-dealing. We know who we are and what we do, and we do it with a sense of ethics, integrity and responsibility towards our consumers and towards our society. That is absolutely critical part of our corporate culture – particularly because we are in such a controversial industry.

42

It is true that along the way, some of our people have said or written uninformed things or made inappropriate recommendations. And that will provide our opponents with fodder for their disinformation campaigns. But these are the rare exceptions in our history – which we will be able to show in court.

43

So let me once again assure you. When we get to the forums where the facts can be put on the table and our history and our present practice can be explained for what they are, we will prevail. And that will also mean ultimate victory for us in the court of public opinion.

44

And in the meantime, let's keep our eye on the ball. Let's fight hard. Let's fight smart. And let's fight using the ethics and the reasonableness that we know are our greatest weapons- because they will be the basis of our triumph.

45

And let us always stick together – as a team energized by what we are fighting for. This is a battle not just for our products. Nor is it just for our company and our industry. And it is not just for our consumers. It is all of that and more. It is ultimately a fight for personal freedoms, for reasonableness, and for the ability of informed adults to make their own decisions in a free society.

## APPENDIX

### DRAFT 3 NUMBERED PARAGRAPHS DRAFT ANALYSIS OUTPUT

1

I want to start this session with a thank you. The past few weeks have not been an easy time for us. But I have felt in this buiding – and around the globe – that our spirit is strong and that we remain a confident team of people.

2

They say that there is nothing like a battle to bring a team together. Well, today we are together more than ever before. And I thank you – personally and most sincerely – for that support.

3

What I want to do today is answer your questions. And if I can't answer a particular specific, then I will ask Murray Bring of Steve Parrish to step in.

4

But let me start by laying a framework for where I believe we are.

5

First, as I have said to you in memos, we must never forget that despite all the noise and thunder of the last few weeks, nothing fundamental has changed.

6

Our business is growing by leaps and bounds. We will report a strong first quarter and the next quarter looks equally good.

7

And even if our stock has taken a bit of a beating, some of this was inevitable profit-taking

in the market. The Wall Street analysts who follow us continue to recommend our stock. They know that our fundamentals – including the litigation area – remain strong.

8

Let me explain.

9

Originally, the newspapers described the Liggett settlements as a crack in the dam. But now everyone understands that the proposed settlements were a tactic in a war which has nothing to do with the fundamentals of tobacco litigation. It is a desperation move by Bennet LeBow in his efforts to take over RJR. And we will know next week whether or not he will succeed in that quest. But the strength of our position in these suits is untouched. Indeed, we were encouraged by hearings last week on the Castano case. Even the press agreed that the Court seemed skeptical of many of the plaintiff's arguments.

10

It isn't our dam that is showing cracks. It is theirs.

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Everyone now understands that the Liggett settlement is a sham. It will be challenged in the courts by the plaintiffs – since it is a lousy deal for them – and by other lawyers. And, make no mistake, Liggett has not bought itself legal peace with this settlement. They got pats on the back from some hypocritical politicians and lawyers, but they got nothing and gave nothing. All they did in the end was to temporarily erode significant value for investors in our industry.

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In retrospect, the worst part of the LeBow charade was to see Liggett receive praise for being a leader on the youth smoking issue. In truth, we are the leaders in the U.S. industry on the youth issue. Our Action Against Access program here in the United States is being implemented aggressively across the country. I'm very proud of this effort and you should be too. It puts our money where our mouth is – which is against youth smoking.



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Over the next weeks you will see us communicating more on this effort. You have already seen the first ad. That is not just chest beating. We are going to fight back strongly against any misperception or distortion of our position on youth smoking. We oppose it. We want it to stop. Period.

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(Pause)

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We refused to do that. Why? Because it would be foolish. We can not be shooting back wildly on these issues – particularly when they involve people who have worked for our company. The three who have given these statements worked for us for many years. They are entitled to their views. We have to take the time to see exactly what they are saying so that we can respond accurately and persuasively.

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That is the smart legal strategy. It is also the right thing to do.

19

We have now reviewed the statements in detail. We have talked to other people involved in these issues, and will shortly cross-examine at least two of the three former employees.

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We are completely confident that the affidavits have errors of fact and many incorrect assertions. We will go into this in detail after the depositions and after we have submitted our formal response to the FDA. Not before.

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But let me assure you – I am confident that these statements will not undermine the fundamentals of our position, which has been stated repeatedly and was restated in the ad we ran three weeks ago. Let me state it yet again.

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We do not “manipulate“ nicotine levels in our cigarettes to keep people smoking. We do have quality control procedures to assure consistency in our brands. That’s it.

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We also stand four-square behind former PM USA President and CEO Bill Campbell and reject the irresponsible charges that have been made with respect to his Congressional testimony.

24

And with regard to the so-called “safer cigarette,“ the fact is that we have worked diligently on changes to our products which some in the medical community have sought. We have lowered the tar, we have looked at –and made several modifications – relating to phenols, nitrites, and carbon monoxide among others.

