Remembering to Forget: The Historic Irresponsibility of U.S. Big Tobacco

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Conflict of interest: Diego M. Coraiola declares that he has no conflict of interest. Robbin Derry declares that she has no conflict of interest.

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> "It was life in the notebooks […] Big, black notebooks. They were three-ring binders, and they looked innocent enough, but those books… it was our Bible […] They were real. Everything was scripted. The script was etched in stone" (Veritas talking about the tobacco industry's strategy, as cited in Kessler, 2001, p. xi).

Abstract

Society increasingly demands corporations to be accountable for their past misbehaviours. Some corporations engage in forgetting work with the aim of avoiding responsibility for their wrongdoings. We argue that whenever social actors have their past actions called into question and engage in forgetting work, an ethics of remembering takes place. A collective project of social forgetting is contingent on the emergence of coordinated actions among players of an industry. Similarly, sustained efforts of forgetting work depend on the continuity of the project through various generations of employees, which presumes the existence of frameworks of remembering in place. We analyzed this paradox through a historical case study of the U.S. tobacco industry. We conclude that forgetting work may be a double-edged sword. It might be beneficial in the short run, to the extent that corporations can successfully maintain the public ignorance about their deceitful pasts. In the long run, however, it creates additional layers of historical irresponsibility and may turn into a compounded liability in the event the memory of the collective strategy of social forgetting becomes public.

Introduction

Society is becoming more sensitive to and less tolerant of cases of corporate misbehaviour. This has been fueled by the emergence of a new consciousness about corporate social responsibility (CSR), the transparency revolution promoted by new technologies such as smartphones and the internet, and the successful mobilization of collective action against irresponsible corporate practices (Laszlo and Zhexembayeva 2011). At the same time, cases of corporate misbehaviour appear more frequently in the media, attract less global attention, and seem to be more quickly forgotten. Except for a few major events (e.g. Bhopal disaster, BP oil spill, Rana Plaza fire), many irresponsible acts do not become major media topics and remain unnoticed for the largest part of the population. In addition, the fragmented ownership structure of many corporations and their distributed operations across the world helps to shield them from public scrutiny. Moreover, organizations might act strategically to minimize the damage of event-stigma (Hudson 2008) and repair negative effects on legitimacy and reputation (e.g. Elsbach & Sutton 1992; Hearit 1995). These forces seem to result in the rapid spread of news about corporate misconduct, but also the rapid fading of memories of misbehaviour from the collective conscience.

Remembering and forgetting are important, although still understudied components of corporate wrongdoing. The relevance of the past and the role of history and memory for corporate social responsibility have only recently attracted scholarly attention. The contours of two interrelated approaches can be distinguished. One approach emphasizes the political negotiations of the past and the engagement of organizations in "forgetting work" as a strategy to obliterate past

misbehaviour and minimize the consequences of their shameful practices (Mena et al. 2016; Bell 2012). A second approach focuses on historical accountability and the moral consequences of past corporate misconduct. It is centered on the historic responsibility of managers and organizations (Schrempf-Stirling et al. 2016; Schrempf 2012) and how they deal with the (re)discovery of their tainted pasts (Booth et al. 2007; Janssen 2012). These approaches have expanded and enriched the research agenda on CSR. However, they have not yet been combined in a single study.

We bring together both approaches to generate a better understanding of the relationship between forgetting work and historical accountability. Our research looks at the way corporations promote social forgetting, i.e. develop strategic efforts to make other social groups forget or remain ignorant about important issues, to avoid taking responsibility for past wrongdoings. We also analyze the long-term consequences of strategic forgetting for corporate historic responsibility. Essential to our study is the assumption that organizations exist in relation with other organizations in an industry or field (DiMaggio and Powell 1991). That is, their involvement in irresponsible practices is related to the types and structure of the relationships they maintain with other players and the connection between individual and collective behaviours (Brass, Butterfield, & Skaggs 1998). Historic CSR currently focuses on how individual organizations respond to crises of corporate irresponsibility. It provides little detail about the collective involvement of different actors in forgetting work and the historical irresponsibility of multiple organizations from the same industry or field. Even though a collective agreement among players in an industry is not a requirement for the emergence of a pattern of irresponsible actions, our combined approach seeks to further develop Historic CSR by theorizing how historic irresponsibility in an industry evolves out of the coordinated engagement of social actors in forgetting work.

We develop a historical case study of the tobacco industry in the U.S. We show how the historical irresponsibility of the industry was fueled by the combined engagement of tobacco companies in a strategy of social forgetting. We use primary and secondary sources to describe how the industry engaged in forgetting work as a survival strategy to control public opinion, evade stricter regulations, and avoid responsibility for their past practices. In addition, we demonstrate how the collusive engagement of tobacco companies in social forgetting led to the development of additional wrongdoing, compounding liability for the industry. Eventually, the industry's strategy of forgetting work resulted in the loss of revenues and social legitimacy and generated severe legal consequences across the industry due to their history of false claims and irresponsible practices.

Our research uncovers a paradox in the forgetting of corporate irresponsibility. As our case shows, the success of the strategy of collusive social forgetting embraced by the tobacco industry relied on the emergence of industry-wide collaborative organizational remembering. In order to sustain their coordinated practices of forgetting they had to understand the particular historical context in which they were operating. They had to remember the cooperation agreement and the reasons that brought them all together in the first place, and they had to make sure that future generations of managers were aware of past efforts to hide their wrongdoings. An ethics of remembering thus emerged to support the practices of social forgetting. This system of rules specifying what should be remembered and what should be forgotten by industry members acquired moral significance as it was essential to their collective existence and survival. In addition, the rules of remembering and forgetting bolstered the industry's self-serving claims to legitimacy in a society that was increasingly questioning the positive value of tobacco products. In so doing, it led to additional

levels of irresponsibility, increasing the liability that could undermine long-term corporate success. We thus contend that forgetting work is a double-edged sword. While it might be a successful strategy in the short run, it generates additional troubles for the industry in the future. Over time, as the memory of past misbehaviour accumulates, it may become harder for organizations to suppress their irresponsible past and they may well become victims of their own remembering, as proved to be the case for tobacco companies.

In this paper we begin by reviewing the CSR literature with emphasis on Historic CSR. We discuss how organizations engage in forgetting work to avoid taking responsibility for their past actions. We then argue that collusive social forgetting leads organizations to partake in the additional wrongdoing of misinforming and misremembering. We describe the historical case study of U.S. Big Tobacco from 1950-2000 focusing on the links between forgetting work and corporate irresponsibility. After this, we present our main findings. We first describe the historical evolution of tobacco manufacturers' layers of corporate irresponsibility, highlighting the collective strategies devised to respond to the external threats posed by medical research on the risks of smoking. We then show how their collusive engagement in social forgetting contributed to the buildup of the additional wrongdoings of misinformation and misremembering. Subsequently we uncover how the involvement of tobacco companies in collaborative practices of remembering sustained the industry's long-term involvement in promoting social forgetting. Finally, we discuss our findings in light of the existing literature in social mnemonics and corporate irresponsibility and draw our conclusions.

Historic Corporate Social Responsibility

Corporate Social Responsibility studies have long focused on the moral and ethical aspects of organizational action. More recently, an emerging research agenda focused on corporate irresponsible behaviour has gained traction (Lange and Washburn 2012). This agenda has been expanded by the proposal of a social connection approach to CSR (Schrempf 2012). Scholars have argued that the dominant liability approach to CSR is insufficient to describe the full range of responsibilities attributed to corporations. Instead, they contend that attributions of responsibility and irresponsibility emerge from the direct and indirect networks of actions in which a variety of players are involved. The literature is full of examples that fit within contemporary upstream and downstream forms of CSR. The association of organizations with historic injustice and the discovery of past irresponsible actions, however, is still understudied.

Historic CSR is defined as the study of claims and attributions of responsibility and irresponsibility for past corporate actions (Schrempf-Stirling et al. 2016). In other words, companies might be charged in the present for their past involvement in cases of historic wrongdoing, as happened with many companies that collaborated with Nazism in Germany (Spiliotis 2006). Historic CSR has two main origins. First, social (ir)responsibility might be attributed to managers and organizations only generations later as a result of the emergence of unknown historical facts, or because legal and ethical charges were subject to a moratorium. Truth and reconciliation commissions may uncover this kind of wrongdoing, as is the case of the Truth and Reconciliation Commission of South Africa regarding the role of mining companies in sustaining the Apartheid system (Truth and Reconciliation Commission of South Africa 2003). Second, organizations might be deemed responsible for past events because the meaning of those activities have changed over time and

they are now being interpreted from a different moral standpoint. The research on the managerial practices of slavery is but one example (e.g. Cooke 2003). Empirically, however, both forms of historic CSR frequently overlap.

Social memory is an important component underlying these two manifestations of historic CSR. In the first case, uncovering memories about past corporate misbehaviour will likely influence public perceptions, affect the legitimacy, and the ability of organizations in developing their activities. One example is the case of Monsanto and the production of Agent Orange in the 1960s. After the war it was alleged that the company knew about the toxic effects of the herbicide and yet continued to produce it, a case that ended up in the courts (Schuck 1987). The second form of historic CSR is based on a disconnection between the mentalities of past and present societies. It assumes the worldviews of past generations are no longer dominant and people from the present are embedded in a different culture, as if in another country (Lowenthal 2015). When present understandings and contemporary ethical standards are used to evaluate past organizational practices, organizations may be called to apologize and provide compensation for their past misbehaviour. A situation like this was faced by the German publishing company Bertelsmann when historians uncovered new sources demonstrating their collaboration with the Nazi regime (Booth et al. 2007). In this case, the issue was aggravated by the fact that evidence contradicted the organization's historical account of non-collaboration and resistance to the regime.

Attributions of historical (ir)responsibility are thus hardly uncontroversial. In fact, there is an intrinsic political component in the way the past is represented through history and memory in society (Sturken 1997; Anderson 1983). As the growing literature on organizational mnemonics suggests, managers and organizations strategically develop re-presentations of the past for their own advantage (Suddaby et al. 2010; Nissley and Casey 2002). The way organizations remember, forget, and reconstruct the past have major implications for their culture and identity as well as for their legitimacy and authenticity claims (Foster et al. 2017). For example, as Maclean, Harvey, Sillince, & Golant's (2014) study of Procter & Gamble suggests, managers selectively remember and actualize the past to create momentum and persuade employees to engage in change. Relatedly, Anteby & Mólnar (2012) demonstrate how the French aviation company SNECMA downplayed and systematically forgot the role of German immigrants in a concerted effort to reaffirm French nationalism and their organizational identity. As these studies suggest, our understanding of the past is dynamic and is defined through a variety of actors engaged in processes of remembering, forgetting, and re-presenting the past.

The past as a social construction and a politically contested site has also attracted the attention of CSR scholars. They have recognized that the way the past is remembered and forgotten has serious implications to attributions of corporate misbehaviour (Schrempf 2012; Janssen 2012). Indeed, Mena and colleagues (2016) suggest that managers and organizations might engage in purposive forgetting as an attempt to avoid or minimize the consequences of corporate wrongdoing. They argue that an event of corporate wrongdoing will likely generate the creation of a mnemonic community apart from the organization that might challenge the corporate responsibility regarding the event. In these situations, organizations might engage in forgetting work aimed at manipulating public interpretation, silencing opposite voices, and undermining the survival of traces that support an undesirable view about past events. Paraphrasing Ricoeur (2004, p. 440), we define forgetting work as an attempt at removing unwanted memories from the vigilance of consciousness and

making their perseverance imperceptible. Forgetting work ranges from attempts at contesting the past by generating uncertainty and confusion to efforts of eradicating remnants from the past and subverting practices of remembering. However, completely erasing and substituting past memories is thus as utopic as fully remembering them.

