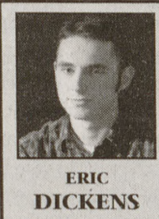


Moving on

Removal of remaining bonfire logs a matter of helping students cope, not a lawsuit issue

Since the collapse of the 1999 Aggie Bonfire, the polo fields have seen a series of memorable events. First, the waves of heart-broken students left letters, Twelfth Man towels and pots along the orange plastic fence.



ERIC DICKENS

Next came the candlelight vigil on the night before the Texas A&M — University of Texas-Austin game. Then the investigators took the field as the Special Commission on the 1999 Aggie Bonfire examined the fallen stack.

But those events have passed, and all that remains are piles of neatly stacked logs and bonfire remnants such as the well leader stand. Students walking and driving by the polo fields still find their eyes drawn to the bonfire site for a stark reminder of Nov. 18.

Like a photograph of an ex-boyfriend or -girlfriend, the logs remaining at bonfire site linger as a constant reminder of a painful past. And like that nostalgia-inducing picture, the logs and the rest of the site need to be cleared immediately. Students have been burdened with the sight of bonfire's remains long enough. Moving the log stacks will only help ease the transition A&M is about to make into another school year — one without bonfire.

A&M officials have no set time line for the logs' removal, but they are working with Brazos County District Attorney Bill Turner to determine how and when the logs can be moved. The delay in removing the logs has been caused by concern for the logs' relevance in potential lawsuits. Although no lawsuits have been filed, the statute of limitations will not be up for more than a year, and the possibility of future legal action remains.

A&M and Turner are concerned that moving the logs could introduce the rule of spoliation into future lawsuits. The

rule of spoliation says that a judge presiding over a legal case can rule that any evidence destroyed by the accused (potentially A&M) can be assumed to contain information damaging to the accused's case. In other words, if A&M moves the logs and a lawsuit is filed, the case's judge could rule that A&M's decision was an attempt to hide incriminating evidence. Because of this danger, and the fact that the collapse was an unprecedented event, A&M has used an abundance of caution in handling bonfire remains.

Last November, when victims were trapped, the main concern was getting the

logs off the pinned students. Eight months later, the main concern should be getting the logs off the students' minds. A&M officials have repeatedly said their handling of bonfire affairs would keep the students' best interests in mind. The students' best interests now are having the logs cleared from the polo fields before August, when the campus will be flooded with new and returning students. It is bad enough that students had to carry on their daily affairs through the spring semester with the logs refreshing terrible bonfire memories. Another semester filled with those memories would not help a still-

healing student body. August marks a new school year and a new beginning for A&M students. Fall 2000 should begin without reopening returning students' scars. Likewise, incoming freshmen do not need to see the remains of last year's bonfire. Most new students already know how important bonfire is to many students and how tragic the collapse was — seeing it firsthand will not do any good other than satisfying their curiosity.

As for the legal issues surrounding the logs' removal, A&M and Turner need to rethink their wait-and-see approach. The Uni-

versity's guiding principle thus far has been fear — fear of encouraging a lawsuit and fear of making a mistake that would hurt the school in court. Instead of being motivated by fear, A&M and Turner should be using logic. Keeping the logs where they are now does not hold any evidence relevant to potential lawsuits. All the logs' current location indicates is how and where they were moved by students and safety workers in November, and later by engineers working with the bonfire commission. This information is not important to lawsuits, which almost certainly would be about the construction and safety of the bonfire structure.

The material that is important to any future bonfire lawsuits has already been moved away. Centerpole, sample logs, baling wire and the 2-by-4 boards that were used as crossbeams are now in an indoor storage facility on West Campus. Furthermore, the commission took detailed photographs, recorded eyewitness accounts and made other records from the days immediately following the collapse. These records, including the commission's final report, along with the material in storage, most likely will be used as evidence in any lawsuit. The things relevant to bonfire lawsuits have been properly cared for and stored. The logs still remaining at bonfire site are not critical to potential lawsuits. Not moving them out of fear of the rule of spoliation should not be a concern for the University.

The only purposes the logs lingering at the polo fields serve is bringing bad memories to returning students and putting the stain of the tragedy in the memory of a new class of incoming students. Turner and University officials need to clear the most prominent visual reminder of the tragedy and give students the closure they seek.



