Congress of the United States
House of Representatives
Washington, DC 20515

February 22, 2005

The Honorable Alberto Gonzales
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Attorney General:

We are writing to express our support for the Justice Department aggressively pursuing the landmark case against the tobacco industry. The major reforms achievable through this single lawsuit can save hundreds of thousands of lives and stop millions of children from ever starting to smoke.

With so much at stake, the Department's recent decision to petition for rehearing *en banc* of the ruling barring the disgorgement of tobacco industry profits was exactly right. It is our view that the three-judge panel misinterpreted the RICO statute, and that the appeals court as a whole should reverse the decision. The disgorgement of profits is an appropriate penalty for an industry that has earned hundreds of billions of dollars by lying about their deadly, addictive products.

But even if the final judicial decision is that the disgorgement of profits is not permitted under RICO, the litigation can still achieve a lasting public health victory. RICO permits the trial judge to impose a wide range of other remedies, including:

- Appointing a public trustee to manage tobacco companies to make sure that they do not continue to violate the law;
- Appointing a monitor to directly oversee advertising and marketing efforts of tobacco companies to ensure that they are not misleading the public or marketing to children;
- Forcing companies to fund a national smoking cessation campaign, involving an independent advertising effort, the expansion of smoking quit lines, and access to therapies proven to work;
- Barring deceptive terms like "light" and "low tar" that have helped to convince millions of Americans to keep smoking instead of quitting; and
- Restricting tobacco advertising and marketing to the extent permitted by the First Amendment.

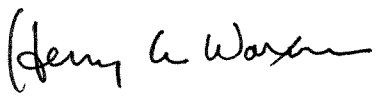
Such measures could prove to be a turning point in America's struggle against tobacco-related illness and death. Each year, more than 400,000 Americans die from tobacco use, and

each day, more than 3,000 youth start smoking. A victory in the Justice Department's case could break this devastating cycle.

Such a historic opportunity must not be squandered. It is no secret that the tobacco industry is hoping that the Administration will pursue a quick and lenient settlement that clears the way for decades of virtually unbridled marketing of its deadly products. We urge you to reject any sweetheart deal.

The Justice Department must continue to aggressively pursue this case on behalf of the American people.

Sincerely,



Henry A. Waxman
Member of Congress

Martin T. Meehan
Member of Congress