



# THE AMERICAN CONSERVATIVE UNION



The Honorable Margaret Hamburg, M.D.  
Commissioner  
Food and Drug Administration  
5600 Fishers Lane  
Rockville, MD 21244

Dear Commissioner Hamburg:

The signers of this letter, representing millions of American concerned with the role of government in their lives, wish to express concern over how the Food and Drug Administration (FDA) is exercising its new authority over tobacco products. While we understand that your agency must proceed to implement the new law, we believe that the FDA---while citing its public health mission---is instead laying the groundwork for an unnecessary regulatory initiative that diminishes consumer freedom and personal choice.



Our concern centers on the current FDA examination of menthol cigarettes, which could lead to an FDA edict to ban menthol cigarettes.



The FDA's Tobacco Products Scientific Advisory Committee (TPSAC) appears to have begun this examination with the preconceived goal of prohibiting cigarettes, a step the FDA is specifically barred from seeking. We fervently hope that the FDA process, now just underway, is not a façade for a foregone conclusion regarding menthol cigarettes.



Our nation faces the challenges of widespread and needless interventions into everyday life. But where products are legal, where there is a lack of hard biological science indicating a negative impact on health, the federal government in our opinion should not dictate behavior to the American people.



Like many regulatory proceedings, the issue of whether to ban menthol cigarettes concerns questions of freedom and responsibility on one hand and, on the other hand, the use of government force to compel preferred behavior. On that spectrum, our beliefs are firm: We do not believe that the government has the right to compel preferred behavior. Our concern is heightened by reports that at least two members of TPSAC, which will issue a recommendation on whether menthol cigarettes should be regulated differently, have unambiguously clear financial conflicts through their work on smoking cessation products that would financially benefit if menthol cigarettes were to be banned.

We do not maintain that tobacco use is a good thing, but that the use of it



and other legal products should be determined by the individual. We urge you as Commissioner of Food and Drugs to ensure the panel relies only on clear biological science, and end this needless intrusion into Americans' lives.

Thank you for consideration of this request.

Signed,

David A. Keene  
Chairman  
The American Conservative Union

Grover Norquist  
President  
Americans for Tax Reform

Duane Parde  
President  
National Taxpayers Union

Terrence Scanlon  
President  
Capital Research Center  
Former Chairman, Consumer Products Safety Commission

Jim Martin  
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Tom Schatz  
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Bill Wilson  
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Lew Uhler  
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Andrew F. Quinlan  
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Less Government