

Testimony to New York City Council, Health Committee, October 14, 2010  
Linda Stewart for NYC CLASH

What you're planning here is disgraceful. If the council supports this, no longer can it dodge or take umbrage at analogies to Germany's National Socialism (\*) or America's Jim Crow. You are planning the same things, for the same irrational reasons, by the same manipulative means, and towards the same fanatical ends. You now--as they, then-- seek the rational cover of "science" (and boy, did the racists and antisemites have science!) but yours, like theirs, is a science so censored, so skewed, so consigned to the hands of zealots that it's merely designed to prove the preposterous to the credulous.

Though occasionally what it claims-- that half an hour spent with a smoker can give a heart attack to the innocent; that mere contact with smokers' clothes can injure babies, kittens and plants-- can sound more to the rational ear like a pitch from Salem instead of Munich,

You *know* this is all nonsense. You know because you're not just alive but apparently well, and you grew up in a country where 60% smoked; where your parents possibly smoked, or your roommate, or your bar mates, or maybe you yourself. As Mayor Bloomberg himself smoked. And what carnage he must have caused! Especially since he says-- though I'm not sure believes-- that "there's no safe level of exposure to someone's smoke."

That line, by the way, while a bonanza for propagandists, is a slogan without science-- ad libbed at a press conference by Surgeon General Carmona (a man who's on record as favoring criminalization of the sale, possession and use of cigarettes \*\*). But there was nothing-- repeat *nothing*-- to back it up in his report.

But it sure can inflame passion. And that's the purpose of propaganda.

In 1993, Colin Powell, who favored a ban on gays in the military, said it was totally different from banning blacks in the military, and I hollered back at the television set: No it's not.

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And...no it's not. It's always the same thing, and always based on the same thing: that a majority-- propagandized and carefully taught to fear-- just simply doesn't want to be around "those people." Whoever "those people." are.

But that truth doesn't sit as a comfortable admission, so it picks as its defense that it's A Matter of Public Health: That gays cause AIDS. Jews cause typhus. Blacks cause malaria. And just in case you doubt me, I have here in my hand...a thousand pages of "science."

And I have--not in my hand but attached to my testimony--examples of racist science--overwhelmingly parallel to what's happening now. I sincerely hope you'll read it.

Two days after Kristalnacht, Jews, already "proven" by unimpeachable science to be the "cause" of tuberculosis and typhoid fever--and already banned from INdoors-- were suddenly banned from....parks.

Next-- and I'm reminded of the Speaker's recent pronouncement that-- for now at least-- smokers could still *walk* in Times Square but they would not be allowed to *sit*-- next, the ban was extended to include public benches. Anywhere. Bus stop. Plaza. "Juden Raus."

Next, as you may know, they were entirely banned from sidewalks-- a proposal that even now is a gleam in the Council's eye when it comes to a smoker smoking (in other words, being himself)... and in the other eye is a gleam to evict smokers from their apartments.

Quote, Hans Frank, the Nazi governor of occupied Poland:

"It is unacceptable that representatives of the Reich should be obliged to encounter Jews when they enter or leave the house and are, in this way, liable to infection from epidemics."

Quote: Joseph Goebbels:

-C-

“Jews have always been carriers of disease. They should either be concentrated in a ghetto or be liquidated for otherwise they will infect the population.”

The only disease being spread through this city-- and sewn in this chamber --is the disease of discrimination, backed by overweening government. Call it Ashism, if you like. It infects populations and it kills civil society.

This is the road you're embarking on today.

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(\*) The point here is not in how the Holocaust ended, but in how it began, and the parallel appears to be undeniable.

\*\* “Surgeon General Favors Tobacco Ban,” Washington Post, June 4, 2003 P A 1  
“Ban All Tobacco: US Health Chief” Guardian, June 5, 2003  
Carmona is also on record as suggesting this before he was S.G.

# PREJUDICE AND PUBLIC HEALTH

## I. Toxic Strangers

And all of this was based on carefully-conducted-- and widely accepted--

### Public Health “science” :

**“It is unacceptable that representatives of the Reich should be obliged to meet Jews when they enter or leave the house and are, in this way, liable to infection from epidemics.”**

-Hans Frank, Nazi governor of occupied Poland, April, 1940<sup>1</sup>

**“The Jews have always been carriers of infectious disease. They should either be concentrated in a ghetto and left to themselves or be liquidated, for otherwise they will infect the population.”**

- Joseph Goebbels, Reich Minister of Propaganda, August, 1941<sup>2</sup>

**“JEWS=LICE=TYPHUS.”**

-posters in schools, streetcars, billboards in occupied Poland<sup>3</sup>.

