

# PERSPECTIVES

## Bigger isn't always better

*The huge settlement in the Philip Morris suit in Portland may actually hurt chances in the appeals process*

**E**ighty million dollars is a hell of a lot of money. A luxurious mansion, cars for all your friends and trips around the world in your personal jet would not even make a dent in \$80.3 million.

It is even more when you consider that \$80.3 million is how much you can get if you sue a tobacco company for manufacturing a product that you choose to use extensively.

A Portland jury awarded just such a settlement for the cancer-related death of 42-year smoker Jesse Williams against tobacco giant Philip Morris Inc. It's the largest tobacco settlement ever awarded, if you exclude the 46 state settlements equaling \$206 billion in November 1997.

Apparently the information that sealed the verdict were documents authored by Philip Morris that acknowledged cigarette smoking is addictive and harmful. But the company chose to deny such accusations publicly.

In Oregon product liability cases such as this, the plaintiff must prove that the product manufacturer is at least 50 percent responsible to be awarded damages. Therefore, the argument that personal responsibility, as in Jesse Williams' choices and actions, should determine the case is only half of the question the jury must answer.

But because surgeon general warnings that smoking is harmful have been available since 1964 and evidence has been mounting for 35 years, it is hard to allocate 50 percent of the blame to Philip Morris, even if it tried to mislead the public.

In addition, Oregon's product liability law has statutes of limitations. Under Oregon law, the jury

should have only considered evidence between 1988 and 1996. Only damage incurred eight years prior to a product liability suit is allowed to be introduced as evidence.

No one, no matter how reclusive, could claim they didn't know the ill effects of smoking cigarettes after 1988. Also, the damages incurred by Williams' habit occurred during a 42-year period and could in no way be sectioned off to eight years.

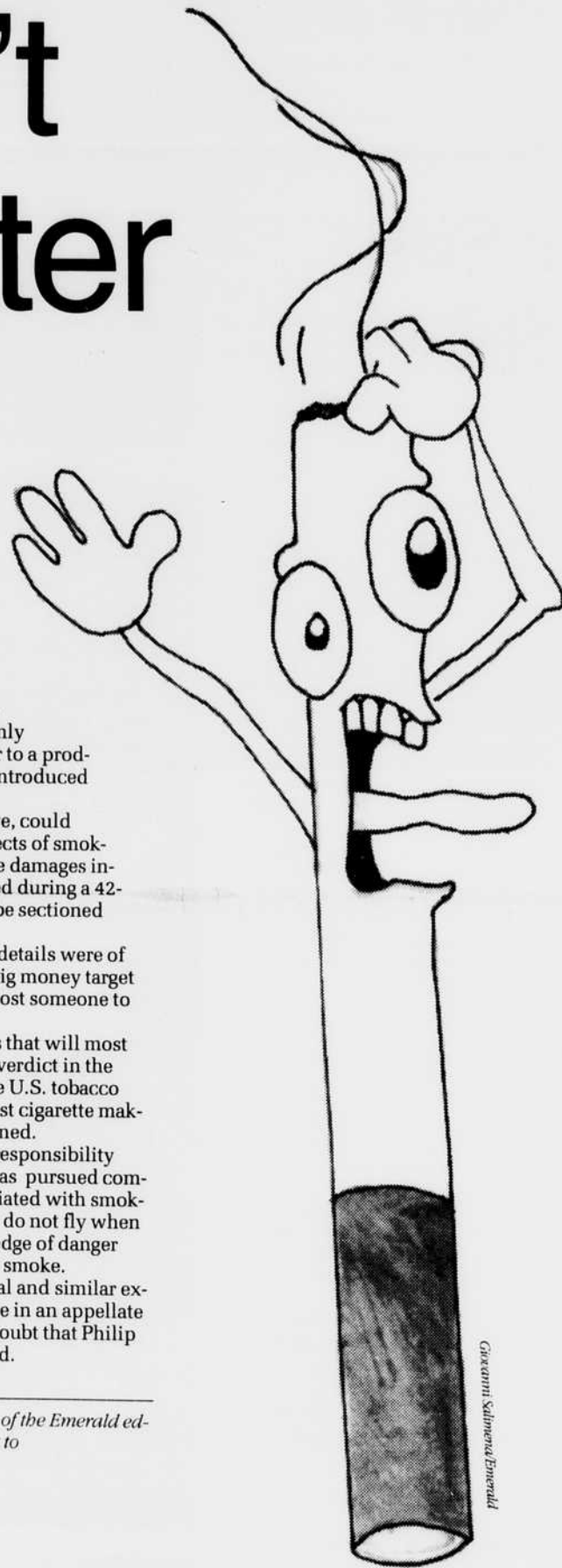
It appears that these little legal details were of no concern when jurors saw the big money target and the sad story of a family that lost someone to lung cancer.

