

# B.C. gets behind tobacco suits

Law would enable province, residents to team up against manufacturers for health costs

BY MIRO CERNETIG  
 British Columbia Bureau

VANCOUVER — British Columbia will introduce legislation today that will enable the province and its residents to team up in class-action suits against tobacco companies for medical costs and other damage that results from smoking.

In the first such move by a province, Premier Glen Clark hopes to use the new law to claw back some of the estimated \$500-million the B.C. health-care system

tem pays to treat diseases related to smoking.

The move is being carefully watched by Ottawa and the other provinces, which are considering similar court efforts to recoup the more than \$3.5-billion that smoking is thought to cost the Canadian health-care system each year.

"For the first time, this is recovering the cost of smoking-related health costs directly from the tobacco industry, not via the tax system," said Eric LeGresley, legal counsel for the Non-Smokers

Rights Association. "This is ground-breaking in Canada."

In a new twist, the New Democratic Party government also will propose hefty licensing fees for tobacco manufacturers if they wish to sell cigarettes in the province. The details of this requirement have not been fully revealed, but the money raised would be used for smoking-prevention programs.

"So far, it's the smokers who have been paying through taxes," a Ministry of Health official said.

"This will attempt to get the tobacco companies to pay up. We're offering them a chance to build a long-term sustainable future."

Mr. LeGresley said the new law would be better than existing class-action procedures because it would speed up litigation by making it easier to prove smoking's harmful effects. But he warned that the new law could lead to prolonged legal battles between the government and the companies.

Industry officials could not be reached for comment yesterday.

Although the B.C. law would be the most sweeping yet aimed at tobacco companies in Canada, companies in the United States have begun to buckle under the threat of class-action lawsuits from at least 37 states.

As scientific evidence mounts on links between smoking and cancer, some companies have agreed to compensate governments for health-care costs. Others are in negotiations on similar arrangements.

Please see B.C. / A10



## The nation

**Academic ritual needs some spice**  
 Organizers of the annual academic ritual known as the Learned's acknowledge that the showcase for Canada's brightest minds in the social sciences and humanities is big, boring and backward at connecting with the outside world. They agree things must change if the event is to survive. A10

**Fighting Quebec justice system costly**  
 Donald Loiselle wanted to be treated fairly before the courts, but the Quebec justice system didn't give him that chance. During a five-year battle that cost him his health and his savings, he was denied the basic right of being represented by a lawyer and obtaining legal assistance before the courts. A7

**Alberta back bench packs some muscle**  
 Back-bench MLAs in Alberta used to be derided by opposition parties as trained seals, but not any more. With Premier Ralph Klein's help, backbenchers have a much louder voice in the House, pushing through their own legislation and setting the agenda on some controversial issues. A4

**The world**

**Environmental group faces uphill task**  
 In a move negotiated under the North American free-trade deal, Mexico will reduce its use of the suspected carcinogen DDT and end the use and production of chlordane. But on other issues, it was clear from the annual meeting in Pittsburgh of the Commission on Environmental Co-operation's governing council that progress is lagging. The absence of Canadian and U.S. officials did not diminish the view of the CEC as an organization struggling to find ways to make governments take it seriously. A12

**France, Germany increase the decibels**  
 France and Germany turned up the volume yesterday in their dispute over Europe's chronic unemployment problem. With the two most important countries in the 15-member EU at each other's throats, it will be difficult for the group to make progress on the governance of going into the next century until peace is restored. And, if the quarrel rumbles on, it will seriously undermine faith in Europe's ability to create a single European currency 1999. Participants at the EU summit in Amsterdam will need help get if they are to get Europe's construction back on course. A12

**Muslim countries form economic club**  
 Three days before he is to step down, Turkish Prime Minister Necmettin Erbakan joined the leaders of seven other countries to launch an economic club, the Developing Eight. The members, including Iran, Egypt, Turkey and Indonesia, pledged economic cooperation ranging from cutting trade barriers to sharing ideas about easing rural poverty. A12

**G7 summit seen as 'pageant'**  
 U.S. President Bill Clinton seems content to play host to a party that will spotlight Russia rather than tackle tough global issues this week at the annual summit of the Group of Seven major industrialized countries. Analysts don't expect Prime Minister Jean Chrétien or the other leaders at the summit in Denver to do more than pay lip service to problems ranging from stalled trade liberalization to the shaky European common currency. B1

