

Capitol Hill Briefing  
Thursday, November 7, 2013

***The 1986 National Childhood Vaccine Injury Act  
and its  
Vaccine Injury Compensation Program***

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**Agenda for Briefing**

- I. Context of US vaccine policy
- II. Children's health today
- III. The Vaccine Injury Compensation Program; Video; Autism; Options
- IV. The Faces of vaccine injury: Gardasil girls

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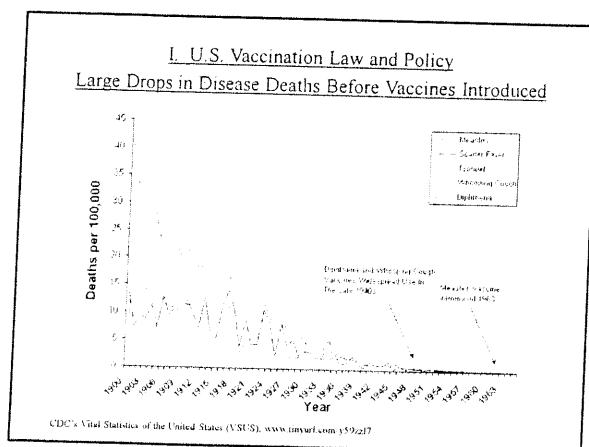
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## CDC Recommended Vaccines for Children; 70 doses of 16 vaccines by age 18

Figure 1. Recommended childhood immunization schedule for children aged 0 through 18 years - 2013