**“In 1913, [ U.S.President Woodrow] Wilson ordered the segregation of toilets, cafeterias and work areas in all federal buildings [because] white government workers had to be protected from contagious diseases that...were being spread by blacks.”<sup>4</sup> <sup>5</sup>**

**“Jim Crow was viewed as a system of disease control. Segregation quarantined blacks to prevent them from infecting whites.” <sup>5</sup>**

**“DARKIES BATHING PROHIBITED.” <sup>6</sup>**

-sign at a public swimming hole, date, and place unknown

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<sup>1</sup>“Statements of Hitler and Senior Nazis Concernng Jews.”  
<http://www.ess.uwe.ac.uk/genocide/statements.htm>

<sup>2</sup> Ibid

<sup>3</sup> “The Warsaw Ghetto: Guide to a Perished City,” Engelking, Yale Univ Press

<sup>4</sup> “Dixiecrats Triumphant..” Charles Paul Freund. Reason, Dec 18, 2002

<sup>5</sup> “Segregation,” Steven F. Lawson, Rutgers, National Humanities Center.

<sup>6</sup> “Signs of Jim Crow,” <http://americanhistory.si.edu/Brown/history/1-segregated/images/darkies-bathing-1.jpg>

## II. The Vicious Circle

**“The medicalization of pre-existing prejudices occurs when the justification for excluding members of a particular group includes charges that they constitute a public health menace.”**

So goes the premise of the book, *Silent Travelers*, by history professor Alan Kraut who documents how science, hand in hand with Public Health, has provided the seemingly objective foundation on which, in good conscience, we can rationalize the irrational and then, in good conscience, isolate, denormalize and torment our fellow man. After all, such a fellow is no longer “our fellow man” but, in fact, a toxic stranger, “reduced from a whole and usual person to a tainted, discounted one,”<sup>7</sup> Who then, of course, “deserves” to be ostracized and shunned.

All of which, of course, simply feeds and intensifies that “pre-existing prejudice.”

But as Kraut goes on to demonstrate, the justifying science-- at every stage in history, in every part of the world-- has been proven to be a crock. (Fishing expeditions that “just happen to” yield a whopper. Statistics either cherry picked or carefully misrepresented.)

So Public Health experts have proven “beyond a doubt” that the Chinese immigrants (and not the plague of rats) were the cause of San Francisco’s epidemic of black plague at the turn of the 20th century<sup>8</sup>; that the Irish caused cholera, the Italians caused polio... and the Jews and people of color caused-- name it; fill in the blank.

As smokers are now accused of causing-- name it; fill in the blank.

## III. Doing Numbers

Statistics can prove anything. Actually, they can’t, but if you’re watching the dancing lady while the rabbit’s placed in the hat, you can think that you’ve seen magic.

You can even be made to think that your pet bias is based in fact.

So let’s begin with a couple of premises (as Public Health did): Yellow fever is caused by Blacks; typhoid fever is caused by Jews. Now let’s back it up with some Numbers (as Public Health did). And consider that these examples are only two out of hundreds more.

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<sup>7</sup> “*Silent Travelers*,” Alan Kraut, Johns Hopkins Univ. Press, 1995

<sup>8</sup> Ibid. Also “*Media Dependency, Bubonic Plague and the Construction of the Chinese Other.*” J.G.Power, Univ of Texas, Jnl of Communication Inquiry, 1995

¶ Yellow fever (caused by mosquitos) was neatly proved to be caused by blacks. Proved because-- by a stunning margin-- they contracted it more than whites so if whitey got it, he got it from blacks. And by very similar Numbers, blacks were vectors of typhus, too (though the cause of typhus is dirty water).

The Numbers, of course, were right but the thinking behind them, of course, was wrong. The reason behind the Numbers lay in geography, not genetics. The segregated neighborhoods were closer to stagnant water and further out in the woods (more exposure to more mosquitos) and the absence of adequate sewers and clean water led to disease..<sup>9</sup>

Discrimination and segregation were the actual major cause, but the Numbers led to... further discrimination and segregation.