**Hockey player clings to life**  
 Vladimir Konstantinov of the Detroit Red Wings was perhaps the most effective defenceman this past National Hockey League season. Now he lies in a coma in a Michigan hospital. That a fellow hoists the Stanley Cup one day and barely clings to life after suffering massive head injuries in an auto accident a week later should remind us how fragile a hold we have on life, columnist Gare Joyce writes. C12

## The world

**Noteworthy inside**

**Cry for the honker:** Once a glorious symbol of all that was noble in the country, Canada geese have lost their place in our hearts, Robert Sheppard writes. What's to become of them, he wonders. A15

**After English Patient:** Filmmaker Anthony Minghella says that after the Oscars, he hid and now he is still casting around for a new project. But another Michael Ondaatje collaboration would be nice, he tells Elizabeth Renzetti. C1

**Chills and spills:** Jacques Villeneuve's startling spin-out at the Player's Grand Prix in Montreal was just the first of several astounding incidents to play on the audience's emotions, Norris McDonald writes. C14

**Lives Lived:** Jane Mussett, fashion writer, editor, stylist and publicist. A16

**Quote of the day**  
 "I can feel the breeze of the Hong Kong sea." First line of a poem written by Chinese university student Zhou Huiping on Hong Kong's return. A11

## Court backs Israeli PM

Troubles mount in other areas

BY SERGE SCHEMANN  
 New York Times Service

JERUSALEM — The Israeli Supreme Court upheld yesterday the decision of the attorney-general not to indict Prime Minister Benjamin Netanyahu or his justice minister in an influence-peddling case, thus lifting one burden from the embattled government.

But the threat of a major confrontation with U.S. Jews over rules for conversion to Judaism, the increasingly tense impasse in the Palestinian talks and a new rebellion within his coalition have compelled Mr. Netanyahu to cancel a planned trip to the United States.

The Supreme Court's decision effectively put an end to the political fallout from the six-month-old Bar-On affair.

The case developed from allegations that the Prime Minister had appointed lawyer Roni Bar-On as attorney-general under pressure from a powerful politician seeking to gain respite from his own legal problems.

Mr. Bar-On resigned after less than a day.

After a long investigation accompanied by extensive news reports, attorney-general Elyakim Rubinstein concluded in March that he had insufficient evidence to indict Mr. Netanyahu or justice minister Tzahi Hanegbi, though he recommended charges against Aryeh Deri of the religious Shas party.

Please see Hebron / A13



A Palestinian boy is carried away after being injured by a rubber bullet during clashes with Israeli troops in Hebron yesterday, the second day of violence in the city. (NASSER SHIYOUKHI/Associated Press)

## Native land claim 'giant' awakens

Supreme Court hears case today

BY ROSS HOWARD  
 British Columbia Bureau

VANCOUVER — Lawyers and aboriginal chiefs will attempt to reawaken the "sleeping giant" of native land claims today in a presentation to the Supreme Court of Canada.

The court is being asked to define specific aboriginal rights, which could undercut or confirm the preference of Ottawa, the provinces and most native interests to settle land claims by negotiation rather than court rulings.

The Gitksan and Wet'suwet'en bands of Northern British Columbia claim their native rights were not extinguished by British or Canadian law and that those rights include ownership and jurisdiction over their entire 57,000-square-kilometre hereditary territory. The case, called Delgamuukw after a group of chiefs who raised the issue, began in 1987 but went into hibernation for a period while negotiations were attempted, without success.

It is the longest-running land-claims case in the Commonwealth. The two native nations claim to have inhabited the largely wilderness Interior region for 10,000 years and want complete ownership and jurisdiction rather than seeking hunting and fishing rights and a smaller defined territory.

Resolving their claim in the top court could have wide implications for the still-evolving pattern of legal rights and political considerations that underlies dozens of major land-claim negotiations in British Columbia and across the country.

The Gitksan and Wet'suwet'en received an almost complete rejection in a controversial 1991 ruling by Chief Justice Allan McEachern of the B.C. Supreme Court that said native land rights were extinguished before the province entered Confederation in 1871 and that, in effect, all native claims were relatively weak in law.

