

Wisconsin's Proposed
Campus Smoking Ban

University of Wisconsin
Madison Campus

Prepared for:
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On September 10, 1990, University of Wisconsin's Chancellor Donna Shalala presented an open letter to the University community proposing a smoking ban in all UW-Madison buildings. The proposed smoking ban includes all campus facilities, as well as University owned residence halls and Eagle Heights Apartments which house married students and their children, many of whom are graduate students.

Ms. Shalala asked for input from the University Committee, the chief liaison between faculty and the Chancellor's office; the Wisconsin Student Association student government; the Academic Executive Committee; all unions representing university employees; the Union Council, which oversees the campus' two student unions (the two buildings used for social activities and other academic functions); the Eagle Heights Assembly, which represents the students who live in Eagle Heights Apartments; and the Student Housing Association. She asked that all comments and input be received by the Chancellor's office no later than November 1, 1990.

On Monday, September 24, 1990, one of our student operatives was asked by a fellow student activist, Kevin Hasker, if we could help the students fight the proposed smoking ban. He was informed that we are not involved in this issue and was directed to contact the Tobacco Institute for their input. Once he was informed that the tobacco industry could not be of assistance due to the "potential sensitivity" of youth and tobacco consumption, the student activist decided to put together his own petition campaign.

On October 2, 1990, an article in the *Milwaukee Sentinel* reported that Chancellor Shalala had presented the smoking ban to the facility's governing body, which is to prepare a resolution for action in November. Based on their discussion, "the resolution undoubtedly will favor the ban." At this juncture, only three letters on the policy had been received by the Chancellor's office. Additionally, the Student Senate controlled by the Numen Lumen party provided two comments which were supportive of the ban.

On October 3, 1990, a group of our student employees wanted to become involved in this issue, as they felt it was a significant infringement on their right to use the campus facilities which they pay for through their tuition. Fifteen of our students formed a group to oppose the proposed smoking ban and again asked for our assistance. They too were informed that the tobacco companies could not get involved in this issue. Our operation offered the volunteer student group independent tactical assistance in putting together a petition drive and communications program to help them coordinate their activities.

Grass-roots Tactical Plan

Diversified Communications Services suggested that the student volunteers do the following to enhance their grass-roots efforts:

- As petitions are collected by the students, petition signers will be requested to contact the various bodies from whom Donna Shalala had requested input.
- Those signing the petition will be provided with the Chancellor's phone number and asked to provide their own input opposing the proposed ban.
- Those who had strong negative feelings regarding the ban will also be requested to contact the two student newspapers and ask them to take an editorial stand against the proposal.
- Additionally, numerous petition signatures will be obtained in the two student unions. Those signing the petitions will be requested to complain to the Union Council about the potential of having a total smoking ban in both of these buildings and the unfair inconvenience that it would pose, particularly during the frigid Wisconsin winters.

Results Summary

Between October 4 and October 31, 1990, a combination of students ranging from fraternity/sorority to leftwing political activists blanketed the campus area on their petition drive. Popular adult student taverns, dormitories, student unions, fraternity and sorority houses and libraries produced a total of 944 (nine hundred forty-four) signatures of students identified as both smokers and non-smokers. Specifically, 51.6% or 487 (four hundred eighty-seven) students identified themselves on the petition as non-smokers and 48.4% or 457 (four hundred fifty-seven) students identified themselves as smokers.

In addition to our 944 (nine hundred forty-four) petition signatures, Kevin Hasker, an independent student activist, obtained approximately 270 (two hundred seventy) signatures, which were combined with our 944 (nine hundred forty-four). Copies of the petitions were submitted to the student senate, the Eagle Heights Assembly and the Chancellor's office.

Activity Report

As reported in the *Badger Herald* on October 9, 1990, Kevin Hasker had put together a smokers' action group meeting to discuss the ban. Hasker commented that he is receiving very little support from smokers on campus. Five people attended the meeting.

An additional report contained in the *Badger Herald* covered a speech delivered at the Union Theater on the evening of October 8, 1990. The director of the U.S. Surgeon General's office on Smoking and Health, Dr. Ronald Davis, discussed the danger of passive smoke. Approximately twenty people were in attendance.

In monitoring the Kevin's activities through one of our volunteers, we were able to discern that he was only able to obtain about one hundred signatures on his petition drive by the beginning of October. Our contact monitoring Kevin's activities was specifically told not to become involved with Kevin's activities at this time.

The petitioners had asked all those signing the petition to vote in the upcoming student election to be held on October 16 and 17. The existing student party, the Numen Lumen, had allegedly postponed a referendum on the issue until after the election. The Alliance Party had taken a formal position against the proposed ban. According to Mike Verveer of the Alliance Party, the party will propose keeping smoking sections in the union's, residence halls, and professors' offices, as well as in at least one library. According to the *Daily Cardinal*, "the Alliance Party is predominantly made up of students who are new to student politics. Other members of the party include students from many past Wisconsin Student Association parties, including Black and White, Action, New Deal and Green Earth."

During the week of October 15, 1990, the petition drive continued both requesting contact be made with the Chancellor's office and encouraging people to vote in the student elections held on October 16 and October 17. On Wednesday, October 17, the Alliance Party had a landslide victory, winning forty of the forty-five senate seats. According to the *Badger Herald*, the total number of ballots cast in the student election was approximately three thousand.

