



## American Tort Reform Association

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### Statement of the American Tort Reform Association on President Clinton's Proposed Suit Against the Tobacco Industry

For Immediate Release  
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The American Tort Reform Association (ATRA) expresses great empathy to any American who has been confronted with a serious health risk associated with smoking. But it has great concern about the Federal Government distorting basic principles of tort law to accomplish goals that should be addressed directly, through Federal regulation or excise taxes.

The basis for the Federal Government's Medicare claims against tobacco companies is a thirty-seven year-old statute, the Medical Care Recovery Act. The purpose of that statute was to prevent injured people from gaining a double recovery: once from the Federal Government and once from the wrongdoer. It was not the statute's purpose to give the Federal Government superior rights to ordinary citizens.

The continued use of the tort or civil justice system to accomplish goals that are legislative should be of concern to all Americans. If injured people believe that another person's negligence is responsible for their harms, they should have a full right to sue the wrongdoer, but the Federal Government should not have greater power or rights to sue than individual citizens.