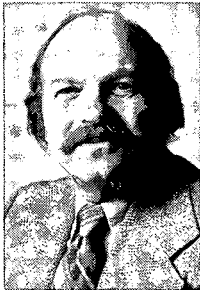


## Irrational Fear

In better days, children used to be taught that they are to seek out a policeman when they are lost and that he would help them and guide them home. Policemen are rarely seen that way these days. More often than not, they are regarded with distrust, called pigs, considered unfriendly and best avoided.

A similar transformation occurred in attitudes towards government. Time was when government of the people was truly by the people and truly representative. It was an honor and a privilege to serve, and not because power brought personal benefits to its holders. The corruption of government was inevitable as it grew in size. Bigness made it impersonal, heartless and unbendable, and sometimes even malicious. Stupid acts by relatively impotent, professional bureaucrats, eager to enhance their power, and by courts eager to change society in ways unilaterally defined by them as desirable, are responsible for the wariness and suspicion with which many governmental acts and regulations are welcomed.



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Actual fear of Government is quite prevalent even among many law-abiding citizens. Even routine checks by the Internal Revenue Service, for instance, are at best time-consuming and anxiety-provoking, agents commonly regarding the citizen suspiciously as a probable offender to be uncovered. As a result, physicians and others frequently forget who holds supreme power in a democracy, and abdicate their constitutional right to resist firmly any encroachment on their freedoms.

Bitter experiences over time have taught many in this country that here too, as in totalitarian regimes elsewhere, the less involvement with government the better. And yet, only the Federal Government has the power to create nationwide conditions. Avoiding necessary contacts with it may doom any serious efforts to change a climate that endangers basic rights.

The malpractice situation is a case in point. As a direct result of judicial attitudes and decisions, many individuals have come to expect compensation for any losses, even for those that are really nobody's fault. The law that was supposed to protect relatively powerless citizens has in fact become a tool with which the supposedly weak whip and tyrannize the supposedly powerful. Since physicians' incomes are generally high even though they possess relatively little political clout and power, they have become convenient targets, unlike those truly powerful who are unreachable. Major drug producers, for instance, have refused to proceed with the production of influenza virus vaccine until guaranteed that the government, whose judicial branch is responsible for the mushrooming of malpractice suits, would assume the malpractice burden from them. Knowing that unavoidable mishaps due to sensitivity to egg albumin are bound to occur, in

spite of all reasonable precautions, the drug companies were understandably unwilling to take such risks until the government promised relief. Only then did the program get going.

Fear of government's wish to impose controls on the practice of Medicine is basically the reasons that physicians, unable to practice their profession without fear of financial destruction by frivolous and unmeritorious law suits, have not demanded similar protective rights. Doctors, too, have the constitutional right to refuse to work until conditions are created that guarantee competent and conscientious physicians the protection of the law, just as the law protects all other citizens, including criminals. Such legislation is not designed to protect real incompetence nor to cover-up real malpractice. Such relatively uncommon situations are lost now in a sea of claims whose real causes are bitterness and hurt feelings that have little to do with the quality of medicine that was administered. Physicians should take more time with their patients and they should always treat them respectfully, but even then they would not cure them all.

Illness and death will continue forever. Even when proper caution has been taken and good judgment has been applied, the results of any medical intervention cannot be guaranteed. Poor outcomes do not make physicians guilty in themselves, even if eager lawyers tell discontented patients otherwise.

Karl Marx knew that "the workers have nothing to lose but their chains. They have a world to win." This was the basic argument that made it possible to organize workers into labor unions. Unlike workers of the 19th Century, physicians in the United States fortunately have much to lose, for they usually earn a good living and enjoy a prestigious status in society. Physicians often fail to understand that unless united in action their hard-gained economic advantages as well as the opportunities to practice decent and responsible medicine will both not continue for long. State governments have proven to be powerless in reversing the public climate that makes every physician a sitting duck, to be aimed at by disgruntled ex-patients and unprincipled lawyers. Not only the well-being of physicians is in jeopardy. This nation may lose the best system of Medicine anywhere in the world.

The drug companies have been condemned by some for refusing to produce vital vaccine. Their claim that their survival required protective legislation was understood, however, by many. One's wish to survive is rarely denied openly, even by adversaries. The issue is exactly the same for physicians. We must unite in demanding that the Federal Government protect us and we may eventually have to refuse working without such protection.

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