The ruling reinforced a non-conciliatory attitude toward bands making claims in British Columbia, the only province in which legal treaties transferring ownership of native territorial land to colonizers were not signed. Most of the province is covered by unresolved claims, which inhibit development and create tensions over existing privately owned land.

The B.C. Court of Appeal partly reversed the McEachern ruling in 1993 by saying that native rights do exist.

Please see Natives / A5

## Hong Kong a homecoming queen

BY ROD MICKLEBURGH  
 China Bureau  
 Beijing

SQUEALING school kids counted down the seconds. Communist cadres had themselves videotaped unfurling large Chinese and Communist Party flags. Everywhere, just plain folks were taking pictures.

It was countdown Day 20 in front of the huge electronic clock overlooking Tiananmen Square.

For 2 1/2 years, the clock has been registering the days and seconds until Hong Kong's return to China. Now, with a mere million or so seconds to go, there is a fever pitch of excitement.

"It's simply too good," said a beaming gas worker as he headed into an exhibition on the history of Hong Kong. "People all over

From the smallest village to the major cities, China is getting ready to blow the lid off celebrating the return of a prodigal territory.

China are going to celebrate."

Focusing his old camera on the big clock, a retired government employee said the picture he took at countdown Day 40 didn't turn out very well.

"So I am trying again. I will be back again at 10 days. The return of Hong Kong means China is strong again."

From the smallest village to the major cities, China is getting ready to celebrate in a manner not seen here for many years.

While a significant minority of

ily," said shopkeeper Song Yong-gang. "Finally the family is being reunited, like a child returning to its mother."

At the San Li Tun kindergarten in northeastern Beijing, the five- and six-year-olds can tell you all about it.

Looking up from their colouring, they replied in chorus to a visitor's questions.

"Do you know what will happen on July 1?"

"We know!"

"What will happen?"

"Hong Kong returns to China!"

"Who owns Hong Kong now?"

"England!"

"Why does England own Hong Kong?"

"England invaded China!"

Please see China / A11

## Despite award, ruined businessman's ordeal drags on

BY PETER MOON  
 The Globe and Mail  
 St. Petersburg, Fla.

HIDDEN away in Robert (Ted) Martin's small apartment are a loaded .38-calibre revolver and an electric trowel that can knock a person to the ground with a powerful jolt of electricity.

For the former Canadian multimillionaire, they have been essential tools of his trade for the past three years, allowing him to eke out a meagre living while he sought justice in a Toronto court.

It has been a long battle.

Ten years ago, he was worth \$18-million, headed a group of companies that employed more than 1,200 people and drove a new white Lincoln Town Car while he worked on complex business deals.

At long last, payment of nearly \$9-million has been ordered to man who lost everything because he wasn't told everything, but new hurdles loom.

Today, after a successful bout with cancer but in deteriorating health at the age of 68, he lives in a rented one-bedroom apartment near a high-crime area of St. Petersburg, drives a 13-year-old car and has just given up his \$5.50-an-hour job as an armed security guard because he thinks he may have at last won a measure of justice.

Last month, after years of litigation, a Toronto lawyer and law firm were ordered to pay Mr. Martin almost \$9-million in damages and interest. A judge ruled that the lawyer and the firm did not comply with their fiduciary duty

when they failed to advise him that his business partner was a disbarred lawyer who had been jailed for fraud. The lawyer and the firm also represented the disbarred lawyer.

The judgment, the second-highest of its kind in Canadian history, should have been the triumphant climax to a protracted series of legal battles for Mr. Martin and the means for him to provide for his family in Canada and to spend the rest of his life in financial comfort. But the lawyer acting for the defendants said "there will definitely be an appeal," which means there could be another two, three

homes and residential rental properties in numerous locations in Ontario, as well as the Newmarket Golf and Country Club.

He was, he says, a happy workaholic who got by on only three or four hours sleep a night and lived for his expanding businesses and his wife and five children. His wife, Lucy, a psychiatric nurse, worked with him.

Then he met a businessman who told him his name was Nigel Stephen.

