



**UNIVERSITY OF CALIFORNIA  
HASTINGS COLLEGE OF THE LAW**  
*Office of the General Counsel*

**Elise K. Traynum**  
*General Counsel*

October 13, 2017

*VIA ELECTRONIC EMAIL*

Mr. Ricardo Beas  
ricardobeasv@hotmail.com

**Re: Public Records Act Request**

Dear Mr. Beas:

This is a follow-up to our continued correspondence regarding your September 8, 2017 email requesting documents pursuant to the California Public Records Act, wherein you requested copies of records from the University of California Hastings College of the Law ("UC Hastings").

This office has found disclosable records in response to your request for the following:

**"1. All information and communications, as described below, between Mrs. Reiss and Dr. William Thompson from the US Centers of Disease Control...**

**2. All information and communications, as described below, between Mrs. Reiss and California Senator Richard Pan..."**

These documents are attached in the email sent to you with this response.

These provided records complete your request.

Very truly yours,

A handwritten signature in black ink, appearing to read "Elise Traynum".

Elise Traynum  
General Counsel

EKT:jmw

200 McALLISTER STREET • SAN FRANCISCO, CA 94102-4978 • (415)-565-4787 • FAX (415) 565-4825  
Internet: [traynume@uchastings.edu](mailto:traynume@uchastings.edu)

**GCofficeTemp (on behalf of Leah DeMuynck)**

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**From:** Reiss, Dorit R.  
**Sent:** Monday, August 15, 2016 9:47 AM  
**To:** Ricardo Beas  
**Subject:** Fw: Andrew Wakefield's letter to Senator Pan  
**Attachments:** Response Letter Andrew Wakefield to Senator Pan.docx

Dorit Rubinstein Reiss

Professor of Law

UC Hastings College of the Law

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reissd@uchastings.edu

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**From:** Reiss, Dorit R.  
**Sent:** Friday, March 27, 2015 7:45 PM  
**To:** Senator.mendoza@senate.ca.gov; Senator.mitchell@senate.ca.gov; Senator.monning@senate.ca.gov; Senator.morrell@senate.ca.gov; Senator.nguyen@senate.ca.gov; Senator.nielsen@senate.ca.gov; Senator.pavely@senate.ca.gov; Senator.roth@senate.ca.gov; Senator.stone@senate.ca.gov; Senator.vidak@senate.ca.gov; Senator.wieckowski@senate.ca.gov; Senator.wolk@senate.ca.gov; Senator.pan@senate.ca.gov  
**Subject:** Andrew Wakefield's letter to Senator Pan

Dear Senators,  
**Re: Andrew Wakefield's Letter to Senator Pan:**

On March 20, 2015 Andrew Wakefield wrote a letter to Senator Pan attacking a tweet Senator Pan put up that stated:

@DrPanMD #CDCwhistleblower is another Wakefield fraud. #VaccinesWork #WakefieldCon #vaxfax  
<http://fb.me/7c3GjqV5N>

Andrew Wakefield accused Senator Pan of libel, of corroborating with an alleged CDC fraud, and of misleading the people of California. None of these claims hold water – and their source is suspect. In short, while Mr. Wakefield relies upon his own interpretation of comments made by Dr. William Thompson, a CDC scientist, there is no evidence of fraud in Dr. William Thompson's claims. The only evidence of misrepresentation related to this issue is on the part of Andrew Wakefield and his co-complainer, Dr. Brian Hooker. Andrew Wakefield, in turn, has a history of ethical violations and misrepresentations – and a history of abuse of the legal process.



### *The Claims that the CDC Committed Fraud:*

At the base of this claim are statements made by Dr. William Thompson from the Centers for Disease Control and Prevention (CDC), referred to on occasion as the "CDC whistleblower." Thompson issued a statement in 2014 about a decade-old CDC study he coauthored that had been published in the journal *Pediatrics*.<sup>[1]</sup> The claims made include 1) the study suggested that children who received the MMR vaccine before age 36 months had a higher rate of autism compared to those receiving MMR at a later age, and this was especially true for African-American boys; 2) the team of scientists omitted a subset of African-American children which was a violation of the study's protocol; and 3) the removal of that subset obscured the finding of higher rates of autism in African American boys, partly by including an analysis of a subset of children for whom birth certificate data could be included purportedly to exclude African Americans, and the study with altered findings was then published as an argument for the safe administration of MMR vaccine at an earlier age. Those quick to claim this as a cover-up also have pointed to phone conversations between Dr. Brian Hooker and Dr. Thompson, recorded without Dr. Thompson's knowledge, of which edited segments were released in a series of videos narrated by Andrew Wakefield, and from a statement from Dr. William Thompson addressing the issues.<sup>[2]</sup>

What exactly are the facts behind those claims?

