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Sen. Richard Burr
217 Russell Senate Office Building
Washington, DC 20510

Federal Building
151 Patton Avenue, Suite 204
Asheville, NC 28801

Sen. Thom Tillis
G55 Dirksen Senate Office Building
Washington, DC 20510

310 New Bern Avenue, Suite 122
Raleigh, NC 27601

Rep. Patrick McHenry
2334 Rayburn House Office Building
Washington, DC 20515

160 Midland Avenue
Black Mountain, NC 28711

Re: H.R. 2232, Vaccinate All Children Act of 2015¹

Dear Senator Burr, Senator Tillis, and Representative McHenry:

I am an attorney based in Asheville, NC, and a nationally recognized legal expert on vaccine policy and law. I advise clients, attorneys, and legislators and activists throughout the country concerning vaccines required for newborn children; school and daycare enrollment; employment; military members, families and civilian contractors; immigrants, including foreign adopted children; international travel; and various other situations.

H.R. 2232 is a bill:

To amend the Public Health Service Act to condition receipt by States (and political subdivisions and public entities of States) of preventive health services grants on the establishment of a State requirement for students in public elementary and secondary schools to be vaccinated in accordance with the recommendations of the Advisory Committee on Immunization Practices, and for other purposes.

I respectfully point out the following legal and factual problems with H.R. 2232:

I. Legal Problems

A. The bill's language conflicts with the very law it seeks to amend (add to):

§247b. Project grants for preventive health services

(g) Use of grant funds; mandatory treatment prohibited

(2) Nothing in this section shall be construed to require any State or any agency or political subdivision of a State to have a preventive health service program which would require any person, who objects to any treatment provided under such a program, to be treated or to have any child or ward treated under such program.

¹ <https://www.congress.gov/bill/114th-congress/house-bill/2232/text>

B. This bill violates the First Amendment by failing to account for religious objections to immunizations:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...” U.S. CONST. amend. I.

II. Factual Problems

While the idea underlying this bill may seem valid, that of increasing immunization rates, a review of federal health statistics shows otherwise:

- A. Vaccines kill and disable far more people than the diseases do. For example, the CDC reports that no one has died from measles in the U.S. in the past 12 years, but the VAERS (federal Vaccine Adverse Event Reporting System) reports over 100 deaths following measles vaccines, and the NVICP (National Vaccine Injury Compensation Program) had paid out over \$220 million annually (last 5 year ave.) for vaccine injuries and deaths, over \$3.1 billion over the life of the program. Furthermore, multiple governmental and non-governmental sources estimate that 90-99% of serious vaccine adverse events *never get reported at all*.
- B. According to official government statistics, 90-95% of childhood infectious disease mortality decline in the 1900's *preceded* the introduction of vaccines. Vaccines are *not* the reason we have low childhood infectious disease death rates in the first place. (They *are* the reason that vaccine manufacturing is a multi-billion dollar international industry.)
- C. The pharmaceutical industry routinely engages in massive criminal behavior. Over a recent 5 year period, it returned \$19.2 billion from attempts to defraud federal health programs. Criminal fines in the \$100's of millions are common and have been as high as \$1 billion. *Please note that an industry that goes to these lengths to sell its products will also lie to state and federal legislators.*

While this bill is no doubt well-intended, it is in reality a pharmaceutical marketing bill, not a health bill. Vaccines are a multi-billion dollar industry that profits not only from the millions of vaccines sold every year, but from the many new, life-long customers the pharmaceutical industry gets from the widespread disability caused by vaccines. This is not a conspiracy theory, it is information documented in official mainstream sources referenced in the attached Vaccine Fact Summary.

For all of the above reasons, you should oppose this bill. Keep vaccination a state law issue. The federal government should not become a national public marketing division of the private pharmaceutical industry.

Please let me know exactly where you stand on this issue, and please don't hesitate to ask if I may be of any further assistance.

