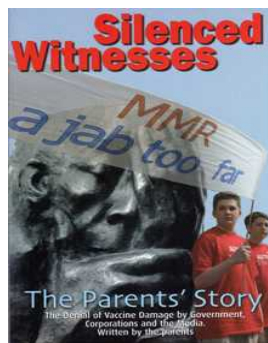

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Silenced Witnesses

The Denial of Vaccine Damage by Government Corporations and the Media

Written by the parents
Edited by Martin J Walker



ONE CLICK EXTRACT

Demented Arguments From Journalists

Preface

Rosemary Fox MBE

The publicity about vaccination and vaccine damage really began in 1974 when I formed 'The Association of Parents of Vaccine Damaged Children'. At the time my daughter Helen was 12 years old, epileptic, brain damaged, unable to speak or take any part in family life with her 14 year old and 11 year old sisters. I knew in my heart that the reaction she had suffered to her polio vaccination at the age of 7 months was responsible for her condition and I was determined to get the Government to accept responsibility for the disadvantages of the vaccination programmes which they promoted so strongly for the benefit of the majority, ignoring the disadvantages to the few for whom vaccination was a disaster.

Inevitably the approach to the Government and the mention of vaccine damage resulted in publicity by medical correspondents in various newspapers. When I looked back to see if there were any previous reports which would give me a lead in my campaign I found only one - an article about whooping cough vaccine in the *Daily Express* of December 1969 headed 'vaccine shock - drug used for ten years did little good.' The vaccine had been in use since the mid 1950's and not only had it been of little value but

according to a *British Medical Journal* report from which the *Express* quoted 'the vaccine is one of the most toxic available: it causes many minor adverse reactions, some cases of convulsion and encephalitis and in rare instances even permanent damage to the brain.' Other similar articles appeared in the *British Medical Journal* in the following years as the medical and public debate continued.

All this satisfied me that a campaign on the subject was justified but I was well aware of the upset which would be caused to parents who were to hear about it for the first time.

Had there been responsible press publicity at the time it is possible that parents alerted to the dangers of whooping cough vaccine would have refused the vaccination for their children and that many of the hundreds of cases of severe reaction later recognised would have been avoided.

What had been completely overlooked was the need for the specialists who were aware of the danger to ensure that parents knew about it. Given their comments about the toxicity of the vaccine and the severe damage it could cause, did they not have a moral responsibility to either tell parents or else have the vaccine removed? But evidently they did nothing. Their dilemma was, of course, the same as that which exists today: the Health Department wanting to promote a vaccine does not want adverse publicity and prefers to argue against any mention of risk or even, it is said, pretend it doesn't happen.

And the requirements of the National Health Service Act 1946 under which vaccination was authorised and which included provision for establishing clinics 'for the publication of information on questions relating to health or disease and for the delivery of lectures and the display of pictures or... films in which such questions are dealt with' were overlooked.

Clinics did exist but these were places to which parents were encouraged to take their children for vaccination and with groups children waiting around to be vaccinated there was little time for detailed discussions with the doctors present. It was many years later before leaflets giving some information were made available for parents.

Most of the reports of the research undertaken at the time by doctors concerned about the vaccination and the damage it caused were confined to medical journals and it was to take television programmes like 'This Week', one of the first to tell the story of whooping cough vaccine in detail in 1974, to open up the debate and start national and international publicity about vaccine damaged children.

As soon as I was sure that a campaign on the subject was justified I asked doctors to look at Helen's medical notes and confirm my strong belief that the reaction she suffered and the following mental and physical damage was due to her vaccination and this was confirmed as 'probable'. It was clear even then that no scientific proof of cause existed and that 'probable cause' would be the deciding method. I was then able to start my campaign in good faith. This was to cover all vaccines in current use. Following press publicity, stories poured in from parents all over the country, many of whom told their own stories and together they joined to form The Association of Parents of Vaccine Damaged Children.

This was not a scare-mongering group as our critics liked to say. When the Association received reports from parents about vaccinations which did not seem to comply with the safety rules at the time, we referred them to the

Health Service Ombudsman. We made four such referrals. One child had been vaccinated at six months although he had suffered from hydrocephalus, another very premature baby was vaccinated at four months - as computed from the date of her premature birth; a seven and a half year old girl was given a booster tetanus / diphtheria plus oral polio vaccination at school although she had never had primary immunisation; A girl 15 months old was given a booster triple immunisation shortly after being discharged from hospital where she had been treated for an infectious disease. All these vaccinations were given while contrary to the 'best practice' rules at the time.