¶ Statistics showed the Jews were the vectors of typhoid fever in a Krakow epidemic in 1941 because-- to quote a study-- "It has been attested that 92% of the cases are among Jews, who, in the untidyness of their lice-filled clothes, carried the germs through the whole city" thus infecting the non-Jews.<sup>10</sup> In a similar game of Numbers (that were similarly derived,) the Jews were accused of "causing" tuberculosis in New York City in the 1880's and '90's.<sup>11</sup>

But the actual reason here lay in culture, and not genetics. Those totally damning stats were based on hospital admissions. Sick Jews go to the hospital (sick Others apparently didn't). And as later statistics showed there were actually fewer cases, and fewer corpses, among the Jews-- from both typhus and TB-- than in other comparative groups.

But since nobody had a reason or an overriding agenda for accusing another group, the real statistics weren't reported and the prejudice gained a plank. (*For sanitary reasons, "the Jews must be chased out of our residential districts and made to...keep to themselves and come into contact with Germans as little as possible."*)<sup>12</sup>

And painting-by-the-Numbers isn't merely a ghost of the past:

¶ In 1983, a statistical connection between Haitians and HIV led to thousands of healthy Haitians being evicted, losing their jobs, and being ostracized by the public in the interests of Public Health.<sup>13</sup>

<sup>9</sup> "The Limits of Jim Crow," Werner Troesken, Univ of Pittsburgh, 2001

<sup>10</sup> Engelking, op cit

<sup>11</sup> "Plague, Pox and Pestilence in New York," Kipple, B & N Books, 1997

<sup>12</sup> From *Das Schwarze Korps* [SS] Newspaper, cited in "Murderous Science," Muller-Hill, CSHL Press, 1998, p. 48

<sup>13</sup> Kraut, op cit. Also Kipple, op cit. Stats from the CDC.

#### IV. Doing Similar Numbers On Smokers.

97% of the studies fingering smokers as “causing” disease (through the lethal weapon of secondhand smoke) have been decided by doing Numbers, with the Numbers determining “risk.”

Note that “Risk” doesn’t mean “occurrence.” Any pedestrian crossing a street will have a tremendously higher risk of being hit by a speeding biker than, say, his counterpart pacing the den. But this doesn’t mean that phenomenal numbers of strollers are hit by bikes or that every mortal should stay in the house.

Then, too, almost every study is based on subjects in longterm marriage-- nonsmokers married to smokers compared to nons married to nons-- the “long term” being 40 years. And yet the direst statistic touted is that the risks if you live with a smoker (through a marriage of 40 years) are only 19% higher than that of hermits who live in caves<sup>14</sup> (Other studies, of equal import, show the additional risk is nil.<sup>15</sup>)

But let’s proceed with the 19% (though kindly remember it isn’t Cases or Numbers of People it’s “added risk.”) What does 19% mean? Here’s the word from a couple of experts:

The National Cancer Institute: "RRs [relative risks] of less than 2 [100%] may be due to chance, statistical bias, or effects of confounding factors."

The International Agency for Research of Cancer: "RRs of less than 2 [100%] may readily reflect some unperceived bias or confounding factor."

The editor of the New England Journal of Medicine: "As a general rule of thumb, we are looking for a relative risk of 3 [200%] or more before we accept a paper for publication."

The director of Drug Evaluation for the FDA, Robert Temple: "My basic rule is that if the relative risk isn’t at least 3 or 4 [200%-300%] forget it." <sup>16</sup>

And to put that in further context, a 24% added risk has been dismissed by the experts as

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<sup>14</sup> Additional risk of lung cancer, EPA Report, 1992. Other studies report the same, though still others report none--meaning NO additional risk. Same results for studies on heart disease. Additional risks of 0 or up to 23%.

<sup>15</sup> **No additional risk:** Enstrom & Kabat (2003); Janerich (1990); Wu-Williams (1990); Garfinkel (American Cancer Society) 1981, 1985; Bofetta (1998); Brownson (1992); Minowa (1981); Shimuzu (TK); Kabat & Wyder (1984, 1987). All peer-reviewed and published, and this is only a partial list.

