

Tobacco industry to fight damages

MIAMI (AP) — The judge in a class-action lawsuit involving 500,000 sick Florida smokers set May 15 to begin what could be the most dangerous stage of the case for the tobacco industry: the punitive damages phase.

The jury found in July that five tobacco companies conspired to sell a dangerous product. On Friday, it awarded two smokers \$6.9 million in compensatory damages. A third smoker was awarded \$5.8 million, but the jury decided that the four-year statute of limitations had run out.

The industry fears the worst blow could come in the form of a punitive damage verdict worth billions of dollars.

Tobacco attorney Dan Webb said Monday the industry will appeal the first verdict and the compensatory damages without waiting for the punitive damages decision. Webb said the appeal will not delay the punitive damages phase, expected to last about a month.

The industry plans to try to decertify the class-action case and to ask that the compensatory damages for two of the plaintiffs be reduced based on the jury's finding of their partial fault as smokers.

During the punitive damages phase, the industry's lawyers plan to call Philip Morris President and CEO Mike Szymanczyk to tell the jury how the companies have changed, and a farmer and a store owner to explain the industry's financial impact on them.

Smokers' attorney Susan Rosenblatt wants the testimony pared down to information about the industry's ability to pay. By state law, the companies cannot be pushed into bankruptcy by a punitive award.

Webb has previously said the industry fears a \$300 billion verdict. Rosenblatt said Webb's figure was intended to scare jurors into setting a low figure and frighten lawmakers into passing measures protecting

the industry.

The defendants are Philip Morris Inc., R.J. Reynolds Tobacco Co., Brown & Williamson, Lorillard Tobacco Co., Liggett Group Inc., and two industry groups.

This is the first class-action lawsuit against Big Tobacco to reach trial.

Also Monday, Philip Morris spokesman Jay Poole told students at the University of North Carolina that the company may have contributed to the public's negative impression of the industry by refusing to bend on some issues, such as non-smoking sections in restaurants.

"The perception within the cigarette industry was you don't give an inch," said Poole, the tobacco giant's vice president for external affairs. "So what happened? We got non-smoking sections in restaurants. And we got them the hard way. In fact, we've still got the bruises to show for it."

Confederate flag supporters rally in South Carolina

CHARLESTON, S.C. (AP) — Defenders of the Confederate flag atop South Carolina's Statehouse rallied here to tell lawmakers to keep the banner waving or risk losing reelection in November.

State Sen. Arthur Ravenel asked the crowd of nearly 1,000 — some from as far away as Georgia and Louisiana — to fill the Statehouse on Wednesday, when the Senate begins its first debate on various proposals to remove the flag. Dozens of people hoisted a 4,000-square-foot battle flag on the east side of Marion Square downtown.

"Wednesday is kind of an Armageddon for the dignity of the battle flag," Ravenel said. "We're outnumbered and outgunned. We need everyone who is retired or can take

time off to come up to Columbia to be in the balcony, to be in the hall when the Senate starts to debate this."

The pro-flag rally came a week after Charleston Mayor Joseph P. Riley Jr. led hundreds of supporters on a five-day, 120-mile march to Columbia to ask lawmakers to remove the flag.

Matthew Collins of John's Island said he wouldn't object to the flag being moved to one of the monuments on the Statehouse grounds.

"I don't mind if you take it off the dome. Up there it's a speck," Collins said.

The National Association for the Advancement of Colored People has called for an economic boycott of the state until the

flag is removed. The civil rights group said the flag is a symbol racism and slavery.

State Sen. Glenn McConnell said Riley's marchers and the NAACP want to wipe out Southern heritage.

"These colors represent people's blood shed for principles. It doesn't represent slavery," said McConnell, who owns a Confederate memorabilia shop in Charleston. "Don't let them seduce you to animosity toward your fellow South Carolinians."

R.C. Tanner, of Pinopolis, said the pro-flag side had been too nice for too long. He was heckled by Sons of Confederate Veterans for walking through the crowd with a sign that read "Send the NAACP back to Africa where black dictators belong."

Police kill man at 'Black Springbreak'

JACKSON, Miss. (AP) — A man celebrating spring vacation on the Mississippi Gulf Coast was shot and killed by an officer during a struggle over a gun found in his vehicle, authorities said.

Mitchell L. Virgil Jr., 20, of Columbia, was shot Saturday afternoon during a traffic stop in Gulfport. District Attorney Cono Caranna said officers had discovered a weapon in the pickup truck he was riding in.

"The officers struggled to obtain it and when he didn't follow police orders to put it down, he was shot," Caranna said.

The shooting happened during the final two days of "Black Springbreak 2000," an event that drew about 30,000 black college students from across the country to the coast.

The officers involved in the shooting were white; Virgil and the truck's driver were black. That has some black civic leaders concerned, including the Rev. Rossie Francis of Grace Temple Baptist Church in Gulfport.

"That's going to be the initial concern, but when you don't know any of the information you can't just use your initial judgment," Francis said. "I'm just telling everyone I talk with to remain calm at this point. Let the system do its job. We don't know enough yet."

Caranna said investigators from his department, the state Highway Patrol and other agencies spent Sunday investigating the shooting. Gulfport Police Patrol Sgt. David Waltman said the department would not discuss the shooting.



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