



## Court Rules Against Autism-Vaccine Link

A special United States “vaccine court” dismissed three cases Friday that were attempting to establish a link between mercury-containing immunizations and autism, prompting outrage among parents convinced of the connection.

Critics have accused the hearings of impropriety, citing the fact that the Department of Health and Human Services was a defendant in the case while producing and funding much of the evidence purporting to exonerate the vaccines at taxpayer expense. Mother Laura Bono, for example, one of the parents whose case was dismissed, called the process “dysfunctional” and said that the law only provides the illusion of having a day in court.



Other parents were equally disappointed by the ruling. “The deck is stacked against families in vaccine court,” [charged](#) mother Rebecca Estep of the Coalition for Vaccine Safety. “Government attorneys defend a government program, using government-funded science, before government judges. Where’s the justice in that?” After the rulings, an attorney for the group also said it would seek congressional intervention and that several government experts had provided fraudulent testimony.

Other organizations are also calling the proceedings into question. “Find me another industry where the U.S. government defends their product in court and funds the science that exonerates them,” said Generation Rescue founder J.B. Handley, also the father of an autistic child. “The average citizen has no hope.”

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Analysts said the decision dealt a severe blow to the more than 5,300 similar cases pending before the special court, part of the U.S. Court of Federal Claims. In 1986, the federal government created the courts and established a tax-funded “National Vaccine Injury Compensation Program” to pay victims and protect drug companies from liability.

In the court decisions, the judge-like Special Masters ruled that the science did not support the mercury-autism link. “The Meads believe that [mercury-based preservative] thimerosal-containing vaccines caused William’s regressive autism,” wrote Special Master George Hastings, a former tax expert with the Department of Justice, in his ruling. “The undersigned finds that the Meads have not presented a scientifically sound theory.” The other two cases were thrown out using similar arguments.

For years, countless parents of children with autism have blamed mercury in vaccines for the illness. Mercury is, after all, a [known neurotoxin](#) with devastating effects on the human body. But the movement was dealt another blow earlier this year when a respected medical journal [retracted](#) a prominent study claiming a link existed.



Written by [Alex Newman](#) on March 15, 2010

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However, the pro-mercury camp also came under fire recently. Dr. Poul Thorsen, a scientist working for the U.S. government who published one of the most important studies used to debunk the mercury-autism link, is now being [investigated](#) for embezzling millions of taxpayer dollars. The study in question has also attracted widespread [criticism](#) for its methodology.

Despite the angered parents, however, some groups saw the court ruling as a positive step in putting the issue to rest. "It's time to move forward and look for the real causes of autism," explained Autism Science Foundation President Alison Singer. "There is not a bottomless pit of money with which to fund autism science. We have to use our scarce resources wisely."

But the battle is still far from over, according to anti-mercury campaigners. Appeals to the vaccine court ruling are considered very likely. And last week, the Supreme Court [agreed](#) to review the law exempting vaccine makers from liability.

The case against pharmaceutical giant Wyeth is expect to begin in the fall. After receiving the diphtheria-tetanus-pertussis vaccine, a six-month-old girl began suffering a series of complications including seizures. An appeals court in Pennsylvania ruled that the parents could not sue the drug maker because of the 1986 law creating the vaccine courts that specifically shielded manufacturers from liability. But a conflicting ruling in Georgia said some lawsuits could be brought under state law, so the Supreme Court is now expected to resolve the matter.

The battle over whether mercury in vaccines is linked to the epidemic of autism will continue to rage for a long time to come. [Polls](#) suggest at least one in four parents still believe there is a connection. But regardless of what the truth regarding this issue is, federal laws purporting to exempt manufacturers from liability in the event of adverse reactions are not only unconstitutional, they are ridiculous. Why should tax payers assume the risk while drug companies rake in billions? The special courts and the law which created them should be dismantled so that evidence can be heard in a proper venue.



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