“tiny”- so tiny that it’s “possibly not real” (breast implants); 60% as “miniscule” (calcium channel blockers); 80% as “irrelevant” (selenium); and 280% as merely “statistical static” (electromagnetic fields).<sup>16</sup>

So even if you imagine that the 19% is true and think that 19% is risky-- that electrifying statistic *is based on marriage of 40 years*.

And do you really think it applies to passing whiffs from a outdoor bench?

Indeed, there are also studies that deal with actual physical change. For example, the ones concluding that heavy doses of secondhand smoke can narrow arteries, thicken blood. But what promoters will fail to tell you is that *other* studies have shown that arteries narrow and blood thickens as the body’s response to...*a meal!* Or to driving in morning traffic! Or to having a bad hair day! or to making a public speech!<sup>17</sup>

And yet a final thing to consider is that chemicals found in tobacco are found plentifully in your food, and found in your water, and found in your house, or come from combustion-- any combustion; they come from your stovetop, and come from your car, and romantic candles on restaurant tables and simply surround you in ambient air .<sup>18</sup>

But what does it really matter? You’ve been “educated” to finger those “disgusting” “dirty” “stupid” “smelly” “addicts” for all that’s wrong.

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<sup>16</sup> NCI Release, 10/26/94; (IARC) "Statistical Methods in Cancer Research, V.1, 1980; "No Convincing Evidence of Carcinogenicity," Comments to National Toxicology Program, 2/8/99 quoting Marcia Angell and Robert Temple

<sup>17</sup> "Study Reports Small Risk If Any from Breast Implants," NY Times, 2/28/96; "Heart Attack May Have Tie To Drug: Scientists Dismiss Risk as 'Miniscule'" NY Times, 3/12/95; "Study finds no anti-cancer role," NY Times, 4/18/95; "Evaluation of Potential Carcinogenicity of Electromagnetic fields," EPA Review, 10/90, also PBS "Frontline," 6/13/95

**Food:** "Acute effects of...carbohydrates on endothelial function," Lavi et al, J Am Coll Cardiol, 2009:53; also Rudolph, Am J Clin. Nut, Aug, 2007; also Plotnick, JAMA, 1997:278. **Traffic jams and bad hair days:** "Anger is Hostile to your heart," Kawachi, Harvard Univ Gazette, 11/7/96; **mental stress and public speaking:** "Mental Stress Induces Transient Endothelial Dysfunction," Ghiadoni et al, Circulation, 2000: 102; also Sheps, Circulation, 2002, also JAMA 2002:283

<sup>18</sup> EPA's "National AQ and Emission Trends" Urban air contains notable doses of arsenic, benzene, toluene and most other "toxins" that scare you in smoke.



## V. Parallel Propaganda: (All that's different here is the noun.)

- A. **Health columns in Nazi newspapers offered a healthy tip:  
“Stay clean and avoid Jews.”<sup>19</sup>**

**Health columns in U.S. newspapers offered a similar tip:  
“For your health, stay away from smokers.”**

Not just once, but again and again:

*Orlando Sentinel*; “Avoid smokers.” *Chicago Tribune*: “Avoid smokers.” *A.P.*: “Surgeon General’s advice to Americans: ‘Stay away from smokers.’” *Southwest Missourian*: “Surgeon General: Stay Away from Smokers.” *Kansas City Chronicle*: “Stay away from smokers.”<sup>20</sup>  
There’s more, but the point is made.

- B. **“Jews, in the untidiness of their lice-filled clothes carr[y] germs throughout the city” and contaminate all around them.”**

**“Smokers themselves are contaminated..[Even when not smoking] they emit toxins.”\*.... “The invisible but toxic brew of gases and particles clinging to smokers’ hair and clothing” has “now been proven deadly and capable of causing cancer as well as nerve damage, especially to children.”<sup>21</sup>**

*Are you honestly and seriously ready to believe that ? You, who once were cuddled by a smoking uncle or aunt, if not a smoking father and mother? You, who once --admit it now-- probably smoked yourself and held your children and... what? killed them? And if you will in fact, believe that merely sitting next to a smoker --to a smoker *who isn't smoking*-- can give you cancer and damage your nerves, then you’ve abandoned logic and reason for the comforts of tribal bias. (And of course these allegations haven’t ever been “proven.”)*