Respectfully,



Alan G. Phillips
NC State Bar No. 30436

Vaccine Fact Summary

1. In 2011, the U.S. Supreme Court repeatedly stated that vaccines are “unavoidably unsafe.” *Bruesewitz v. Wyeth LLC*, 131 S. Ct. 1068, 179 L.Ed.2d 1 (2011).¹
2. National Vaccine Injury Compensation Program (NVICP) vaccine injury and death payouts²:
 - a. Total to date (1989-2015): \$ 3.16 Billion
 - b. Average annual payout 2005-2009: \$ 75,630,051 per year
 - c. Average annual payout 2010-2014: \$221,822,386 per year
 - d. Cases pending: 1,940
3. There is vast underreporting of vaccine adverse events. FDA: As few as 1% of serious adverse reactions are reported.³ CDC: Only about 10% are reported.⁴ Congress: Has heard testimony that medical students are told not to report suspected adverse events,⁵ yet federal law requires reporting.⁶ National Vaccine Information Center (NVIC) survey: 1 out of 40 doctor's offices (2.5%) in New York report a death or injury following vaccination.⁷ Association of American Physicians and Surgeons (AAPS): Only 10% of serious vaccine adverse events are reported.⁸
4. The Federal Court of Claims lists about 140 attorneys that handle vaccine injury and death cases.⁹ This number has been increasing in recent years.
5. The National Childhood Vaccine Injury Act of 1986 (NCVIA) shields vaccine manufacturers from liability for the death and disability caused by their vaccines. There is no financial incentive for manufacturers to produce safe vaccines.¹⁰
6. 90-95% of 1900's childhood infectious disease mortality decline *preceded* vaccines.¹¹ Absence of vaccination will *not* increase infectious disease death rates, because vaccines didn't cause the death rate declines in the first place.
7. There are numerous studies documenting disease outbreaks in highly and fully vaccinated populations.¹² Vaccines are not a reliable method of disease prevention.
8. According to the CDC:
 - a. Vaccines are 85 – 95% effective (5 - 15% of children do not develop immunity from their vaccines), and most outbreaks start in vaccinated children.¹³
 - b. The median vaccine exemption rate in the U.S. is 1.8%.¹⁴ There are 5+ times more non-immune *vaccinated* children than exempt children.
 - c. Exempt children can get natural immunity, without even developing symptoms.¹⁵ You can't tell a child's immune status based on their immunization status.
9. The American Medical Association Code of Medical Ethics recommends “medical, religious, or philosophic” exemptions to immunizations for medical doctors.¹⁶
10. The pharmaceutical industry is the biggest defrauder of the federal government under the False Claims Act.¹⁷ In a recent 5 year period, \$19.2 billion were returned from attempts to defraud federal health programs, more than twice that of the previous 5 years.¹⁸
11. In 8 years (2004-2012), there were twenty pharmaceutical company settlements in the \$345 million to \$3 billion range.¹⁹ *Criminal* fines in the \$100's of millions are common, and have been as high as \$1 billion (Pfizer 2009, GlaxoSmithKline 2012). This industry routinely engages in massive criminal behavior, so of course their representatives will lie to legislators.
12. Merck, manufacturer of the mumps vaccine, is going to trial in two separate lawsuits for allegedly falsifying the efficacy rate of its mumps vaccine. One suit was filed by former employee-whistleblowers, the other by pharmaceutical competitors.²⁰

Conclusions:

1. There is no reliable data to show that vaccines provide a net benefit.
2. There's no way to determine the risk of vaccine injury or death for any given individual.

3. Individual freedom of choice provides a necessary “check and balance” to the pharmaceutical industry’s overreaching, liability-free, marketing influence over vaccine policy and law.
4. Most vaccine bills are really *pharmaceutical marketing bills*, and not true health bills.
5. Parents for their children, and adults for themselves, must be allowed to make vaccine decisions, in consultation with the healthcare professional of their choice.

