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1 at that time, and my knowledge of labor history
2 and labor political involvement made it very
3 unlikely that health and welfare funds would
4 have charged people who smoked differential
5 prices, so as to get involved in their personal
6 choices.

7 The conclusion was that health
8 insurance and the union movement at that period
9 of time, some changes later, health insurance
10 at that period of time was directed at paying
11 for the cost of illness. It was not directed
12 at shaping up people. Those were the factual
13 claims that was the basis of my observation.

14 The basis for it was an extensive
15 review of what was known -- what was in union
16 publications, what was in the general media,
17 what was on television, what was in government
18 reports, what was in interest group statements
19 and hearings, and that's the parallel with what
20 I'm doing in connection with asbestos.

21 Q. Were the boilermakers, to use the
22 term generally, this pension fund, seeking
23 compensation from the tobacco company for
24 injuries of their members, monies they paid out
25 for their members' illnesses?

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1 lawsuit?

2 A. I wasn't an expert in who cared
3 about what. What I cared about most was simply
4 whether it was true, that contention. And I
5 said it is true that there is wide
6 understanding of the dangers, and there was no
7 reason to believe that unions would have
8 differentially priced, which was a subpart of
9 the set of claims.

10 I didn't support, say anything
11 about the veracity of the tobacco companies at
12 that particular time, but I have my own views.

13 Q. What are your views?

14 A. Well, I think it's plain now, and
15 it was plain then too, that there were
16 considerable efforts to hide information that
17 just didn't work.

18 Q. We left off at the seven years in
19 Canada.

20 In a nutshell, tell me after
21 that. After the seven years in Canada, not
22 including your study for Celotex and for the
23 boilermakers, what other things you've done to
24 acquaint yourself with the topic of asbestos?

25 A. Those were the things that were

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1 A. That's correct.

2 Q. Was one of their claims that the
3 tobacco companies had withheld information
4 regarding the dangers of tobacco?

5 A. Absolutely.

6 Q. Did you reach an opinion
7 regarding the tobacco's companies conduct?

8 A. I wasn't asked to conclude that,
9 but what I said bears on it, and what I wrote
10 says that nobody could contend at that period
11 of time that the dangers were not known, no
12 matter what the tobacco companies were doing
13 with hiding information. That was the charge.
14 Irrespective of what they were up
15 to, you couldn't sustain the claim that these
16 health and welfare officials didn't know about
17 the dangers or that they would have, had they
18 known, done this other thing.

19 Q. Sort of "so what" defense; it
20 didn't matter what tobacco did or didn't do,
21 everybody knew of the dangers regardless, so
22 who cares?

23 A. Not who cares, because you might
24 care for other reasons.

25 Q. Who cares as it relates to this

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1 the dominant ones. It came up again in the
2 book that I wrote with my co-authors, America's
3 Misunderstood Welfare State. That is, health
4 and medical care was again an issue.

5 It came up as well in a group
6 that I've been involved with in the last --
7 well, since 1995, actually, which is relevant to
8 the way I think about these topics. It's a
9 group that is concerned about health and
10 healthcare comparatively.

11 It has representatives that meet
12 once a year from Germany and Holland, Canada
13 and the United States to discuss the current
14 state of disputes about health and healthcare,
15 and in connection with that, asbestos.

16 Actually, asbestos litigation has
17 come up more than anything else. That is the
18 question about whether or not mass torts will
19 be a feature that will move to other
20 jurisdictions, whether arrangements to deal
21 with asbestos harms in Germany and the United
22 Kingdom have any bearing on what we should be
23 doing. That is the way in which it came up,
24 the public policy side of it.

25 Q. These are things that came up in