



Far from Over: Analyzing Hannah Poling vs. HHS

By John Gilmore

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Editor's note: Earlier this year, the U.S. Department of Health and Human Services (HHS) concluded that the family of Hannah Poling of Athens, GA is entitled to compensation from a federal vaccine injury fund. The amount of the family's award is not yet set. The language in the document does not establish a clear-cut vaccine-autism link. It does say, however, that the government determined that vaccines aggravated a "rare" underlying mitochondrial disorder that resulted in a brain disorder "with features of autism spectrum disorder." Hannah's case is one of three vaccine-court test cases alleging that thimerosal caused the children's autism. The other cases go to trial in May.

The government is outright lying about the Hannah Poling vaccine court case that recently went public. They invented a whole new theory of autism causation, just for this one case, to get themselves off the hook. The government's explanation of the decision is so blatantly absurd that even the corporate media has noted the contradiction between the government conceding the case, yet at the same time claiming vaccines have nothing to do with Hannah's autism.

Hannah Poling is a 9-year-old girl who, at her 18 month check-up, received nine vaccines in five injections. Before the injections she was a healthy toddler who had a vocabulary of 30 words and reached her development milestones ahead of schedule. She immediately reacted to the vaccines with a high fever, a rash, and inconsolable crying. She began to lose speech and failed to respond to her parents. Eventually she received a diagnosis of autism, which she still has.

Hannah's parents filed a claim in the National Vaccine Injury Program, or "vaccine court." Jon Poling, Hannah's father, is a neurologist who did his residency at Johns Hopkins. He also has a Ph.D. in biophysics. Hannah's mother is a nurse and an attorney.

The 5,000 autism claims in the vaccine court have been lumped together into a group called the Autism Omnibus Proceeding. Hannah's case was selected as one of nine test cases to evaluate the primary arguments underlying most of the other claims. The surprise is that in Hannah's case the government "conceded," or gave up without a fight. Litigation is like poker, you fold when you know you can't win.

But the government had a big problem: how to concede without admitting that vaccines can cause autism. That would be the end of the vaccine industry as we know it, with a great many careers dragged down with it. The answer was obvious: Lie their faces off.

The first lie is the government's claim that Hannah had an "underlying" mitochondrial disorder. You may remember from high school biology that mitochondria are the powerhouses inside cells. She has mitochondrial disorder now, but nothing in Hannah's medical records or her parents' observations of her indicate that she had any symptoms of mitochondrial disorder. Nor does mainstream medicine accept mitochondrial disorder as a cause of autism.

I am not suggesting it doesn't or couldn't, but we need to recognize that the government is perfectly comfortable inventing entire new theories of autism causation if they think it could get them off the hook.

The Department of Justice, which represents the government in the vaccine court, has come up with a new type of logic that should be very useful for criminal defense lawyers across the country. According to the logic in the Poling case, a murderer could argue that he did in fact shoot a victim who subsequently bled to death, but the bleeding and the gun shot wound were merely coincidental and the victim had a bleeding disorder anyway (for which there is no need to provide evidence that the disorder existed prior to the victim's demise).

The government won't even admit that Hannah Poling has autism; they prefer to say Hannah has "features of autism spectrum disorder," as if there's a difference. To set the record straight, Hannah has full-blown DSM-IVR autism.

But let's suppose that the government's spin on the Polings' case is actually true. Then it is reasonable to think that children with mitochondrial disorders face a significant threat from routine administration of vaccines. Have we heard anything from the CDC or the American Academy of Pediatrics that all children should be screened for mitochondrial disorders prior to giving vaccines?

Wouldn't this be the obvious, logical and prudent course of action if the government really believes their own statements and want to prevent autism from this new cause discovered by the Department of Justice lawyers?

No doubt such a measure would be expensive. We have spent billions, however, preparing for a bird flu pandemic (remember?) that has yet to kill even a single bird on the North American continent. There is no suggestion that the government will implement a mitochondrial screening plan.

If Hannah Poling's autism wasn't caused by vaccines, then why is the vaccine court about to award the Polings a large sum of money? Damages haven't been decided yet but the presumption is that Hannah will get a sufficient sum to provide her with a modest level of care for the remainder of her life. No great windfall is pending, punitive damages are limited to \$250,000. The Special Master (judge) in vaccine court cannot award any damages unless the evidence indicates that an injury occurred. So if she doesn't have autism and the vaccines didn't cause it, why is she getting paid?

This issue is far from over. Once people have time to really think about the absurdities the government is putting forward, many questions will be asked that the government will not be able to answer. At some point we will probably see Congress begin to ask questions the CDC and the vaccine industry desperately want us to ignore. Stay tuned.

John Gilmore is the Executive Director of Autism United and has filed a case in vaccine court for his son Luke. He also assisted the Poling family during their recent dealings with media coverage.