

AirSpace S4E2 Nicotine Stain

Matt: Right. Why not have a press conference?

Nick: Why not have a press conference?

Emily: Why not have a press conference?

Music in and under

Emily: Welcome to AirSpace from the Smithsonian's National Air and Space Museum. I'm Emily.

Matt: I'm Matt.

Nick: And I'm Nick.

Matt: It wasn't all that long ago that smokers could light up a cigarette and puff away anywhere they wanted, at work, in a restaurant, doctor's offices, and on any commercial flight.

Nick: It took years and years of research, lobbying, and litigation to first prove that secondhand smoke was dangerous and deadly, and then start to get it out of public places. And the work of flight attendants was a huge part of banning smoking on airplanes and subsequently from other areas of our lives.

Emily: Flight attendants were trapped in smoke-filled cabins and fighting for a breath of fresh air. Today we're talking about the lawsuit they brought against the tobacco companies and the ripple effects it caused that played a huge role in the smoke-free public places we enjoy today.

Music out

Nick: Can anyone even really remember, or at this point, imagine an airplane cabin full of smoke on like a jaunt from Cincinnati to Dallas. Like, I'm having trouble relating to the idea that smoking was ever allowed in that kind of enclosed environment.

Matt: Well, I remember it, but mainly from flying in Europe and Russia, where it was a lot more common. But yeah, I mean, this is in our own lifetimes that smoking was still happening on airplanes.

Emily: I mean, the only thing I can compare it to is when you get on an airplane and it's clear that somebody put on too much perfume that day and how... when you're tired, and tired of traveling and you just want to get home, how disruptive it feels that somebody else is interfering with your sort of personal air space.

Nick: Yeah, that's good. Yeah. You got to work in the name of the show.

Emily: It's impossible for me to imagine what it would be like to be on an airplane where even a single person was smoking when I think about how disruptive it is when somebody, one person, has put on too much cologne that day.

Nick: Yeah. And one thing that I've learned as we were moving through this story is just how much credit those flight attendants deserve, not just for having had to work in this supremely toxic environment, but for leading the fight that eventually resulted in smoking bans on airplanes and then in other public places, which is why we can kind of take for granted nowadays that smoking on airplanes isn't a thing that we're subjected to, and we enjoy breathing freely in a lot of environments. And early flight attendants or flight attendants in the 1960s and 70s were a huge, huge part of that movement.

Emily: Yeah. And I think Patty Young did a really good job of kind of describing what this felt like, what this experience was like. She started as a flight attendant in 1966 for American Airlines.

Patty Young: Well, when smoking was on board, especially back in the '60s and '70s, you could hardly see from first class to coach, there was so much smoke. And you could smoke anywhere on the airplane, in the bathrooms, in the aisles, on the jump seats, any seat, and in the cockpit. And if you could climb in the overhead rack that we used to have back then, you could smoke in the overhead rack.

Emily: When Patty started as a flight attendant, she was told about the impact that all the passengers smoking was doing to her colleagues and what she should anticipate experiencing.

Patty Young: So, flight attendants first told me when I started flying. The first thing, "Patty, you're going to meet interesting, gorgeous men. You're going to go to beautiful places. Patty, I have the lungs of a smoker and I never smoked. That's what my doctor told me."

Nick: So, I guess the first thing that might be helpful to know about Patty as we're getting started on this story is that she refers to herself as a street fighter, which is not typically how you envision a flight attendant from the 1960s and '70s characterizing herself. But that's exactly kind of how she approached this and the mindset that she took when she got into this profession that she really cared about and enjoyed a great deal, except that she would come home from work, basically, dripping nicotine from the exposure of all of the secondhand smoke.

Patty Young: And within about 30 minutes, there was so much smoke. You would see a dark brown ring around your blouse on the inside. You would see a dark brown ring on your sleeves, underneath, because of the nicotine in the air. And it was as toxic as can be. It was uh, I had never had headaches before 20 years old, and as soon as I started flying, I got migraine headaches all the time because of it. So it was...the definition of nicotine is a toxic poisonous substance, period, used in insecticide. So, that tells you just about all you need to know about it.

Matt: Yeah. I mean, it kind of feels like you are also smoking or you're hanging out in a cocktail lounge with a thick layer of smoke surrounding everything. I don't really remember the days back when everyone was smoking on airplanes, but I remember the time when in the back of the airplane, there was a smoking section and the people back there were smoking. And regardless of the fact that they were supposedly isolated from the rest of the plane, that smoke moved everywhere through the plane and you really couldn't escape it.

