

June 27, 2017

The Honorable Paul Ryan
Speaker of the House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Despite promises by House leaders to include “clarifying language” to address concerns that it would undermine the freedoms of states and their citizens, the proposed “medical malpractice reform” bill (H.R. 1215) now once again making its way before the full body remains a premier example of *constitutional* malpractice.

The reason: there is fundamentally no “clarifying language” that would reconcile a sweeping effort to federalize tort law with our system of federalism, which reserves that province solely to the states.

As we underscored in our previous letter to you on HR 1215, the clear intent of the Founders was to promote, not prevent, the kind of diverse perspectives and approaches with which nearly all of the states have spoken on this issue, in what they view to be the best interests of their citizens. [In fact, the legislation would go so far as to pre-empt several state constitutional amendments, the strongest and clearest legislative expression of the people’s will at the state level.]

While it is urged upon organizations such as ours, and our members, that “reining in” expensive malpractice – and, in the case of this legislation, product liability – awards is a “conservative” position, the pre-eminent conservative principle is to rein in the power of an avowedly all-knowing and increasingly all-encompassing national government.

Regardless of the potential cost savings claimed for medical malpractice reform, the costs to freedom – and the spirit of innovation and regional diversity – of the creeping and, more recently, massive intrusion of federal laws and regulation on state prerogatives, especially in the health care arena, are far higher.

Conservatives rightly pointed out the corrosive and dampening effect of the expansion of federal power when it occurred in the context of Obamacare, and we should be equally concerned when it is proposed as part of a broader effort to roll back that legislative scheme. It will never be acceptable to substitute unconstitutional Democratic-sponsored legislative mandates with Republican ones.

Given its continued encroachment on the rights and privileges of states and their citizens, the undersigned organizations continue our vigorous opposition to H.R. 1215 and ask that the Republican leadership withdraw it from consideration, this time permanently.

Sincerely,

Edwin "Ed" Meese III
Former U.S. Attorney General



A handwritten signature in blue ink that reads "Man H. Li".



A handwritten signature in black ink that reads "Cucho Zam".



For Immediate Release:
June 27, 2017

ED MEESE, CONSERVATIVE GROUPS RENEW OPPOSITION TO MEDICAL MALPRACTICE BILL

REPRESENTS “CONSTITUTIONAL MALPRACTICE”

WASHINGTON - The American Future Fund (AFF) today released a follow-up letter to U.S. House of Representatives Speaker Paul Ryan (R-WI) from former Reagan Attorney General Edwin “Ed” Meese III and 11 conservative groups renewing their opposition to legislation imposing caps on medical malpractice awards, charging that the bill “remains a premier example of constitutional malpractice.”

The groups maintain that efforts to add “clarifying language” to H.R.1215, the Protecting Access to Care Act of 2017 to address federalism concerns could not avail because “there is fundamentally no ‘clarifying language’ that would reconcile a sweeping effort to federalize tort law with our system of federalism.”

The letter goes on to insist that “(r)egardless of the potential cost savings claimed for medical malpractice reform, the costs to freedom – and the spirit of innovation and regional diversity – of the creeping and, more recently, massive intrusion of federal laws and regulation on state prerogatives, especially in the health care arena, are far higher.”

In addition to AFF, the signatory organizations once again include:

- Edwin “Ed” Meese III
- The Institute for Policy Innovation
- Citizen Outreach
- 60 Plus
- Let Freedom Ring
- Frontiers of Freedom
- Less Government

- The Hispanic Leadership Fund
- The Taxpayers Protection Alliance
- The Institute for Liberty
- Consumer Action for a Strong Economy

AFF Founder Nick Ryan stated, “With conservatives calling out its impermissible and irreconcilable intrusions on the longtime presumption that tort law is the sole province of the states, the medical malpractice bill has clearly been on life support since it was reintroduced this Congress. It’s time for the House leadership to pull the plug and end their efforts to impose mandates that interfere with state constitutional, legislative and judicial prerogatives and the expressed will of their citizens.”

The American Future Fund, which operates as a 501(c)(4) organization, is a national issues advocacy group providing Americans a voice to support conservative and free market ideals.

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