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Dear Mr Gill,

I am grateful for your reply on behalf of the Justice Secretary, although it seems to me to be in several respects unsatisfactory.

Perhaps the most remarkable breach of the principle of justice is that you cite another government department in support of the view that the MMR case was unfounded: this illustrates the sort of problem I am complaining about when you seek to get a fair hearing from the system. That the Department of Health took a view on this matter long before any of the studies it chose to cite were conducted is a matter of record. That these studies and are themselves flawed is a matter of record. I cite, for example, recent correspondence relating to the Baird study which received much publicity in February [1]. This shows that Ministry of Justice approaches the issue with institutional bias and prejudice, and demonstrates the need for a justice system which operates independently of other parts of the executive. This is precisely the sort of joined up government which deprives ordinary citizens of their rights.

While I accept that certain kinds of litigation on behalf of citizens may be costly, they may not be as costly in the long run as leaving the rights of citizens undefended against powerful commercial interests and executive abuse. I cite the recent example of how the appointed legal firm in the MMR case, dealing with the residue of cases after the autism cases had been removed, arranged with the Legal Services Commission (LSC) to review the cases using government committee members, going above the heads of the litigant friends. Moreover, it is impossible for any such litigation to succeed if the LSC is constantly trying to second guess the outcome rather than support the case. The real sums of money saved - though beyond the reach of ordinary citizens - are also paltry in comparison to the size of the LSC's budget, or the importance of the issues. The MMR has been a major public issue, which is one good reason for transparency.

As I understand it - although this has never fully been in the public domain - the autism cases were abandoned by the LSC (upheld by Mr Justice Davis) because the laboratory evidence of John O'Leary had been disputed by the defence expert Stephen Bustin, which did not mean that O'Leary's evidence was irretrievable, but meant a delay to the timetable which had been deemed unacceptable by the LSC. This was therefore an expedient decision rather than one which served justice, not least because the entire matter was conducted in such a opaque way. Given that the Prime Minister, the Health Secretary and the Chief Medical Officer were all making their views known about matters which could not be heard in public, and subsequently became the province of a Sunday Times journalist, it was very hard to know what to believe. It is also known that the government signed indemnities for the first MMR vaccines with GSK (as they now are) because they were actually known to be faulty [2]. Even if the science in the MMR case is heavily disputed, the way government bodies have acted together or separately to achieve the present result leaves a bad taste.

I look forward to the proposals for greater transparency in the family courts but would also like to know what steps the Government is considering to extend this transparency to past decisions. In particular, I express further concern about the culture of unwarrantable inference which grew up around Drs Meadow and Southall, bearing in mind that the former was also a member of the government committee ARVI [3], which looked in adverse vaccine reactions. I doubt whether the latter fact has ever been disclosed in court.

John Stone

[1] Electronic letters to Baird *et al*, 'Measles vaccination and antibody response in autism spectrum disorders', Arch Dis Child 2008, <http://adc.bmj.com/cgi/eletters/adc.2007.122937v1>

[2] Clifford G Miller, 'Questions on the Independence and Reliability of Cochrane Reviews, with a Focus on Measles-Mumps-Rubella Vaccine', <http://www.jpands.org/vol11no4/millerc.pdf>

[3] JVIC/CSM Sub-Committee on Adverse Reactions to Vaccine, FOI documents: http://www.dh.gov.uk/en/FreedomOfInformation/Freedomofinformationpublications/schemefeedback/FOIreleases/DH_4140335