Nick: And that's actually a really good way to term it where it feels like you're smoking, because that was kind of the effect, particularly for these flight attendants who were hours and hours in this

environment as part of their job. There really was no difference between them being non-smokers working in a smoke-filled environment and them smoking. Some of them developed all of the same ailments, diseases and challenges that longtime smokers were experiencing because they were, in effect, smoking for hours and hours each day.

Emily: Yeah. And I think it's this pervasive feeling, this feeling of inescapable environments in your workplace is, I think, a really big part of what inspired Patty to kind of talk and share her experiences with other flight attendants. With other passengers. She is really well known for sort of captivating audiences of passengers up on her flights. And a lot of this sort of sharing kind of got her into trouble, but it didn't really deter her because it was something she was really passionate about. She's that personality who wants to work hard to right wrongs in this world. And so it actually gained her this reputation, especially among flight attendants, as somebody to sort of turn to when they were experiencing health problems as a result of their jobs.

Matt: So when you say talking to people on the flights, you're not just talking about, she made a lot of smalltalk. She actually was speaking her mind and talking about these issues that she cared about, including her own health and the health of her colleagues. Liesa Sudderth was one of the flight attendants who approached Patty about the health troubles that she was experiencing. This is a clip of her talking to The Center for the Study of Tobacco and Society in 2014.

Liesa Sudderth: I kept hearing, "Well, if it bothers you that much, there's a flight attendant named Patty Young. And she's always talking about getting smoking taken off the airplanes, maybe you should go and talk to her." So I put a note in her box. And I said, "Hi, I'm new hire flight attendant. This is my name. And everybody says that you're the expert on no smoking and if I'm interested in getting smoking taken off the airplane, I need to talk to you. Here's my name. Here's my phone number." And she called me, and that was the beginning of a wonderful twenty-five-year friendship. And the next thing I knew, she had all these petitions and she turned me into an activist and she got me very excited and very passionate about making it a smoke-free workplace.

Matt: Talking about these problems and sharing stories with your colleagues and with your passengers, that's one way of initiating some conversation and getting action going. But really, we know that change takes more than that, it takes collective action. So what Patty did was she started a petition and started getting all of the flight attendants that were experiencing these same things and having the same complaints to sign on so that they could try to get smoking off the planes.

Emily: So during the same time that Patty was working on collecting information and trying to get folks really mad about their working conditions, around 1970, a law professor named John Banzhaf at George

Washington University here in the District of Columbia, gave his students an assignment. And they had to bring legal action to try and fix something they saw as wrong.

John Banzhaf: And my students, my law students decided that they would try to do something about indoor air pollution. At the time, there was virtually no evidence that second-hand tobacco smoke was any more than a mild annoyance, an irritant. But they filed a petition with the CAB, Civil Aeronautics Board, and agency which no longer exists, and asked for this radical idea of separating smokers and non-smokers.

Emily: And the spectacular thing about this group of students is this wasn't just a class assignment. This was a real case that they were working on. And it was a case that they won. In 1973, the Civil Aeronautics Board put out this regulation that created separate smoking and non-smoking sections on airplanes, which I also don't remember. Matt, do you remember what having separate sections was like?

Matt: I do remember that. Yeah.

Emily: Is it any better?

Matt: No, it's not any better. The smoke moves everywhere.

Emily: But to a certain degree, this was a step in the right direction, right? I mean, instead of the entire plane smoking, it was just half the plane, maybe?

Nick: I think it was, at least, a tacit if ineffectual acknowledgement that not smoking was something that you should be able to choose to do.

Emily: Right. And it was this case that John's students brought that really pushed John into this passion for fighting for non-smokers rights.

Musical transition

Matt: So bringing a case before a court, before a judge and getting legal action is one way to get change. Another way is to go straight to Congress.

John Banzhaf: Well, what I did first was to schedule the flight attendants to testify before the House of Representatives' Aviation Subcommittee. Unfortunately, they were scheduled to testify last after all the more important people like every Senator and every representative who wanted to say that smokers had a right to smoke. And because of that, and because of delays during the day, I remember sitting there until about 10 o'clock at night, when finally they got to testify. And needless to say, virtually, nobody was there, all the reporters had left. It got almost no publicity.