Vaccine	Age	1-2 yr	2-4 yr	4-6 yr	6-12 mo	12-18 mo	18-24 mo	24-36 mo	36-48 mo	48-60 mo	60-72 mo	72-84 mo	84-96 mo	96-108 mo	108-120 mo	120-132 mo	132-144 mo	144-156 mo	156-168 mo	168-180 mo	180-192 mo	192-204 mo	204-216 mo	216-228 mo	228-240 mo	240-252 mo	252-264 mo	264-276 mo	276-288 mo	288-300 mo	300-312 mo	312-324 mo	324-336 mo	336-348 mo	348-360 mo	360-372 mo	372-384 mo	384-396 mo	396-408 mo	408-420 mo	420-432 mo	432-444 mo	444-456 mo	456-468 mo	468-480 mo	480-492 mo	492-504 mo	504-516 mo	516-528 mo	528-540 mo	540-552 mo	552-564 mo	564-576 mo	576-588 mo	588-600 mo	600-612 mo	612-624 mo	624-636 mo	636-648 mo	648-660 mo	660-672 mo	672-684 mo	684-696 mo	696-708 mo	708-720 mo	720-732 mo	732-744 mo	744-756 mo	756-768 mo	768-780 mo	780-792 mo	792-804 mo	804-816 mo	816-828 mo	828-840 mo	840-852 mo	852-864 mo	864-876 mo	876-888 mo	888-900 mo	900-912 mo	912-924 mo	924-936 mo	936-948 mo	948-960 mo	960-972 mo	972-984 mo	984-996 mo	996-1008 mo	1008-1020 mo	1020-1032 mo	1032-1044 mo	1044-1056 mo	1056-1068 mo	1068-1080 mo	1080-1092 mo	1092-1104 mo	1104-1116 mo	1116-1128 mo	1128-1140 mo	1140-1152 mo	1152-1164 mo	1164-1176 mo	1176-1188 mo	1188-1200 mo	1200-1212 mo	1212-1224 mo	1224-1236 mo	1236-1248 mo	1248-1260 mo	1260-1272 mo	1272-1284 mo	1284-1296 mo	1296-1308 mo	1308-1320 mo	1320-1332 mo	1332-1344 mo	1344-1356 mo	1356-1368 mo	1368-1380 mo	1380-1392 mo	1392-1404 mo	1404-1416 mo	1416-1428 mo	1428-1440 mo	1440-1452 mo	1452-1464 mo	1464-1476 mo	1476-1488 mo	1488-1500 mo	1500-1512 mo	1512-1524 mo	1524-1536 mo	1536-1548 mo	1548-1560 mo	1560-1572 mo	1572-1584 mo	1584-1596 mo	1596-1608 mo	1608-1620 mo	1620-1632 mo	1632-1644 mo	1644-1656 mo	1656-1668 mo	1668-1680 mo	1680-1692 mo	1692-1704 mo	1704-1716 mo	1716-1728 mo	1728-1740 mo	1740-1752 mo	1752-1764 mo	1764-1776 mo	1776-1788 mo	1788-1800 mo	1800-1812 mo	1812-1824 mo	1824-1836 mo	1836-1848 mo	1848-1860 mo	1860-1872 mo	1872-1884 mo	1884-1896 mo	1896-1908 mo	1908-1920 mo	1920-1932 mo	1932-1944 mo	1944-1956 mo	1956-1968 mo	1968-1980 mo	1980-1992 mo	1992-2004 mo	2004-2016 mo	2016-2028 mo	2028-2040 mo	2040-2052 mo	2052-2064 mo	2064-2076 mo	2076-2088 mo	2088-2100 mo	2100-2112 mo	2112-2124 mo	2124-2136 mo	2136-2148 mo	2148-2160 mo	2160-2172 mo	2172-2184 mo	2184-2196 mo	2196-2208 mo	2208-2220 mo	2220-2232 mo	2232-2244 mo	2244-2256 mo	2256-2268 mo	2268-2280 mo	2280-2292 mo	2292-2304 mo	2304-2316 mo	2316-2328 mo	2328-2340 mo	2340-2352 mo	2352-2364 mo	2364-2376 mo	2376-2388 mo	2388-2400 mo	2400-2412 mo	2412-2424 mo	2424-2436 mo	2436-2448 mo	2448-2460 mo	2460-2472 mo	2472-2484 mo	2484-2496 mo	2496-2508 mo	2508-2520 mo	2520-2532 mo	2532-2544 mo	2544-2556 mo	2556-2568 mo	2568-2580 mo	2580-2592 mo	