It is precisely these little details that will most likely overturn the \$80.3 million verdict in the appeals process. In fact, of the five U.S. tobacco suits that awarded damages against cigarette makers, three have since been overturned.

Tobacco companies do have a responsibility and that is why the government has pursued compensation for medical costs associated with smoking. But huge damage awards just do not fly when personal choice and prior knowledge of danger play such a role in the decision to smoke.

If the suit was limited to medical and similar expenses, it might have had a chance in an appellate court. As it stands, there is little doubt that Philip Morris will win the case in the end.

*This editorial represents the opinion of the Emerald editorial board. Responses may be sent to ode@oregon.uoregon.edu.*



Garrett Schmechel/Emerald

### Thumbs



#### THUMBS UP

**To the economy:** The nation's unemployment rate hit a low of 4.2 percent last month, the lowest rate in 29 years. Economists claim that all levels of jobs are benefiting from the economic boom.

#### To accuracy:

According to a recent 20/20 program on ABC, K-12 school textbooks, including a specific text used at Roosevelt Middle School here in Eugene, have as many as 300 factual errors. By raising awareness, 20/20 may help schools insist on accuracy of learning tools.



#### THUMBS DOWN

**To daylight savings:** All those who remembered to set their clocks on Saturday night lost an hour of precious sleep and those who didn't had to suffer looking foolish walking in an hour late. We propose that Oregon do away with this suffering and eliminate daylight savings like Arizona, Hawaii and Indiana have done.

#### To domestic violence:

One out of eight Oregon women have been victims of domestic violence in the last year, according to a recent statewide survey. And three of five Oregon children witnessed acts of domestic violence in the past year.

## Letters to the Editor

### Budget oversight

It was with astonishment that I read that Cheryl Hunter's position in the ASUO was being eliminated in the 1999-2000 budget, (ODE, March 31).

During my two years as Student Senate president (1994-96), I came to rely on Cheryl's wealth of knowledge regarding ASUO procedures, history and how the ASUO relates to the University system overall.

Rumors of Cheryl's demise have been around for several years, and they always boil down to the ASUO Executive's inability to accept that they don't know everything. Kids don't want to be told what to do, and Cheryl is effectively the parental object against whom some feel they must continue to rebel.

As a student senator, I always pushed for lowering fees and reducing spending, but even I wasn't dumb enough to suggest cutting off my nose to spite my face.

**Martin Fisher**  
Attorney at Law  
Bend

### Discriminating policy

We're living in a strange world. Our tax dollars are currently funding two extremely expensive military operations in the Middle East and now in Europe.

I can understand the need to spend money on defense. After all, we need to keep our people and our borders secure, however, I fail to see the need to bomb Yugoslavia or Iraq for so-called

human-rights issues.

If we're going to use human-rights violations as a reason to invade an autonomous nation, we should have invaded a number of countries long ago.

Why hasn't NATO bombed China to free Tibet? Why hasn't the United States pumped millions of dollars into East Timor to rid them from Indonesian occupation? Especially considering that the Indonesian government has killed more people in East Timor than Milosevic has in Kosovo.

Bombing nations on different continents is a far cry from a real solution to human-rights violations. Ethnic cleansing, racism and history cannot be forgotten with stealth fighters, smart bombs and other weapons. Yugoslavia has dealt with problems like

these in the past and will continue to deal with them in the future. I just fail to see why the United States needs to get involved now.

"Who needs action when you've got words?" — The Meat Puppets  
**Christopher Joseph Baker**  
Sociology/Philosophy

### LETTERS POLICY

The Oregon Daily Emerald will attempt to print all letters containing comments on topics of interest to the University community. Letters must be limited to 250 words. The Emerald reserves the right to edit any letter for length, clarity, grammar, style and libel. Letters may be dropped off at EMU Suite 300.