Nick: And the legal system is very regimented, but once you're testifying before Congress, there's a big court of public opinion aspect to it. So if you're already trying to shake the tree, then you might as well make some more noise while you're at it.

John Banzhaf: And so, several weeks later, I scheduled a press conference at our law school and invited Patty Young and many of the other flight attendants to come to that press conference, sitting in a small classroom at our law school, and to testify how second-hand tobacco smoke effected them.

Patty Young: *--fade in--* Every time a smoker lights up and blows the toxin filled smoke at my body, he or she tells me exactly how they feel about my rights as a non-smoker without saying one word. In response to this silent abuse, I must be verbal, I must speak out and say that I will not be abused by them any longer. *The--fade out and under--*

Emily: John and Patty actually taped the press conference so that they could repackage it and distribute it to a variety of news stations so it could be played to the general public and they could actually hear the argument that they were trying to make to Congress. And they actually really successfully got the word out this way by humanizing the flight attendants that were experiencing these really dangerous environments and really let people know how much flight attendants were suffering.

Matt: Right. And it wasn't just limited to the news, they also got onto some high profile talk shows like Oprah and got their opportunity to make their case directly to the public through the sort of the channels that people trust and watch and listen to.

Nick: Because when the courts are moving too slowly and Congress is not hearing your case, you go to a higher power, Oprah Winfrey.

Emily: Oprah Winfrey.

Matt: That's right. There's nothing, no higher power in this land than Oprah.

Musical Transition

Nick: Let's remember that this was a long fight and it took many years. And at this point, when they have the hearing on Capitol Hill and the press conference, we're into 1989, we're in the late '80s at this point. And at this press conference, someone came up to Patty and said, "if you ever meet anyone who is experiencing serious smoking related health problems and has never been exposed to secondhand smoke except on airplanes and has never themselves been a smoker, you need to contact this pair of lawyers, Susan and Stanley Rosenblatt in Miami, Florida." And then Patty got a call from Norma Broin.

Patty Young: She had lung cancer and had surgery for it and wanted to do something about it. And all the flight attendants said, "You got to contact Patty Young. She's been working for years to get it off the airplane." So she contacted me. And I said, "I know of two lawyers in Miami that you need to meet and you need to go down to Miami." She was living on the West Coast and there, of course, in Miami. AND so she finally, took her a year to get there. But she went down to meet them and they took it on as a class action suit, not a personal suit.

Matt: So Norma wasn't just suffering ill health effects from the exposure to secondhand smoke, she actually had terminal lung cancer. She was young, she was a Mormon, she didn't smoke herself and she'd never lived around other smokers.

Nick: And yet she was critically ill from cigarette smoke exposure and had actually been told by her doctors that her cancer was terminal.

Matt: Right. It doesn't get much more tragic than that, right. You've made good health decisions. And yet, suddenly, you're suffering the effects of something that you've avoided your whole life.

Nick: Yeah. It doesn't get a lot worse than that and it doesn't get a lot more clear cut. When you think about the kind of case that the Rosenblatt's we're looking for, here was someone who came from a family that didn't smoke, didn't smoke themselves, and not only had developed these critical, extreme health problems from being exposed to secondhand smoke, but all of that secondhand smoke was on airplanes. Like, she was a flight attendant, this was clearly the cause of her cigarette exposure. And that's why this became the case to represent flight attendants and the health risks that they were experiencing because of secondhand smoke on flights.

Emily: So the name of the lawsuit is Broin v. Philip Morris, and it pitted some 30-named nonsmoking flight attendants representing all of their fellows against the tobacco industry. And they filed this suit in 1991, which was just a couple of years after the 1989 press conference.

John Banzhaf: When this phase one victory came down, it opened the door for more lawsuits by non-smokers in Florida, it encouraged and emboldened other non-smokers, and more importantly, other lawyers in other states to say, "Well, if this tiny little ma and pa firm down in Florida can win this suit against the major tobacco companies, well, I'll take it on on behalf of Mr. Smith here in California or Mrs. Jones in Oklahoma." And that started, again, a whole new raft of lawsuits.

Emily: There's just a lot of different things going on. It feels like it's in a really short period of time, it's a little bit spread out, but there's kind of this snowball effect of people starting to recognize the ill effects of secondhand smoke in a lot of different environments, not just airplanes. And so there's kind of this big laundry list of legal actions that are kind of happening against the tobacco industry at around this same time.