2592-2604 mo	2604-2616 mo	2616-2628 mo	2628-2640 mo	2640-2652 mo	2652-2664 mo	2664-2676 mo	2676-2688 mo	2688-2700 mo	2700-2712 mo	2712-2724 mo	2724-2736 mo	2736-2748 mo	2748-2760 mo	2760-2772 mo	2772-2784 mo	2784-2796 mo	2796-2808 mo	2808-2820 mo	2820-2832 mo	2832-2844 mo	2844-2856 mo	2856-2868 mo	2868-2880 mo	2880-2892 mo	2892-2904 mo	2904-2916 mo	2916-2928 mo	2928-2940 mo	2940-2952 mo	2952-2964 mo	2964-2976 mo	2976-2988 mo	2988-3000 mo	3000-3012 mo	3012-3024 mo	3024-3036 mo	3036-3048 mo	3048-3060 mo	3060-3072 mo	3072-3084 mo	3084-3096 mo	3096-3108 mo	3108-3120 mo	3120-3132 mo	3132-3144 mo	3144-3156 mo	3156-3168 mo	3168-3180 mo	3180-3192 mo	3192-3204 mo	3204-3216 mo	3216-3228 mo	3228-3240 mo	3240-3252 mo	3252-3264 mo	3264-3276 mo	3276-3288 mo	3288-3300 mo	3300-3312 mo	3312-3324 mo	3324-3336 mo	3336-3348 mo	3348-3360 mo	3360-3372 mo	3372-3384 mo	3384-3396 mo	3396-3408 mo	3408-3420 mo	3420-3432 mo	3432-3444 mo	3444-3456 mo	3456-3468 mo	3468-3480 mo	3480-3492 mo	3492-3504 mo	3504-3516 mo	3516-3528 mo	3528-3540 mo	3540-3552 mo	3552-3564 mo	3564-3576 mo	3576-3588 mo	3588-3600 mo	3600-3612 mo	3612-3624 mo	3624-3636 mo	3636-3648 mo	3648-3660 mo	3660-3672 mo	3672-3684 mo	3684-3696 mo	3696-3708 mo	3708-3720 mo	3720-3732 mo	3732-3744 mo	3744-3756 mo	3756-3768 mo	3768-3780 mo	3780-3792 mo	3792-3804 mo	3804-3816 mo	3816-3828 mo	3828-3840 mo	3840-3852 mo	3852-3864 mo	3864-3876 mo	3876-3888 mo	3888-3900 mo	3900-3912 mo	3912-3924 mo	3924-3936 mo	3936-3948 mo	3948-3960 mo	3960-3972 mo	3972-3984 mo	3984-3996 mo	3996-4008 mo	4008-4020 mo	4020-4032 mo	4032-4044 mo	4044-4056 mo	4056-4068 mo	4068-4080 mo	4080-4092 mo	4092-4104 mo	4104-4116 mo	4116-4128 mo	4128-4140 mo	4140-4152 mo	4152-4164 mo	4164-4176 mo	4176-4188 mo	4188-4200 mo	4200-4212 mo	4212-4224 mo	4224-4236 mo	4236-4248 mo	4248-4260 mo	4260-4272 mo	4272-4284 mo	4284-4296 mo	4296-4308 mo	4308-4320 mo	4320-4332 mo	4332-4344 mo	4344-4356 mo	4356-4368 mo	4368-4380 mo	4380-4392 mo	4392-4404 mo	4404-4416 mo	4416-4428 mo	4428-4440 mo	4440-4452 mo	4452-4464 mo	4464-4476 mo	4476-4488 mo	4488-4500 mo	4500-4512 mo	4512-4524 mo	4524-4536 mo	4536-4548 mo	4548-4560 mo	4560-4572 mo	4572-4584 mo	4584-4596 mo	4596-4608 mo	4608-4620 mo	4620-4632 mo	4632-4644 mo	4644-4656 mo	4656-4668 mo	4668-4680 mo	4680-4692 mo	4692-4704 mo	4704-4716 mo	4716-4728 mo	4728-4740 mo	4740-4752 mo	4752-4764 mo	4764-4776 mo	4776-4788 mo	4788-4800 mo	4800-4812 mo	4812-4824 mo	4824-4836 mo	4836-4848 mo	4848-4860 mo	4860-4872 mo	4872-4884 mo	4884-4896 mo	4896-4908 mo	4908-4920 mo	4920-4932 mo	4932-4944 mo	4944-4956 mo	4956-4968 mo	4968-4980 mo	4980-4992 mo	4992-5004 mo	5004-5016 mo	5016-5028 mo	5028-5040 mo	5040-5052 mo	