

## The Deer Crusade and Collateral Damage

### F. Edward Yazbak MD

Four years ago, on February 16, 2009 to be exact, Ms. Melanie Phillips wrote a long exposé in The Spectator titled “A deer in the headlights” that started with the following paragraph:

*“Eleven days ago, Brian Deer renewed his onslaught against Andrew Wakefield in the Sunday Times. I wrote about it [here](#)<sup>1</sup> and made the point that, since Deer’s allegations sparked the General Medical Council case against Wakefield which would not have occurred without his involvement, he was effectively a principal player in the story he was reporting — a clear conflict of interest and breach of journalistic standards”*

To which, Mr. Deer apparently reacted by stating:

*“I did not lay the initial complaint against Wakefield. This allegation is a fabrication, albeit rather a small one in the MMR issue. The GMC asked me for my journalistic evidence arising from published stories. It was my public duty to supply my findings to this statutory regulator.”*

Not being a journalist or a lawyer in England or elsewhere, I am not an expert on breach of British journalistic standards or on how journalists behave or should behave but it seems to me that it really does not make much difference whether Mr. Deer approached the GMC or whether the GMC approached him first. Either way, it seems peculiar that a medical regulatory group actually considered evidence obtained by a reporter in its investigation of a fitness to practice matter. In the United States, State Licensing Boards investigating physicians’ research issues are certainly not likely, to the best of my knowledge, to request information from a freelance “investigative reporter” or to consider any information offered by such a reporter.

I should quickly mention here that a British Court recently found fault with the GMC findings and reversed the GMC decision in favor of Professor John Walker-Smith.

After documenting and discussing in detail the GMC - Deer “Chicken and Egg” saga, Ms. Phillips went on to discuss the then recently published verdict in the Cedillo case.

<sup>1</sup> <http://web.archive.org/web/20120130220725/http://www.spectator.co.uk/melaniephillips/3346281/the-witchhunt-against-andrew-wakefield.shtml>

According to the Phillips report, Mr. Deer apparently posted the following on the Left Brain Right Brain website:

*That said, I'm also very proud that, like the GMC, the US government sought my help in mounting its case in Cedillo, copiously borrowing pages of evidence from my website and displaying some in court. I was surprised by this. I assumed that they would have sophisticated contacts with other governments and with industry, and could pretty much get what they wanted. However, on a number of occasions I would come home, find an email from the department of justice asking me for a document, and see that the next day it was being run in court. Bit of a seat of the pants job by the DoJ (brought about by the plaintiffs changing their case at the last minute). Indeed, I recall supplying a key document on the O'Leary lab business, which the DoJ didn't seem to know about just weeks before the hearing. Hence the late surfacing of Bustin and Chadwick. It was me wot done that, and I'm glad. I don't say these things to boast, only perhaps to wonder why — if there are all kinds of grand conspiracies behind the defence of vaccine safety — governments and regulators are so untogether that a mere journalist can get ahead of them in the game.*

Intrigued by the statement that “The United States Government” had asked Mr. Deer for help, I submitted on April 14, 2010, a Freedom of Information Act (FOIA) request to the Department of Justice, (DOJ) for all communications by Mr. Deer.

On November 3, 2010, I received several documents from the Attorney in Charge of the FOI/PA unit at DOJ together with a cover letter informing me that he was releasing eleven pages but withholding four in order to “*protect the personal privacy of an individual*”. Attachments were also not released.

I should probably state here that I am a friend of the Cedillo family and that I am still convinced that the decision in Michelle’s vaccine injury compensation case was flawed. There are simply no genetic causes that could have resulted in so many serious multisystem complications in a child who was normal at birth and in the first year of life. *At the very least* and even discounting the serious gut disease and the positive measles virus Genomic RNA testing, Michelle’s severe unrelenting chronic arthritis that developed shortly after vaccination was undoubtedly an adverse event to the rubella component of the MMR vaccine she had received. In fact that specific complication has been a “Table Injury” for years and still is today.

