Broken English

It's just an old war,
Not even a cold war,
Don't say it in Russian,
Don't say it in German.
Say it in broken English.
Marianne Faithful

Dr Wakefield's counsel Keiran Coonan began his closing speech on behalf of Dr Andrew Wakefield at 9.30 on April 7th. He continued on Wednesday April 8th and then there was a break until the afternoon of April 14th, after which he continued on his feet again on the afternoon of Wednesday 15th, the afternoon of Thursday 16th and all day Friday 17th. When KC was just half a day away from finishing his closing speech the GMC broke up again, leaving him with two hours to finish on Tuesday 28th of April.

Much of Mr Coonan's closing speech was given over half days. Perhaps you have heard the latest credit-crunch catch-phrase presently drifting round the GMC, 'Half days are the new full employment'; apparently it's an expression that Miss Smith takes very seriously. Having never been a barrister, I do not know how difficult this continual stop and start makes a presentation. I can consider with some certainty, however, that the panel's perception of this whole affair must be affected by what Marianne Faithful might call 'Broken English'. As to the barristers, I can only think of the outcome of their product and the fact that its quality must be jeopardised.

As a good closing speech should be, Kieran Coonan's was delivered logically and steadily, refuting every murmur of the prosecution case. His masterly critique of the case so affected one *naïf* to write on his blog that the prosecution case had 'collapsed'; if only. Friends wrote to me from all over the world wanting to congratulate Dr Wakefield. I did wonder for a moment whether or not this was yet another example of my having become institutionalised by the hearing, but quickly realised that it was the particular commentator's lack of understanding of the English language. It is of course not possible for the prosecution case to collapse as a consequence of the defence's closing speech. It is possible, however, for the defence counsel to demolish the prosecution case in his closing speech, which is what Kieran Coonan did efficiently.

Before I report on the closing speech I want to say something about motive; not the motive of the defendant, that might seek to explain the things that the prosecution suggests that they have done, but the *motive of the prosecution*. To my mind, addressing this motive is now, and has been since the beginning of the hearing, essential. It is made even more urgent because the three defendants have been subjected to a corrupt legal process.

One of the central judicial problems with regulatory hearings, unlike courtroom trials, is that while it is commonly accepted that the case for the defence and the prosecution in legal proceedings can reach beyond the evidence of fact, in a specialised professional or regulatory hearing the knot of the evidence is very tightly drawn. It would be inconceivable in the present climate in Britain to defend a Muslim person charged with terrorist offences without extending the lines of argument well beyond those of specific facts, into areas of culture, politics, law and police organisation for instance.

In a 'bent' prosecution where the defendant was innocent, wrapped up in all these seemingly extraneous issues one might well find a 'motive' for the prosecution that was useful to the defence in arguing the innocence of their client. This principle holds true even in much lesser cases, for example, in a civil action brought by one neighbour against another over noise. In such a case, the life-style and beliefs of a defendant can speak volumes about motive.

What concerns me about the defence of all three doctors is that no information has been given to Panel members about the prosecution's motive, shaped by the much larger environment of vaccination, vaccine damage and its denial. I know that many lawyers can be quite paranoid about introducing social or cultural evidence into a trial of any kind that is not exactly supported by fact; fearful perhaps of introducing concepts into the defence that might signal their client, or even they, as conspiracy theorists. However, if we look at the GMC hearing from the perspective of the Panel, what are they to think? When they reach their verdicts, they will have listened, for over 140 days or so, to the minutiae of what could well appear to be balanced legal arguments and they have been given very little information about the social and political context in which this case is set.

The panel might well ask themselves, on behalf of the defendants, 'What could be the motive of these well established doctors in carrying out research on children without ethics committee approval, using potentially damaging invasive procedures?' However, they might equally ask themselves, 'What could be the prosecution's motive for proceeding against these doctors if they are wholly innocent?' The answers they might come up with could sink the defence. In my opinion, the Panel have been provided with no social, political or cultural information that would help them answer this question in favour of the defence. I think that if the defence loses this hearing, or the defendants are found guilty on a good proportion of the charges, this lack of explanation will be at the root of the verdict.

However, strategic issues aside, after so many days of straining to hear the lickspittle legal debate, it was immensely refreshing to get out onto open ground again and hear studied, strong and accusatory statements coming from the defence.

* * *

Mr Coonan did a sterling job in a seriously professional manner, despite the frequently collapsed sound system. His studied defence of Dr Wakefield was reminiscent of early days in the proceedings, and I found myself once again enjoying

the logic and force of his argument. Mr Coonan began with the statutory and very necessary remarks about the burden of proof, which is of course, on the prosecution; while they have to prove their charges beyond reasonable doubt, Dr Wakefield and the other defendants do not have to prove anything. Following this, Mr Coonan covered some of the worst abuses effected over two years by the prosecution.