Historic CSR has inherited from the literature on memory a focus on single organizations. More recently, some scholars began to theorize processes of remembering and forgetting taking place in larger units of analysis such as industries (Kroezen and Heugens Forthcoming), fields (Coraiola et al. 2018), and social communities (Do et al. Forthcoming). For example, Lamertz, Foster, Coraiola, & Kroezen (2016) have shown how the re-enactment of the past through collective remembering gave birth to the emergence of a new shared identity of microbreweries in the Canadian province of Ontario. Analogously, Hills, Voronov, & Hinings (2013) have argued that Ontario wineries engaged in memory work to forget a stigmatized past of bad wine production and construct a collective memory to legitimate the introduction of new fine winemaking practices. However, we still know little about how remembering and forgetting take place in interorganizational settings and what are the implications of these processes are for attributions of historical (ir)responsibility.

While an expanded view of the role of history and memory in relation to CSR brings great promise to move the field forward, there are still large gaps in our understanding of the mnemonic processes underlying historic CSR. For instance, we lack an empirically-grounded description of strategies of social forgetting developed by multiple organizations. Second, we need a better understanding of how social forgetting works in recurrent cases of irresponsibility, as opposed to stand alone events of corporate wrongdoing. Third, there is still little knowledge on the way processes of forgetting work unfolds over time and their consequences for the organization, industry, and the society in which they take place. We analyze the case of the U.S. tobacco industry looking for answers to these questions. We bring together the study of historic CSR with the forgetting work approach to understand how the tobacco industry engaged in deliberate long-term forgetting of corporate irresponsibility.

Methods

Our research is situated in the tradition of historical organizational studies (Maclean et al. 2016). We developed a historical case study of the major tobacco companies in the U.S. from 1950-2000. Our goal was to uncover the collective strategies of social forgetting developed by the tobacco industry and to understand how they were able to sustain the forgetting of corporate irresponsibility for nearly 50 years. Similar to other case study approaches, historical case studies are appropriate to construct new theories (Eisenhardt 1989). They provide a strong methodological approach when the research might be informed by the consequences of an event or a series of events. The U.S. Big Tobacco was chosen as an extreme case (Yin 2014) to explore the long-term dynamics of the forgetting of corporate irresponsibility. Our case study is grounded on the strategy of analytically structured history (Rowlinson et al. 2014) that aims to bring together analytic schemes and narrative to better understand historical organizational phenomena. We develop an explicatory historical organization study (Maclean et al. 2016), which is particularly appropriate to bridge between the demands of theory and history and produce dual integrity.

We followed an abductive approach to the development of our historical case study. Abduction is the primary form of reasoning supporting theorization. The goal of this approach is to generate an explanatory hypothesis (Pierce 1903). In other words, abduction is appropriate when "researchers seek – through dialogue between their own preunderstanding and the empirical data – a new understanding of theory through an evolution of their own understanding" (Mantere and Ketokivi 2013). An abductive approach is well suited for historical case studies (Hargadon 2015; Stutz & Sachs 2018). It is also particularly suitable for our case study since most of the extensive research on the tobacco industry has been purely descriptive. Conversely, we used theoretical constructs to explore the data and to generate creative conjectures based on unexpected findings that were then checked against the available data. The result is a 'reflexive narrative' (Mantere & Ketokivi 2013) on the forgetting work of the tobacco industry in the U.S.

As we elaborate in the findings section, we employ terms such as "industry strategies", "industry decisions", and sometimes "Big Tobacco" to represent collaborative practices within the tobacco industry. From 1953, when the CEOs of the major tobacco companies met to strategize a unified response to the threat of medical reports linking smoking to higher rates of cancer, the individual companies developed several collusive practices and industry-wide associations to maintain a united defensive front. These associations pursued public relations campaigns, hired researchers to produce and distribute written responses to contradict damning medical research, and built alliances with third parties who found it in their self-interest to testify about the trustworthiness or good citizenship of the tobacco industry. We use these examples of collaborative strategies to illustrate what we call collective industry action.

Data Collection

Our data collection was based on primary and secondary sources. Primary data was obtained from various archival sources as well as from newspaper and magazine articles. Secondary data included books and articles on tobacco and smoking. A chronological depiction of our data can be found on Table 1. Because of the extremely large volume of data available, we embraced a double strategy that involved reviewing secondary sources to find references to primary data together with the direct, purposeful sampling of archival data (Lincoln and Guba 1985). As recommended by Fellman and Popp (2014), a 'deductive' approach to archival research driven by the theoretically informed questioning of the archives is better suited to reach an optimal balance between depth and efficiency when scholars face a profusion of archival records. We have used both deductive and inductive strategies to search the archives as we moved from theory to data, and back to theory. This abductive approach helped us further develop new theory around historic CSR and irresponsibility forgetting and to reconcile the demands of history and theory in historical case studies.

Insert Table 1 about here

We recognize that the primary data available in the archives is not a naturally assembled and unproblematic record of the organizational life, but the result of a series of mnemonic struggles from the past (Schwartz & Cook 2002). First, we concede that what is left in the corporate archives

is subject to the criteria used by the organization to define what was worth preserving and what should be discarded. Second, we understand that part of what was disclosed to the public in the archives was a result of mandatory legal actions and include a series of records that the companies did not want others to be able to access. This is relevant for our study of forgetting work for two reasons. First, it signals that the documents were preserved because they were highly confidential and important. Second, it supports our conjecture that long-term corporate forgetting work is supported by intentional practices of remembering. The core of our data is comprised of documents that were preserved in the archives of the companies but were rigorously kept secret from the external world. Among the most important sets of documents included in this group are the ones dealing with the knowledge of the companies about the harmful effects of tobacco, their efforts to supress that information from the public, their engagement in strategies of deception and misinformation, and their efforts to cover up and destroy the records of their involvement in irresponsible activities.

There is an extensive list of secondary sources on the history of tobacco in the U.S. We relied on this literature to get an overall view of the history and the evolution of the field of tobacco. We have also drawn on these sources to identify important primary sources that could be useful to our research. Various documents and quotes uncovered by the tobacco trials have become 'monuments' (Le Goff 1978) and are commonly cited in studies about tobacco. At various times we searched the archives for a specific document and found a series of documents that spoke to the same or some related phenomena. In these circumstances, we followed the document thread until there were no other related documents to retrieve or until we reached saturation (Saunders et al. 2018). For example, when we were doing research on PubMed we identified a paper that mentioned the 'Operation Berkshire' and referenced an international conspiracy of tobacco companies (Francey and Chapman 2000). We began by looking up some of the sources cited in their article. We then searched the term 'Berkshire' on the databases of UCSF, BAT, and Philip Morris. We scanned the results, identified the most relevant documents, and extracted the paragraphs that spoke to the issue of irresponsibility and forgetting. Once we learned who called the first meeting, what was the main purpose of the Operation, which companies were involved, what were the core decisions, and what were the implications to corporate misbehaviour, forgetting, and remembering, we did not search for additional data.

Data Analysis

We analyzed the data as we collected it. We read books and articles about the history of tobacco in the U.S. at the same time we sampled the archives searching for documents related to industry misbehaviour and practices of social forgetting. We used an adapted version of flexible coding (Deterding and Waters, Forthcoming) to operationalize our abductive approach to data analysis and theory construction (Timmermans & Tavory 2012). That is, we departed from the constructs of forgetting work and corporate irresponsibility to understand their manifestation in the case of Big Tobacco. As we read the primary and secondary sources, we identified the most important paragraphs and sections of the documents and we took note of tentative codes to be used later as labels. For example, when reading the records of the Operation Berkshire, we extracted the most relevant sentences to an electronic document and grouped them with other related quotes under the labels of irresponsibility and forgetting. After we finished reviewing the documents, we read the quotes we had assembled to understand the forms of irresponsibility tobacco companies had

engaged in as well as their collective strategies to promote social forgetting. In this inductive step we moved from relevant terms and sentences such as 'international conspiracy', 'promoting controversy', 'International Tobacco Information Centre', and 'accumulating and disseminating intelligence on anti-smoking activities' as mentioned in the Operation Berkshire documents (e.g. King & Spalding 1990), which evolved into first-order codes such as 'manufacturing evidence', 'creating information repositories', and 'monitoring the environment'.

The first round confirmed our expectations about the relationship between forgetting work and historical irresponsibility. Many of the strategies of social forgetting tobacco companies engaged in were described in the literature albeit with different names. Smoke screen (Neuberger 1963), disinformation campaign (Hilts 1996), obfuscation strategy (Pringle 1998), and agnotology in action, a term coined specifically to describe the cultural inducement of doubt (Proctor 2011), have all been used to characterize the efforts by the tobacco industry to influence public knowledge of the industry's irresponsibility. However, the data we uncovered also suggested that collusive social forgetting was possible because tobacco companies had engaged in collaborative remembering. When we realized that remembering played such an important role, we went back to our sources to look for the practices of corporate remembering underlying the forgetting work of Big Tobacco. Our second round of research on remembering followed the same search and coding procedure we developed in the first phase. We iterated between the codes and the data (Glaser and Strauss 1967) to move from primary codes to secondary themes and to define the aggregated dimensions. In so doing, we revised the theoretical categories of corporate irresponsibility and forgetting work we started with. Our revised categories highlight the collusive aspects of forgetting and collaborative remembering as an essential component of the process (see Figure 1).

Insert Figure 1 about here

In charting trends in historic practices, we soon realized the industry had entered an irresponsibility path, well beyond the occurrence of one or even a few irresponsible decisions. We used temporal bracketing (Langley 1999) to construct the periodization of irresponsible action and describe the forgetting work of the tobacco industry. We used this periodization to develop our narrative about the evolution of the layered irresponsibility of the industry. The strategic responses they devised to the growing concerns about corporate wrongdoing initiated a path dependence process that led the industry into reinforcing cycles of misbehaviour. They responded to issues of product harm by engaging in public deception. When the pressure of the public awareness became insurmountable, they attempted to disguise the problems and remove the evidence about past misconduct. Figure 2 represents this layered path of irresponsibility of the industry.

Insert Figure 2 about here

Underlying the strategies of forgetting and remembering corporate irresponsibility in the tobacco industry there was an unwritten gentlemen's agreement; a pact, established in the beginning of 1950s that dictated for almost 50 years the way members of the industry should respond to social

concerns about corporate misdeeds. As David Kessler, Commissioner of the U.S. Food and Drug Administration from 1990-1997 describes, “devised in the 1950s and ‘60s, the tobacco industry strategy was embodied in a script written by the lawyers” (2001, p. xiii). The script was conceived to protect the secrets of the top tobacco companies regarding the harms of smoking and the addictive properties of nicotine. As the tobacco historian Robert Proctor clarifies in his deposition, the tobacco industry “formal conspiracy lasts from 1953 right up into 1998, '99” (Sherri Hubbird, as Personal Representative of the Estate of David R. Ellsworth, deceased, and on behalf of Kerri L. Ellsworth, Plaintiffs, v. R.J. Reynolds Tobacco Company, Defendant. Videotaped Deposition of Robert N. Proctor, Ph.D. Volume 1 2014). The memory of that agreement would influence the individual and the collective actions of tobacco companies across generations of managers, sealing a collective fate for the industry.

Unexpectedly, we discovered that the major tobacco companies were bound together not only because of their intention in promoting social forgetting, but also as a result of their urgency to remember. We realized that collusive social forgetting could only take place over a platform of collaborative corporate remembering. Collectively, they had to ensure that agreement was not forgotten among the players of the industry, and their efforts were coordinated for the benefit of all the signatories. Individually, each company had to make sure new managers were aware of the pact and would follow the script legated to them from previous generations. Our analysis uncovered a paradox of forgetting. Tobacco companies needed to remember in order to be able to promote social forgetting. In the remainder of the paper we describe the industry's engagement in irresponsible behaviour, its campaign of social forgetting, and the emergence of collaborative remembering within the industry.