According to the Vaccine Injury Compensation Program, the “Table” consists of “*a list of injuries and conditions presumed to be caused by vaccines, and the time periods in which the first symptom of these injuries and conditions must occur after receiving the vaccine. Unless a different cause is found, the court presumes that the condition was caused by the vaccine if the first symptom occurs within the listed time periods.*”

Like many, I am still wondering whether the Cedillo case had been destined for defeat when it was chosen to be the “first test case” of the Omnibus Hearings with 5,000 or so other cases

waiting in line.

Anyway ... All released e-mails from Mr. Deer to the DOJ were addressed to only one employee.

The very first e-mail was dated Tuesday April 3, 2007 at 11:44 AM and appeared to be a response to that employee's request for information on how to obtain certain TV dispatches from the United Kingdom.

In that first e-mail, Mr. Deer explained how and where the TV dispatches could be obtained and then casually volunteered:

If you need a conceptual overview of the Wakefield scams, I've recently updated the following page. For some people, it's quite boring that I change the text, but for the most part it seems the same:

<http://briandeer.com/mmr/lancet-summary.htm>

I also have a long letter I sent to the UK's General Medical Council recently, explaining how Wakefield rigged his original research paper in The Lancet. You can have it if you want, but I'm not sure you can evidence anything without access to the children's records. Pursuant to court orders, I've read these records, and the GMC have copies. But I'm not sure how this helps you.

The above certainly suggests that it was Mr. Deer who first offered to send his "long letter to the GMC" to the US Department of Justice.

In a follow-up e-mail to the same DOJ employee on Wednesday April 11, 2007 at 12:51 PM, [Subject: Letter to UK GMC] Mr. Deer wrote:

You've requested to see my letter of February 2007 to the UK General Medical Council concerning the conduct of Dr Andrew Wakefield. I understand that the purpose of your request is to assist in preparations for a case before the federal special masters, concerned, among other things, with whether the MMR vaccine cause developmental disorders.

The above seems to suggest a scenario somewhat similar to that discussed by Ms. Phillips in "A deer in the headlights". Mr. Deer can surely boast that the US Government (the DOJ representative) requested his letter to the GMC when in fact he had clearly offered the letter in his earlier message when he said: "You can have it."

Now that was simply brilliant!

In that same April 11, 2007 e-mail, Mr. Deer went on to say:

The safety of children by means of vaccination is plainly a matter of the greatest public concern. There can be no doubt that the US department of justice, presenting its case before the special masters, is a party with an interest in the questions raised in my letter. Moreover, I believe that the letter succinctly explains how Dr Wakefield obtained the results he published in The Lancet of February 28 1998. These are complex matters, and it may be that my rather prolonged study is of some small assistance.

Mr. Deer then ended his e-mail by:

Therefore, as a matter of public duty, I attach the letter. For your information, the GMC solicitors replied to this letter, noting that I make a number of highly general allegations. The solicitors asked me a number of detailed questions. I've responded to their questions and have supplied further documents, including some obtained in the course of the discontinued litigation Wakefield v Channel 4 & Ors.

If for any reason you must disclose this letter, please will you append this email explain the circumstances by which you obtained it.

Three comments would seem justified:

- The last sentence certainly suggests that Mr. Deer was at the very least concerned about distributing the information he had sent to the GMC
- RE the second statement in the e-mail of April 3<sup>rd</sup>:

I'm not sure you can evidence anything without access to the children's records. Pursuant court orders, I've read these records, and the GMC have copies. But I'm not sure how this helps you.

A judge only released the children's records in question to Mr. Deer in November 2006 for the sole purpose of defending a libel suit and for no other reason. One could argue that even mentioning them in an e-mail may have been inappropriate unless of course Mr. Deer's last sentence "But I am not sure how this helps you" was a veiled hint to the DOJ lady to also "request" them, like she had seemingly requested the GMC letter.

