



Written by [Ralph R. Reiland](#) on January 31, 2011

Congress? Barristers, Pits, and Sugar

"I'm willing to look at other ideas to bring down costs, including one that Republican's suggested last year — medical malpractice reform to rein in frivolous lawsuits," said Obama, referring to the newly enacted healthcare law and his willingness to work with Republicans to "fix what needs fixing."

Linking the words "frivolous" and "lawsuits" is not something that trial lawyers, major political donors to Obama, like to hear.

President Obama's comment on medical malpractice reform came one day after House Republicans introduced a bill, H.R. 5, that would limit punitive damages in malpractice lawsuits.



The American Association for Justice (formerly called the Association of Trial Lawyers, but "Justice" has a better ring to it, sounding less seedy and money-grubbing) calls the new House medical liability bill "extreme."

"Opponents of the civil justice system have introduced H.R. 5, a bill that severely restricts the rights of medical negligence victims," says a statement from the American Association of Justice. "Breathtaking in scope, H.R. 5 applies to medical malpractice, pharmaceutical products, nursing homes and health insurance claims, while it ignores the fact that 98,000 patients die every year from medical errors."

Oddly, the American Association for Justice, with every incentive to exaggerate the number of preventable deaths from medical errors, appears to be using numbers that may be only half as large as the actual problem.

An article in *Scientific American* in August 2009, entitled "Deaths from avoidable medical error more than double in past decade, investigation show," reports the following: "Preventable medical mistakes and infections are responsible for about 200,000 deaths in the U.S. each year, according to an investigation by the Hearst media corporation. The report comes 10 years after the Institute of Medicine's 'To Err Is Human' analysis, which found that 44,000 to 98,000 people were dying annually due to these errors and called for the medical community and government to cut that number in half by 2004."

On the other side, pro-reform advocates point to studies showing that just the cost of defensive medicine is draining up to \$150 billion per year out of the health care system, a wasteful and unwarranted expense that also produces death within the system.

In other legal news in Congress, Democratic Congressman Dennis Kucinich of Ohio is now suing a cafeteria in the Longworth House Office Building for \$150,000 for supposedly inflicting "serious and permanent" damages that he allegedly suffered after biting an olive pit that was supposedly in a sandwich wrap.



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The suit claims that Kucinich encountered the allegedly dangerous wrap, containing supposedly “dangerous substances,” some years ago — “on or about April 17, 2008.”

The question from the kitchen: “Anyone remember who was wrapping those wraps back then, three years ago? Wasn’t it that guy Diego, the one from Tijuana who was eating olives every minute so he wouldn’t smoke?”

In other legal news from a congressional cafeteria, remember when Bernice Harris, a longtime cashier in the U.S. Senate cafeteria, was accused of “harassment” after calling one of her regular customers “honey” and “sugar”? Being called “baby,” complained Christopher Held, an employee of Sen. Mitch McConnell, was “real bothersome.”

To toughen themselves up for their next round of allegedly harsh and unwelcome interactions with the help in the cafeteria line, Senate staffers might want to try a stint with a gun in Afghanistan, something a little tougher than being subjected to hearing a sweet lady, raised in an age before we sued Betty Crocker for making us fat, say, “Sugar, don’t forget, we’re serving meat loaf tomorrow, with real mashed potatoes.”

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