Findings

Big Tobacco in the U.S.

The history of American cigarette manufacturing and sales has been characterized by a unique mix of fierce competition and industry-wide collusion from the closing decades of the 19th century to the final years of the 20th century. The landmark of the modern cigarette industry in the U.S. is the invention of a cigarette-rolling machine by James Bonsack and his deal with James Buchanan Duke, founder of the W. Duke Sons & Company, in 1880s. With the help of this machine, Duke cornered his competitors into the creation of the American Tobacco Company. Buck Duke bought up companies from Kentucky, North Carolina, Virginia, Maryland, New Jersey, and New York creating a quasi-monopoly with low-priced cigarettes and subsistence prices for leaf tobacco farmers. The company was sued by the Roosevelt administration under the Sherman Antitrust Act, and dismembered into American Tobacco Company, R. J. Reynolds, Liggett & Myers, and Lorillard in 1911. Together with the emerging Philip Morris, the Big Five tobacco companies dominated the American cigarette market for the rest of the 20th century, fighting for market share, but working together when external threats demanded solidarity (Kluger 1997).

Until 1950s, the levels of tar followed those of nicotine and the harm generated by the companies was associated with the selection and mixture of the components that went into the cigarette. Although there were a few activists speaking out about the evils of tobacco, there was no reliable scientific data that cigarette smoking was addictive, that cigarettes could be characterized as drugs,

nor that the producers had clear knowledge about the consequences of tobacco smoking. However, even at the turn of the century Buck Duke employed lobbyists and lawyers to ensure that legislators were able to comfortably resist social pressure to regulate cigarettes. His strategy paid off. In 1906, the Food and Drug Administration was created under the condition that tobacco was excluded from regulation since, as the industry argued at the time, tobacco was neither a food nor a drug (Kluger 1997). With this decision in hand, the tobacco industry remained outside of government regulation until FDA Commissioner Kessler challenged this exclusion in the 1990s, by committing to holding the industry accountable.

The decisions taken by industry CEOs and their managers over the coming decades created one of the most egregious cases of corporate irresponsibility. In effect, a triple case of corporate irresponsible behaviour took place. First, the industry realized it was commercializing a routinely fatal product and did not stop in spite of the blatant evidence. When scientific research showed that cigarettes cause cancer, the industry responded with a public relations program to dissuade public opinion about the harms of tobacco. Second, they created a machine of public deception to disconfirm, silence, and discredit contrary voices. When evidence against tobacco began to mount the industry promoted a campaign of disinformation to obliterate the knowledge of the harms and attack the science behind the evidence. Third, they systematically concealed, edited, and destroyed records of their wrongdoing while propagating a different history of the tobacco controversy and their involvement in acts of irresponsibility. When their attempts failed to counteract growing medical and legal pressures, they created a scheme to misremember the past by erasing evidence, coopting witnesses, and producing alternative versions of the past that were more beneficial to the industry. In the following sections, we describe how the tobacco industry engaged in the forgetting of corporate irresponsibility, how an ethics of remembering was created to provide support for their actions, and how both practices provided the foundations that first sustained and then undermined the industry in the long term.

1st Layer - Misconduct

The period between 1953-54 is called the 'health scare' for tobacco companies. Three major issues were at play (Hilts 1996). First, the industry confronted the emergence of research on health hazards of cigarette smoking. Reader's Digest, the most widely circulated periodical in the U.S. at the time, published a famous article in 1952 titled 'Cancer by the Carton' (Norr 1952) synthesizing the findings on smoking and health and asserting that cigarettes cause cancer. Second, cigarette consumption was falling quickly after many years on the rise. Pressured by recent scientific research, the sales of cigarettes plummeted in 1953, but soon recovered with the aid of the industry (U.S. Department of Health and Human Services 2014). Third, tobacco stock prices dropped in the beginning of 1950s as a result of the fears about the harms of tobacco smoking. They recovered at around 1955 in connection with the concerted actions of the industry, despite the Federal Trade Commission's ban on health claims in tobacco advertising (Scheraga & Calfee 1996).

The publication of four important papers highlighting the connection between smoking and lung cancer in the beginning of 1950s created a "turning point in the recognition of major tobacco hazards" (Proctor 2004). The reaction of the industry was immediate. In late December of 1953, the presidents of the largest tobacco companies met at the Plaza Hotel in New York City to discuss the critical situation of the industry. With the guidance of the renowned Hill & Knowlton public

relations firm, these industry leaders developed a strong PR campaign pledging to protect public health with increased research. This campaign was the critical stepping stone to the development of a long-lasting collective strategy to salvage the industry by engaging in obfuscation and the manipulation of public opinion (Panzer 1972). It was this collective strategy that is often referred to as the gentlemen's agreement between the industry companies.

Managing perceptions

Among the first set of actions the industry developed was a continuous program of impression management. At a series of meetings at the Plaza, the industry leaders realized they needed to quickly counter the evidence that smoking causes cancer and to reassure smokers they had nothing to worry about. As recognized by Hill & Knowlton executives, "that problem would be quickly solved if the adverse publicity would cease and people would stop talking about the whole matter" (Hill & Knowlton 1953), but scientists and the public did not seem willing to forget it.

On January 4, 1954, immediately following the Plaza meetings, they ran 'A Frank Statement to Smokers' in 448 newspapers nationwide, reaching more than 43,000 homes in 258 cities. In this full-page advertisement, designed to induce confidence in the industry's earnest intentions, the companies collectively made the following pledge:

> We accept an interest in people's health as a basic responsibility, paramount to every other consideration in our business.
> We believe that products we make are not injurious to health.
> We always have and always will cooperate closely with those whose task it is to safeguard the public health.

The statement also describes the sponsors' establishment of a joint industry group, the Tobacco Industry Research Committee, to be led by "a scientist of unimpeachable integrity and national repute" and "an Advisory Board of scientists disinterested in the cigarette industry. A group of distinguished men from medicine, science, and education will be invited to serve on this Board…[to] advise the Committee on its research activities" (Tobacco Industry Research Committee 1953).

The Frank Statement advertisement was followed by the booklet 'A Scientific Perspective on the Cigarette Controversy', mailed to 176,000 doctors, and 15,000 editors and reporters (Hill & Knowlton 1954a). A year later, Hill & Knowlton (1954b) reported to the tobacco companies that they had successfully contained the health scare crisis.

Accumulating Evidence

While managing perceptions was the core goal of the "continuing program of public information" (Hill & Knowlton 1953), they also emphasized research as the heart of the enterprise. In the Plaza meeting, Hill & Knowlton argued that they "believe that the correct path to follow is one of patient, continuing, sure-footed presentation of the facts to the public — facts supported and documented by careful research".

The Tobacco Industry Research Committee (TIRC) – later renamed the Council for Tobacco Research (CTR) – was created with the purported goal of ensuring impartial research to clarify the controversy over the harmful consequences of smoking. In addition to a research center, they established a set of procedures to ensure they would collect, preserve, and make available relevant information about new scientific findings for all the industry members (Hill and Knowlton 1954). They created a library to provide up-to-date scientific information on tobacco. They also developed a records retention program in 1958. The library was responsible for the dual function of synthesizing information from new medical and scientific findings and retrieving information from the archives (Research 1974). In 1983, Phillip Morris' CEO praised the library as the largest repository of information about tobacco in the world (Cullman 1983).

The tobacco industry's research provided uncontroversial results. Repeatedly they confirmed a link between cigarette smoking and cancer. In fact, three British scientists reported that, except for one American scientist, all the other people they spoke to believed that smoking is a cause of lung cancer (Bentley et al. 1958). Similarly, a confidential 1961 memo produced by the research firm Arthur D. Little to Liggett & Myers, states in a non-controversial way that "there are biologically active materials present in cigarette tobacco. These are: a) cancer causing b) cancer promoting c) poisonous d) stimulating, pleasurable, and flavorful" (Arthur D. Little Inc. 1961). By the end of the 1950s, the industry had proof of the carcinogenic effects of smoking. Despite this reliable and well-confirmed evidence, they decided to continue selling it as if there was still doubt about the harmful effects. The long-lasting 'controversy' about the maladies of smoking was manufactured by the industry itself. In addition to the liability resulting from recognized harm, there was now a liability of misrepresentation as they actively produced and disseminated false information about the connection between smoking and health.

2nd Layer – Misinformation

In anticipation of the publication of the Surgeon General's report in 1964, a second crisis hit the industry. In the early 1960s, after a decade of research on the carcinogenic components of smoking, the industry realized they would not be able to remove the hazardous substances. In addition, they had developed clear knowledge that nicotine was addictive and that they were in "the business of selling nicotine" (Yeaman 1963). The cigarette was merely a nicotine delivery device. They knew what the Surgeon General had found and they did not have a response plan. There was no clear leadership within the group of industry companies, and they did not have general policies to guide collective action (Blalock and Burgard 1963).

The void in leadership generated by the crisis provided an opportunity for lawyers to take charge and a renewed strategy focused on the primacy of litigation emerged (Glantz 1996). In contrast to the first layer of irresponsibility where public relations was the dominant response of the industry and was managed by Hill & Knowlton, in the second and third layers the collective misbehaviour and the supporting practices of forgetting and remembering was orchestrated by lawyers and law firms. As Judge Gladys Kessler concluded in 2006 in the introduction of her opinion to U.S. v. Philip Morris, "at every stage, lawyers played an absolutely central role in the creation and perpetuation of the Enterprise [i.e. tobacco industry's collective efforts] and the implementation of its fraudulent schemes" (US v. Philip Morris USA, Inc 2006). In the coming years, the industry clearly abandoned any trace of innocence and purposefully pursued a strategy of misinformation

and public deception. The collective project of social forgetting was reinforced, and an elaborate system of censorship was created to support an aggressive campaign against public remembering.

Fostering Controversy

In 1958 the Tobacco Institute was founded as an industry lobby separate from TIRC. The intention was to separate research from public relations to allow the development of a more aggressive pro-smoking campaign. The Institute was responsible for lobbying congressional representatives, developing guerrilla actions against anti-smoking groups, and building relationships with other segments of the tobacco community. The mantra of the institute was synthesized in the words of a Brown & Williamson (1969) employee in an unsigned memo which reads "doubt is our product since it is the best means of competing with the 'body of fact' that exists in the mind of the general public. It is also the means of establishing a controversy".

After 1954 the industry was subject to an increasing number of litigations. The first wave began in 1954 and lasted until 1982 (Pringle 1998). Throughout that period, the companies were consistently able to successfully defend themselves in court, by outspending plaintiffs. However, the increasing pressure generated by litigations had significant influence on the internal structure and work of the companies. Lawyers were frequently consulted about what kind of information could be publicized and the proper terms to be used to avoid being sued.

Inculcating corporate propaganda in the minds of employees and other stakeholders was another powerful way of promoting controversy. Litigation was framed within the industry as a battle against the 'zealots' (Ehrhinghaus 1971), inspiring a righteous defense. The 1977 edition of the industry publication, Tobacco Journal included an article titled 'Facts Every Tobacco Man Should Remember'. It presented responses for 20 common questions employees might encounter, providing reinterpretations of the Surgeon General's 1964 report and historical analogies with alcohol prohibition (Facts Every Tobacco Man Should Remember 1977). In addition, from 1957 to 1969 the Tobacco Institute published the Tobacco and Health magazine with the intention of presenting "material which rebuts and discredits the charges" (Hahn 1958) against smoking. They mailed this quarterly publication to doctors, dentists, scientists, and editors throughout the U.S. The employee socialization tactics associated with a secretive culture and a strong public relations campaign contributed to the propagation of misinformation across the industry and society.