## VI. The manufacture of hate and fear.

**“If children are told to avoid smokers because they are dirty or diseased or bad, they are really being taught that they must be afraid of them. This kind of fear also produces hate.”-*Ebony Magazine, 10/64***

<sup>19</sup> Avoid Jews: Engelking, op cit; Avoid smokers: St Petersburg Times, 6/28/06

<sup>20</sup> Papers as noted: June 27–July 4, 2006

<sup>21</sup>\*J. Winickoff, *Sci. Amer.* 1/6/09; (21)John Banzaf, ASH Press Release, 10/5/10

Of course, *Ebony*, at the time, wasn't really writing of smokers; the actual word in the line was "Negroes," though the sentiment stays the same. The only difference, perhaps, is that racism has a long and disgraceful history; hatred of smokers was purposely made--manufactured through propaganda (daily articles; dubious "science").

For how inflaming (and how successful) this inordinate pitch has been, we can offer a few examples from our collection of 50 pages, including columns, letters to editors, public health ads, online posts, and flaming hate mail received by CLASH. But let's open with Public Health:

*Smokefree New York*: **"If somebody asks you if you are a smoker, answer them the same way you would if they asked if you were a Nazi or a child abuser."**

*American Heart Association, TV spot*: "A gas chamber is a chamber filled with poisonous gas. If you're with someone who's smoking, you're in one right now."

*CDC, Print ad and billboard*: "People exposed to secondhand smoke at work are 34% more likely to get lung cancer. (And you thought the long hours were killing you.)" (c. 1993)

Apart from inciting pitched battles in the workplace, this message is untrue. It selectively chose the results of a single workplace study (Fontham, 1991) while ignoring almost *all* other workplace studies: Brownson/National Cancer Inst, 1992: "no elevated lung cancer risk associated with passive smoking in the workplace;" Janerich, 1990: "no evidence of an adverse effect from workplace exposure;" Shimuzu, 1988: "no association;" Garfinkle, American Cancer Soc, 1986: "no...;" Lee, 1986: "no...;" Kabat, 1984: "no..." And so on and so on, dozens more saying No.

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*Reason Magazine* summed it all up: **"Our tax money is being used to sponsor anti-smoking propaganda--official hate speech from the state. Anti-smoking billboards and TV commercials are aimed at encouraging the average citizen to... loathe smokers."** (7/94)

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### **Loathing smokers: newspaper columns (3 out of scores):**

*New York Post (2003)*: "At last smokers have been banished to the street corners and alleys where they belong... Smokers are the degenerates of society."

*San Gabriel CA Valley Tribune*: "Smokers are rude louts with all the class of rotting maggots."

*Winnipeg Free Press*: "Reducing smokers to pack animals huddled in parking garages has been wonderful to watch."

**Down and Dirty: Newspaper Letters, Posts, & Hate-Mail (8 out of 100's)**

“I’m glad Mayor Bloomberg and the council have realized that smokers have no rights... They are spineless humanless addicts... lower class, mentally challenged and gay. They ought to get out of America.”

“I have always considered smokers not only niggers but stinking inconsiderate shitasses. We have them on the run and I intend to keep it that way.”

“Smokers are anti-social scumbags.”

“If you know of ways to make it miserable for smokers.. let us know. We are looking first for civil ways to stop [them] but are prepared to use force if necessary.”

“Round up all the smokers in California and truck them to a fenced-in area in Utah.”

“I hope you all get cancer.”

“If you want to do society a favor, kill yourself quick and save us a lot of money.”

“I hope all you smokers die of cancer, but slowly and painfully...and wouldn’t be allowed treatment. I look upon you as second class citizens and wish you would all die.”

**Violence : No Surprise (and just a few examples of many):**

“Cabbie Shoots, Kills Smoker” “Pregnant Smoker Attacked for Smoking Near Mall”; “Man Gunned Down After Smoking Row”; Girl Tortured,: her smoking blamed for Roommate’s Miscarriage, “Boy Beaten To Death” (on false suspicion of giving cigarettes to the younger brother of his assailant).

By way of a quick conclusion:

**Crusades typically start by being admirable, proceed to being foolish and end by being dangerous. The crusade against smoking is now.. in its dangerous stage... [T]he true crusader doesn’t stop at burning the village, killing the women and children and making off with the cattle if that’s what it takes to purify the world.” -**

*Russell Baker, NY Times, 5/ 31/94*