Problems With John Edwards

by Phyllis Schlafly July 21, 2004

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A presidential nominee's choice of a running mate is supposed to balance the ticket. John Edwards doesn't balance John Kerry's ticket ideologically, since they have the same ultra-liberal voting record. Or geographically, since Edwards can't even carry his own state, and that's why he chose not to run for reelection to the Senate.

Edwards' balance for the Democratic ticket is to provide the fundamental quality that Kerry lacks. Edwards is said to be a compelling speaker who knows how to sway emotions, while Kerry just isn't likeable.

The last time the Democrats picked a nominee because of his extraordinary speaking ability was William Jennings Bryan in 1896. The tactic didn't succeed then, and it won't succeed this year after the voters look at the history of Edwards' histrionics.

Edwards honed his oratorical skills by manipulating juries with a combination of junk science and demagoguery to believe that obstetricians are to blame for causing cerebral palsy by not performing a Caesarean section immediately after a fetal heartbeat monitor indicates a warning. After his first spectacular $6.5 million verdict using this theory, he filed at least 20 similar lawsuits and won verdicts and settlements of more than $60 million, typically keeping about a third of the winnings.

The result of Edwards' lawsuits against obstetricians is that fears of career ruination from malpractice litigation have raised the rate of Caesarean sections in the United States to 26 percent from only 6 percent in 1970. However, this change has not caused any decrease in the rate of cerebral palsy.

The ongoing medical debate includes concern about needless Caesarean deliveries which carry the risks of major surgery, and studies which have found that the electronic fetal monitors used during delivery often give false signals. Most studies indicate that cerebral palsy is caused by fetal brain injury long before labor begins.

The current large numbers of Caesareans are costly, harmful and inappropriate in the big majority of cases. Because of hucksters like Edwards, doctors now practice more out of fear of litigation than doing what is best for the patients.

The malpractice insurance crisis has driven doctors out of many regions of the country, leaving patients without care. Frivolous and exaggerated lawsuits have made insurance unaffordable for doctors in many key specialties such as obstetrics and neurosurgery.

The obstetrician who delivered my six children in the 1950s and '60s was never sued during a lifetime of delivering babies. Now, an obstetrician neighbor, one of the last obstetricians in private practice in the county, is closing her practice and moving away because her malpractice insurance premium has soared to $300,000 a year.

John Kerry is hoping that Edwards will be as successful with American voters as he has been in handpicking juries susceptible to his rhetoric. But Edwards can't pick his jury this November, and taxpayers are the opposite of jurors who are willing to make large awards at someone else's expense.

American voters know that lawsuits will not protect our country from terrorists or create a single job for our economy. How will Edwards react to a deadly attack by terrorists — sue them?

Thirty years ago, California placed a reasonable limit of $250,000 on "pain and suffering" and other dubious "non-economic" damages (of course, not limiting economic damages). As a result, there is no malpractice crisis in California and doctors are not leaving the state.

Americans have probably never had a national candidate whose large personal and political money is identified with one particular economic group: trial lawyers who file dubious lawsuits claiming wildly exaggerated damages. Edwards' presidential campaign raked in $9.3 million from lawyers.

Edwards' nomination for vice president "will get their adrenaline pumping and it will open up their checkbooks to a degree never seen before," observed political science professor Larry Sabato. A glance at the lawyers' reaction to the choice of Edwards confirms this view.

The trial lawyers plow their lawsuit winnings back into politics to prevent anyone from interfering with their game. Nearly three out of every four dollars that attorneys contribute to political campaigns are to Democrats.

The Association of Trial Lawyers of America (ATLA) was holding its annual convention in Boston when the news of Edwards' pick arrived. The ATLA attorneys broke into "a whole lot of cheering and foot stomping," explained New York State Trial Lawyers Association president Shoshana Bookson; "the mood was excitement beyond description."

ATLA is the national group that defends the shocking $2.9 million judgment against McDonald's for making hot coffee that a customer spilled on herself while riding in a car. The ATLA website defends that award (later reduced) by saying that it "equals about two days of McDonald's coffee sales," as though that justifies redistributing wealth.

It is no surprise that Edwards has voted against every bill in Congress proposing limits on non-economic damages. If elected, he'll be glad to follow the Democrats' usual policy of redistributing tax money to their favored groups.