Vaccines vs. Lawyers and TomPaine.com

By ACSH Staff — January 13, 2003

The website TomPaine.com seems to exist mainly to place large ads on the op-ed page of the New York Times, usually denouncing corporate greed in such cartoonish and oversimplified terms that one almost expects to see the pieces decorated with top hat-wearing Snidely Whiplash figures, chomping on cigars and carrying big bags of money.

That is standard left-wing politics, but TomPaine.com recently took up a new cause: attacking vaccine manufacturers.

Before the whole controversy began, plaintiffs wanting to sue vaccine manufacturers had to bring the cases first to a special adjudication panel set up by the National Vaccine Injury Compensation Program (VICP). This created a filter against some of the more spurious cases being brought against vaccine manufacturers recently often brought on behalf of distraught parents looking to blame someone for their children's (all-natural) birth defects. Lawyers began doing an end-run around the VICP program in order to sue vaccine makers who used thimerosal. Calling that chemical an additive and not part of the vaccines per se meant that cases alleging that thimerosal causes autism could be brought before well-meaning but scientifically-ignorant juries instead of the VICP adjudication panel. (See ACSH's booklet on vaccines [1] for more on the lack of evidence for a vaccine-autism connection.)

The House of Representatives, quite reasonably, passed legislation reaffirming that thimerosal cases must go before VICP, and the House's language was included in the vast Homeland Security bill passed late last year by the Senate.

What does all this have to do with TomPaine.com? The organization offered $10,000 to anyone who revealed the identity of the person who inserted the thimerosal language in the Homeland Security legislation. TomPaine.com and similar pundits were eager to paint the legislation as midnight tinkering by unseen corporate influences, benefiting Eli Lilly in particular, the pharmaceutical company named as defendant in most of the thimerosal lawsuits. This past weekend, the vaccine-protecting language was dropped from the legislation to avoid further controversy.

But, as InstaPundit.com editor Glenn Reynolds and others have noted, the language wasn't all that mysterious, having been passed by the House and argued for in the Senate by Bill Frist, who now vows to bring the language up for consideration again sometime in the spring. To cap it off, retiring representative Dick Armey rose to take credit for the House language and claim TomPaine.com's $10,000 for donation to a charity. TomPaine.com then weaseled out of the offer (grounds for a lawsuit, perhaps?), saying they want to know who pulled Armey's strings. You'd think Armey, one of the most libertarian and anti-regulatory members of Congress, would be sufficiently villainous by TomPaine.com’s standards that they could have some fun labeling him the "Eli Lilly Bandit" and
kicking him around a little, but perhaps they were hoping to spar with someone who is less articulate in defending science and industry.

They certainly can't argue that they don't have the money, tempting as it might be to draw that conclusion from their weaseling. TomPaine.com is run by PBS commentator Bill Moyers' son, John Moyers, and is one of many projects supported by a large fund Moyers oversees possessing some $75 million (the leftist magazine The American Prospect is also part of the Moyers octopus).

The elder Moyers has been frightening parents about chemicals, too, with a PBS special last year entitled Kids and Chemicals that accused individual chemicals in the environment of causing a variety of childhood illnesses. (For a fuller examination of that unproven claim, see ACSH's new book, Are Children More Vulnerable to Environmental Chemicals? [2])

There must be some staffers at TomPaine.com who are troubled by the site's name. Thomas Paine, advocate of the American Revolution, stood for individual liberty and limited government, while the website bearing his name crusades for more taxes, regulations, and lawsuits. Already, a group of Democratic lawmakers have vowed to investigate the vaccine-defending legislation and have called its enactment a failure of democracy. (In a properly functioning republic, of course, the scandal would not be the vaccine clause itself but the fact that Congress routinely votes on legislation that's so complex they don't have time to read it.)

I stopped to admire a fine, larger-than-life statue of Thomas Paine by a lake in Morristown, New Jersey not long ago. Would that the man himself were alive to object the misuse of his name, or at least that the statue could stagger to life and point an accusing finger at TomPaine.com's offices. But that's a purely imaginary threat like contracting autism from vaccines.