5052-5064 mo	5064-5076 mo	5076-5088 mo	5088-5100 mo	5100-5112 mo	5112-5124 mo	5124-5136 mo	5136-5148 mo	5148-5160 mo	5160-5172 mo	5172-5184 mo	5184-5196 mo	5196-5208 mo	5208-5220 mo	5220-5232 mo	5232-5244 mo	5244-5256 mo	5256-5268 mo	5268-5280 mo	5280-5292 mo	5292-5304 mo	5304-5316 mo	5316-5328 mo	5328-5340 mo	5340-5352 mo	5352-5364 mo	5364-5376 mo	5376-5388 mo	5388-5400 mo	5400-5412 mo	5412-5424 mo	5424-5436 mo	5436-5448 mo	5448-5460 mo	5460-5472 mo	5472-5484 mo	5484-5496 mo	5496-5508 mo	5508-5520 mo	5520-5532 mo	5532-5544 mo	5544-5556 mo	5556-5568 mo	5568-5580 mo	5580-5592 mo	5592-5604 mo	5604-5616 mo	5616-5628 mo	5628-5640 mo	5640-5652 mo	5652-5664 mo	5664-5676 mo	5676-5688 mo	5688-5700 mo	5700-5712 mo	5712-5724 mo	5724-5736 mo	5736-5748 mo	5748-5760 mo	5760-5772 mo	5772-5784 mo	5784-5796 mo	5796-5808 mo	5808-5820 mo	5820-5832 mo	5832-5844 mo	5844-5856 mo	5856-5868 mo	5868-5880 mo	5880-5892 mo	5892-5904 mo	5904-5916 mo	5916-5928 mo	5928-5940 mo	5940-5952 mo	5952-5964 mo	5964-5976 mo	5976-5988 mo	5988-6000 mo	6000-6012 mo	6012-6024 mo	6024-6036 mo	6036-6048 mo	6048-6060 mo	6060-6072 mo	6072-6084 mo	6084-6096 mo	6096-6108 mo	6108-6120 mo	6120-6132 mo	6132-6144 mo	6144-6156 mo	6156-6168 mo	6168-6180 mo	6180-6192 mo	6192-6204 mo	6204-6216 mo	6216-6228 mo	6228-6240 mo	6240-6252 mo	6252-6264 mo	6264-6276 mo	6276-6288 mo	6288-6300 mo	6300-6312 mo	6312-6324 mo	6324-6336 mo	6336-6348 mo	6348-6360 mo	6360-6372 mo	6372-6384 mo	6384-6396 mo	6396-6408 mo	6408-6420 mo	6420-6432 mo	6432-6444 mo	6444-6456 mo	6456-6468 mo	6468-6480 mo	6480-6492 mo	6492-6504 mo	6504-6516 mo	6516-6528 mo	6528-6540 mo	6540-6552 mo	6552-6564 mo	6564-6576 mo	6576-6588 mo	6588-6600 mo	6600-6612 mo	6612-6624 mo	6624-6636 mo	6636-6648 mo	6648-6660 mo	6660-6672 mo	6672-6684 mo	6684-6696 mo	6696-6708 mo	6708-6720 mo	6720-6732 mo	6732-6744 mo	6744-6756 mo	6756-6768 mo	6768-6780 mo	6780-6792 mo	6792-6804 mo	6804-6816 mo	6816-6828 mo	6828-6840 mo	6840-6852 mo	6852-6864 mo	6864-6876 mo	6876-6888 mo	6888-6900 mo	6900-6912 mo	6912-6924 mo	6924-6936 mo	6936-6948 mo	6948-6960 mo	6960-6972 mo	6972-6984 mo	6984-6996 mo	6996-7008 mo	7008-7020 mo	7020-7032 mo	7032-7044 mo	7044-7056 mo	7056-7068 mo	7068-7080 mo	7080-7092 mo	7092-7104 mo	7104-7116 mo	7116-7128 mo	7128-7140 mo	7140-7152 mo	7152-7164 mo	7164-7176 mo	7176-7188 mo	7188-7200 mo	7200-7212 mo	7212-7224 mo	7224-7236 mo	7236-7248 mo	7248-7260 mo	7260-7272 mo	7272-7284 mo	7284-7296 mo	7296-7308 mo	7308-7320 mo	7320-7332 mo	7332-7344 mo	7344-7356 mo	7356-7368 mo	7368-7380 mo	7380-7392 mo	7392-7404 mo	7404-7416 mo	7416-7428 mo	7428-7440 mo	7440-7452 mo	7452-7464 mo	7464-7476 mo	7476-7488 mo	7488-7500 mo	7500-7512 mo	7512-7524 