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Punitive damage dollars go to plaintiffs

By BEECHER THREATT

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**QUESTION:** Reading about the \$2.5 billion punitive damages judgment against Exxon Mobil for the Valdez oil spill, I wondered, when a company pays punitive damages, what happens to those dollars?

**ANSWER:** Punitive damages will go to the plaintiffs, 33,000 victims of the 1989 oil spill, if they prevail in the lawsuit. Many were Alaskan fishermen who lost their livelihoods when 11 million gallons of oil spilled into Prince William Sound. In a civil case, where plaintiffs are claiming another party's actions harmed them, the plaintiffs receive the punitive damages award.

In a criminal case, when the federal government prosecutes on behalf of all citizens, a punitive damages award is often paid to the Crime Victims Fund, overseen by the Department of Justice Office of Crime Victims. It provides funds for child abuse investigation and prosecution, victims of terrorism and state victim assistance programs.

**Q:** In the May election, is there going to be a constitutional amendment regarding the homestead exemption for people older than 65? I have received an e-mail numerous times lately that says it will be on the May 12 ballot.

**A:** Answer Line received two inquiries about a strange e-mail dated 2008, that says you must vote in May on a constitutional amendment to extend school property tax cuts to certain property owners older than 65. We can't find where this e-mail originated, but we've seen this faulty information on a Houston Realtor's Web site also.

The amendment was on the May 2007 election ballot, and it passed handily. The May 10 uniform election date this year is for local issues and candidates only, as no constitutional amendments are up for a vote. The erroneous e-mail says the election is May 12, which was the date of the election last year.

**Q:** How can I stop political phone calls? We are registered on both do-not-call lists. Did politicians exempt themselves from the law? What number may I call to report a company that continues to solicit me by phone when I've asked them to take me off their list?

**A:** One of the consequences of voting regularly is that campaigns target you. The reason that Congress exempted political campaigns from the federal do-not-call registry is that the First Amendment protects political speech. If you actually get a live person calling from a campaign, and not a recording, try telling

them to take your name off their list, but the law does not require them to do so.

Some states have attempted to add political calls to those covered by their state do-not-call laws, but courts may find those laws unconstitutional for the same reason. Or, if we protest enough, perhaps states can convince courts there is a way to get around the free speech issue. The Texas do-not-call statute does not prohibit political calls, so call your state representative or senator if you are serious about changing the law.

One ray of hope is the National Political Do Not Contact Registry, a program started by Citizens for Civil Discourse, a nonprofit organization. The Web site is [www.stoppolitical](http://www.stoppolitical)

[calls.org](http://calls.org), but I suggest you read through the entire site thoroughly before signing up.

I found a couple of things that gave me pause. The only way to sign up is online. They will forward your information to political parties and campaigns, and request they do not call you. The program is voluntary with candidates, since no law backs it up.

To report suspected violations of do-not-call registry laws, call (888) 382-1222.. By the way, your federal registration will not expire after five years as previously announced, pending legislation to make it permanent. State registration still expires after three years.

**Q:** Regarding the European Commission fining Microsoft \$2.5 billion, what is the commission, and where will these dollars go?

**A:** The European Commission is the governing arm of the European Union. One representative from each member country sits on the commission, which is divided into 26 directorates-general (DGs) and nine services.

One of the DGs is Competition, a department that enforces the competition rules of the treaties that bind the union. The commission fined Microsoft after investigation by the Competition DG. The latest fine of \$1.3 billion on Feb. 28 is one of a total of about \$2.5 billion in fines assessed to Microsoft since the investigation began.

Fine payments go into the general budget of the European Union, but they do not increase the budget. Rather, fines reduce the contribution each member country makes to the budget and therefore reduce taxpayers' cost of governance.

*Leave a message at (903) 232-7208 or send an e-mail to [answerline@longview-news.com](mailto:answerline@longview-news.com).*

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