- A. No data were omitted in the final paper. Contrary to claims, the published article included both the data for the full group and for the group with birth certificates; see table 2 in the article. The birth certificate analysis was conducted for all groups to control for cofounders (e.g., other potentially causal factors). For example, low birth weight is associated with autism. There is no evidence of fraud, wrongdoing, or hiding of data.
- B. Andrew Wakefield claims that the final study protocol was not followed. That after finding problematic results, the CDC team revised the protocol. But the protocol (titled "revised plan") he uses to make this claim is dated September 5, 2001; while the first analysis is dated November 7, 2001. In other words, the plan appears to have been revised – but long before any data was analyzed. It's not surprising that researchers revise and reconsider their methodological choices. There may even be good reasons to do so after data analysis. When it's done before data analysis, there is certainly no wrongdoing – just a professional process of aiming for the best possible methodology.<sup>[3]</sup>
- C. As in all papers, not all research results, including the many sub-analyses that are performed, are shown in the final report. Results indicating statistically-significant associations were in fact published in the paper and an explanation for these associations was discussed. Dr. Thompson's concerns centered on one sub-analysis focused on rates of autism in African-American males. Right now, the evidence that there was any real connection between age of MMR vaccination and autism in this group relies on Dr. Thompson's comments and a fatally flawed, retracted paper by Brian Hooker.<sup>[4]</sup> Even if the scientific decision not to include this result was in error, and several points strongly suggest it wasn't, this kind of professional disagreement is not an ethical lapse on anyone's part.
- D. The CDC study did include and explain a higher rate of MMR vaccination among children with autism who received MMR between 24 and 36 months, and the study authors may have had such a result for African-American children. But even if that were the case, it would not be evidence that MMR caused autism. It is evidence that autism caused a subset of unvaccinated children to get MMR vaccine. In other words, African-American children in the Atlanta area represent a relatively underserved population. They are less likely to get vaccines, including MMR, than their Caucasian counterparts. When African-American children who were



diagnosed with autism, and therefore qualified for services and were eligible for special education at age 3, part of the arrangement for receiving those services was that those children had to be vaccinated. Therefore, as the paper explained, African-American children with autism were more likely to be vaccinated than those who didn't have autism. And the paper discussed this explanation. Nothing hidden, nothing omitted.

E. There is abundant evidence, the results of many large-scale studies by different teams of researchers, that there is no link between receiving the MMR vaccine and autism. These problematic, inaccurate claims do not undermine them.

**Additional Information** about these claims can be found in this summary and the blogs and article it links to: <http://www.harpocratesspeaks.com/2014/09/mmr-cdc-and-brian-hooker-media-guide.html>

The CDC's statement: <http://www.cdc.gov/vaccinesafety/Concerns/Autism/cdc2004pediatrics.html>

#### *Andrew Wakefield's Past Makes him an Unreliable Source*

Andrew Wakefield is a former British surgeon who, among other things, published a small scale paper claiming the discovery of a new syndrome connecting autism with certain ill-defined gastronomical issues. Although the paper itself did not find a connection between autism and MMR, it raised the question of such an association and in multiple press announcements after it Andrew Wakefield claimed such a connection exists. Large scale epidemiological studies found no such link and a multisite study specifically aimed at biologically testing the Wakefield hypothesis found no association. And later developments cast further doubt on Wakefield's claims.

In 2010, the British General Medical Council struck Andrew Wakefield from the Medical Register – equivalent to revoking a doctor's license in the United States – for, among other things, the management of medical care for disabled children, hiding conflicts of interests related to the paper and falsely claiming in the paper that he had ethics committee approval (and other charges).[5] In a series of articles in the British Medical Journal Journalist Brian Deer documented misrepresentation of data and other shady practices by Andrew Wakefield.[6]

In short, Andrew Wakefield has a history of bad science and ethical violations.

#### *Andrew Wakefield's Past Use of Litigation Tactics:*

Andrew Wakefield has used libel suits, or threats of libel suits, in an attempt to silence critics in the past. Andrew Wakefield sued Journalist Brian Deer several times for libel in the U.K., earning strong criticism from a judge for misusing the process.[7] He later sued Deer and the BMJ in a Texas Court, a claim dismissed for lack of jurisdiction –since the Texas forum was not the appropriate one for a British citizen to sue other British citizens over events in Britain.[8]

Andrew Wakefield threatened an autism parent with a lawsuit over a blog post.[9]

Andrew Wakefield is currently producing a video documentary of his "CDC Whistleblower" study, and keeping the story in the public's eye is certainly in his own interest.