mo	7524-7536 mo	7536-7548 mo	7548-7560 mo	7560-7572 mo	7572-7584 mo	7584-7596 mo	7596-7608 mo	7608-7620 mo	7620-7632 mo	7632-7644 mo	7644-7656 mo	7656-7668 mo	7668-7680 mo	7680-7692 mo	7692-7704 mo	7704-7716 mo	7716-7728 mo	7728-7740 mo	7740-7752 mo	7752-7764 mo	7764-7776 mo	7776-7788 mo	7788-7800 mo	7800-7812 mo	7812-7824 mo	7824-7836 mo	7836-7848 mo	7848-7860 mo	7860-7872 mo	7872-7884 mo	7884-7896 mo	7896-7908 mo	7908-7920 mo	7920-7932 mo	7932-7944 mo	7944-7956 mo	7956-7968 mo	7968-7980 mo	7980-7992 mo	7992-8004 mo	8004-8016 mo	8016-8028 mo	8028-8040 mo	8040-8052 mo	8052-8064 mo	8064-8076 mo	8076-8088 mo	8088-8100 mo	8100-8112 mo	8112-8124 mo	8124-8136 mo	8136-8148 mo	8148-8160 mo	8160-8172 mo	8172-8184 mo	8184-8196 mo	8196-8208 mo	8208-8220 mo	8220-8232 mo	8232-8244 mo	8244-8256 mo	8256-8268 mo	8268-8280 mo	8280-8292 mo	8292-8304 mo	8304-8316 mo	8316-8328 mo	8328-8340 mo	8340-8352 mo	8352-8364 mo	8364-8376 mo	8376-8388 mo	8388-8400 mo	8400-8412 mo	8412-8424 mo	8424-8436 mo	8436-8448 mo	8448-8460 mo	8460-8472 mo	8472-8484 mo	8484-8496 mo	8496-8508 mo	8508-8520 mo	8520-8532 mo	8532-8544 mo	8544-8556 mo	8556-8568 mo	8568-8580 mo	8580-8592 mo	8592-8604 mo	8604-8616 mo	8616-8628 mo	8628-8640 mo	8640-8652 mo	8652-8664 mo	8664-8676 mo	8676-8688 mo	8688-8700 mo	8700-8712 mo	8712-8724 mo	8724-8736 mo	8736-8748 mo	8748-8760 mo	8760-8772 mo	8772-8784 mo	8784-8796 mo	8796-8808 mo	8808-8820 mo	8820-8832 mo	8832-8844 mo	8844-8856 mo	8856-8868 mo	8868-8880 mo	8880-8892 mo	8892-8904 mo	8904-8916 mo	8916-8928 mo	8928-8940 mo	8940-8952 mo	8952-8964 mo	8964-8976 mo	8976-8988 mo	8988-9000 mo	9000-9012 mo	9012-9024 mo	9024-9036 mo	9036-9048 mo	9048-9060 mo	9060-9072 mo	9072-9084 mo	9084-9096 mo	9096-9108 mo	9108-9120 mo	9120-9132 mo	9132-9144 mo	9144-9156 mo	9156-9168 mo	9168-9180 mo	9180-9192 mo	9192-9204 mo	9204-9216 mo	9216-9228 mo	9228-9240 mo	9240-9252 mo	9252-9264 mo	9264-9276 mo	9276-9288 mo	9288-9300 mo	9300-9312 mo	9312-9324 mo	9324-9336 mo	9336-9348 mo	9348-9360 mo	9360-9372 mo	9372-9384 mo	9384-9396 mo	9396-9408 mo	9408-9420 mo	9420-9432 mo	9432-9444 mo	9444-9456 mo	9456-9468 mo	9468-9480 mo	9480-9492 mo	9492-9504 mo	9504-9516 mo	9516-9528 mo	9528-9540 mo	9540-9552 mo	9552-9564 mo	9564-9576 mo	9576-9588 mo	9588-9600 mo	9600-9612 mo	9612-9624 mo	9624-9636 mo	9636-9648 mo	9648-9660 mo	9660-9672 mo	9672-9684 mo	9684-9696 mo	9696-9708 mo	9708-9720 mo	9720-9732 mo	9732-9744 mo	9744-9756 mo	9756-9768 mo	9768-9780 mo	9780-9792 mo	9792-9804 mo	9804-9816 mo	9816-9828 mo	9828-9840 mo	9840-9852 mo	9852-
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State Immunization Manuals  
One way to give 7 doses (if needed)  
at one visit