¹ *Bruesewitz v. Wyeth LLC*, <http://www.supremecourt.gov/opinions/10pdf/09-152.pdf>

² NVICP Statistics Report, February 2015, <http://www.hrsa.gov/vaccinecompensation/statisticsreport.pdf>

³ Less than 1%, according to Barbara Fisher, citing former FDA Commissioner David Kessler, 1993, JAMA, Statement of the National Vaccine Information Center (NVIC), Hearing of the House Subcommittee on Criminal Justice, Drug Policy and Human Resources, "Compensating Vaccine Injuries: Are Reforms Needed?" September 28, 1999.

⁴ American Association of Physicians and Surgeons, Fact Sheet on Mandatory Vaccines at <http://www.aapsonline.org/>.

⁵ Jane Orient, M.D., Director of the American Association of Physicians and Surgeons, "Mandating Vaccines: Government Practicing Medicine Without a License?" 1999.

⁶ 42 U.S.C. § 300aa-25.

⁷ National Vaccine Information Center (NVIC), 512 Maple Ave. W. #206, Vienna, VA 22180, 703-938-0342; "Investigative Report on the Vaccine Adverse Event Reporting System."

⁸ Statement of the AAPS to the Subcommittee on Criminal Justice, Drug Policy and Human Resources of the Committee on Government Reform U.S. House of Representatives, Re: Hepatis B Vaccine, Jane Orient, MD, June 14, 1999, <http://www.aapsonline.org/testimony/hepbcom.htm>

⁹ <http://www.uscfc.uscourts.gov/sites/default/files/20141208%20Vaccine%20Attorneys.pdf>

¹⁰ See the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. § 300aa-1 *et seq.*, and *Bruesewitz v. Wyeth, LLC*, *supra*.

¹¹ See, e.g., graphs here: <https://childhealthsafety.wordpress.com/graphs/> and <http://www.theoneclickgroup.co.uk/documents/vaccines/immunization%20Graphs%20PPT%20-%20RO%202009.pdf>

¹² See one referenced list here: www.vaccinerights.com/herdimmunity.html

¹³ Centers for Disease Control and Prevention, Vaccines and Immunizations, Misconception #2. The majority of people who get disease have been vaccinated. The original link, <http://www.cdc.gov/vaccines/vac-gen/6mishome.htm>, is now directed to a new CDC page that does not state these facts (but does not state contrary facts). The original CDC page can be viewed here: <http://web.archive.org/web/20150120055820/http://www.cdc.gov/vaccines/vac-gen/6mishome.htm>

¹⁴ Vaccination Coverage Among Children in Kindergarten – United States 2012-2013 School Year, Morbidity and Mortality Weekly Report (MMWR), CDC, http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6230a3.htm?s_cid=mm6230a3_eThe

¹⁵ Centers for Disease Control and Prevention, Vaccines and Immunizations, Glossary, “Asymptomatic infection: The presence of an infection without symptoms. Also known as inapparent or subclinical infection.” <http://www.cdc.gov/vaccines/about/terms/glossary.htm>

¹⁶ American Medical Association, Opinion 9.133 Routine Universal Immunization of Physicians, <http://www.ama-assn.org/ama/pub/physician-resources/medical-ethics/code-medical-ethics/opinion9133.page>

¹⁷ “Public Citizen Study: Pharmaceutical Industry Is Biggest Defrauder of the Federal Government Under the False Claims Act,” Dec. 20, 2010, <http://www.pharmpro.com/news/2010/12/public-citizen-study-pharmaceutical-industry-biggest-defrauder-federal-government-under-false-claims-act>

¹⁸ False Claims Act Whistleblowing Blog, February 2014 archive, <http://www.fraudwhistleblowersblog.com/2014/02/>

¹⁹ List of largest pharmaceutical settlements (2004 – 2012), Wikipedia, http://en.wikipedia.org/wiki/List_of_largest_pharmaceutical_settlements

²⁰ Lawsuits claiming Merck lied about mumps vaccine efficacy headed to trial, Fierce Vaccines, September 9, 2014, <http://www.fiercevaccines.com/story/lawsuits-claiming-merck-lied-about-mumps-vaccine-efficacy-headed-trial/2014-09-09>