#### **Conclusion:**

In short, Andrew Wakefield has a history of threatening litigation over statements he does not like. He has a history of problematic statements and unethical practices. There is no evidence his comments to Senator Steiner Haywood had anything to do with the bill being withdrawn. He is attempting to use a single tweet to



threaten Senator Pan and pressure the California legislature to withdraw a legislative bill. He shouldn't be allowed to.

Please let us know if you have any questions or would like further information on any of these points.

[1] "Age at First Measles-Mumps-Rubella Vaccination in Children With Autism and School-Matched Control Subjects: A Population-Based Study in Metropolitan Atlanta." *Pediatrics* 2004;113:2, 259-266.

[2] [www.morganverkamp.com/august-27-2014-press-release-statement-of-william-w-thompson-ph-d-regarding-the-2004-article-examining-the-possibility-of-a-relationship-between-mmr-vaccine-and-autism/](http://www.morganverkamp.com/august-27-2014-press-release-statement-of-william-w-thompson-ph-d-regarding-the-2004-article-examining-the-possibility-of-a-relationship-between-mmr-vaccine-and-autism/)

[3] Screenshots of the changes and supporting documentation can be found here:

<http://leftbrainrightbrain.co.uk/2014/10/17/a-new-autism-media-channel-video-a-chance-to-watch-some-sleight-of-hand/>

[4] Measles-mumps-rubella vaccination timing and autism among young African American boys: a reanalysis of CDC data" Brian Hooker's Retraction available from

[www.translationalneurodegeneration.com/content/3/1/22#sec1](http://www.translationalneurodegeneration.com/content/3/1/22#sec1)

or <http://www.translationalneurodegeneration.com/content/3/1/22>

[5] <http://briandeer.com/solved/gmc-charge-sheet.pdf>.

[6] <http://www.bmj.com/content/342/bmj.c7452>.

[7] <http://briandeer.com/wakefield/easy-judgment.htm>

[8] See: <http://www.skepticalraptor.com/skepticalraptorblog.php/litigating-debate-tactic-andrew-wakefields-appeal-denied/>

[9] <http://www.ageofautism.com/2014/05/andrew-wakefield-responds-to-emily-willingham-and-forbes.html>.

Sincerely Yours,

Dorit Rubinstein Reiss

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Matthew J. Carey, Ph.D.

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**GCofficeTemp (on behalf of Leah DeMuynck)**

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**From:** Reiss, Dorit R.  
**Sent:** Monday, August 15, 2016 9:45 AM  
**To:** Ricardo Beas  
**Subject:** Fw: Thank you

Dorit Rubinstein Reiss

Professor of Law

UC Hastings College of the Law

415-5654844

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**From:** Reiss, Dorit R.  
**Sent:** Thursday, April 16, 2015 8:24 PM  
**To:** Senator.pan@senate.ca.gov  
**Subject:** Thank you

Dear Dr. Pan,

I wanted to thank you for working to protect our children from disease and sticking with the bill in the face of the challenges and attacks - it can't be easy. We are lucky to have caring, brave senators like you.

best,  
Dorit.

Dorit Rubinstein Reiss

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**GCofficeTemp (on behalf of Leah DeMuynck)**

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**From:** Reiss, Dorit R.  
**Sent:** Monday, November 02, 2015 2:39 PM  
**To:** Senator.pan@senate.ca.gov

Dear Dr. Pan,

I also sent this as a message to your Facebook page, but I am not sure you read it. I hope it's okay to ask. Russell Simons now seems to be affected by the CDC Whistleblower claims: <https://www.facebook.com/RussellSimmons/posts/10153360559768759>. I wanted to ask if you know of anyone on our side that could speak to the African American community and explain, that they would trust? I would hate to see people lose trust and stop protecting their children from disease because of this.

Russell Simmons - whoa. | Facebook

whoa.

Read more...

best,  
Dorit.

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## FACULTY

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April 22, 2015

Senate Judiciary Committee  
State Capitol  
10th & L Streets  
Sacramento, CA 95814

THIS LETTER WAS  
GIVEN TO ME BY  
DORIT. RB

Dear Chair Jackson:

RE: SB 277 (Pan/Allen) Public Health – School Vaccinations - Support

I am writing to express my support for SB277. I am a law professor, a mom, and a mom-to-be (baby due June) and I ask the committee to support the bill and help make our schools safer.

Even after AB2109 which passed in 2012, California has an extremely easy to obtain personal belief exemption. In some schools, the rates of exemptions are very high, creating a risk of outbreak that endanger children who cannot be vaccinated, those few who suffer vaccine failure, young siblings and other vulnerable members of the community. The choice of some parents to reject the scientific consensus and not protect their children from disease does not justify making schools safe for the rest of us.