In his report the Ombudsman, referring to the responsibility of the Department of Health to provide information to the public, considered that the Department 'must accept a large measure of responsibility and ... they should have recognised earlier the desirability of alerting parents, as they have now done'. He concluded that the Association had performed a valuable service in bringing the matter to the attention of the public and the authorities. Stemming from this the Department of Health started to issue leaflets for parents which were available at clinics or doctors' surgeries but I couldn't help thinking that if only we had been in a position to draw attention to the matter earlier a number of children could have been saved damage.

Moving from the question of safety to that of responsibility for injury we referred the matter to the Royal Commission on Civil Liability and Compensation for Personal Injury - the Pearson Commission. Although the Commission's report dealt mainly with liability and various forms of compensation and action for damages, it did include some information about various vaccinations based on statements from the Health Department and its advisors.

In relation to compensation for injuries arising from vaccination, the Commission referred to the arguments made in favour of compensation for vaccine damage by a number of leading Royal Colleges and Medical Committees. 'Nobody argued in the contrary sense' said the report.

The campaign then went to the European Commission of Human Rights where it was investigated in detail. Although the Commission could not find any breach of the Convention on the part of the Government which would create a right to compensation, it made reference to the 'commitment of the Government to draw up a compensation scheme for vaccine damaged children.'

We had worked hard up to then. Not only to try to protect children who were going through the vaccination process at the time unaware of possible risk but also to raise the issue of our own damaged children, to establish their rights and improve their provision. We had some success in 1979, five years after we started, when, prompted by the report of the Royal Commission, parliament passed the Vaccine Damage Payment Act to pay £10,000 to children found 'on the balance of probabilities' to be vaccine damaged. We regarded it as a start but considering the extent of the injuries inflicted we did not consider it to be equitable and we were determined to continue the campaign with the help of all the members of parliament who had supported us since 1974 when Jack Ashley MP, now Lord Ashley of Stoke, first debated the issue.

Parents now fully aware of what their children had suffered and feeling they had been misled by not being told that vaccination might be dangerous for their child started to think of legal action. The Bonthron case in Scotland was

the first to try. It started off well but failed at the last minute because of disputed medical facts.

A case at the High Court in London - the Kinnear Case - was abruptly stopped when it was found there was a conflict of evidence between the parents. This was followed by the Loveday Case which debated the issue in the High Court in 1990 only to end in failure. In this case the Judge had decided that the whole question of the medical evidence and proof of causation should be heard first before there would be any other evidence and various medical experts gave evidence for and against vaccine damage. The judgment of the Court was that:

The plaintiff fails to satisfy me on the balance of probability that pertussis vaccine can cause permanent brain damage in young children. It is possible that it does; the contrary cannot be proved.

Only the first sentence is ever quoted by those who like to argue against the possibility and when I asked a reporter why he didn't finish the last sentence - 'It is possible that it does. The reverse cannot be proved' the answer I got was that 'you cannot prove a negative.'

The case was against the drug manufacturers, Burroughs Wellcome and they were allowed to take part in order 'to help the Court'. They provided the experts who argued against the claim of vaccine damage and the case effectively put an end to further legal action in England. The Legal Aid Board, later the Legal Services Commission, subsequently refused legal aid unless 'proof of causation' could be established.

There was, however, one case in the pipeline which went ahead in Ireland. Margaret Best, the mother of Kenneth, sued Burroughs Wellcome for severe vaccine damage and won two and three quarter million pounds and costs. The case went on for over five years and was concluded in 1995. There has been debate since about the establishment of the 'proof of causation' but in any case that was the last case to be heard or put forward and it is unlikely that it will be followed in the foreseeable future.

All of this activity took place over an 18-year period from 1979 to 1997, during which time other issues arose, in particular the controversy about MMR vaccination. This time, however, there was a marked difference in the attitudes of the medical establishment, the press and the legal authorities.

The first referrals from parents about MMR started coming in to the Association in 1988 and my first thought was to have the details looked at by the Committee on the Safety of Medicines to make sure that this time everyone would be aware of what was being claimed by parents. The Committee thanked me, promised to investigate the details and let me know the result.

I didn't however stay involved with this campaign, having enough to do with my own but it was ably taken over by the JABS group which has continued to work on behalf of the children involved.

The minute the publicity about MMR started, and revived the arguments about vaccination generally, the medical establishment produced all the research studies it could find to 'prove' that MMR vaccination was safe, that it did not cause damage and was not responsible for autism in young children. The public

was warned about outbreaks of measles and about the deaths which had taken place as a result. Frightening parents seemed to be the new way of officially promoting vaccination.

Those who thought of legal action soon found that the requirement to establish causation to the satisfaction of the Courts blocked legal aid and with it any chance of going to Court. In this firmament a new brand of journalism emerged. Whereas in the past it was common for articles to argue against campaigns on the grounds of possible damage to immunisation programmes, or to provide statistics which tried to show the campaigners were wrong, some reporters now seemed to want to run a campaign of their own. Inevitably these journalists are in a privileged position, protected from criticism, as they appear to be, by their editors and the newspapers themselves.