He did not know that Nigel Stephen's full name was Nigel Stephen Axton and that he was a disbarred Toronto lawyer who had just been released from prison after serving a four-year sentence for fraud, conspiracy and theft. The offences involved forged documents and misappropriated funds.

Please see Disbarred / A8

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# Organizers seek to modernize learned gathering's image

BY JENNIFER LEWINGTON  
Education Reporter  
St. John's

**GREAT MINDS / It may feature academia's bright lights, but this congress is abstract, arcane and dull.**

THE annual academic ritual known as the Learned, which ended here during the weekend, is supposed to be a showcase for Canada's brightest minds in the social sciences and humanities.

But organizers of the 5,000-strong Congress of Learned Societies concede that it is big, boring and backward at connecting with the outside world — and something has to give.

"We're at the stage where if the Learned are to survive, it will have to do so by engaging the public more than ever," warned David Graham, co-

ordinator of the two-week event held this year at Memorial University.

Chad Gaffield, president of the Humanities and Social Sciences Federation of Canada, which will manage the event on a permanent basis as of next year, agrees that a new look is in order.

"We want to make it an intellectual and cultural event that has more impact on the campus and the community," said Prof. Gaffield, a history professor at the University of Ottawa. "The impact is not what it should be

or could be."

The pressure to change is coming from several quarters. Membership is declining (attendance was down 1,000 from last year); government cutbacks have reduced faculty numbers and travel budgets; and specialized international conferences hold more academic cachet than the Learned.

Efforts to modernize the Learned, one of the largest annual gatherings of its kind that dates to 1949, will see a few changes when the event is held in Ottawa next year.

"Learneds" will be dropped from the official title to remove the aura of academic pretension that permeates the sessions of 94 academic societies that range from anthropology to women's studies. As well, the 15-day meeting will be cut to 11 days.

What is not about to change, organizers acknowledge, is the most common feature of the Learned that is the butt of jokes among academics. It is the spectacle of professors and graduate students who, more often than not, deliver their presentations by reading in monotones from written texts.

Once it is clear they will not finish in the allotted time, they frantically discard pages or press on, leaving no time for discussion. On one occasion last week, an education professor read her presentation from her portable computer, apologizing for the pauses as she scrolled down the screen.

"It's something that associations realize," Paul Ledwell, Congress director for HSSFC, said of the boredom factor. But he said each association sets its

own rules for the Learned.

In its program booklet, the Canadian Society for the Study of Education warns participants that "no paper should ever be read verbatim from the text." It is a warning that mostly went unheeded, except for one researcher who presented his work in the form of a play.

University of Montreal sociology professor Paul Bernard, a member of the Social Sciences and Humanities Research Council and a veteran Learned attendant, said the phenomenon of dull lectures is a function of the reward system in universities.

"The incentives are efficient in driving people's behaviour," he said, citing the rewards for research over teaching. "There is no incentive for disseminating knowledge to the larger public."

As one bow to the public, the Learned now includes some big themes, such as communications and literacy. But association brochures also flag such arcane deliberations as Fin-de-siècle Gender Heteroglossia: Di-

alogic of Misandry, Misogyny and Feminism In The Works of H. Von Druskowitz; Postcritical Theory And Biblical Interpretation; and Postcolonial Shakespeare.

Not everything is so abstract. Participants reported that one session on mass media analyzed the cultural content of *The Simpsons* and character Homer Simpson's impact as a modern antihero.

For young academics, one new development about the Learned is its growing attention to research that crosses traditional disciplines. "You can see all the talk of interdisciplinary activities is making a difference," said Wade Deisman, a PhD sociology student at Carleton University in Ottawa. "It's beneficial for me to go to sessions outside my area and learn new stuff."

Perhaps the most promising news from the Learned for young scholars is the reappearance of job offerings.

"We're at the point where academic positions are becoming available for our generation," said Allyson Hadwin, co-president of the Canadian Committee for Students in Education. "There is a future, and there wasn't for a long time."

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## Delight in oratory not just lip service

NEWFOUNDLAND'S affinity for language and the spoken word sparkles every convocation when Memorial University's public orators rise to nominate recipients of honorary degrees.

When Governor-General Roméo LeBlanc received his honorary degree from Memorial last month, just days before the federal election, he was feted in the style of Gilbert and Sullivan.

