Science Is Not a Democracy

By ACSH Staff — June 15, 2007

This piece originally appeared in the Washington Times.

Scientists years ago dismissed the alleged causal link between childhood vaccinations and autism. But a large and vocal group of advocates are nonetheless convinced that there is a cause and effect relationship. For them and their lawyers, science is irrelevant. Their last hope for vindication: a court of law that they hope might establish—legally, not scientifically—that vaccines do indeed pose a risk of autism and other ailments.

The science demonstrating the lack of a link between children’s vaccines and autism has been validated, over and over again, during the past decade. Studies confirm that autism is no more common among children who received vaccinations than among those who did not. Further, the incidence of autism has continued to rise despite the elimination of mercury from vaccines. Yet this month, despite these facts and reams of other data, the first of thousands of legal cases on this same subject began in a special “vaccine court”—actually the U.S. Court of Federal Claims. One leading advocate of a vaccine-autism link was quoted as saying these proceedings "will mark the first time ever that evidence of autistic harm from childhood vaccines is examined and cross-examined in a court of law."

Perhaps so. I find it unsettling that the safety of vaccines must be put on trial before three "special masters" in a vaccine court. What the parents of the autistic children, plaintiffs in the 4800+ pending cases, cannot realize (though certainly their lawyers do) is that the truth about scientific and medical facts is not, ultimately, something that can be decided either by the whims of judges or the will of the masses. Some disturbing aspects of the current proceedings:

1. The three judges are not experts in medicine or science; one indeed is described as a former "environmental lawyer." The last time an "environmental lawyer" was put in a position of this much responsibility, EPA administrator William Ruckelshaus flouted science and banned the insecticide DDT in 1972. The result: millions of needless deaths among African children due to malarial mosquitoes. If vaccines get a black mark in the current series of test cases in this court, the stigma may result in a similar public health catastrophe.

2. One of the leading plaintiff attorneys crowed about how, while science required a burden of proof in the 95% range, to win in the current proceedings requires "only 50% plus a feather"—meaning that autistic children can be presumed to have been injured by vaccines if two of the three judges can be convinced by a slight preponderance of evidence. That is a slender thread with which to support our vaccine infrastructure, not only in this country, but worldwide.

3. Even if the plaintiffs fail to convince the judges by that flimsy standard of "proof," they can then resort to the standard civil liability, or tort, system and have their cases heard by a regular jury.
Unbelievably, despite the complete absence of scientific proof, and even if they fail by a "more likely than not" standard, they get another chance to grab the gold ring, their cases this time heard by potentially more sympathetic laymen. The vote would be an even more democratic one—but not necessarily one based on valid evidence.

Let us be clear: the stakes here are huge. Even though payments, if any, would come from a federal fund (not from any vaccine maker), you can be sure that the few pharmaceutical companies still manufacturing vaccines are watching closely. Because of liability fears and minimal profit margins on lifesaving vaccines, only five companies are still in the vaccine business, down from twenty-six a few decades ago. If these few sense increased liability after a verdict against vaccines in federal court, they will flee the market as well. Vaccine shortages, already common, will become a real disaster, undermining our ability to counter potential pandemics and bioterrorism.

Vaccine-related autism fears have fueled recurrent epidemics of mumps in the U.K. and whooping cough in the U.S., while Islamist superstitions about vaccine-induced infertility led to recurrent polio epidemics in northern Nigeria and central Africa a few years ago. If the judicial panel vote comes down against the scientific evidence on vaccine safety, be prepared to reap a whirlwind of resurgent childhood scourges we had long thought relegated to historical texts.

COPYRIGHT © 1978-2016 BY THE AMERICAN COUNCIL ON SCIENCE AND HEALTH

Source URL: https://www.acsh.org/news/2007/06/15/science-is-not-democracy
Links