The MMR story was 10 years old in November 1998 when the story of Kenneth Best and his large settlement three years previously re-emerged and the reporter Brian Deer went back over the 'whooping cough vaccine campaign', to cast doubt on those who had been involved and to pose the question 'What if the law got it wrong'. Everyone who had been involved in the campaign was criticised in some way or other. I had given Deer an interview but before the article appeared I had become concerned about his attitude and some of his references to the Best case in particular. My concern prompted me to ring the editor of *The Sunday Times*, in which the article was to appear, about some aspects of the story. However, it wasn't until the article appeared that I was able to judge Deer's approach.

I was particularly surprised by his habit of referring to people in what could be said to be a sarcastic manner, almost as if by ridiculing the person he could disprove their arguments. Dr John Wilson of Great Ormond Street, for example, who had published research on the subject and was a helpful friend, was described by Deer, as having 'polished a fastidious demeanour' wearing 'a dark suit and gold cufflinks', 'black hair immaculately combed', he 'read slowly in the voice of a bishop'. I don't know if the fact that John had refused to meet him for an interview had anything to do with what appeared to be these irrelevant, sarcastic comments.

Margaret Best's son was severely disabled and needed 24 hour care which was being covered by the Court settlement, but Deer's comments following his visit to Margaret were that she was: 'living like a lottery winner in a five bedroom house down a maze of country lanes.' !

This appeared in *The Sunday Times Magazine* in November 1998 just as the MMR vaccination was beginning to raise questions among the parents who said it had damaged their children. When Dr Andrew Wakefield later saw some of these children and included their details in his reports about MMR vaccination, the scene was set for an onslaught on his expertise and his methods. A number of experts questioned his statements that the vaccine had caused autism but most dealt with it in a professional way and it was only when it was found that some of the children who were legally aided had been included in his research that Deer thought he had the grounds to launch his attack.

There was a detailed article in *The Sunday Times* in 2004 about Wakefield's 'serious professional misconduct'. This was followed in June 2006 by a report of the High Court in London by lawyers for the General Medical Council about disciplinary charges which had been instigated by Brian Deer against Dr Wakefield to whom he continuously refers as the 'gut specialist'.

I have to wonder how someone who is not a medical expert can properly discuss the work of someone who is, but at least the GMC hearing, which involves medical experts, should produce a more intelligent report. By and large specialists do not normally indulge in petty personal comments about their colleagues so it is to be hoped that the final reports from the GMC will restore some dignity to the proceedings.

I have to say I am disappointed in *The Sunday Times* and wonder what has changed since the days when Oliver Gillie was the medical reporter. Then we had learned reports and intelligent discussions about vaccines, and interviews with both the medical experts and ordinary parents were pleasant and informed.

Sharing the paper with Brian Deer for the June 2006 article was India Knight's article 'Don't Mess with Measles' and as an example of a belligerent attack on parents who either hadn't or did not intend to let their children have the MMR vaccination, it left a lot to be desired. She mentioned the 'deranged notion' held by some middle class parents that there was a gigantic medical conspiracy to keep them in the dark about MMR as though, she went on, 'the medical profession collectively gets its kicks by making people ill and deliberately triggering autism in their children'. 'This is complete lunacy', she went on, 'but is a viewpoint which not only persists but seems to gain credence day by day'. Being opposed to the vaccine, she said 'goes hand in hand with a liking for yoga and a preference for organic food'.

In all the years I have been dealing with statements and articles about vaccine damage, I have seldom read such an offensive piece of journalism and yet this is what would pass today for an informed discussion about vaccination. Fortunately, perhaps, parents who read *The Sunday Times* are not in the majority.

It would be nice to get back to a situation where the Parliamentary Commission would repeat the advice to the Health Departments about their duty to inform parents and to ensure that the Health Departments did so. As I have said above, the Health Service Act of 1946 laid down a requirement for clinics where parents could be educated and ask questions about vaccinations; this never seems to have happened, perhaps it is time it did.

There is no doubt that the story will continue into the future. There are new vaccinations in the pipeline, all presented as vitally necessary to protect against diseases and backed up by statistics about death and damage from the diseases in question. Because vaccination is not legally compulsory [in the UK], authorities have to find ways of getting people to agree to have it for themselves and their children. It is how they do it that is important; do they turn a deaf ear to concern about vaccine risk and concentrate only on levels of acceptance, or do they establish facts and pass these on to the public so that they will be in a position to check them against what sometimes can appear to be demented arguments by investigative journalists.

Rosemary Fox MBE

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