On October 22, a meeting was held by the Union Council, the governing body for the two student unions on campus, to vote on a position regarding the cigarette ban. Accepting the recommendation of the Space and Operations Committee of the Wisconsin Union, the Union Council decided in a 10 to 3 vote to oppose the proposed smoking ban. In compliance with Wisconsin's existing indoor smoking statutes, the Union Council determined that "smoking will continue to be confined to certain areas of Memorial Union and Union South, but it should not be banned altogether."

According an article in the *Badger Herald* on October 24, Corky Sischo, the assistant director for Operation of the Wisconsin Union, said that "there is little problem with smokers in non-smoking areas in Union South." He did go on to say that "there is a very large problem with non-compliance and misunderstanding all over the first floor of Memorial Union." He cited problems with vandalism and removal of no-smoking signs in Memorial Union. (The article reports Sischo said that, although enforcement of the designated smoking areas is a problem, staff members 'will not be asked to enforce smoking laws'.) He went on to say that "the attorney general, the campus police and the city police won't touch it. They won't arrest someone for smoking a cigarette." The *Badger Herald*, which is the more conservative student newspaper, had previously taken an editorial stand against the proposal.

On October 25, 1990, a "town meeting" was held for public input on the smoking ban issue. One of our student volunteers combined the 950 (nine hundred fifty) petition signatures our volunteer group obtained with the 250 (two hundred fifty) signatures obtained by the independent student activist Kevin Hasker. Our volunteer presented the 1200 (twelve hundred) petition signatures to Verveer of the Alliance Party prior to the meeting. Verveer is also the probable Senate Speaker in the newly elected student senate in which the Alliance Party holds forty of the forty-five seats. He suggested to Verveer that, in addition to the Alliance Party's opposition to the smoking ban, the student senate hold a vote and go on record as voting against the ban. In addition to the petitions given to the student senate, copies of the 1200 petition signatures were presented at the meeting to Michael Williams, special assistant to Shalala, who presided over the forum in Shalala's absence.

Approximately fifty people were in attendance at the October 25 meeting. Speakers presented views both for and against the ban. Janet Kelly, a UW student and teaching assistant said "the ban would infringe upon peoples' rights because it would cover those

living in Eagle Heights." It should be noted that Eagle Heights is a University-controlled apartment complex that is currently subject to a significant controversy regarding recent rent increases. Eagle Heights Assembly members have recently filed a lawsuit against the University of Wisconsin. Kelly stressed the total inconvenience smokers would be subjected in their study habits and jobs by being forced to leave the building for a cigarette. "All smokers ask is that other people be reasonable."

Kevin Hasker agreed while presenting his petitions and recommended "separately vented rooms and air cleaners" as an alternative to the ban.

Several University faculty members were in favor of the smoking ban. The Herald reported that "Patrick McBride, employed by the UW-Medical School and by St. Mary's Hospital, said he has personally seen people acutely affected by tobacco smoke in the environment."

Dr. Michael Fiore, a physical in the Department of Medicine, said the smoking ban was proposed for two reasons. "It is now established that smoking is not only harmful to the smoker, but also to the non-smoker in the environment. I agree that the campus should adopt the ban inside, but respect the rights of smokers to go outside and smoke."

Several other supporters of the ban voiced their concern with cigarette smoke. Glen Eckman stated that cigarette smoke has entered his office through a vent and caused him physical harm. "I get migraine headaches which leaves me the option of not going to work at all". A. Porter O'Neill also complained of work-related illnesses due to cigarette smoke from a room near her desk which is a designated smoking area. She said, "I have had to be taken to the emergency room because of my work environment."

Opposition to the ban was expressed by Michael Shafer, a representative of AFSCME Local 171. Shafer stated that "Janitors can't smoke in the buildings they work in, where professionals can smoke in their private offices." James Ubilt, a Physical Plant staff member, agreed with Shafer. "Blue-collar workers in clerical and technical areas will be prohibited to satisfy a real physical need."

Senator-elect Mike Verveer made it clear that the Alliance Party-dominated senate will not approve the ban. "It is almost certain that the senate is opposed to the ban." The WSA Senate is expected to schedule a meeting to formulate an opinion on the proposal. This meeting was tentatively set for November 1.

On behalf of the Common Sense Party-controlled WSA executive board, Jeff Schottenstein expressed support for the ban in all areas except residence halls and the Eagle Heights residential area.

Carol Thompson, a radical smokers' rights advocate, unfortunately was present to voice her opposition to the ban. "Second-hand smoke is equal to common in-house air. I am amazed and disgusted that people are going to verbally abuse me of being an addict. I feel like I am in Nazi Germany."

Several media people were on hand to cover the meeting. CBS affiliate, channel 3, and ABC affiliate, channel 27, produced brief reports on the evening news. According to channel 3 report, the number of signatures in opposition to the ban turned over to the Chancellor's office was only 100. Hopefully this inaccuracy will help prevent the various anti-smoking groups from mounting a more aggressive campaign.

The *Daily Cardinal* reported that, as of Thursday, October 25, the Chancellor's office had received 228 written comments concerning the proposal.

On October 26, one of our volunteers made contact with the Eagle Heights Assembly. Copies of the petitions were presented to them. They were asked to take a position against the ban as it restricts students from using the facilities for which they pay. "Is it fair to raise the tuition and rent and then to limit use of these facilities to smoking students?"

We were informed by our volunteer that the Eagle Heights Assembly chairman did not want to involve the Eagle Heights student residents in the overall ban, but they are drafting a letter to the Chancellor asking for an allocation of smoking and non-smoking housing units.

On November 1, 1990, the WSA student senate formally voted against the proposed ban. Further discussion will take place at the senate meeting scheduled November 8, 1990.