

Stenberg: Answers needed before state files tobacco suit

OMAHA (AP) — Attorney General Don Stenberg wants answers before he gets Nebraska involved in a lawsuit seeking to recover taxpayer costs for treating smoking-related illnesses.

More than a dozen other states have filed such suits against tobacco companies and the Nebraska Department of Social Services has asked Stenberg to look into the feasibility of Nebraska doing the same.

But Stenberg said this week that he had a list of questions that needed answers before he would consider filing such a lawsuit. One of the questions was whether the politics of U.S. Senate candidate, Gov. Ben Nelson, was at the heart of the request.

Stenberg said the timing of the request from an agency under Nelson's control raised political questions. He noted that the request came during the recent Democratic National Convention where party leaders highlighted tobacco issues.

"This raises serious questions as to whether your letter is a good-faith re-

quest for my advice, or simply posturing for the benefit of Ben Nelson's U.S. Senate campaign," Stenberg, a Republican who sought the GOP senate nomination in May, wrote to Social Services Director Don Leuenberger on Monday.

Deb Thomas, deputy director for Social Services, denied political motivation in the request for the lawsuit, which she said had been discussed in the department for nearly two months.

"I thought it was a very political response to a nonpolitical request for a legal opinion," she said.

She was also puzzled by several other questions Stenberg raised, including one for the department to identify a legal theory under which such a suit could be filed successfully.

"I don't think it's appropriate for a client to tell his attorney what legal theories exist," she said.

Thomas said she hoped department officials could sit down with Stenberg's staff soon to work through the issues involved in such a lawsuit. She agreed with Stenberg that there are important questions to be answered, but she said

they would be answered most easily in a joint effort.

In the last two years, 14 states have filed suit against tobacco companies over public health costs related to smoking. States, including Kansas and Oklahoma, claim that the cigarette manufacturers conspired to mislead and misinform the public about their products even after their own researchers told them there were links between cigarettes and cancer.

One small tobacco company recently settled a suit with the state of Mississippi, agreeing to change its advertising practices and to pay a small financial settlement.

Thomas said it was the settlement by Liggett Inc. that first got her department interested in the tobacco litigation. But the battle apparently is not going as easily elsewhere.

In Minnesota, Philip Morris is spending \$1.25 million a week reviewing and processing documents for the health-care lawsuit brought by the state of Minnesota, according to an attorney for the cigarette manufacturer.

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DEB THOMAS
deputy director for Social Services

Philip Morris attorney Peter Sipkins said as many as 210 attorneys, legal assistants and secretaries worked to meet an Aug. 31 deadline to produce more than a million pages of internal documents requested by the state.

"This is the largest document production in the history of Minnesota and is approaching one of the largest nationally," Sipkins told Judge Kenneth Fitzpatrick in a hearing Tuesday.

That suit involves six tobacco companies and two trade groups. The state and co-plaintiff Blue Cross and Blue

Shield of Minnesota are seeking reimbursement for the cost of treating Medicaid patients for smoking-related illnesses.

Stenberg said Nebraska "should neither rush into litigation nor rule out the possibility."

He said considerations should be whether such a suit could be successful, how much it would cost, whether the state could prove damages suffered and if it was appropriate to sue tobacco companies when products such as alcohol and junk food also pose health risks.

CORRECTION

Because of a reporting error in the Sept. 11 story, "Moeser stresses excellence," numbers concerning UNL retirement benefits were off, said James Ford, English professor and president-elect of the Academic Senate. UNL lags behind peer-group universities in retirement benefits by 6 percent, not 3 percent, Ford said. Also, he said, the Academic Senate wants to raise the benefits from the legal limit of 8 percent to 12 percent.

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