

10. draft material. Privileged and confidential information.

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- Second, we have pursued an active media strategy to convey our points to the public.
- Third, a number of third-parties and independent groups also have been quite aggressive in pointing out that FDA is stretched too thin, and is a victim of its own bureaucracy and its power hungry leadership.

Perceptions of Commissioner Kessler's overbearing presence are coming from increasingly varied sources, including members of Congress from across the political spectrum.

~~For example, House Speaker Newt Gingrich has called him a "bully" and a "thug."~~

(X) And liberal Democratic Senator Barbara Mikulski has accused Kessler and his agency of being more involved with their own agendas than with the people they are supposed to serve.

(A) To date, neither Commissioner Kessler nor Congress has moved to place jurisdiction over cigarettes under FDA.

The subcommittee where Commissioner Kessler gave testimony is no longer headed by Henry Waxman.

And the primary sponsor of new legislation to place tobacco under FDA regulation, Mike Synar, lost his bid for re-election last fall.

So FDA has a lower profile for us today than it had a year ago.

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