"He is the very model of a modern governor-general because he's post-industrial 'n' postcolonial but pre-federal," Jean Guthrie, one of Memorial's eight public orators, recited in the staccato rhythm required by the lyrics. "... He's said to be as far left as the next MP for Halifax."

In her six-minute speech, one of the requirements of the format, the English professor dotted her speech with witty literary references, historical allusions to the Acadian struggle, political citations and humorous translations of folk songs — all to paint Mr. LeBlanc as a valued son of Atlantic Canada.

Public orators are rare figures on a Canadian campus, and the St. John's school may be the only university to have an official post. Typically at convocation, solemn and serious citations are presented to honorary graduates.

Shane O'Dea, who has held the official post of public orator since 1995, described Memorial's orations as rhetorical devices that take much more licence than the citations usually presented, serious and straight, to honorees at his and other Canadian universities.

"You're trying to give real pleasure to the honorary graduate, inform the local audience and prove to your fellow academics you have wit and wis-



The Learning Beat  
Jennifer Lewington

able to proclaim truth," he said.

On other occasions, humour and history have been married for effect.

Religion professor David Bell, another orator, said, "I've always worked on the principle that if I do not get two laughs, I haven't made it."

He accomplished that goal on several occasions in his oration for Bill Hopper, the former president of Petro-Canada, who is credited for holding together the Hibernia oil project at critical times in its development.

By chance, Mr. Hopper received his degree as the Hibernia platform was being towed to its offshore location.

Prof. Bell opened by noting that many see the alchemist's search for the elixir of life, giving immortality, and the philosopher's stone, which would turn lead into gold, as myths.

"They are wrong," he said. "Even in our own days, we have seen the transmutation of gold into lead — in alchemical terms it is called the Bre-X transformation — and if gold into lead, why not lead into gold?"

In Newfoundland terms, the professor observed of two pending resource developments, "What is the philosopher's stone save Voisey's Bay?" — a reference to the area's rich mineral deposits — "And what is the elixir of life save Hibernia?"

Not all orations work as intended. Prof. Bell got into hot water in 1995 when he spoke about labour leader Nancy Riche and used references to the Virgin Mary that, apparently, did not sit well with her. That evening, at the formal convocation dinner, Prof. Bell fell to his knees in front of Ms. Riche to beg — and receive — forgiveness.

The Learning Beat appears every Monday and can be reached at [jlewington@globeandmail.ca](mailto:jlewington@globeandmail.ca)

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## B.C. to introduce law backing tobacco suits

• From Page A1

It is expected that this could mean payments of \$300-billion or more by the U.S. tobacco industry.

In Canada, no tobacco company has made such an overture. But politicians across the country are certainly watching their counterparts south of the border.

Three weeks ago, the Atlantic premiers said they would investigate suing tobacco manufacturers. They also plan to seek allies among the other premiers.

Mr. Clark will be telling British Columbians today that the sweeping legislation is not an attempt to go to war against the tobacco giants. Rather, he hopes to use the threat of broad, government-backed class-action suits to persuade the tobacco companies that it is time to become "more responsible corporate citizens," the Health Ministry official said.

"We're asking them to change their ways," the official said. "If they don't, we're saying we'll change them for them. We'll take the appropriate steps that will be in this new legislation."

Besides unveiling the bill in the legislature this afternoon, Mr. Clark will be outlining a strategy that seeks a crackdown on smoking by teenagers. The tobacco companies will be asked to contribute money for the "prevention and cessation" of smoking.

The province's Health Ministry estimates that 90 per cent of smokers start smoking before the age of 19. The government says smoking kills almost 5,500 British Columbians each year, more than drug overdoses, alcohol, car accidents, suicides and AIDS taken together.

"We want tobacco companies to stop marketing to children," the Health Ministry official said.

The NDP government, which is no stranger to tough fights with big business, expects the tobacco firms to lash back. "They've been meeting in their fortresses on Bay Street with their lawyers," the Health Ministry official said. "They've been expecting this."

Antismoking groups and the government maintain that the tobacco companies, which have enjoyed years of handsome profits, can afford to pay back health-care costs. The companies generally have taken the position that they already pay taxes and so do smokers, and complain that making the industry pay back health-care costs would hurt shareholders.

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