BRANDON HENDERSON/THE BATTALION

Eric Dickens is a senior English major.

Feds bully big tobacco for own gain

A bizarre and twisted analogy is forming in the minds of many Americans as they witness the ongoing punishment of tobacco companies. It is an image of a boxing match in which one of the contestants is both the referee and a boxer. He removes his gloves and proceeds to pound the life out of his opponent by means of low blows, ear biting and other normally illegal tactics. The aggressor in this case is the U.S. Justice Department, and the beaten figure in the corner is the undefeated Big Tobacco industry.



LUKE MCMAHAN

Anyone with sense knows that frequently smoking cigarettes is bad for one's health. The clever nicknames cigarettes have received over the years are indication enough of the recognition of their danger: "Cancer sticks," "coffin nails" and "slowly but surely" constitute negative descriptions. In fact, the federal government agreed. It passed a law in 1966 requiring all tobacco product packaging to contain a written message warning cigarette consumers about the serious potential dangers associated with use of the product.

At the time, the tobacco companies must have thought that was a serious blow to their business, but the future would have worse times in store. Tobacco companies have since been successfully sued in class-action lawsuits numerous times. Until recently, the criteria for determining culpability on the part of tobacco companies has been the date the plaintiff started smoking. Plaintiffs who started smoking before cigarette packages bore a warning label were considered to have been conned into a life of addiction.

This notion was logical. People who started smoking after 1966 have no one to blame but themselves.

In a revolutionary judgment in March, however, a California woman won \$21.7 million from Phillip Morris and R.J. Reynolds Tobacco Holdings despite the fact that she started smoking after federally mandated warnings appeared on cigarette packs. She also became the first plaintiff in a U.S. tobacco lawsuit to win a punitive-damage award that was not later reduced by a judge.

Unfortunate as it may be, tobacco producing is not necessarily an industry that has benevolence as a main concern. Like any big business, tobacco sellers intend to do little else than line their pockets. This may be a distasteful concept, but it is raw capitalism, a truly American concept.

Plaintiffs who started smoking after 1966 are exhibiting child-like behavior. There is little else that tobacco product makers could have done to warn these people. The model the tobacco industry followed was that of the alcoholic beverage industry. The warning on a bottle of beer cites the dangers of consumption for pregnant

women, the dangers of operating a motor vehicle while under the influence of the product, and other warnings. It does not warn of alcoholism, of the aggression often associated with alcohol consumption or of cirrhosis of the liver because these conditions are not certainties. The government would never endorse a warning stating the certainty of a smoker's getting cancer. Why, then, has the present tobacco warning been deemed misleading?

The system of class-action litigation has been running wild for some time now. A sharp, dramatic and persuasive attorney is worth his or her weight in gold. Meanwhile, fueling the wildfire is the government's encroachment upon citizens' right to eat or consume whatever legal product they desire.

Another interesting area is the government's two-faced approach to the tobacco industry. It is naive to believe that the government's interest in pounding big tobacco companies is fueled by some innate desire to protect the governed. The government has profited from tobacco's existence since colonial times. Being well aware that the demand for tobacco will not subside despite a moderate price elevation that results from another successful lawsuit, the government has apparently opened the door for these plaintiffs. The result of these lawsuits against tobacco companies has been an increase in the unit price of the good. While the tobacco companies might falter for a quarter or so, the feds never lose pace and watch tax revenue increase every time. There is no logic in continually punishing tobacco companies without clearly stating what they need to do to avoid punishment.

If the bureaucrats in Washington truly cared about curbing smoking, some of the tax money would go toward implementing programs to help smokers quit. The government-sponsored commercials on television are dramatic and a solid move on the part of Washington politicians, but they are not a complete solution to the problem. Tobacco

companies should not continue to pay off smokers who started smoking after warning labels appeared.

What started as a fair fight to arrive at the truth has turned into a money-driven brawl in which the government, sick smokers and tobacco companies are in it to the end. In this fight, the government is helping one side defeat the other in order to line its own pockets, in a situation very reminiscent of the referee-boxer analogy. Pandora's box has been opened and likely will not close for some time. The divisions of the federal government allowing and advocating this rampant legal badgering to continue are to blame. Nothing good happens when government tinkers with free enterprise.