One way to give 7 doses  
(if needed) at one visit

IPV (SC)  
MMR (SC)  
DTaP (IM)  
Hib (IM)  
Varicella (SC)  
PCV7 (IM)  
Hep B (IM)

The default regimen is on-label for MMR, including combined with rotavirus and diphtheria, pertussis, tetanus, and polio.

Colorado Immunization Manual, pg. 28, www.coloradoimmunization.com/y3/infod

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## How Did We Get Here?

- Two legal structures enabled this:
  - State laws to compel vaccination
  - The 1986 Act relieving manufacturers and doctors of almost all liability in the event of injury

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## Legal Basis for Vaccine Mandates in U.S.

### 1905 Jacobson v. MA

- Widespread smallpox
- Contagious, airborne disease
- Often fatal disease
- One vaccine
- Adults only
- \$5 fine for non-compliance (\$114 today) to state

### Present Day

- No widespread disease
- Many diseases are not easily contagious
- 70 doses of 16 vaccines
- Kids only
- Denial of schooling for non-compliance
  - Medical and religious exemptions subject to review

Basis for vaccine mandates:  
Freedom of the individual must sometimes be subordinated to common welfare

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## II. CHILDHOOD IN AMERICA

### THE "NEW NORMAL"

1 in 3	Overweight
1 in 6	Learning Disabilities
1 in 9	Asthma
1 in 10	ADHD
1 in 12	Food Allergies
1 in 50	Autism spectrum
3-5 in 100	Birth Defects
1 in 100	Seizures
1 in 450	Diabetes
1 in 6,000	Cancer

50% of children have a chronic health condition

[illegible]

## Childhood Health

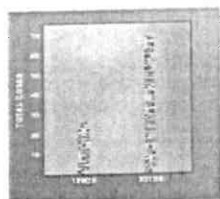
### Infant Mortality Statistics

1 in 144 American babies dies before age one.  
We trail most peer countries and many poorer ones.

<u>YEAR</u>	<u>USA INFANT MORTALITY RANK</u>
1950 (before mass immunization)	3rd
1986	17th
1995	23rd
2000	31st
2012	50th

We lag behind United Kingdom, Australia, Canada, Macau, Anguilla, Andorra, Slovenia, Faroe Islands, Cuba and Belarus.  
<https://www.euro.who.int/en/health-topics/communicable-diseases/prevention-and-control/preventing-the-spread-of-infectious-diseases/publications-the-world-factbook/2019/enk.html>, America's Health Rankings.  
<http://www.americashealthrankings.org>

## Vaccine-autism correlation?



## 1 in 50 Children

The federal government has failed to respond to the salmon epidemic for more than 10 years.

Watch Round Tables  
 Big Game Conference

In 1980s, autism incidence 4-5 in 10,000

Today, 1 in 50 by parental report (CDC)

Rise not explained simply by more awareness and broader diagnostic criteria

## What is Autism?

Currently defined by the DSM-IV 299.00

- Autistic Disorder: impairs
  - Social interaction
  - Communication
  - Stereotyped patterns of behavior
- Onset before age 3




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## Draw Shop Video

- VICP and autism video

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## III. 1986 Act and the VICP

Three objectives, to:

- Stabilize the vaccine supply by protecting industry and healthcare workers from liability
- Compensate the injured
- Make safer vaccines

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### The 1986 Act

- Congress intended no-fault, swift, generous, non-adversarial system
- Acknowledges vaccines are “unavoidably unsafe”
- Acknowledges vaccines will injure and cause death
- Provides limited recourse to civil court depriving people of 7<sup>th</sup> Amendment right to civil jury trials
- Takes away right to informed consent

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### The 1986 Act's Pledge

- Do safety research to reduce vaccine injuries
- Update table injuries
- Resolve claims within a year
- Be non-adversarial
- Close calls go to petitioners – “more likely than not”
- Recognition that there might be overcompensation

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### The 1986 Act's Failed Pledge

- Little Safety Research
- Almost No New Injuries Added to Table
- Forum is exceptionally adversarial
- 90% of claims are now “off-table,” requiring proof of causation
- 80% of claimants who file lose

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## Vaccine Injury Table

As of Oct. 17, 2013, approximately  
\$2.8 billion has been paid for 3,400  
compensated cases

### ASSUMED ADVERSE EVENTS under 10% of cases

Death	Chronic Arthritis
Encephalopathy	Vaccine-Strain Measles
Anaphylaxis	Vaccine-Strain Polio
Seizure disorder	Paralytic Polio

### ADVERSE EVENTS CONCEDED IN LITIGATION over 90% of cases

Juvenile diabetes, ADHD, Rheumatoid arthritis, Asthma, Severe allergies in addition to those above

HHS statistics: <http://www.hhs.gov/vaccine/injury/compensation/statistics/reports.html#State>  
Vaccine Injury Table: <http://www.hhs.gov/vaccine/injury/compensation/vaccine-injury-table.html>

## Study on Autism among VICP Compensated Cases

Pace Environmental Law Review

Volume 26  
Issue 3 Winter 2013

5-10 2013

Unanswered Questions from the Vaccine Injury  
Compensation Program: A Review of  
Compensated Cases of Vaccine-Induced Brain  
Injury

