

Vaccination Nation: Children on the frontline

Reactions to vaccine match symptoms found in `shaken baby' cases

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Gannett News Service

Christopher Gray of smalltown Harrah, smack in the middle of Oklahoma, likes country music and loud, action shows on television. He likes rolling through the park in his wheelchair as his father jogs behind him, pushing. He likes it when his father holds him in the swimming pool. Christopher, 9, can hear and understand.

But he cannot walk. He cannot talk. He cannot see or swallow. He is fed through a tube. His tongue keeps thrusting out of his mouth. He is still in diapers.

He has daily seizures that no medicine yet can control, and he's been having them since the day after his first DTP vaccination at the age of 6 weeks. A federal claims court has ruled the shot caused the brain damage. This fall, Christopher will receive about \$425,000 -- the first of possibly \$2 million in federal compensation payments to help him through the few years that medical science says he has left.

For some, however, it wasn't always clear the vaccine caused Christopher's injuries. Soon after the inoculation in southern California where they lived at the time -- and immediately after Christopher's first signs of brain damage -- his father, Larry Gray, was investigated on suspicion of assaulting his son by shaking him.

The child was taken from his parents for six months, until a doctor quietly told a police detective the DTP shot could do similar damage and the abuse investigation was halted.

The accusations outraged Larry Gray in 1989, but many parents encounter worse. Many have been jailed on the same criminal suspicions of causing what is commonly known as shaken baby syndrome.

Today, these two seemingly unrelated segments of early childhood -- one of them medical, the other legal -- have begun to bump into each other as defendants are increasingly turning to vaccine reactions in explanation of shaken baby charges.

As police and prosecutors frequently attribute infant mortality and injury to brain damage from shaken baby syndrome -- and often blame parents for the assaults --

defense attorneys in several cases are arguing the death or disability may have been caused by the baby's recent vaccination.

Almost all Americans have to be vaccinated to enter society. You can't get into day care centers, schools or the military without immunization. Most properly view the disease-stopping shots as life-savers. But in statistically rare circumstances, one out of 62,000 shots in the case of the DTP vaccine, the consequences can be dire.

“I think vaccines are dandy,” said Christopher Gray's lawyer Curtis Webb. “They save millions of lives. But I think we should look at the hundreds of lives ruined and say, ‘How do we solve this?’ We, as a society, are saying it's acceptable to hurt some children on behalf of others. To me, that is outrageous. The broader goal should be to encourage that vaccines be made as safe as reasonably possible.”

While shaken baby syndrome is all too real -- and while many parents abuse their infants -- some scientists think social workers, paramedics, pediatricians, hospital emergency room doctors and law enforcement officers may be mistaking vaccine reaction damage for evidence of parental abuse.

Dr. Thomas Schweller, a San Diego pediatric neurologist who testified in the Christopher Gray hearing before the National Vaccine Injury Compensation Program that the brain damage from interior bleeding was likely triggered by the DTP shot, stressed this in a Gannett News Service interview:

“There is a tendency in some medical arenas to discount completely the history provided by the family if you find evidence of a subdural hematoma -- no matter what history is provided. Even a three-foot fall can cause fractures. It doesn't need to be some type of shaking event. I'm always leery, in medicine, of saying something is always due to some factor, or that something is 100 percent.”

In four months of research on various facets of childhood immunization, GNS has discovered shaken baby cases in which the deaths and injuries in question followed the infant vaccinations closely enough that medical experts and pediatric scientists testified under oath there may be a connection.

The DTP inoculation, most reactive of the childhood vaccines, usually was singled out by defending parents and their expert witnesses as the damaging shot.

DTP stands for diphtheria, tetanus, pertussis (or whooping cough). Scientists say the culprit in DTP reactions is the pertussis portion of the inoculation, mainly because it is made from the killed whole cells of pertussis bacteria.

Endotoxins -- or poisons produced by certain bacteria and released from the cell wall upon death of the germs -- are present in the pertussis portion of DTP. These endotoxins sometimes make the walls of blood capillaries more permeable, according to numerous researchers and the American Medical Association's official encyclopedia of medicine.

Federal databases provided GNS under the Freedom of Information Act show that of the \$916 million awarded so far to parents of vaccine-injured and dead children by the federal government's National Vaccine Injury Compensation Program, 81 percent have been for DTP cases.

``Some of the symptoms being quoted as shaken baby syndrome could be attributed to the DTP vaccine, particularly the whole-cell pertussis component," said Dr. Mark Geier, a Maryland physician and geneticist who has testified in numerous vaccine damage cases. He noted that one of the symptoms of shaken baby syndrome that prosecutors frequently stress is ``bleeding on both sides of the brain because of being shaken back and forth."

But, explained Geier: ``A baby that has a DTP shot potentially has interference with blood clotting, and you might end up with bleeding on both sides of the brain. It looks like it could have been shaken baby."

The contention of DTP damage is key in the most recently famous legal battle over shaken baby charges -- the widely covered New York City case of Malcolm Scoon, 40, a quiet, religious Queens anesthesiologist who last spring turned down plea bargain offers in protestation of his innocence. Scoon was sentenced to two to six years on Rikers Island when a jury believed shaken baby charges in the February 1996 death of his daughter, Mariah. Scoon was released from Rikers in mid-August while his conviction is appealed.

Mariah Scoon was frail since her 11-weeks premature birth at 2 pounds 1 ounce, and her brief medical record featured several indicators mitigating against DTP vaccination, including meningitis -- potentially deadly inflammation of the membranes that cover the spinal cord and brain.

Despite her premature birth, her pediatrician put her on an accelerated vaccination schedule.