Luke McMahan is a senior industrial engineering major.

English soccer criticism amiss

In response to Mark Passwaters' July 17 column.

Passwaters wrote: "English hooliganism first became an issue in 1985, when 40 Italians were killed by English fans during a game in Belgium between Liverpool and the Italian team Juventus." I found several newspaper articles that state a wall of the stadium fell, crushing 38 football fans including 11 Belgian youths.

Passwaters also claims that during the recent Euro 2000 match, English fans rioted for seven straight days. In fact, English fans took part in only one two-hour riot on June 16, the evening before the Germany-England game.

Passwaters' article also suffers from hasty generalizations. The problem delineated in the article is not characteristic solely of soccer, but is indicative of large crowds and mob mentality. It is possible to discuss the topic in a rea-

Mail Call

sonable fashion, without such gross inaccuracies and emotional appeals as "people are crushed to death yearly" and "pregnant women climbing over razor wire." Good debate takes place when people rely on logical arguments, rather than emotional appeals.

Heather Cheatwood
Class of '97

Passwaters must brush up on a few facts before he decides he knows best how to run the British government.

He claims that "large riots have become commonplace in Great Britain," when nothing could be further from the truth. Violent incidents at soccer matches in England have decreased markedly in the last 15 years and are much less common than in many places in Europe, such as Italy and Turkey.

Furthermore, the hosting of the European Championships by England in 1996 was widely regarded as one of the best organized and most problem-free tournaments of recent years.

True, when English fans travel, there is a recurring problem of violence which cannot be condoned, but to suggest the fault lies with Blair is rather short-sighted. Measures were taken by the British government at Euro 2000 to stop known troublemakers from traveling, but it was the decision of the Belgians to allow drinking in the venues to go unrestricted.

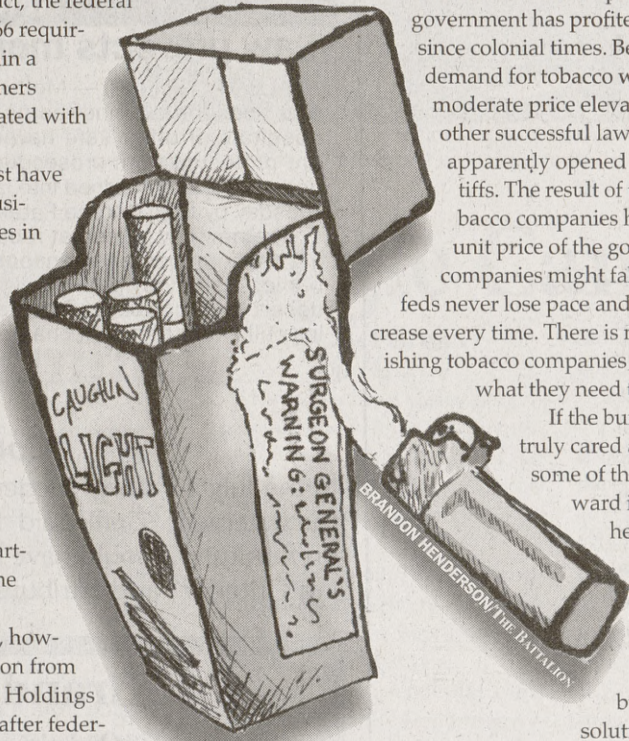
Nothing excuses violence of any sort, but Passwaters really must understand the situation better before he espouses any more solutions.