Concealing Evidence

In the 1970s the companies became increasingly worried about the accumulating evidence that contradicted their public claims about smoking. The lawyers were at the forefront of pre-emptive corporate tactics involving selective remembering (Glantz 1996). They developed policies for the circulation and retention of documents. They engaged in practices of censorship, controlling the flow of internal information as well as overseeing the presentation of information to the public. Lawyers were responsible for identifying potentially harmful documents and making sure these were not easily retrievable as evidence for litigation. In addition, they persuaded corporate executives to stop the research on the effects of tobacco and explicitly engaged in reviewing and discarding scientific reports on their decades of experiments.

For example, an internal document from Brown and Williamson (B&W), authored by David R. Hardy from the Shook, Hardy & Bacon law firm, expresses explicit concerns with the available evidence of corporate misbehaviour preserved in the archives that could be potentially dangerous in a lawsuit. This included references to the carcinogenic effects of smoke, the connection between smoking and cancer, and the development of safer cigarettes. He wrote that "the effect of testimony by employees or documentary evidence from the files of either BAT or B&W which seems to acknowledge or tacitly admit that cigarettes cause cancer or other disease would likely be fatal to the defense of either or both companies in a smoking and health case" (Hardy 1970).

Industry lawyers developed three major approaches to claim privilege on its documents and avoid their discovery in litigation. First, they used attorney-client privilege claims to prevent external parties from accessing many of the documents. Second, they forbid access to some documents on the grounds that they were strategic to the business and involved competitive secrets. Third, they created impediments in court to provide access to internal documents (Ciresi et al. 1999). For example, monthly reports about research activities developed by Philip Morris in Richmond were circulated among a designated group of individuals with the disclaimer "this report is confidential to the business of the company: it should be carefully handled, it is not transferable to another individual, and is not to be photocopied" (Philip Morris 1984). These reports contained research on nicotine delivery, ammonia treated tobacco, and biological effects of smoke.

Tobacco lawyers also concealed evidence by shaping a unified message. As Hanauer et al (1995) demonstrated, B&W lawyers not only reviewed documents aimed for external parties, but even documents of limited circulation within the organization. They also controlled the circulation of documents and the kind of marketing information companies could display based on potential litigation. Industry lawyers had a 'tightrope policy' in place that dictated that "no US tobacco manufacturer can say that smoking is bad for you, but equally they cannot say that smoking is good for you" (Morini 1981). An iconic example is Dr. L. C. F. Blackman's paper on "The Controversy on Smoking and Health: Some Facts and Anomalies". Dr. Blackman was BAT's executive director of research and development. In a letter addressed to one of BAT's lawyer, B&W's Corporate Counsel J. Kendrick Wells III enumerates 45 items that should be revised to ensure that the paper would not "be obtained and scrutinized by our most articulate adversaries" (Wells 1984) in litigation cases.

The third strategy for covering up evidence contrary to the industry efforts involved silencing employees. The most simple and effective technique was the use of comprehensive confidentiality agreements (Kessler 2001). However, more subtle forms of control were also evident. One episode involves their attempts to oversee and restrict the kinds of scientific discoveries their employees were allowed to publish. A rare defection occurred in 1973, when Dr. Freddy Homburger a pathologist with ties to the Council of Tobacco Research disagreed with the lawyers' recommendations not to publish his paper and decided to do it anyway. Records show that "CTR was horrified with his report and dispatched their chief press officer, Leonard Zahn, to undermine Homburger's presentation […] Zahn managed to get the conference cancelled without Homburger knowing" (Killick, Mangold, Stmor, & Goldberg 1995).

The engagement of the industry in selective remembering through the concealment of evidence was motivated by their intention of avoiding liability. As time passed and new evidence of their

deceptive practices were accumulating, they recognized they were generating additional liability with their practices. They became afraid not only because they were selling products harmful to health but also because they were hiding their own awareness and knowledge of health risks, had not told the public, and had continued to sell those products. In other words, they recognized that their harmful products were sources of liability but so too was the memory of past decisions. As a response, they developed a series of practices of misremembering to restrict the number of copies, control the access, and eliminate some of the records. The recognition of the accumulated, transgenerational liability of the company was a core mechanism reinforcing the collusive forgetting of the industry and the ethics of remembering among manufacturers.

3rd Layer – Misremembering

As tobacco companies realized that despite their best efforts, threatening evidence continued to pile up, they restructured their practices of corporate remembering. They created norms of read-and-destroy, implemented shredding schedules, developed task-forces to review documents, and established pre-emptive practices to prevent the survival of potentially harmful information (Ciresi et al. 1999). In other words, they selectively preserved some mnemonic traces, while destroying potentially damaging evidence. This was "an industry-wide, systematic practice aimed at limiting plaintiffs' access to critical documents" (Guardino et al. 2004). They also cultivated an alternative version of the past, denying that the connection between smoking and cancer had ever been proved or that they knew anything about the drug effects of nicotine (Proctor 2006). This campaign of misremembering was targeted at internal and external audiences. They attempted to indoctrinate employees through booklets, training, and socialization. Externally, they made extensive use of the media and public relations to propagate dissent and create controversy over scientific, clinical, and historical knowledge.

Rewriting History

The concerns around the availability of evidence and fears of litigation eventually shifted from a policy of preservation to one of destruction. From the 1970s onwards, the industry dismantled most of their research apparatus in the U.S. The R.J. Reynolds' research facilities in North Carolina were closed in 1970, the Harrogate laboratory that worked for a consortium of British tobacco companies was closed in 1974, and Philip Morris labs were abruptly shut down in 1974 (Glantz 1996). The closings were a form of erasing evidence. As Killick et al. (1995) described, "in December 1970 RJR's mouse house was shut down, the workers sacked, and their notebooks collected by the legal department. Bumgarner has no doubts as to the reasons why. He recalls being told 'the Surgeon General is cutting our throats. We don't need to do it ourselves'".

Another form of rewriting history involved coopting historians to serve as expert witnesses. From 1987-93 the tobacco industry developed Project Cosmic with the goal of building "'an extensive network of scientists and historians from all over the world' to serve as paid consultants and/or project investigators for the company" (Proctor 2004). Once the controversy argument wore off as a consequence of the clear evidence on the causal relation between smoking and cancer, the tobacco industry devised a new strategy grounded on people's 'common knowledge' about the harms of smoking. Since people knew smoking was harmful, smokers were making an informed decision and therefore the industry should not bear the burden of disclosing that information to the

public. The role of historians as expert witnesses was to determine whether the controversy was still open, testify about what was known by lay people, and "determine what industry officials knew and when did they knew it" (Cohen 2003).

Prior research has argued that the 'common knowledge' argument was central to the industry's defense strategy and demonstrated how historians were structurally biased towards it (Kyriakoudes 2006). Tobacco companies went as far as to consider actions in the present that could be used as historical arguments in the future. For instance, John Kendrick Wells III (1980), Assistant General Counsel for Brown & Williams suggested that BAT should start promoting moderation in cigarette consumption so if "a combination of medical evidence and jurisprudential shifts will expose the tobacco industry to ever greater liability [they would be] able to point to the fact that, starting way back in 1980, we were recommending 'moderation' to our customers". Rewriting history thus became an important component of the industry's strategy of collusive forgetting.

Manipulating Evidence

Yet another strategy involved disassociating damaging records from the industry by enlisting third parties to remember. Shook, Hardy & Bacon, the law firm with an extensive history of relationship with Big Tobacco, was one of the first companies in which various sensitive records were archived. Litigations and subpoenas were a constant reminder for the industry that they had to remember to forget. Over the years, the documents were reviewed many times as a result of these legal requests and they had extensive indexes detailing the contents of the files (Ciresi et al. 1999). The industry was aware they had incriminating documents, but since these were considered essential for the defense, they made sure that instead of being destroyed the documents were covered by attorney-client privilege. They were also knowledgeable of other potentially challenging records, such as the John W. Hill collection archives at the Wisconsin State Historical Society. As soon as the client files became available, Shook, Hardy & Bacon dispatched a paralegal to review and report on the documents, and the risks they could offer to the industry (Jasa 1990).

Worried about the possibility of plaintiffs getting access to confidential documents, they also considered keeping the evidence in a place where the American law did not apply. One strategy involved sending the documents abroad. The B&W company had their archives maintained by BAT in the UK; a similar solution was developed by Philip Morris through their affiliated INBIFO in Cologne, Germany. As a BAT solicitor describes in his deposition at a litigation in Australia, the tobacco industry had various databases coordinated through the Tobacco Institute of Australia "but since they were at a law firm, rather than controlled by the industry companies, they were considered both privileged and beyond the reach of discovery" (Written trial testimony of Frederick Theodore Gulson, September 2004, United States of America v. Philip Morris USA Inc 2004).

In addition to outsourcing their memories to front groups and associated organizations, the tobacco industry actively constructed strategic ignorance (McGoey 2012). Strategies propagating doubt about the harms of tobacco smoking focused not only on customers and the general public, but were also applied to employees, shareholders, producers and stakeholders (Proctor 2011). R. J. Reynolds and Phillip Morris disseminated their position regarding the 'controversy' through training, socialization, and communication campaigns aimed at their employees. They also reached

out to important stakeholders, such as tobacco farmers and retailers, reinforcing the message that nothing had yet been proved. A powerful initiative in this regard was the training and seminars offered by the industry's College of Tobacco Knowledge. One student synthesizes the fourfold purpose of the two-day course as "(1) enhance the student's appreciation of the importance of tobacco to the United States economy; (2) provide insight into the scientific controversy associated with smoking and health; (3) develop some understanding of tobacco and the law; and (4) explain the various responsibilities of the individuals currently employed at TI". With a mission to "stop punitive or restrictive proposals affecting the legitimate activities of our member companies" (Mozingo 1986), the College was a central force in the creation of an aligned global front of legal and communication personnel in defense of the industry.

Disclosure of Memories and the Master Settlement Agreement

In the mid 1990s, a class action suit emerged against the tobacco industry, led by U.S. States Attorneys General, seeking to recoup state-borne health care costs related to smoking related illnesses. Their argument focused on the three main levels of corporate irresponsibility of Big Tobacco (Pringle 1998). First, they argued that the industry had known for decades that cigarettes contained harmful and addictive drugs. This became the basis of the trial that finally subjected tobacco to FDA regulation. Second, they demonstrated that in spite of their knowledge, the industry companies had chosen to deny the evidence and promote public disinformation. To counterbalance the misinformation campaign of the industry, the lawsuit settlement required tobacco companies to publicly advertise the hazards of smoking. Third, they uncovered the cover-up strategy of the industry and sentenced Big Tobacco to make their archives available for research and public scrutiny.

This was the third wave of litigations against Big Tobacco and it ended with the signature of the $206 billion Master Settlement Agreement in 1998 by Philip Morris, R.J. Reynolds, Lorillard, Brown & Williamson, and 46 state attorneys general. Three major aspects were different from the previous two waves. First, this was a collective effort that brought together the interests of the FDA in regulating nicotine, the states in recovering tobacco-related health-care costs, and tobacco control lawyers in receiving attorney fees. Second, plaintiffs gained access to confidential documents from the various tobacco companies. For example, Robins, Kaplan, Miller & Ciresi's law firm "gathered more than 33 million pages of documents" for the state of Minnesota case (Geyelin 1998). Third, they were able to mobilize witnesses by convincing some former employees to break their confidentiality agreements and speak out against Big Tobacco. One of the first and most significant cases was Bennett S. LeBow, owner of Liggett & Myers, who made a deal with anti-tobacco lawyers to testify against Big Tobacco, breaking the "united legal front of the tobacco industry" (Norris 1996).