Mary Holland  
2013 Volume of Law, Medicine & Bioethics

Linda Conner

Robert McClellan

Lisa Cohen

## Unanswered Questions

- Found 83 cases of reported autism among compensated cases of vaccine injury
- 21 are in published court decisions; 62 from settlements

## Descriptions of Vaccine-induced Autism in published VICP cases

Published Case Chart		
Published Case Name	Case Citation	Language Suggesting Autism or Autism-like Symptoms
1. <i>Alger v. Sec'y of Health &amp; Human Servs.</i>	1990 WL 293109, at *1 (Cl. Ct. July 13, 1990).	"His mental development has been arrested. . . . He doesn't speak and will never communicate verbally. He doesn't respond to verbal communication. He is not toilet trained. . . . He is self-destructive and very difficult to manage. He needs constant one-on-one care to protect him from injuring himself and others."
2. <i>Sorenson v. Sec'y of Health &amp; Human Servs.</i>	1990 WL 296191, at *1 (Cl. Ct. Dec. 8, 1990).	"Petitioner further maintain that the injuries resulted in permanent disabilities involving significant developmental delay, moderate autistic characteristics, and mental retardation."
3. <i>Klounert v. Sec'y of Health &amp; Human Servs.</i>	1991 WL 20664, at *2, *4 (Cl. Ct. Feb. 20, 1991).	"Today he has a seizure disorder which is under control and a condition known as over feeding, similar in some respects to autism. . . . As a result to the encephalopathy, Wes Ian Klounert suffered complications for more than six months after the administration of the DTP vaccine, and he continues to suffer from these complications, which have developed into a residual seizure disorder and autistic tendencies."
4. <i>Connor v. Sec'y of Health &amp; Human Servs.</i>	1991 WL 12618, at *4 (Cl. Ct. July 2, 1991).	"Respondent's report . . . suggests vaguely . . . that Kenny's problems may be attributed in part to other causes such as a family history of epilepsy, autism and tonal voice hypergraphia. Dr. Spien did not even purport to know what did cause Kenny's seizure disorder, his basic point was that in his view the DTP did not cause it."

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## Descriptions of Vaccine-induced Autism in published VICP cases

Published Case Chart		
Published Case Name	Case Citation	Language Suggesting Autism or Autism-like Symptoms
20. <i>Bank v. Sec'y of Health &amp; Human Servs.</i>	2007 U.S. Claims LEXIS 254, at *54 (Fed. Cl. July 20, 2007).	"Duke's (DDM) vaccine disseminated encephalomyelitis was severe enough to cause lasting, residual damage, and retarded his developmental progress, which fits under the generalized heading of Pervasive Developmental Delay, or PDD. Additionally, this chain of causation was not too remote, but was rather a precise sequence of cause and effect leading inexorably from vaccination to Pervasive Developmental Delay."
21. <i>Chad Dwyer v. Sec'y of Health &amp; Human Servs.</i>	2010 WL 330634, at *1 (Fed. Cl. July 21, 2010).	"Respondent has conceded that petitioners are entitled to compensation due to the significant aggravation of Child Doe's pre-existing mitochondrial disorder based on an MMR vaccine. Table pre-symptomatic injury of encephalopathy, which eventually manifested as a chronic encephalopathy with features of autism spectrum disorder and a complex partial seizure disorder as a sequel."

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Kimberly Sue Leteure, compensated by VICP for encephalopathy (with seizures and autism)




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### Omnibus Autism Proceeding

- 2002-2010 in VICP
- Over 5,000 claims filed
- Tested two theories:
  - Mercury-induced autism
  - Measles-mumps-rubella-induced autism
- 6 test cases heard
- Special Masters ruled against all cases; two MMR appeals upheld

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### The Yates Hazlehurst Dismissal



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Michelle Cedillo, **NOT** compensated for autism (with encephalopathy and seizures)



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## Dr. Zimmerman's Second Medical Opinion Letter

Dr. Zimmerman's second medical opinion. The child was diagnosed and treated for autism spectrum disorder. The child has developmental delays in language, social interaction, and self-help skills. The child also has a history of seizures and encephalopathy.