Matt: Right. And some of these are not only about discovering places where people were being affected by secondhand smoke, but also discovering and proving that the tobacco industry had known about the harmful effects of not only smoking, but of secondhand smoke for some time and it hadn't done anything about it.

Nick: The phrase gradually and then all at once comes to mind because, certainly, Patty and her compatriots had been fighting this cause for a long time. And a lot of other people had as well in different areas of the movement. But then, it kind of felt like things started to hit all at once. And one

big one that folks may remember, because it was a movie, was the whistleblower Jeffrey Weigand who worked for the tobacco companies and went public with proof that the tobacco companies knew that cigarettes were addictive and knew that there were these extreme health risks and they had been denying it for years and years and years.

Matt: The dam had been showing cracks in the late '80s, but it started crumbling down in 1990.

Nick: A series of laws and regulations were passed around that time banning smoking on all flights under two hours, beginning of 1988. And then the big one, the one that has an anniversary on February 25th, was in 1990 when Congress banned smoking on all domestic flights under six hours, which was basically all flights. There were only a handful of flights that were over six hours in the domestic United States. And finally in the year 2000, smoking was banned on all flights into or out of the United States.

Patty Young: If there is a little tiny cafe in Pango-Pango that is smoke-free, that win came out of our 31-year fight to get smoking off the airplane.

John Banzhaf: So the entire non-smokers rights movement, which now includes smoking bans in most of our states, in many of our Western countries, really grew out of the original petition that my law students filed. And then with the help of the flight attendants, dramatizing, humanizing, spreading the word about the real dangers of second-hand tobacco smoke, they're really the heroes.

Emily: And just for a little bit of context, because I think it bears repeating, the case brought by the flight attendants to the tobacco companies was in 1991. So, there's kind of this long progressive history that brings you to this ban that Nick was talking about, this ban in 2000 to ban it on all flights. But I think it's really important to try and remember sort of the length of this story.

Nick: And this is a good moment, I think, to revisit how it's hard for us to relate to the mindset that permeated before the current era of no smoking on airplanes, don't smoke in restaurants, that kind of thing. You're talking about all of these lawsuits trying to move forward and trying to make progress, but tobacco companies have really expensive, ruthless lawyers. Like, that's kind of the cartoon of the lawyer in your mind is the guy that represents the tobacco industry. And the mindset at the time was that they had limitless resources. They had limitless money, they had a lock on this industry and it was never going to change. That is until they started losing some of these cases.

Matt: Yeah. Once that precedent was set, it really opened the flood gates. Right. Those lawyers no longer seemed like an impenetrable wall.

Nick: Yeah. It almost feels like the question of whether or not smoking is bad for you... It's hard for me to relate to the idea that anyone would believe that smoking had no ill effects because we've grown up understanding how dangerous and how addictive it is. The idea that the popular mindset and the official answer was that there was nothing wrong with it, it kind of feels as unapproachable as big tobacco will never lose because that's just the way things are.

Music altransition

Nick: So we talk about these things playing out over the course of years, the Broin v. Phillip Morris, et al, suit was, as we've said, brought in 1991. And it wasn't settled until 1997. It was settled out of court for \$350 million from the tobacco companies that went to endow the Flight Attendants Medical Research Institute, which is a nonprofit that funds research into secondhand smoke and other medical issues facing flight attendants.

Emily: And I think that's a really, this is going to sound really trite, it's a really special way to have this case settled, right? They didn't win the case, right, they settled. It's a different kind of winning. And I think what's really spectacular about it is that there wasn't this sort of dishing out of a couple thousand dollars here and a couple of thousand dollars there to individuals, it really went to the greater good towards protecting flight attendant's rights by doing the research into creating environments that are safer for them to work in. And ultimately, they're the safety professionals, right? I mean, keeping them safe keeps us safer.

Music up and under

Nick: So Patty Young still lives in Texas and she is still very outspoken about causes she's passionate about. And she's currently working to get doctors to ask more questions about secondhand smoke exposure and to make medical communication better and healthier on that front.

Emily: And John Banzhaf still teaches at George Washington University and he's still really active in advocating for non-smokers rights. And he's especially passionate right now about working on rights for children to live in smoke-free environments.

Matt: AirSpace is from the Smithsonian's National Air and Space Museum. You can follow us on Twitter or Instagram @airspacepod. AirSpace is produced by Katie Moyer and Jennifer Weingart, mixed by Tarek Fouda and distributed by PRX.

Music out

Emily: Science, guys, science.