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Indeed, the process referred to by our one of our so-called whistle blowers – denitrification – is actually taking place and has been for more than 20 years. His particular process for denitrification was not brought to market because it proved to have problems. This was a practical issue, not a legal one.

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I wish I could also tell you that we won't go through another bout like the last few weeks. But I can't. In fact, I have to tell you to expect that there will be other tough days and weeks ahead.

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The other side is engaging in a reckless propaganda campaign of mis-truths, half-truths, innuendo, false piety, and downright deceit. In some ways, they are doing this because their case is so weak. And they are not going to stop doing it as their legal and political positions deteriorate. Which they will.

30

So we must continue to expect more leaks and sensational stories.

31

But we have decided that we will not be drawn into their game of half-truths. We can not – we will not – allow ourselves to be forced into simplistic arguments in fabricated media settings. Our ultimate victory depends on responding prudently and with full command of the facts.

32

It is also true – and you all know this – that the realities of the U.S. litigation scene hobble us in some of the language we can use on these issues. The other side can be reckless in whatever they choose to say, but everything we say on critical issues of risk, so-called “addiction“, and even the phrase “safer cigarette“ is subject to scrutiny and distortion. I wish this were not so. But the plaintiff's bar's eagerness to catch us in the slightest shift of nuance requires that we choose our words carefully – no matter how outrageous the other side is.

33

So what are we going to do? We are going to continue to fight – first and foremost in the courts where the facts can be presented and argued. But we will also fight in the court of public opinion – where sometimes our concern for accuracy and fairness may put us at a temporary disadvantage against unscrupulous opponents.

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But I remain convinced we will ultimately prevail in the court of public opinion as well. Let me tell you why.

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You have heard me say innumerable times that when you fight and you are right, you win. We must never lose sight of why we are right in this fight.

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We are right because cigarettes are a legal product and for generations people have understood what smoking is and what it isn't.

38

We are right because whatever one wants to say about tobacco and health – it is absurd to say that adult smokers don't know about the claimed risks. Which means they are making informed choices – when they start, when they continue, and when they quit.

39

No amount of prohibitionist propaganda can change those fundamentals – which lie at the heart of our issues. Americans know that too. Surveys show quite clearly that most Americans do not agree with the anti-smokers on the basic tobacco issues. They see smoking as part of life, and they know that it is ultimately an issue of personal choice in a free society.

40

What they perhaps don't know – which is the frustrating part for you and me – is that we are an ethical company. We may be in a controversial industry, but we are principled people

who are honest and straight-dealing. We know who we are and what we do, and we do it with a sense of ethics, integrity and responsibility towards our consumers and towards society. That is absolutely critical part of our corporate culture – particularly because we are in such a controversial industry.

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It is true that along the way, some of our people have said or written uninformed things or made inappropriate recommendations. And that will provide our opponents with fodder for their disinformation campaigns. But these are the rare exceptions in our history – which we will be able to show in court.

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I remain confident that we will prevail. When we get to the forums where the facts can be put on the table and our history and our present practice can be explained for what they are, we will win. And that will also mean ultimate victory for us in the court of public opinion.

43

And in the meantime, let's keep our eye on the ball. Let's fight hard. Let's fight smart. And let's fight using the ethics and the reasonableness that we know are our greatest weapons – because they will be the basis of our triumph.

44

And let us always stick together – as a team energized by what we are fighting for. This is a battle not just for our products. Nor is it just for our company and our industry. It is all of that and more. It is ultimately a fight for personal freedoms, for reasonableness, and for the ability of informed adults to make their own decisions in a free society.

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2

Our business is growing by leaps and bounds. We will report a strong first quarter and the next quarter looks equally good.

3

Today, I want to answer your questions, but let me start by laying a framework for where I believe we are.

4

As I have said to you before, we must never forget that despite all the noise and thunder of the last few weeks, nothing fundamental has changed.

5

First, let me begin with the proposed Liggett settlement. It is a sham. Originally, the newspapers described the settlement as a crack in the dam. But now everyone understands that the proposed settlement was just a tactic in a war which has nothing to do with the fundamentals of tobacco litigation. It was a desperation move by Bennet LeBow in his efforts to take over RJR.

6

Second, the proposed Liggett settlement does not change the litigation. The strength of our

position in these suits is untouched. Indeed, we were encouraged by the hearing last week in the Castano class action. The investment community and even the press agreed that the Court seemed skeptical of many of the plaintiff's arguments.

7

It isn't our dam that is showing cracks. It is theirs.

8

Third, let me talk about the issue of youth smoking. We believe kids should not smoke and Philip Morris has been a leader in the effort to keep cigarettes away from kids.

9

One of the most frustrating things about the past few weeks has been to see Liggett being praised as a leader on the youth smoking issue. Nothing can be further from the truth. Our Action Against Access program here in the United States is being implemented aggressively across the country. I'm very proud of this effort and you should be too. It puts our money where our mouth is – which is against youth smoking.