Ironically, the process of collaborative remembering to promote social forgetting became the Achilles' heel of the industry. Narratives about the work of compiling the evidence and reconstructing were like solving a jigsaw puzzle by putting together different fragments of memory (e.g. Glantz 1996; Kessler 2001). In the end, the companies were collectively found guilty for selling a harmful product, and additional charges were issued against them for misguiding the public opinion and for engaging in systematic manipulation of evidence about the case. The MSA mandated the dissolution of the Tobacco Institute and the Council for Tobacco Research, the

remaining industry front groups tasked with implementing the contorted public relations and litigation strategies that had evolved over 45 years.

As a result of the MSA, the tobacco companies were allowed to continue selling the same highly addictive products, accompanied by larger warning labels and acknowledgements of health risks. Greater restrictions were placed on marketing, particularly to youth. The states involved with the class action suit were awarded with ongoing annuity payments, ostensibly to cover health related costs of smoking and smoking prevention programs, although in practice, a tiny fraction is invested such programs. These 46 states and 5 US territories are now beneficiaries of the tobacco industry and therefore thoroughly invested in the robust survival of the tobacco companies.

Discussion

Organizational research on the tobacco industry has focused on the complexity of managing tobacco organizations (Bella 1997), framing battles between forces pro and against tobacco (Derry and Waikar 2008), public resistance to anti-tobacco legislation (Simons et al. 2016), corporate citizenship efforts of tobacco companies (Palazzo and Richter 2005), and the ethics of marketing harmful products (Sautter and Oretskin 1997). We contribute to this body of literature by detailing the concerted efforts of U.S. Big Tobacco to promote the social forgetting of irresponsible and harmful behaviour. Prior studies described the varied forgetting strategies tobacco manufacturers engaged to maintain a controversy around smoking and how the combined efforts of the FDA and a group of law firms were able to discover the truth and to achieve the 1997 Master Settlement Agreement with the key players in the tobacco industry. However, they provide little explanation to the reasons why tobacco companies maintained incriminating evidence of industry wrongdoing for such a long time. Our research draws on the literature on Historic CSR to provide a theoretically informed response to the question of why they did not dispose of the documents. While Hilts (1996, p. 20) speculates that "perhaps it was confidence born of success […] Perhaps it was fear of the final legal retribution", we argue that the documents were preserved because they were essential to the strategy of collusive social forgetting the industry embraced.

We assert that corporate engagement in long-term forgetting work is grounded in the construction of an ethics of remembering. We use the phrase ‘ethics of remembering’ to indicate a system of devised rules that guided behavior, effectively establishing an understanding, shared within the industry, of what constituted “truth”, as well as “good” and “bad” consequences, right and wrong standards of behavior, idiosyncratic to the tobacco industry. This system of ethics enabled definitions of good guys and bad guys, the “us vs them” perspective for industry players. The processes of remembering and forgetting took on moral significance within the industry because it was essential to their collective survival and its sustained vision of itself as legitimate in a society that was increasingly questioning the social impact of tobacco products. Remembering and forgetting the approved pieces of industry history and practices were central to the accepted operating rules. These needed to be consistently conveyed to and adopted by new employees and managers, essentially educating them in the ethics of the industry.

This ethics operates on two different planes. First, the ethics of remembering comprises an internal, intergenerational dimension that consists in the transmission of the organizational past to future generations of managers in order to carry on the project of social forgetting. Second, there is a

collective development of an ethics of remembering that links actors at the level of the industry engaged in promoting the forgetting of corporate irresponsibility. Both dimensions are interrelated to the extent that new managers need to understand the context in which the company operates in order to be able to deal with existing stakeholders, which include both competing and cooperating with other tobacco manufacturing and marketing firms. As our case shows, the survival of the memory about past irresponsibility was not a fortuitous act or the result of a careless operation. On the contrary, it was part of an orchestrated, collusive program of social forgetting supported by an extensive and carefully crafted culture of remembrance (Mai, 2015) that spanned various organizations and multiple generations of managers. Our findings contribute to the literature on aggregate organizational misconduct in industries and fields (Greve, Palmer, & Pozner 2010). As the case of tobacco demonstrates, in some situations an entire industry might engage in coordinated practices of deception. However, different from the role played by organizational memory in the 'institutionalization stage' of corporate corruption (Ashforth & Anand, 2003), we provide a more dynamic explanation of the work of specific practices of remembering in supporting the industry's intergenerational reproduction of misconduct.

The second question we address is why in the face of growing fear and surveillance, the ethics of remembering still prevailed. We suggest that two major forces were in play. First, the gentlemen's agreement regarding the non-dissemination of harmful information and the shared practice of forgetting scientific evidence and moral criticisms about smoking demanded that all participants be aware of their responsibility towards the others and work to preserve the integrity, or at least the consistency, of the industry message. Should any of the players forget their role in the scheme and engage in deviant practices they would be subject to retaliation from the other players. Second, there were internal pressures in addition to the external pressure from the peers. The preservation of the corporate memory was strategic for the survival of the organization in the long run. New cohorts of chief executives had to learn about decisions and actions taken by their predecessors if they were to maintain consistency in strategic decisions and policies. This became even more relevant in situations where the past of the organization was at stake. The fear of litigation put pressure on the organizations not to forget the past and to preserve mnemonic assets that would give them an edge in court.

A third question would be why the strategy of the industry did not work? As our case suggests, long-term forgetting work is sustained through an ethics of remembering. Our discovery of the role of remembering work in collective attempts of strategic forgetting echoes philosophical reflections on the impossibility of an *ars oblivionalis* (Eco and Migiel 1988), that is, the idea that any attempt at purposive forgetting would create a mechanism to remember to forget. This paradox generates an internal contradiction that eventually undermines it as a corporate strategy. We argue that forgetting work is a double-edged sword. It masquerades the problem in the present but creates a situation of cumulative wrongdoing that leads to future historical irresponsibility. Our findings also resonate with the literature on paradoxes (Schad, Lewis, & Raisch 2016). Scholars have called for a better theorization of the cycles of interplay between contradictory elements and more thorough analysis of the consequences of paradoxical dualities. Our historical case of Big Tobacco speaks to both requests. We argue that corporations engage in social forgetting with the aim of avoiding taking responsibility for present wrongdoings. In so doing, they generate additional irresponsibility by purposefully hiding and representing the past. To sustain this strategy, corporations develop long-term practices of remembering. The evidence of this dual-deceiving

practice accumulates over time and prompts the organizations to engage in selective remembering. Internal practices of corporate forgetting such as the destruction of documents and evidence about past wrongdoings add a third layer of irresponsibility. On the top of the wrongdoing, and the attempts at silencing it, organizations become liable for their intentional failure in preserving the memory of their wrongdoings. This triple act of irresponsible behavior becomes too burdensome to sustain and might bring down the entire edifice of corporate misbehaviour and public deceit.

This prompts the question of why organizations engage in forgetting work in the first place. Our reasoning suggests that doing so only increases their engagement in irresponsible behaviour and undermines their ability to succeed in the long run. Why would managers decide on this path of action instead of a more responsible and sustainable approach? Our case does not provide enough data for a thorough analysis. However, we can speculate that one of the reasons that seems to lead managers to behave in this way is their limited tenure within the company. The burden of the past in the form of a gentlemen's agreement, the past successes of the strategy of public deception, and the pressure to be consistent with the history of corporate decisions seem all to have influenced the managers to adopt a 'not on my watch' approach to the inherited corporate irresponsibility problem. In this sense, the short-termism associated with the role seems to play an important part in managerial choices to engage in the forgetting of corporate irresponsibility, with negative implications for intergenerational equity (Bansal and DesJardine 2014). A second important factor involves the interplay of reinforcing cycles of path dependence (Sydow et al. 2009). As our case demonstrates, the responsibility for the path of social forgetting the industry had taken in the past was rolled over to the future generations of managers. In this sense, the managerial focus on the short-term was supplemented by the work of lawyers and industry trade groups to preserve the memory of the industry-wide strategy of collusive social forgetting. This inherited legacy of past misbehaviour casts a shadow over the future strategic options and limits the chances that new generations of managers will shift the strategic direction for the future.

Contribution

Our research contributes to the CSR literature in six main ways. First, we provide a deeper understanding of the association between corporate irresponsibility and forgetting work. Existing literature argues that organizations might engage in forgetting work as a response to events of corporate irresponsibility (Mena et al, 2016). We develop this argument further by demonstrating that there is a recursive relationship between corporate irresponsibility and forgetting work. That is, different forms of social forgetting work emerge in association with distinct kinds of corporate misbehavior.

Second, our research goes beyond irresponsibility events to analyze a case of sustained and coordinated irresponsibility within an industry. Unlike cases in which a company is involved in a unique occurrence of social or environmental harm such as the BP Oil Spill, Rana Plaza collapse, and the Volkswagen emission scandal, the successful commercialization of the health damaging tobacco products was dependent on the efforts of the industry to maintain a long-term strategy of social forgetting. In these cases, an event-based strategic response might be necessary but not sufficient to account for the recurrent organizational misbehavior and the imminent risk of social sanctions.

Third, we theorize how forgetting work leads to the emergence of corporate historical irresponsibility (Schrempf, 2012). We show that organizations may intentionally engage in forgetting work to avoid taking responsibility for their wrongdoing. In so doing, they trigger a process of corporate misconduct that transfers the burden of past irresponsible decisions onto future generations of managers. These decisions are sustained by an ethics of remembering that reinforces the maintenance of corporate irresponsibility in a path-dependent fashion. This process thus snowballs over successive generations, accumulating significance as well as increasing the consequential harm.

Fourth, we uncover a paradox of corporate forgetting work. We argue that social forgetting can never be fully achieved because it depends on continuous organizational remembering. Whenever an organization engages in forgetting work to avoid taking responsibility for past misdeeds, it triggers a set of corporate practices of remembering to ensure that the past will be preserved from future knowing. In addition, we posit that the remembering work that underlies the forgetting of corporate irresponsibility has the potential to undermine the corporate efforts in promoting social forgetting.In other words, the longer an organization engages in social forgetting, the more difficult and riskier it becomes to prevent others to learn about the memory supporting that strategy.

Fifth, we examine the dynamics of remembering and forgetting work in the context of corporate irresponsibility within an organizational field. We move beyond the level of a single organization and identify some of the mechanisms that gird the collusive efforts of an entire industry to promote social forgetting. Our study highlights the importance of meta-organizations (Ahrne & Brunsson, 2005) such as TIRC and third-party organizations such as law firms for the development of a collusive strategy of social forgetting. The role of these organizations in setting a strategy for the industry, socializing new managers, and maintaining the memory of forgetting calls for additional studies on the collective dynamics of corporate historical irresponsibility.

Sixth, we contribute to the emergent research stream applying interpretive history to CSR theorizing. The goal of these scholars has been to blend 'history-with-CSR' and 'CSR-with-history' (Stutz, Forthcoming, p. 4). Our historical case study presents some possibilities of using archival research to illuminate how past organizational actions and strategies might lead to the emergence of historic corporate irresponsibility. For instance, by analyzing the historical evolution of the industry' strategies we were able to theorize the historic irresponsibility of tobacco industry as a layered process that accumulates over time. We thus foster a much-needed dialog between CSR and historical research by promoting a 'creative synthesis' (Maclean et al 2016) between history and theory to advance knowledge on historic CSR.

