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1 did not know about the dangers of smoking in
2 the 1960s. The question I was asked is that
3 true? Therefore, I had to ask the question of
4 what was available in the way of information
5 about smoking and its effects on health. The
6 nature of the assignment was what you might
7 call a public awareness assignment.

8 I was thought to be the person
9 who had studied how various citizen groups
10 became aware of problems, and how various
11 interest groups had argued about those
12 problems, and I applied that to the area of
13 smoking and looked into what union documents
14 showed, what union publication showed, what
15 general literature showed, and that both
16 brought me into contact with the claims that I
17 made about the interaction between asbestos and
18 smoking, and at the same time brought me into
19 close connection to all of the publicly
20 available documentation that had to do with
21 cancer, which was a central theme of the 1960s,
22 as you know.

23 Through that, I think, I extended
24 my understanding of asbestos as a controversial
25 matter in the world of public health, and a

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1 A. Yes.

2 Q. You consulted with this law firm
3 on behalf of R.J. Reynolds?

4 A. The only problem I have is the
5 consulting. I was asked to write a report
6 about public knowledge of smoking dangers. So,
7 I didn't consult. I wrote a report for them.

8 Q. What did they do with the report?

9 A. They thought about bringing it to
10 the trial. I was deposed, and in the end they
11 decided that the report had not been objected
12 to by the other side. So, they didn't have to
13 argue it.

14 Q. They admitted your report rather
15 than come testify live?

16 A. Not rather than. I wrote the
17 report. They submitted that report. The other
18 side didn't contest that part of the report. I
19 was deposed by the opposing attorneys, and in
20 the end, Jones Day decided they didn't need me
21 at trial because it wasn't one of the most
22 contentious matters anymore.

23 Q. I don't mean to argue about this,
24 but your report on behalf of R.J. Reynolds
25 became evidence at this trial?

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1 controversial matter in the world of regulating
2 industry.

3 Q. You were an expert witness on
4 behalf of tobacco in that case?

5 A. I did a report, but I wasn't
6 actually called to trial. It was, I believe, I
7 think of it as working for Jones Day, but I
8 believe their client was Russell Reynolds.

9 Q. What is Russell Reynolds?

10 A. Reynolds Tobacco.

11 Q. R.J. Reynolds?

12 A. I'm sorry, yes. Russell Reynolds
13 is a headhunting firm.

14 Q. He is a country singer too, I
15 think.

16 Let me get this straight to make
17 sure I understand. You were retained by the
18 Jones Day law firm in a case where the
19 boilermaker union pension fund sued R.J.
20 Reynolds?

21 A. Among others.

22 Q. Among other tobacco companies?

23 A. Yes.

24 Q. The Jones Day firm represented
25 one of these tobacco companies?

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1 A. I suppose so. I'm sufficiently
2 innocent of legal details to know how to
3 describe that. It was submitted.

4 Q. But you're a law professor.

5 A. Yes. I'm a professor at a law
6 school, and I talk about health and healthcare.
7 There is another person that talks about legal
8 technicalities, but the answer is I'm sure it
9 was submitted, because I was prepared to go on
10 trial if it was contested.

11 Q. Can you give me in a nutshell
12 what your opinion was regarding who knew what,
13 when in this tobacco case?

14 A. I can.

15 Q. Please.

16 A. My claim was that by 1964, when
17 the Surgeon General's report came out, no
18 health and welfare fund of a union was unaware
19 of the dangers of smoking to the health of
20 their members. That was conclusion number one.

21 Conclusion number two was that
22 the claim that had they known, they would have
23 given differential health insurance prices to
24 their members was one that nothing in the
25 politics of labor supported as an alternative