



"NO! NO!" SAID THE QUEEN. "SETTLEMENT FIRST-SCIENTIFIC EVIDENCE AFTERWARD!" — FROM DOW CORNING IN WONDERLAND

Injecting science into the cases

Imagine, if you will, that hard evidence came to light proving beyond a reasonable doubt that O.J. Simpson did not, in fact, kill his ex-wife and her waiter friend.

Or that federal investigators uncovered convincing new information clearing Timothy McVeigh of the Oklahoma City bombing. Or that exculpatory documents turned up showing Theodore Kaczynski has been misidentified as the Unabomber.

Well, that's roughly the equivalent of what occurred last week, when a panel of four scientists, appointed two years ago by a federal district court in Birmingham, Ala., issued an authoritative report concluding — unanimously and unequivocally — that there is no scientific evidence that silicone breast implants cause disease.

These findings amount to vindication, all-too-belatedly, for much-vilified silicone implant manufacturers — including Dow Corning, Bristol-Myers Squibb Co., 3M Corp. and Baxter International Inc. — who have been portrayed by avaricious plaintiff lawyers as the corporate equivalents of Simpson and McVeigh and Kaczynski.

Indeed, as one trial lawyer told a Reno, Nev., jury three years ago, in a personal injury suit resulting in an outrageous \$13.9 million judgment against Dow Chemical Co. (parent company of Dow Corning), the conduct of Dow and other breast-implant makers "was criminal," and because of their reprehensible actions — that is, the manufacturing and sale of silicone gel implants — "thousands of women across the country are sick."

But the panel of scientists, working at the behest of Judge Samuel Pointer in Birmingham, who is

overseeing breast-implant litigation in the federal courts, exonerated Dow Corning, et al., this week.

They found no link between silicone gel and the myriad diseases claimed by plaintiffs' lawyers, including lupus, arthritis, immune-system disorders and an exotic new medical condition, invented by the plaintiffs' lawyers' scientists-for-hire, called atypical connective tissue disease.

The several-inch-thick report, divided into four sections covering toxicology, immunology, epidemiology and rheumatology, was blunt in its assessments.

There is "no association," it concludes, "between breast implants and any of the definite connective tissue diseases ... or the other autoimmune/rheumatic conditions." Furthermore, it states, there is "no evidence that silicone breast implants precipitate novel immune responses or induce systemic inflammation."

And in plain terms that the lay public can understand, the scientists declared that, after two years of analysis of "the most rigorous and relevant scientific information" available on breast implants, "there was no consistent or meaningful association" between silicone gel and any of the medical conditions that the plaintiffs' lawyers have claimed.

These scientific findings ought to bring closure to five years of breast-implant litigation, including a massive multibillion-dollar class-action suit, involving more than 700,000 women, still pending before Judge Pointer's Birmingham court, and more than 4,000 individual personal injury suits in state courts throughout the country.

The report from the scientific

panel clears breast-implant makers of making "thousands of women across the country sick," of putting the lives of these innocent, unsuspecting women at risk.

It's like police discovering that a one-armed man really killed O.J.'s ex. Or federal investigators finally tracking down John Doe No. 2, who confesses that he alone bombed the federal building in Oklahoma City. Or the media receiving another letter from the so-called Unabomber, which couldn't possibly have been written by Kaczynski.

It's a pity that breast-implant manufacturers were unjustly charged with putting a hazardous product on the market, with criminally endangering the lives of women. And it's a shame that the onetime largest silicone implant maker, Dow Corning, was forced into bankruptcy to protect itself from billions of dollars in personal injury claims.

But if one good thing comes out of this breast implant litigation, it is that Judge Pointer has established a precedent that, hopefully, federal and state courts will follow in future when personal injury claims are based on disputed science.

For by appointing a panel of scientists beholden only to the court, the panel's scientific conclusions have far more verisimilitude and, thus, should carry far more weight with judges and juries than the scientific claims and counterclaims of "experts" bought and paid for by either plaintiffs or defendants.

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