Boundary Conditions

Some of the boundaries of our theorization must be recognized. Our historical case study of U.S. Big Tobacco looks at a group of players with strong historical ties to each other. For instance, four of the largest tobacco manufacturers had a common past in James Buchanan Duke's American Tobacco Company, which was dismembered in 1911 in an enforcement of the Sherman Antitrust Act. The remaining separate companies – American Tobacco Company, R. J. Reynolds, Liggett & Myers, and Lorillard – continued to operate for most of the 20th century and it is likely that they still maintained ties to each other. In fact, the dissolution of the Tobacco Trust never really ended

their collusive behaviour. As Brandt (2007, p. 17) argues, "the major firms continued to recognize – even as they vied for market share and higher profits – their collective best interests […] The residuum of collusion born of the Trust never entirely disappeared". In other words, the emergence of these organizations took place through a logic of oligopolistic agglomeration – similar to the development of other industries at about the same time (Chandler 1959) – and this early legacy might have played a role in the mid-century development of the collective strategies of the industry (Stinchcombe 1965). It is likely that in other less concentrated industries in which players have looser ties to each other and are not connected through a common history, their engagement in practices of social forgetting would be less systematic, coherent, and coordinated than what we found in the case of the tobacco companies.

Conclusion

This paper uncovered a paradox in the forgetting of historical irresponsibility. Our historical case study of tobacco in the U.S. demonstrates that there is a dynamic interplay between corporate remembering and social forgetting. We uncovered the history of factual misrepresentations, strategic use of misinformation, and the obfuscation of evidence in the interest of maintaining a strong customer base for a deadly product. When confronted with the health hazards of smoking, the tobacco industry engaged in a long-term strategy of social forgetting. They responded to the initial evidence with a strong public relations campaign. Historians and scientists were commissioned to publish articles that would muddle public opinion about the health risks of smoking. Corporate officers testified falsely under oath about health hazards, well known to these officers by covert research carried out within the collective tobacco industry. For nearly 50 years they attempted to make people forget about their continuous irresponsibility in selling a harmful product by denying the risks of smoking. This elaborate pattern of layered corporate misconduct was accomplished through a series of practices of remembering and forgetting. To promote social forgetting, the industry had to remember the truth about smoking, they had to preserve the evidence of what they knew, and they had to share these memories with the new generations of managers, lawyers, and scientists that would run the companies. That is, out of an intricate program of collusive forgetting of irresponsibility emerged a collaborative ethics of remembering. Ironically, this commitment to the memory of the past became the very reason why their strategy succumbed. After so many years of public deception, they were the ones who held the key to the past. The revelation of their secretive strategies led to historic rewriting of the rules by which the industry was required to operate.

The practices and strategies adopted by the tobacco industry also spread to other related and non-related industries. For instance, Oreskes and Conway (2011) show how some of the actors that helped Big Tobacco to promote collective ignorance have also been involved in climate change and global warming debates on behalf of powerful corporations. Similarly, the oil industry (Union of Concerned Scientists 2007), sugar industry (Taubes & Couzens 2012), and cellphone industry (Hertsgaard & Dowie 2018) have also been accused of embracing some of the tactics developed by tobacco companies. As these examples suggest, collusive forgetting seems to be a relevant non-market strategy (Baron 1995). A potential development spanning from our research would be a better theorization of the role of mnemonics in non-market strategies. Future studies could also analyze how the forgetting and remembering dynamics we found in the case of tobacco industry take place in other industries and organizations. In addition, further research could expand our

analysis of the role of interorganizational mnemonics in the development of competitive and communal strategies (Barnett 2006). Moreover, an important extension of our research would involve a more detailed analysis of the multilevel dynamics of corporate remembering and social forgetting. For instance, is a collective agreement among industry players always necessary for social forgetting? How do different organizations in an industry respond to common attributions of social irresponsibility? What happens when some players engage in collusive forgetting, but others do not? What happens when organizations promoting social forgetting fail to engage in collective remembering? Future research might generate a more fine-grained understanding of how social forgetting is maintained over time and how corporate irresponsibility unfolds across different generations of managers.

We argued that an ethics of remembering is intrinsically attached to and, in fact, is a necessary component of any project of collective forgetting. We demonstrated that faced with a situation of potential harm from their pasts, organizations may increase the investment of resources and the control over the way the past is remembered. When social pressures about the corporate past arise, corporations tend to rationalize their practices of remembering, establish regimes of censorship, and centralize the production of narratives about the past. Erasing evidences is always a possibility. Nevertheless, considering the impossibility of complete forgetting, the destruction of mnemonic traces might instead reduce the defenses of the organization against competing claims about the past. An ethics of remembering thus seems endemic to bureaucratic structures. The more the past is understood as an arena of disputes, the more relevant the creation of structures of remembering within organizations becomes. In addition, the more the future of an organization depends on the consistency between its past and present, the more likely the organization will develop practices safeguarding its memories and ensuring they are taken into account in the development of present and future actions.

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Archival Sources

Tobacco Archives
http://www.tobaccoarchives.com/

Truth Tobacco Industry Documents Archive
https://www.industrydocumentslibrary.ucsf.edu/tobacco/

Tobacco.org
http://archive.tobacco.org/

Philip Morris USA Inc. Public Document Site
http://www.pmdocs.com/

R.J. Reynolds Tobacco Company Online Litigation Document Archive
http://www.rjrtdocs.com/

NIH-NCI Tobacco-Documents Project at The University of Georgia
http://www.tobaccodocs.uga.edu/

Surgeon General Reports
https://profiles.nlm.nih.gov/NN/ListByDate.html

Tobacco Control Laws
http://www.tobaccocontrollaws.org/

Table 1 Chronological Distribution of Sources

Sources	Units	Pages	1950	1960	1970	1980	1990	2000	2010
Books	19	6,338		2		3	4	4	6
Journal Articles	31	403	5			1	8	11	6
Media Articles	10	80	2				4		4
Documentaries	3	-					2		1
Interviews	12	-					12		
Trial Transcripts	10	4,079					5	4	1
Internal Records	72	1,174	15	13	14	19	10	1	
Total	**157**	**12,074**	**22**	**15**	**14**	**23**	**45**	**20**	**18**

Figure 1 Codes and Dimensions

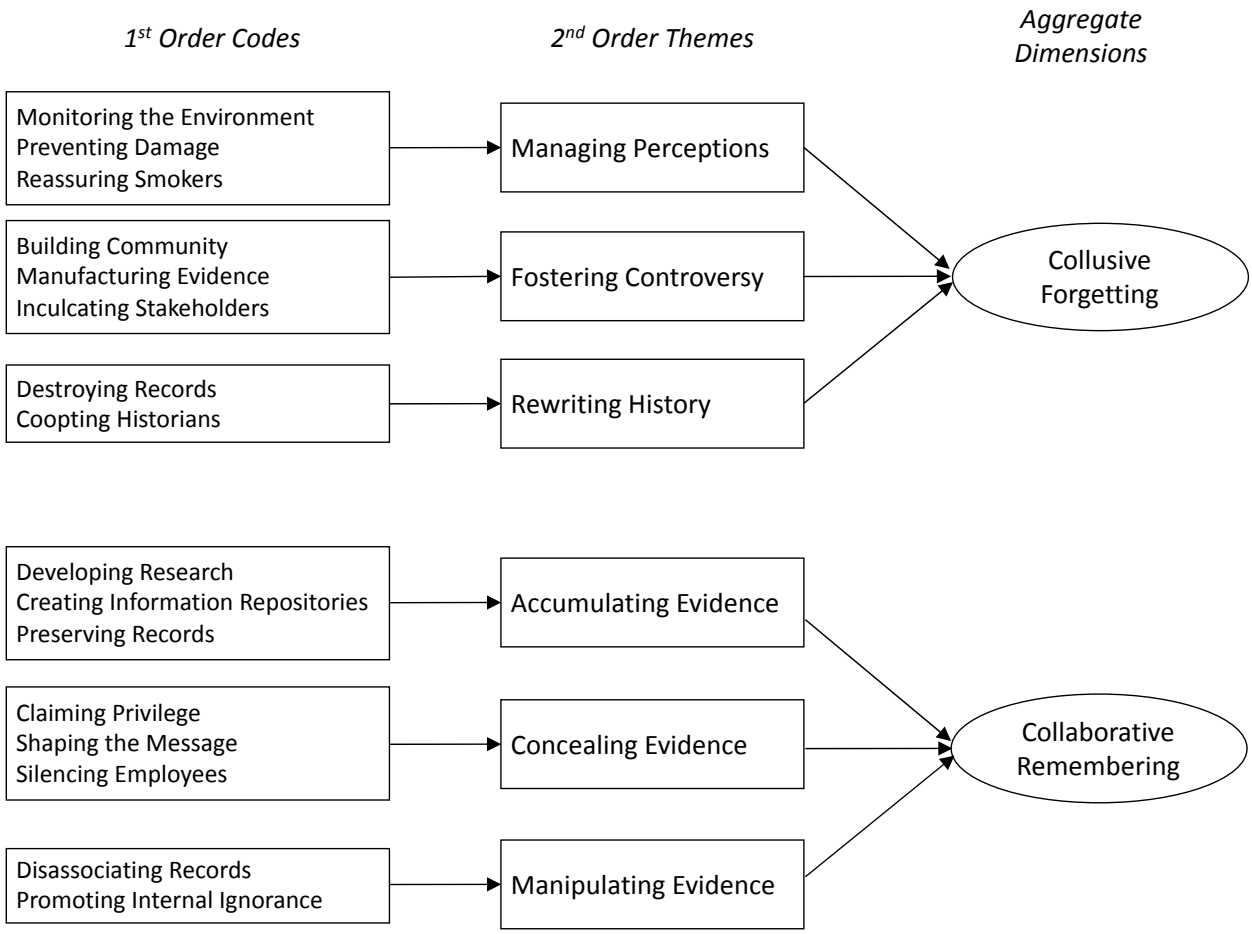
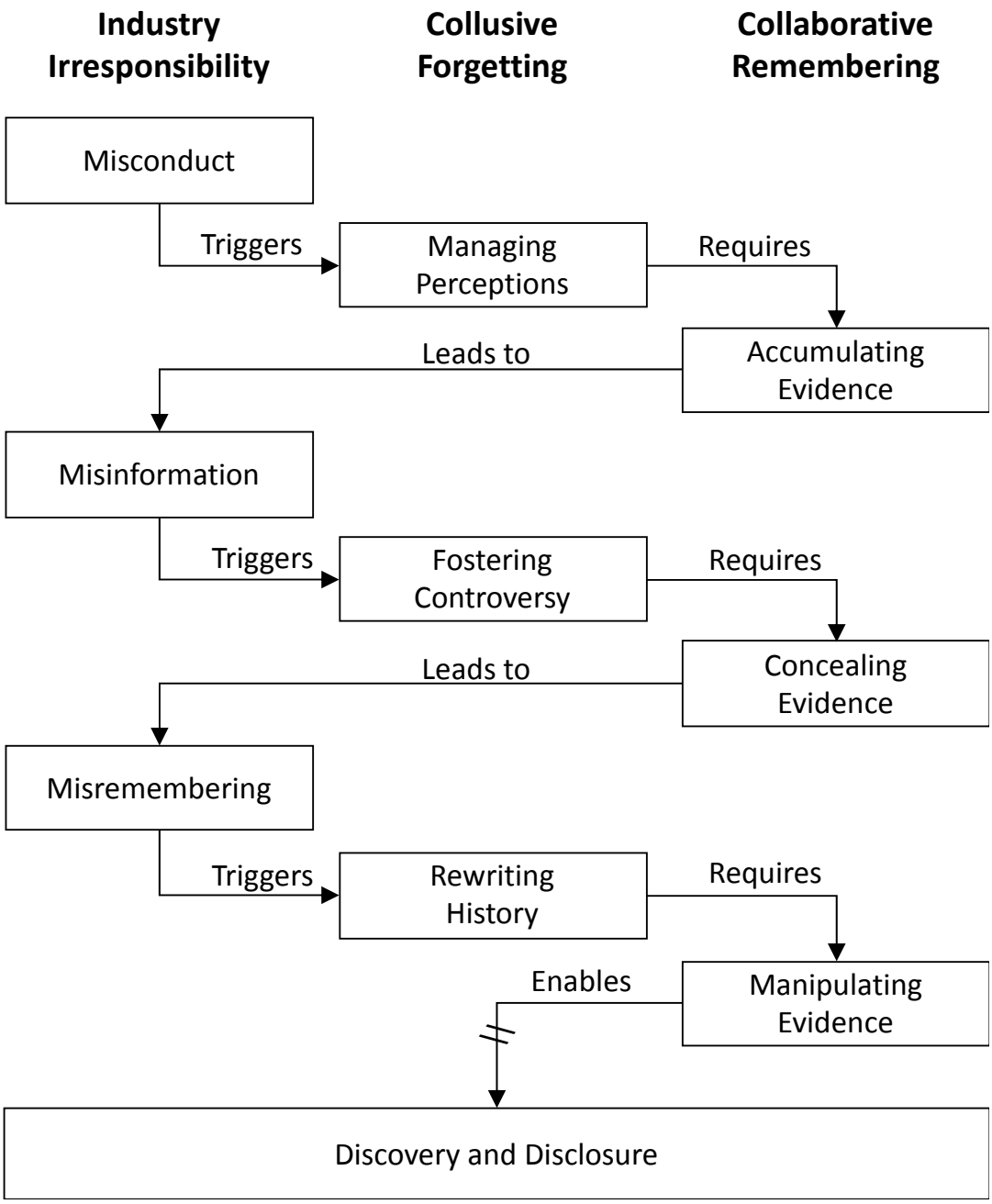