Malcolm Scoon, certified in infant CPR, actually revived his 5-month-old daughter when he found her limp and without breath in their Cambria Heights home a week after she had received her second series of DTP shots and HiB shot. This relatively new vaccine protects against Haemophilus Influenza Type B, which can trigger

meningitis. Some scientists believe adverse reactions to that inoculation include contraction of the disease.

What Scoon characterized to GNS in a Rikers Island prison interview as mild jostling designed to revive breathing, with the baby's head held firmly in palm of hand -- the prosecution portrayed as violent, destructive shaking. The autopsy showed no broken bones or bruises, a sole mark on one arm, but bleeding behind the eyes and in the brain cavity.

The prosecution exaggerated the shaking as so violent, the mother, Lois Scoon complained, ``It was as if she'd been thrown from a seven-story building, or from a car. Does that sound right? She had no fractures."

Mariah was rushed to Long Island Jewish Hospital, where, according to court testimony, the father's request that she be intubated to assist breathing was ignored, and several other treatment mistakes made, including 40 minutes when no one paid much attention to the desperately ill child at all. The hospital quickly reported Scoon for suspicion of shaking the baby, and he was questioned by detectives even before the little girl died.

Harvard neuro-radiologist Patrick Barnes testified at Scoon's trial that Mariah died from brain damage caused by a clot in a vein in the brain, but he didn't believe the prosecution's shaken baby theory. He said it was possible the DTP vaccination seven days before could have caused an infection leading to the clot.

Dr. Enid Gilbert-Barness, a physician and much-published pediatric pathologist who practices in Tampa Fla., and teaches at the University of South Florida, testified for Scoon at the trial.

She was adamant four months later, in GNS interviews, that shaken baby syndrome had nothing to do with Mariah's death: ``This was meningitis, and a blind man on a galloping horse could have seen that. The baby had all the symptoms of onset before the seizure. The vaccine could have contributed, but the baby had meningitis."

The large blood clots in the brain veins were not of the type found in shaken babies, she said: ``Malcolm Scoon is innocent, and the verdict is an unbelievable miscarriage of justice. That often happens, where a hospital accuses someone of child abuse. A lot of injustices are done."

Scoon's new lawyers are preparing an appeal based in part on the claims of vaccine reaction, as well as assertions the judge and jury ignored prosecutorial misconduct.

The controversial DTP, while still widely available to private pediatricians should they choose to use it, and administered broadly in developing nations by the World Health Organization -- is gradually fading from at least federal use -- even though the Food and Drug Administration, National Institutes of Health and Centers for Disease Control still vigorously defend DTP.

Under development for a decade and a half, a much safer DTaP vaccine has been licensed for infants since 1996 and for booster doses in toddlers since 1992. The "aP" stands for "acellular pertussis."

This means that instead of using the whole bacteria cell -- including the poisonous endotoxins contained in the cell wall -- as in the reactive DTP shot, the vaccine maker extracts only the portion of the whooping cough germ that will trigger the body's immune system to develop protective antibodies against the disease.

The CDC is purchasing 80 percent DTaP and only 20 percent DTPH -- a combination that includes the HiB vaccine to protect against a bacteria that often causes meningitis. The CDC makes the massive federal buys to distribute at public clinics and for state and county public health departments.

When DTaP three years ago was recommended as the preferred vaccine, the CDC acknowledges it first used up a six-month inventory of the more reactive mixture.

Schweller, the San Diego neurologist in the Gray's case, was trained at the Mayo Clinic and has been an expert witness in several shaken baby cases. He reviewed the Scoon medical records and "saw a reasonable doubt" that the father shook the baby.

Schweller is concerned that hospital physicians and social workers these days are all too willing to jump to conclusions whenever they see brain bleeding and retinal hemorrhages: "If one sees both, there are rules they have that this has to be shaken baby syndrome, and can't be anything else."

"When you have that attitude that nothing else can be responsible, and the history given by the family is held not accurate, you're going to have some cases where mistakes are going to be made."

The current shaken baby diagnostic process is based on conventional wisdom that doesn't hold up, according to Schweller: "You read in a scientific article that you can't develop a head injury unless you have a violent act or a 10-foot fall, and it doesn't fit the spectrum of injury that pediatricians and neurologists routinely see." Schweller also believes death-case reasoning is too "circular."

He explained: ``When they're deciding if it's a homicide, the child protective officer will quote the medical examiner, and the medical examiner will quote the child protective services official. They're not making independent judgments, just giving supporting views."

The San Diego neurologist believes major national legal battles over this issue are imminent. He points to ``a growing chasm between vast numbers of people in the pediatric field and other people in the neurology field -- sometimes it depends on who screams and yells the most to get to what the truth is." Misinformation routinely gets repeated in court, he contended, ``so you get this body of people who, if you say something else did it, they attack you as a whacko who has some other agenda."

Shaken baby prosecutions are increasing so rapidly in some locations that parents are beginning to band together to protest. In Great Britain, at least two groups have been formed. One is named the Five Percenters because of their claim that pediatricians ``routinely misdiagnose" abuse in at least one out of 20 brain injury cases ``without reference to the facts surrounding the case." Another, Parents Against Injustice, claims about 15 shaken baby cases are misdiagnosed in England each year. Several British pathologists are backing them up.

Parents accused of shaken baby assaults also are aware of a vast disparity in sentencing in the deaths of infants. Malcolm Scoon -- in a case legal and scientific experts deem extremely questionable -- drew a longer sentence than Brian Peterson, the Delaware teen who in November 1996 heaved his and his girlfriend's newborn son into a Dumpster after she ordered him to ``get rid of it." For the infanticide, he recently drew 24 months, plus 300 hours of community service, which includes counseling teen-agers on parenthood.



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