

THREATS AND RESPONSES: LEGAL RISKS

THREATS AND RESPONSES: LEGAL RISKS; For Victims Of Vaccine, Winning Case Will Be Hard

By Robert Pear

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People injured by the smallpox vaccine will be able to sue only one defendant, the federal government, and experts who have studied the relevant laws say it will be difficult for anyone to win compensation for injuries or deaths caused by the vaccine.

In the Homeland Security Act, signed by President Bush on Nov. 25, Congress shielded doctors and vaccine manufacturers from liability for injuries suffered by people who take the vaccine. If the federal government authorizes use of the vaccine, the law says, anyone giving or producing it will be "deemed to be an employee of the Public Health Service," and the government will become the only defendant.

An injured person can pursue compensation under the Federal Tort Claims Act, but lawyers said it would be difficult to win money under that 1946 law.