Mark Johnson
Dept. of Physics

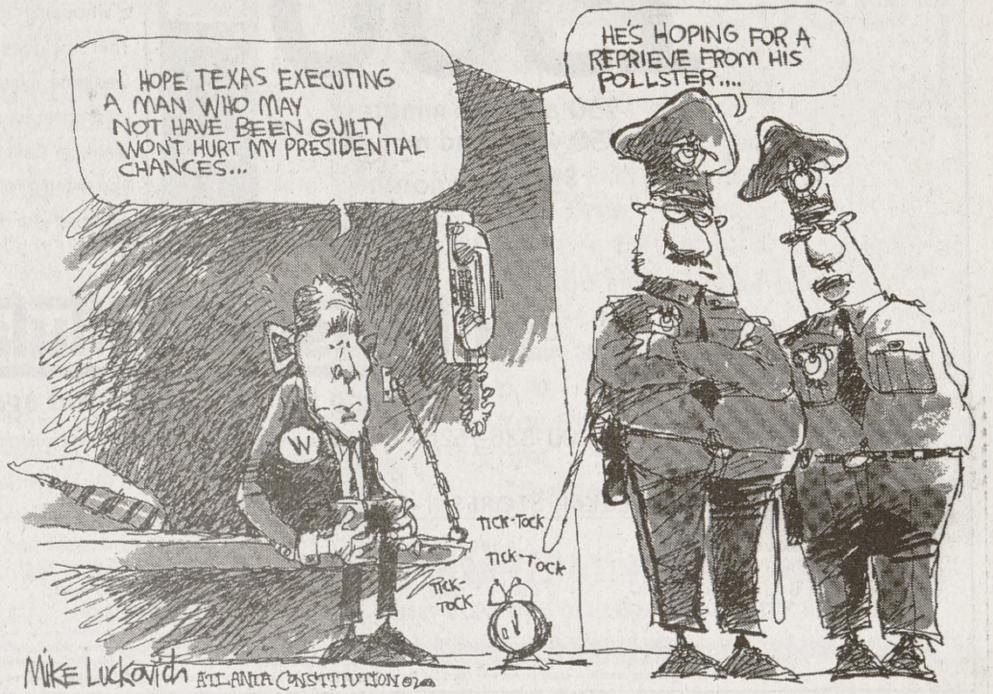
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The opinion editor reserves the right to edit letters for length, style and accuracy. Letters may be submitted in person at 014 Reed McDonald with a valid student ID. Letters may also be mailed to:

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BRANDON HENDERSON/THE BATTALION



MIKE LUCKOVICH

Brief

dead in cell

Officials on Tuesday announced the death of a Texas inmate on the floor of his cell and his neck. Wilson, 27, was killed by a guard who had the latest in a series of recent deaths in the prison system. Wilson was found Monday lying on the floor of his cell, said a Texas Department of Criminal Justice spokesman.

S. places few on soldiers

U.S. military in South Korea has instructed soldiers not to drink alcohol at night and told them to stay out of trouble, officials said Tuesday.

U.S. servicemen in Japan, stem from recent demonstrations in Seoul. A stabbing death last month by an army doctor, said Kim Yong-U, U.S. command spokesperson. The 37,000 American troops stationed in South Korea.

doctor, Maj. David Bernier, died in broad daylight by a Korean man with a record of mental illness. The military says the attack was unprovoked. Thousands of South Koreans gathered the streets Saturday after the military acknowledged it had dumped formaldehyde into the Han River, a major source of drinking water for Seoul's 12 million people.

protesters lobbied to force the U.S. military to remove a nearby building with a sign demanding punishment for the responsible.

military said the 20 gallons of formaldehyde was treated by the system before it entered the river and was therefore not harmful to the environment.

'Sales have

pped as much as 30 percent."

— Hahn Ji-won
Itaewon bar owner

chemical dumping as a result of the South Korean people's protest in the United States dumping poisonous chemicals into the Han River? asked a recent edition of the Chosun Ilbo newspaper. In response to the uproar, the U.S. command also extended an offer by its military police to provide eight spots in Seoul that were frequented by American soldiers. The shops and bars reported a drop in business, with few visitors.

have dropped as much as 30 percent," said Hahn Ji-won, owner of Itaewon bar near the army base. The U.S. military imposed a ban on drinking bars and service members in Okinawa this month after several allegedly committed crimes that enraged the Japanese. The order seemed aimed at calming the community ahead of President Clinton's visit to the island for a summit this weekend.

South Koreans support the U.S. troops in the area as a deterrent to military aggression from communist North Korea. They are worried about the military's controversial allegations against American soldiers. There have been on the streets of Itaewon, a U.S. military jet dropped six bombs near Koon-Ni Range near the village of Mae Hyang southwest of Seoul.