The following are my opinions regarding the child's condition:

1. The child's symptoms are consistent with autism spectrum disorder. The child's symptoms are consistent with autism spectrum disorder. The child's symptoms are consistent with autism spectrum disorder.
2. The child's symptoms are consistent with autism spectrum disorder. The child's symptoms are consistent with autism spectrum disorder. The child's symptoms are consistent with autism spectrum disorder.
3. The child's symptoms are consistent with autism spectrum disorder. The child's symptoms are consistent with autism spectrum disorder. The child's symptoms are consistent with autism spectrum disorder.

I have signed this letter in my capacity as a medical professional.

Dr. Zimmerman  
 Dr. Zimmerman, MD  
 Dr. Zimmerman, MD  
 Dr. Zimmerman, MD

## DOJ Representations to the Court of Appeals for the Federal Circuit

1. The DOJ represents to the Court of Appeals for the Federal Circuit that the child's symptoms are consistent with autism spectrum disorder. The child's symptoms are consistent with autism spectrum disorder. The child's symptoms are consistent with autism spectrum disorder.

2. The DOJ represents to the Court of Appeals for the Federal Circuit that the child's symptoms are consistent with autism spectrum disorder. The child's symptoms are consistent with autism spectrum disorder. The child's symptoms are consistent with autism spectrum disorder.

3. The DOJ represents to the Court of Appeals for the Federal Circuit that the child's symptoms are consistent with autism spectrum disorder. The child's symptoms are consistent with autism spectrum disorder. The child's symptoms are consistent with autism spectrum disorder.

Rolf Hazlehurst, father of Yates, one of the petitioners in the Omnibus Autism Proceeding. Son NOT compensated for autism (with seizures and encephalopathy).



## What's Wrong with the VICP?

- No alternative venue
- No judicial independence
- 90% of cases "off table"
- 80% of claims lose
- Lack of equality of arms
- 3-year statute of limitations
- Lawyers not timely paid
- Experts demeaned and not timely paid
- Delays of 10 years and more
- No design defect claims
- Conflicts of interest between vaccine promotion and compensation
- Little transparency
- People don't know VICP exists
- No rules of evidence
- No rules of civil procedure
- No discovery
- No jury trials
- Almost no recourse to civil court
- Very little science available

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## "All Profits, No Liability"

*Bruesewitz v. Wyeth*

2011 Supreme Court decision

- No claims for vaccine defect may be filed in any court
- YOYO
- For 99% of claims, there will be no recourse to civil court.




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Hannah Bruesewitz, NOT compensated for DPT-induced encephalopathy and seizures (with autism)




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## Dr. Julie Gerberding, a "Poster Child" of Vaccine Conflicts of Interest




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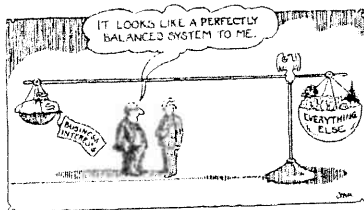
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## Justice in the VICP?




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## Policy Options for the 1986 Act

- Do nothing (done)
- Tinker at edges (done)
- Make the VICP optional (like 9/11 Commission)
- Give limited liability protection (only 7 vaccines from 1986)
- Repeal the Act
  - Give access to civil courts
  - Make manufacturers liable
  - Revert to state informed consent laws
  - Overturn *Bruesewitz v. Wyeth*
- Create a federal right of exemption (as in UK, Canada and other countries)
- Both repeal Act and create federal exemption right

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## Congressman Dan Burton



We have gone from one in 10,000 children with autism to one in 88. It is worse than an epidemic, it is an absolute disaster.

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## Congress off to a good start in 2012



Has the CDC done a study comparing vaccinated children with unvaccinated children yet?



We have never studied vaccinated versus unvaccinated.

DR. BOYLE

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## IV. The Faces behind Vaccine Injury: Gardasil Girls

- Gardasil Girls

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### What You Can Do

- Ask your Congress Member to Come to the OGR Hearing on December 4, 2013.
- Reach out for more information.
- Thank you.

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