10

Over the next weeks you will see us communicating more on this effort. You have already seen first ad. That is not just chest beating. We are going to fight back strongly against any misperception or distortion of our position on youth smoking. We oppose youth smoking. We want it to stop. Period.

11

(Pause)

12

Now let me mention the affidavits of our former employee.

13

Our opponents handled these affidavits with real public relations skills. The affidavits were given to reporters and not to us. So we were asked to comment on documents we did not have and could not see.

14

We refused to do that. Why? Because it would be foolish. We can not be shooting back wildly on these issues. We have to take the time to see exactly what the facts are so that we can respond accurately and persuasively.

15

That is the smart strategy. It is also the right thing to do.

16

We have now reviewed the statements in detail. We have talked to other people involved in these issues, and will shortly cross-examine at least two of the three former employees.

17

Let me be clear.

18

We are completely confident that the affidavits have been misrepresented by our opponents but that they also contain errors of fact and many incorrect assertions. We will go into this in detail after the depositions and after we have submitted our formal response to the FDA. Not before.

19

But let me assure you – I am confident that these statements will not undermine the fundamentals of our position, which has been stated repeatedly and was restated in the ad we ran three weeks ago.

20

Let me state it yet again.

21

We do not “manipulate“ nicotine levels in our cigarettes to keep people smoking. We do have quality control procedures to assure consistency in our brands. That’s it.

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We also stand four-square behind former PM USA President and CEO Bill Campbell and



reject the irresponsible charges that have been made with respect to his Congressional testimony.

23

And with regard to the so-called “safer cigarette,” the fact is that we have worked diligently on changes to our products which some in the medical community have looked at – and made several modifications – relating to phenols, nitrites, and carbon monoxide among others.

24

Indeed, the process referred to by one of our so-called whistle blowers – denitrification – is actually taking place and has been for more than 20 years. His particular process for denitrification was not brought to market because it proved to have problems. This was a practical issue, not a legal one.

25

(Pause)

26

Those are the facts and the facts will come out.

27

I wish I could also tell you that we won’t go through another bout like the last few weeks. But I can’t. In fact, I have to tell you to expect that there will be other tough days and weeks ahead.

28

The other side is engaging in a reckless propaganda campaign of mis-truths, half-truths, innuendo, false piety, and downright deceit. In some ways, they are doing this because their case is so weak. And they are not going to stop doing it as their legal and political positions deteriorate. Which they will.

29

So we can expect more leaks and sensational stories.

30

I want to assure you that we will not sit silent. We will fight, but we will fight smart. Sometimes that will mean an immediate and vigorous public response. Other times it will mean waiting for a deposition, a court filing and sometimes a trial. But we will respond and the facts will become known.

31

We will not be baited into overreacting. We will not be drawn into addressing complex factual issues in the press if we cannot get an impartial and fair opportunity to present our side of the story. We will not compromise our litigation strategy. In court there is a level playing field, and that is where we have always prevailed.

32

I want to be perfectly clear. We have no intentions of settling any litigation. We will fight in the courts, and we will win, because we are right. And by winning in the courts, we will also ultimately prevail in the court of public opinion.

33

(Pause)

34

I believe passionately that we are right, and let me tell you why.

35

We are right because for millions of people, smoking is a part of an adult lifestyle, and efforts to prohibit it are absurd.

36

We are right because cigarettes are a legal product and for generations people have understood what smoking is and what it isn't.

37

We are right because whatever one wants to say about tobacco and health – it is absurd to say that adult smokers are unaware of the claimed risks. Which means they are making informed choices – when they start, when they continue, and when they quit.

38

No amount of prohibitionist propaganda can change those fundamentals – which lie at the heart of our issues. Surveys show quite clearly that most Americans do not agree with the anti-smokers on the basic tobacco issues. They see smoking as part of life, and they know that it is ultimately an issue of personal choice in a free society.

39

What some people may not understand is that we are an ethical company. Our tobacco business may be controversial, but we are principled people who are honest and straight-dealing. We know who we are and what we do, and we do it with a sense of ethics, integrity and responsibility towards our consumers and towards our society. That is an absolutely critical part of our corporate culture.

40

(Pause)

41

In conclusion, I am absolutely convinced that the fundamental strength of our legal position remains intact, and that once we are able to address recent allegations in the objective setting of a courtroom, we will be vindicated.

42

But let me say again, we will not just quietly wait for these issues to be resolved in court. We will speak out forcefully and often, but we will do it in a way that does not compromise our long term strategy.

43

And in the meantime, let's keep our eye on the ball. Let's fight hard. Let's fight smart. And let's fight using the ethics and the reasonableness that we know are our greatest weapons – because they will be the basis of our triumph.

44

And let us always stick together – as a team energized by what we are fighting for. This

is a battle not just for our products. Nor is it just for our company and our industry. And it is not just for our consumers. It is all of that and more. It is ultimately a fight for personal freedoms, for reasonableness, and for the ability of informed adults to make their own decisions in a free society.