Figure 2 Layered Process of Historic Irresponsibility



Appendix - Codes, Quotes, and Context

The following table presents the first and second order codes generated in our abductive analysis of the data. For each code we provide two illustrative quotes as well as some information about the source context, including the author of the document, the context of production, and a brief overview of the contents of the record. Full references are presented in the form of footnotes at the end of the document. Most of the reference present a Bates number associated with it. Bates numbering was the system used to assign a uniquely identifying number or alpha-numeric code to each document uncovered by the Master Settlement Agreement of 1997. This means that all the primary sources we use to illustrate our coding are available online and can be checked to verify the authenticity of the quotes and ensure that our interpretation of them is sincere. It also offers the opportunity for future research to be reproduced and the credibility of our findings assessed. The records can be retrieved through any archival sources we identify previously in the paper, but the largest repository is the Truth Tobacco Industry Documents Archive, maintained by the University of California, San Francisco at https://www.industrydocumentslibrary.ucsf.edu/tobacco/.

First and Second Order Codes	Illustrative Quotes	Source Context
1. Misconduct	A1. The increased incidence of cancer of the lung in man which has occurred during the last half century […] has led to the suspicion that tobacco smoking is an important etiologic factor in the induction of primary cancer of the lung. Studies of clinical data tend to confirm the relationship between heavy and prolonged tobacco smoking and incidence of cancer of the lung[1].	A1. R. J. Reynolds researcher Claude E. Teague surveyed the literature on cancer and tobacco in the beginning of 1953. In this document he suggests the likeliness of the connection between smoking and cancer of the lung.
	A2. 'The sum total of scientific evidence establishes beyond reasonable doubt that cigarette smoke is a causal factor in the rapidly increasing incidence of human epidermoid cancer of the lung' represents a view with which we concur[2].	A2. Report written by F. Alan Rodgman, head of R. J. Reynolds Chemical Research Department. Citing TIRC's Scientific Advisory Board member Paul Kotin, Associate Professor of Pathology at the University of Southern California.
2. Managing Perceptions		
2A. Monitoring the Environment	A1. A public opinion poll is needed to help develop a long range program […] A survey would provide a "benchmark" against which future surveys could be compared, to gauge progress or retrogression in public sentiment[3].	A1. This Hill & Knowlton's internal document is a follow up to the Plaza meetings and the creation of the TIRC. It details the various projects to be developed under the umbrella program for public relations and research on tobacco.
	A2. Early in the public relations program, an informal survey of magazines, features and syndicates was undertaken to see what, if any articles were planned on the smoking controversy […] it was found five	A2. This document was sent by Hill & Knowlton to the chairman of TIRC summarizing what they agreed on during the Plaza meetings and reporting the first

	magazines were working on pieces and contact was established with authors and editors. Such regular checking continues as standard practice[4].	seven months of activities developed by the public relations and research program.
2B. Preventing Damage	B1. a "semi-offensive" should be taken against the attackers of tobacco, either by TIRC or through other organizations […] a direct challenge to the American Cancer Society for "this fund-raising propaganda" so that when further attacks on tobacco appear, the reading public would recognize them for what they are — part of a fund campaign[5].	B2. This minute records a TIRC meeting held to elaborate the tobacco industry response to the article "New Cigarette-Cancer Link" published in LIFE Magazine in June 11, 1956. Among the actions they mention protesting to LIFE, publishing a page advertisement to balance the story and writing a 'counter-acting story'.
	B2. Responding to major attacks. Establish a system to enable the industry to respond quickly, and control its statement, in the event of major anti-smoking developments likely to have an important, sustained effect on the industry (e.g., Harrogate, new Hammond studies, major government studies, etc.). This would involve establishing a contingency fund for the purchase of limited newspaper space (quarter page) to give the industry's response [6].	B2. This document details the Tobacco Institute plans for public relations for 1967. It proposes a "major expansion of industry public relations activities" and outlies a series of recommendations focused on increasing "personal contact work with communications media [and] direct communications - 'spokesmanship' - by the industry".
2C. Reassuring Smokers	C1. There is only one problem — confidence, and how to establish it; public assurance, and how to create it — in a perhaps long interim when scientific doubts must remain. And, most important, how to free millions of Americans from the guilty fear that is going to arise deep in their biological depths — regardless of any pooh-poohing logic — every time they light a cigarette[7].	C1. Edward Dakin was a Hill & Knowlton executive. This document was written somewhere in 1953 to members of the Planning Committee, later renamed TIRC. It defines the core problems facing the industry and list some possible responses.
	C2. The first public statement of the Committee should be designed to clarify the problem and to reassure the public that: (a) the industry's first and foremost interest is the public- health; (b) there is no proof of the claims which link smoking and lung cancer; and (c) the industry is inaugurating a joint plan to deal with the situation[8].	C2. This document is the first systematic outline of the collective strategy of the industry to respond to the dissemination of findings on the connection between smoking and cancer. It describes an immediate public relations campaign and a long-term program for the development of research on tobacco and health.
3. Accumulating Evidence		
3A. Developing Research	A1. The word "research" should be included in the name of the Committee to establish the fact that the group will carry on or sponsor fundamental scientific research and will not be solely an information agency. The Committee's	A1. This is part of a series of 'recommendations' provided by Hill & Knowlton to the tobacco companies in one of the various meetings at the Plaza Hotel. The document suggests that a public relations campaign alone would not turn

	research should be of two kinds: (a) scientific, medical research (b) editorial and statistical research into pertinent phases of the current controversy[8].	the tides of the industry and propose a long-term approach based on 'continued research and factual information'.
	A2. The need for basic data, particularly on smoke analysis, is obvious for two reasons: (1) smoke is what we sell, and we must know what we sell, especially in the current health scare climate; (2) we cannot make major improvements in smoke by filtration or raw material modification unless we know what smoke is[9].	A2. This document from Philip Morris describes the 'accomplishments of the research and development department'. It mentions that research on tobacco and health was being conducted by TIRC while they were focused on the two core areas of smoking and filters, essential to the company's response to the health scare.
3B. Creating Information Repositories	B1. A continuing important function is to build' up the TIRC as a reliable and authoritative source of facts relating to the tobacco and health problem […] As a part of this work, the building and maintaining of' a TIRC library of basic informational material is in progress[4].	B1. Document sent by Hill & Knowlton to TIRC's chairman reporting the first seven months of activities and informing, among others, that the construction of a library on smoking and health was under way.
	B2. The reorganization of both scientific and other informational material was undertaken. The amount and quality of the material was expanded and the files put in better shape for quick reference use. The basic information folder was brought into up-to-date shape and expanded[10].	B2. This document sent by Carl Thompson from Hill and Knowlton to John W. Hill details TIRC's activities for Aug-Sept 1954. In addition to contacts with writers, publishers, and the media, it briefly describes advances in the information program developed for the industry.
3C. Preserving Records	C1. The laboratory would write annual reports every year. They were fairly extensive. Paul and I would put them together. All data, all original data would be archived in an annual report and sent to—would be distributed throughout the research center and then sent to central file. We kept all our original data in notebooks which would also go to a central filing unit[11].	C1. Victor J. DeNoble was the Senior Behavioral Analyst for Philip Morris between 1980 and 1984. He worked at the Behavioral Research Laboratory of the company and was forced to leave after his research on the effects of nicotine on rats were considered a potential source of liabilities.
	C2. we are now in a position to make our final recommendations in connection with the establishment of an appropriate record retention program for The Council [of Tobacco Research]. […] It is my suggestion that all of the records in the above category be subdivided into two categories. The first group would include records which should be retained in the office safe. The second group would be retained in your normal office files[12].	C2. This letter was sent by Donald L. Wallace, from the law company Clark, Carr & Ellis, to W. Thomas Hoyt from CTR, outlining a series of recommendations for establishing a records retention program for the Council with implication for partner organizations such as Hill and Knowlton.
4. Misinformation	A1. Our consumer I have defined as the mass public, our product as doubt, our	A1. There is no information about the author of this proposal to Brown &

	message as truth -- well stated, and our competition as the body of anti-cigarette fact that exists in the public mind[13] (p. 3-4).	Williamson, which argues for a more active effort of pro-tobacco forces against anti-tobacco activists to 'withstand a conflict and sustain a controversy'.
	A2. For nearly twenty years, this industry has employed a single strategy to defend itself on three major fronts – litigation, politics, and public opinion […] consisting of creating doubt about the health charge without actually denying it — advocating the public's right to smoke, without actually urging them to take up the practise — encouraging- objective scientific research as the only way to- resolve the question of health hazard[14].	A2. Fred Panzer, Vice-President of the Tobacco Institute from 1971 to 1980, sent this memorandum to the president Horace R. Kornegay, outlining an alternative plan of action to move away from the 'strategic impasse' of the industry created by the 'not proven' argument to a more positive defense of the industry's position.
5. Fostering Controversy		
5A. Building Community	A1. The entire tobacco community, plus allied interest groups, represents a vast relatively untapped asset which must be developed in this present era of increasing public participation in the political process. It also represents a targeted audience most receptive to industry communications which fail to be transmitted through the news media[15].	A1. This document was produced by John (Jack) D. Kelly, Regional Director of the Tobacco Institute for the Western Districts. It presents a revised version of the Tobacco Institute's objectives, which include goals such as to 'improve industry intelligence', 'develop grass-roots support capabilities', and 'improve institute's scientific information services'.
	A2. TAN [Tobacco Action Network] has emerged as a vehicle for two-way communication between all segments of the tobacco industry and people in those segments who are concerned about legislative or regulatory issues affecting their livelihoods. As a result, TAN has become a common identifying and rallying point for all tobacco industry segments seeking solidarity in facing common industry problems[16].	A2. This unsigned document from 1977 provides a chronology of events associated with the Tobacco Action Network. The original had the Tobacco Institute Business Plan as an attachment. The plan detailed a strategy to 'organize pro-tobacco forces (growers, tobacco manufacturers' employees, distribution channels, tobacco industry suppliers, subsidiaries, allied industries, sympathetic publics) into a Tobacco Action Network'.
5B. Manufacturing Evidence	B1. CTR and the Industry have publicly and frequently denied what others find as 'truth'. Let's face it. We are interested in evidence which we believe denies the allegation that cigaret smoking causes disease. If the CTR program is aimed in this direction, it is in effect trying to prove the negative, that cigaret smoking does not cause disease[17].	B1. Helmut Wakeham, Philip Morris (PM) Vice President for Research & Development, sent this letter to PM's president at the time detailing what he believed would be the best program for CTR. The options outlined involve searching for alternative causes of smoking diseases, developing expert witnesses, and product improvements.
	B2. There is another political need for research. Recently it has been suggested that CTR or industry research should enable us to give quick responses to new developments in the propaganda of the	B2. Ernest Pepples, Senior Vice President for Brown & Williamson, in letter to CTR Directors about CTR's budget explains that there are some disagreement about the tobacco companies regarding the direction