While California's courts found that education is a fundamental interest under our constitution, that finding has been used in the wealth and race contexts; it has never been applied to prevent the state from regulating to make schools safer, as SB277 tries to do. Safe schools are a precondition to education; and it's well established the state can act to obtain that goal: there are few interests more compelling than the health and safety of the students entrusted to our system.

SB277 helps protect this compelling interest, and by increasing herd immunity, would also protect the vaccine-deprived children themselves from disease.

Nor does it prevent those children from getting an education: the bill exempts a variety of homeschooling options, some with support from our private schools. If the parents are unwilling to protect children from disease, they have choices – even if those would not be their first choice.

School immunization requirements have been upheld as constitutional, with no religious exemptions, by every court – federal and state – that ruled on the issue, since the seminal case of *Prince v. Massachusetts*, 321 U.S. 158, 170 (1944). Most recently, two circuit courts upheld them, in *Workman v. Mingo Cnty. Bd. of Educ.*, 419 F. App'x 348, 353–54 (4th Cir. 2011) (per curiam) and *Phillips v. City of New York*, (2015, 2<sup>nd</sup> circuit).





## FACULTY

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That's because religious freedom do not justify putting others at risk of disease. Nor are states require to exempt those with religious oppositions from neutral, generally applicable laws (Employment Division v. Smith). No major religion prohibits vaccination – and there is every reason to suspect most people claiming a religious opposition to vaccines have reasons that are not religious.

Please act to protect our children from the risk created by a misguided minority – an action that's well within your constitutional powers. Our children deserve better than to face a risk of measles or whooping cough or other diseases in 2015.

Best,

Dorit Reiss  
Professor of Law



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**Expense Report**

**Report Name : Hearing in San Delgo**

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**Employee Name : Reiss, Dorit**

**Employee ID :**

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**Report Header**

**Policy : \*UC Hastings Expense Policy**

**Business Purpose : Research**

**Report Id : 7B00C9A466C940D2AC1F**

**Report Key : 7105**

**Report Date : 06/15/2017**

**Approval Status : Approved**

**Currency : US, Dollar**

**\*Fund/Program : HASTINGS CHAIR PROF REISS**

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Transaction Date	Expense Type	Business Purpose	Vendor	City of Purchase	Payment Type	Amount	*Project	Personal Expense (do not reimburse)
07/24/2016	Airfare (5270)	Research	Virgin America	San Francisco	Out of Pocket	\$309.20		No
<b>Allocations : 100.00% (\$309.20) <u>                    </u></b>								

**Note: The sum of allocation amounts may not exactly match the expense amount due to rounding.**

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**Report Total :           \$309.20**



<b>Personal Expenses :</b>	<b>\$0.00</b>
<b>Total Amount Claimed :</b>	<b>\$309.20</b>
<b>Amount Approved :</b>	<b>\$309.20</b>
<b>Company Disbursements</b>	
<b>Amount Due Employee :</b>	<b>\$309.20</b>
<b>Amount Due *Wells Fargo :</b>	<b>\$0.00</b>
<b>Total Paid By Company :</b>	<b>\$309.20</b>
<b>Employee Disbursements</b>	
<b>Amount Due Company :</b>	<b>\$0.00</b>
<b>Total Paid By Employee :</b>	<b>\$0.00</b>

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6/16/17, 12:27 PM

## Virgin America Reservation

2 messages

Virgin America <virginamerica@elevate.virginamerica.com>  
Reply-To: Virgin America <reply@elevate.virginamerica.com>

24 July 2016 at 11:14

Virgin America Reservation



america

Book

Manage

Check-in

### READY. SET. FLY.

Here's your flight itinerary. Please retain this confirmation code to reference your booking. We look forward to seeing you onboard.

Your Confirmation Code: [REDACTED]

MANAGE RESERVATION

elevate  
DORIT REISS  
Elevate # [REDACTED]  
Available Points: [REDACTED]

[FLYING WITH US](#) | [CHANGE FLIGHT](#) | [CANCEL FLIGHT](#) | [FLIGHT STATUS](#)

### WHERE YOU'RE GOING

San Francisco CA (SFO) to San Diego CA (SAN)

Date: 12Aug2016  
Flight: VX950  
Depart: 07:10AM  
Arrive: 08:40AM  
Stops: 0

San Diego CA (SAN) to San Francisco CA (SFO)

Date: 12Aug2016  
Flight: VX969  
Depart: 07:40PM  
Arrive: 09:10PM  
Stops: 0