- RE: Mr. Deer's own revelation that his original letter to the GMC actually contained "*a number of highly general allegations*":

According to Webster, the definition of allegation is:

- The act of alleging
- A positive assertion; *specifically* : a statement by a party to a legal action of what the party undertakes to prove
- An assertion unsupported and by implication regarded as unsupportable <vague *allegations* of misconduct>

One can only presume that "highly general allegations" are even less reliable than regular Webster allegations. Mr. Deer's "allegations" must have been if, as he wrote, the GMC lawyers needed to ask him "a number of very detailed questions" and ... the very careful Attorney in Charge, FOI/PA unit at DOJ *actually withheld the release* of the complete e-mail attachment

containing Deer's letter to the GMC.

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At 1:48 PM on April 11, 2007, less than an hour after that previous e-mail, Mr. Deer sent a follow-up message to his DOJ contact [ Subject: "Your request for information about Andrew Wakefield"] in which he volunteered:

Personally, if I was examining Wakefield, I would simply run him through four of his publications: Lancet Feb 1998; Lancet Nov 1999 (California); Adverse Reactions and Toxicology Reviews (Dec 2000/Jan 2001) and his laughable Red Flags web article of March 2005 (his reply to the Japanese research). There's also an abstract of Icelandic data, which, according to an email from one of the lead authors, they couldn't get published. I think it could be done very fast, where he's compelled to admit, with tedious repetitiveness, that what he's published is manifestly false and misleading. In fact, the Red Flags article, again, squarely states the basis of his claim for splitting the vaccine (re Japan, you will probably know that Wakefield claims that, because they don't give separate vaccines at yearly intervals (and I can show where the yearly intervals madness comes from), then it amounts to the same thing as MMR, hence the rising autism incidence in Japan. However, of course, mumps vaccination is second-line in Japan, with uptake remaining flat for years, according to WHO surveillance data).

Best wishes,

Brian Deer

Even if Mr. Deer actually believed that the US Government had asked for his help, the above can only suggest that Mr. Deer had now made himself a "principal player" in the Cedillo case, to borrow Ms. Phillips' words. Because of his obsession with Dr. Wakefield, his personal crusade was now trampling the rights of an American family that he did not even know and that had never been involved in the British Brawl he had created.

Although all this was very sad, I did have to smile just imagining the Court scene with the DOJ attorney discussing MMR and Autism with Andy Wakefield.

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There is little doubt that Mr. Deer's information led to the "*late surfacing of Bustin and Chadwick*" at the Cedillo hearings. As I discussed in some detail in "Busting Rules", there was plenty wrong with the "*late surfacing*" of medical experts in such a high profile vaccine injury compensation case and really nothing wrong with the O'Leary test results that Deer's friends tried to shoot down under oath.

My trust in the O'Leary test results was reinforced by a US study published in September 2008, after the Cedillo Hearings had concluded and before Special Master Hasting had filed his decision of February 12, 2009.

That study was sponsored by a CDC grant to the American Academy of Pediatrics and by NIH

individual grants and conducted by expert researchers from Columbia University, Harvard University, the CDC and the American Academy of Pediatrics. The authors ran all their tests in three laboratories: The O'Leary lab in Ireland, a special Columbia University lab in New York and a CDC lab in Atlanta.

In their abstract, the authors stated: *"Results were consistent across the three laboratory sites"*. Later under Real-Time-PCR Assays the authors reiterated: *"All laboratories correctly identified all positive controls ... All laboratories correctly identified all negative controls."*

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Recently, Mr. Deer published three articles in the BMJ and traveled to Wisconsin, Oxford and other places to discuss his "Investigations".

That is all well and good if he can sleep at night and ignore the fact that his wild crusade against Dr. Wakefield resulted in extensive collateral damage. There is certainly nothing to be proud of about cheating an injured girl of her rights or about hurting a suffering family, thousands of miles away.

May be Mr. Deer can remember that when he looks in the mirror!

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