	avid anti-Booking groups […] Finally the industry research effort has included special projects designed to find scientists and medical doctors who might serve as industry witnesses in lawsuits or in a legislative forum. All of these matters and more should be considered in asking what kind of research the industry should do[18].	and the operation of CTR, but reports that they should continue paying their share of CTR's permanent funding and suggests that a discussion about the function of CTR is needed.
5C. Inculcating Stakeholders	C1. The tobacco industry is seriously threatened by constant attacks from a number of people and organizations who want to prohibit cigarette smoking […] and they have strong support from the media […] This column will regularly explore the attacks on smoking, keep you informed about various anti-smoking movements, and posted on how the tobacco industry is fighting these attacks[19].	This quote comes from a Brown & Williamson's (B&W) monthly newspaper called Tobaccotalk. It was an internal newspaper with articles providing a variety of relevant information for employees as well as data about the industry, B&W's performance, and updates about tobacco news and research findings on smoking.
	C2. the industry position on the asserted health effects of tobacco use is that smoking may be hazardous, it may not be, no one knows for sure. How and why that position is taken will be explored form several perspectives. Subject areas will include: Why a correlation can fall short of causation. False data and research dishonesty. Allergies, twin studies and orangutans. Enzyme inhibitors. Geographic anomalies from the Cancer Atlas[20].	C2. This excerpt comes from the 'Syllabus for the College of Tobacco Knowledge'. The College was developed by the Tobacco Institute. During 3-4 days, the 'students' would have classes about various aspects of the business including tobacco history, operations, partner organizations, and the industry standard responses to questions about the connection between smoking and health.
6. Concealing Evidence		
6A. Claiming Privilege	A1. We were approached by the Legal Department and told that everything that we were doing, any memoranda we wrote, any reports that were written, any conferences that were held would be attended by a legal representative and the correspondence and the reports would be written from or to someone in the Legal Department, and all would be stamped confidential, 'lawyer-client privilege'[21].	A1. Dr. James D. Mold, Assistant Director of Research for the Liggett & Myers describes in this 1998 documentary how the lawyers have approached him after he and his team made important discoveries for the production of a safer cigarette and have made attempts to discontinue their work under the rationale that a safer cigarette would prove that all the others were harmful.
	A2. The solution adopted by the tobacco companies was to have their "scientific" research conducted under the close consultation, and sometimes under the management, of their lawyers. The idea was that bad findings could be held back as lawyer-client confidences, whereas good findings could be described as the product of scientific inquiry[22].	A2. Article was written by the Director Minnesota Office of Lawyers Professional Responsibility, a Supreme Court agency that deals with complains about lawyers' unprofessional conduct. Analyzing the uses and abuses of the attorney-client privilege in the tobacco litigation, he defines them as 'obstruction of justice in violation of the criminal code'.

6B. Shaping the Message	B1. We, of course, know that the position of BAT, as well as B&W, is that disease causation by smoking is still very much an open question. Cigarettes have not been proved to cause any human. disease. Thus, any statement by responsible and informed employees subject to a contrary interpretation could only result from carelessness. Therefore, employees in both companies should be informed of the possible consequences of careless statements on this subject[23].	B1. This 1970 letter from David R. Hardy from the law firm Shook, Hardy & Bacon to DeBaun Bryant, General Counsel of Brown & Williamson, evidences lawyers' concerns regarding a series of potential threats to the litigation defense strategy including documents and statements that could be considered 'evidence of wilfulness' and used to support 'claims for punitive damage'.
	B2. Continued Law Department control is essential for the best argument for privilege. At the same time, control should be exercised with flexibility to allow access of the R&D staff to the documents. The general policy should be clearly stated that access to the documents and storage of the documents is under control of the Law Department and access is granted only upon approval of request[24].	B2. Memorandum sent by John Kendrick Wells III, Assistant General Counsel at Brown and Williamson to the Senior Vice President and General Counsel for Brown & Williamson, devising a system to maintain lawyers' supervision and control over document access.
6C. Silencing Employees	C1. […] the confidentiality clause that is a standard part of the company's employment agreement. Tobacco industry employees are routinely asked to sign such agreements, which the companies consider essential tools for safeguarding proprietary information[25].	C1. The quote is from David Kessler's book in reference to his conversation with Deep Cough, a former manager from R. J. Reynolds and an important source in the Food and Drug Administration's investigation, afraid of speaking because he had signed a confidentiality agreement.
	C2. Brown & Williamson has gotten private records from the Louisville courthouse. A local TV reporter has come to my school to ask about my marriage. They are trying to ruin my life […] My children have received death threats, my reputation and character have been attacked systematically in an organized smear campaign[26].	C2. Jeffrey Wigand's interview for Vanity Fair about his role as a whistle-blower against Big Tobacco. He was the former Vice President of Research & Development at Brown & Williamson and was one of the most important witnesses to speak against the tobacco companies.
7. Misremembering	A1. If we admit that smoking is harmful to "heavy" smokers, do we not admit that BAT has killed a lot of people each year for a very long time? Moreover, if the evidence we have today is not significantly different from the evidence we had five years ago, might it not he argued that we have been "willfully" killing our customers for this long period? Aside from the catastrophic civil damage and governmental regulation which would flow from such an admission, I foresee serious criminal liability problems[27].	A1. John Kendrick Wells III was Assistant General Counsel for production for litigation for Brown & Williamson. In this document, he criticizes a memorandum suggesting that BAT should embrace a new strategic direction acknowledging "the probability that smoking is harmful to a small percentage of heavy smokers"[29].

	A2. in 1964 certainly the Surgeon General said enough so that Philip Morris takes the position significant debate was over. That's, of course, rewriting history and revisionism, because they thought there was significant debate forever and ever and ever […] So every jerk in the world except for all the people in the tobacco industry who said just exactly the opposite, right up until at least 1998 with Bible's testimony[28].	A2. Frederic Reller's attorney Michael J. Piuze in case against Philip Morris arguing that public statements from the company contradicted what it knew about tobacco and highlighting the way the 'common knowledge' argument of the industry implied in a reconstructed memory of the past.
8. Rewriting History		
8A. Destroying Records	A1. We do not foresee any difficulty in the event a decision is reached to remove certain reports from Research files. Once it becomes clear that such action is necessary for the successful defense of our present and future suits, we will promptly remove all such reports from our files […] As an alternative to invalidation, we can have the authors rewrite those sections of the reports which appear objectionable[29].	A1. Murray Senkus', R.J. Reynolds (RJR) Director of Research, communication to Max Chron from the legal department in response to the 'Invalidation of some reports in the research department', making it clear that they could remove or rewrite the reports for litigation purposes.
	A2. In Millbank 3 facilities exist for the destruction of classified, i.e. SECRET or RESTRICTED, or other sensitive documents […] In determining whether a redundant document contains sensitive information holders should apply the rule of thumb of whether the contents would harm or embarrass the Company or an individual if they were to be made public or to reach the competition[30].	A2. Document from the British American Tobacco (BAT) written by the Head of Group Security A. G. Thomas indicating the existence of a specialized facility to deal with secretive information at BAT and specifying the criteria used to destroy sensitive records.
8B. Coopting Historians	B1. In the category of historical awareness. STIC has developed social, business and medical historians as witnesses to attest to the high level of public awareness regarding tobacco hazards and the absence of any deception by the tobacco industry. These experts will also explain more broadly the evolution of tobacco in America as a result of natural social forces, wholly unrelated to industry coercion or promotion[31].	B1. This series of document describe in extensive length the practices developed by the Special Trial issues Committee (STIC) since its creation in 1984 until 1990 to "avoiding duplication of effort, reducing trial expenses and speeding the process of trial preparation" by generating an inventory of historical records and "identifying and preparing potential nonmedical witnesses for pending tobacco liability litigation".
	B2. More surprising, however, are genuinely independent scholars with no ideological or methodological ax to grind who testify on the side of Big Tobacco […] Historians who have testified for tobacco typically have said at trial that	B2. Article from reporter Laura Maggi to The American Prospect disclosing some of the amounts received by professional historians recruited by the industry to testify on the public awareness about the harms of smoking.

	they received between $25,000 and $80,000 […] [The historian Stephen E. Ambrose] was asked in a 1997 deposition for the state of Florida case why he was testifying for the defendants. Ambrose replied, 'For compensation.' The attorney followed up, 'So the reason you have agreed to provide the services is for the money?' The answer? 'Yes.'[32].	
9 Manipulating Evidence		
9A. Disassociating Records	A1. 1. Ship all documents to Cologne [Philip Morris office in Germany]. 2. Keep in Cologne. 3. Okay to phone & telex (these will be destroyed) […] 6. If *important* letters or *documents* have to be sent, please send to home — I will act on them and destroy[33].	A1. This handwritten, unsigned document was found in the office of Thomas S. Osdene, head of Philip Morris' Science and Technology (S&T), and suggests that they attempted to cover up their records by sending them to INBIFO, PM's Institute for Biological Research in Germany.
	A2. I said that we would consider shipping the documents to BAT when we had completed segregating then. I suggested that Earl tell his people that this was part of an effort to remove deadwood from the files and that neither he nor anyone else in the department should make any notes or memos or lists[34].	A2. John Kendrick Wells III, Assistant General Counsel for production for litigation for Brown & Williamson, in communication about documents retention to Earl Kornhorst, Brown & Williams Tobacco's Vice President for research, suggesting sending confidential documents for storage abroad to avoid discovery.
9B. *Promoting Internal Ignorance*	B1. Strangely enough, many of the documents he had not ever seen before and was amazed himself when he saw them […] As the Director of Research, the Vice President in charge of Brown & Williamson's research, many of these documents had been secreted even from him. So he was amazed himself when he saw some of the research that had gone on in the company that he was not even allowed to look at. Or not made privy to[35].	B1. In this interview to the PBS program FRONTLINE, Richard Scruggs, the lead trial lawyer in the tobacco litigation talks about the negotiation of an agreement with the industry and highlights how the document control was so intense that some executives like Jeffrey Wigand did not even know they existed.
	B2. Through our responsibility for the technical direction of INBIFO, numerous animal inhalation studies have been conducted to investigate the effects of fresh and aged SS smoke in rats and hamsters […] (Except for one brief presentation to the ETSAG on one of the INBIFO experiments no one knows anything about our SS work, particularly within PM)[36].	B2. This Phillip & Morris (PM) document of unknown authorship was produced in 1989 as a reflection on PM's Science and Technology department in the U.S. The record shows that much of the research conducted in Germany at INBIFO was very secretive and was shared only with an extremely selected group of people.

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