

THOMAS, J., dissenting

SUPREME COURT OF THE UNITED STATES

No. 05–1256

PHILIP MORRIS USA, PETITIONER *v.* MAYOLA
WILLIAMS, PERSONAL REPRESENTATIVE OF THE
ESTATE OF JESSE D. WILLIAMS,
DECEASED

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF
OREGON

[February 20, 2007]

JUSTICE THOMAS, dissenting.

I join JUSTICE GINSBURG’s dissent in full. I write separately to reiterate my view that “the Constitution does not constrain the size of punitive damages awards.” *State Farm Mut. Automobile Ins. Co. v. Campbell*, 538 U. S. 408, 429–430 (2003) (THOMAS, J., dissenting) (quoting *Cooper Industries, Inc. v. Leatherman Tool Group, Inc.*, 532 U. S. 424, 443 (2001) (THOMAS, J., concurring)). It matters not that the Court styles today’s holding as “procedural” because the “procedural” rule is simply a confusing implementation of the substantive due process regime this Court has created for punitive damages. See *Pacific Mut. Life Ins. Co. v. Haslip*, 499 U. S. 1, 26–27 (1991) (SCALIA, J., concurring in judgment) (“In 1868 . . . punitive damages were undoubtedly an established part of the American common law of torts. It is . . . clear that no particular procedures were deemed necessary to circumscribe a jury’s discretion regarding the award of such damages, or their amount”). Today’s opinion proves once again that this Court’s punitive damages jurisprudence is “insusceptible of principled application.” *BMW of North America, Inc. v. Gore*, 517 U. S. 559, 599 (1996) (SCALIA, J., joined by THOMAS, J., dissenting).