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Feds admit vaccine 'aggravated' autism

Critics: Ruling major concession after years of government denials

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The federal government continues to deny a link between vaccines and autism, but the U.S. Court of Federal Claims has ruled in favor of a child alleged to have regressed into autism as a result of vaccinations.

Several of the vaccinations included the controversial mercury-based preservative thimerosal, points out the National Autism Association, which sees the ruling as confirmation of the claims of many parents.

"This case echoes the stories of thousands of children across the country," said NAA President Wendy Fournier. "With almost 5,000 similar cases pending in vaccine court, we are confident that this is just the first of many that will confirm what we have believed for so long – vaccines can and do cause children to regress into autism."



David Kirby

Fournier called on the Centers for Disease Control "to acknowledge that the current vaccine schedule is not safe for every child and as with the administration of any medicine, individual risks and susceptibilities must be considered for each patient."

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The government's unprecedented concession – filed Nov. 9 and sealed to protect the plaintiff's identity – was obtained through individuals unrelated to the case, said David Kirby, author of "[Evidence of Harm: Mercury in Vaccines and The Autism Epidemic, A Medical Controversy.](#)"

The concession was made by U.S. Assistant Attorney General Peter Keisler and other Justice Department officials on behalf of the Department of Health and Human Services, the defendant in all vaccine court cases.

A CDC panel, meanwhile, voted unanimously Wednesday to recommend flu shots for all school-age children. The move would compel private insurers to cover the costs and require the CDC to make the vaccine available to anyone who can't afford it.

The NAA criticized the CDC decision, noting thimerosal is still found in flu shots recommended for children and pregnant women.

Thimerosal in vaccines is suspected of causing brain damage and weakening the immune system, making some children susceptible later to infection from measles, mumps and rubella shots.

Kirby, writing for the Huffington Post, reported the government's written concession said the child had a pre-existing mitochondrial disorder that was "aggravated" by her shots and ultimately resulted in a diagnosis of autism spectrum disorder, or ASD.

"This statement is good news for the girl and her family, who will now be compensated for the lifetime of care she will require," Kirby writes. "But its implications for the larger vaccine-autism debate, and for public health policy in general, are not as certain."

The government's concession, he says, seems to raise more questions than it answers.

The Department of Health and Human Services said its Division of Vaccine Injury Compensation, or DVIC, "has reviewed the scientific information concerning the allegation that vaccines cause autism and has found no credible evidence to support the claim. Accordingly, in every case under the Vaccine Act, DVIC has maintained the position that vaccines do not cause autism, and has never concluded in any case that autism was caused by vaccination."

Kirby said that for most affected families, the fine distinction between claiming that vaccines did not "cause" autism but instead aggravated a condition to "manifest" as autism is a fine distinction that is not so important.

While it's too early to tell, he said, "this concession could conceivably make it more difficult for some officials to continue insisting there is 'absolutely no link' between vaccines and autism."

It also puts the federal government's vaccine court defense strategy somewhat into jeopardy, he said.

"DOJ lawyers and witnesses have argued that autism is genetic, with no evidence to support an environmental component," he pointed out. "And, they insist, it's simply impossible to construct a chain of events linking immunizations to the disorder. Government officials may need to rethink their legal strategy, as well as their public relations campaigns, given their own slightly contradictory concession in this case."

The bottom line, he said, is that the public will demand to know what is going on inside the U.S. federal health establishment.

"The significance of this concession will unfortunately be fought over in the usual, vitriolic way – and I fully expect to be slammed for even raising these questions," Kirby writes. "Despite that, the language of this concession cannot be changed, or swept away."

The key words contained in the concession, he says, are "aggravated" and "manifested."

"Without the aggravation of the vaccines, it is uncertain that the manifestation would have occurred at all," Kirby argues.

"When a kid with peanut allergy eats a peanut and dies, we don't say 'his underlying metabolic condition was significantly aggravated to the extent of manifesting as an anaphylactic shock with features of death,'" he continues. "No, we say the peanut killed the poor boy. Remove the peanut from the equation, and he would still be with us today."

Whatever the government's further explanation, says Kirby, "they cannot change the fundamental facts of this extraordinary case: The United State government is compensating at least one child for vaccine injuries that resulted in a diagnosis of autism. And that is big news, no matter how you want to say it."

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