My thoughts on motive were brought to the fore by these preliminary remarks; each one appeared to draw attention to the inadequacies in honesty and efficiency in the prosecution case. His strong statements included the following: '…most of the prosecution witnesses were irrelevant…'; the prosecution carried out '…a sustained attack on Dr Wakefield's honesty…', the prosecution was '…scornful and hostile…'; the evidence was not about '…the underlying science…'; there was a '…significant failure to disclose documents…'; some documents '…were not included in the bundle…'; correspondence was used in evidence by the prosecution '…that Dr Wakefield never saw and had never commented on…'; the prosecution displayed 'hypocrisy' in its closing speech; what has been said about Dr Wakefield's character '…says more about the prosecution than Dr Wakefield…'; the defence has very real concerns that press coverage '…may have had a corrosive effect…' on the hearing; what about the evidence of '…the witnesses who were not called…'; and finally Mr Coonan's excellent but perhaps slightly misguided suggestion that '…the expression "Off Side" comes to mind…', I say misguided, because for me Miss Smith has not just been loitering alone near the goal line from where she might have scored a dodgy goal, rather she has played throughout with the overt pathology of an Argentinean fullback while the prosecution generally has generated a filthy match during which all the prosecution players, even their central witnesses and members of the press gallery, should have been shown red cards very early on.

The relevant witnesses as far as the defence counsel was concerned, were those who, if they had been called by the prosecution, would have added detail that would effectively damage the prosecution case. From the beginning this was the quandary of the prosecution; most of the witnesses they did call ended up giving evidence for the defence and those who stuck to the threadbare prosecution case found themselves unable to add forcibly to its shaky structure. One thinks, for example, of Professor Rutter, the eminent psychiatrist discussing the rights and wrongs of colonoscopy, when such procedures had absolutely nothing to do with Dr Wakefield or for that matter Professor Rutter himself; or Professor Booth insisting that blood tests were the primary way of testing for IBD, again, something that had nothing to do with Dr Wakefield and was given as evidence against Professor Walker-Smith, one of Europe's most renowned paediatric gastroenterologists, who had diagnosed hundreds of cases of IBD.

However, where the evidence for the prosecution was seen to be threadbare, it was not just with respect to the experts, none of whom were cross-examined by the defence, but to the everyday information surrounding such issues as the funding from the Legal Aid Board (LAB, subsequently the Legal Services Commission). Clearly only a few mouthfuls of evidence from someone who dealt with the LAB funding could have vouched for its validity, its authority and its eventual use, while the prosecution asked countless witnesses their speculative opinion in this matter. In relation to the condition of the individual children, this speculation was even more pronounced. Why did the prosecution bring all the general practitioners to give

evidence for the prosecution that the twelve *Lancet* children were not suffering from IBD when none of these doctors had the expert experience or medical knowledge to determine this? In fact, Mr Coonan's accusation that '…most of the prosecution witnesses were irrelevant…' was probably a gross understatement. Or phrased another way, those witnesses who were not irrelevant were asked wrong or leading questions that produced no evidence of value in support of the prosecution case.

Although Mr Coonan made the point that the prosecution dwelt on wrong witnesses, he made no mention of the fact that the parents were the most important witnesses *not* called, not just by the prosecution but also by the defence. These were the witnesses who could have given strong and reliable evidence about the everyday condition of their children from the beginning. One gets the feeling that the parents were not called because they might have been loose cannons, but in the context of a prosecution case that was dying on its feet, surely the defence could have afforded to take its chance with the parents.

There can be no doubt that the prosecution held onto their narrative throughout this two-year debacle only by the skin of their teeth. Mr Coonan, as the other counsel have begun to do, laid emphasis on the prosecution having created, even engineered, the impossible two-year time frame of the hearing. Mr Coonan, for the first time in public, posited the blame for this considerable delay squarely on the shoulders of the prosecution. Most important, he suggested, in the panel's assessment of his client's case was the fact that Dr Wakefield had given his evidence nearly a year ago. How did this affect the Panel's recollection, and therefore their understanding of Dr Wakefield's demeanour while giving evidence?

Witnesses' demeanour, Mr Coonan pointed out, is very important. He suggested that after a whole year had passed it was likely that the Panel could have forgotten Dr Wakefield's body language, tone of voice, general appearance and the sincerity with which he presented his evidence. Had I been Mr Coonan, I think I might have been tempted to draw attention also to the fact that that a year's delay and more might also have eroded from the Panel's mind the demeanour of the major prosecution witnesses; their argumentativeness, cynicism and inability to address the important issues. In the case of Professor Zuckerman, his juvenile tantrums and attempts to blackmail the hearing, standing up and sitting down like a demented jack-in-the-box every time Mr Coonan suggested something in Dr Wakefield's favour. I can still recall with sickening clarity Zuckerman's refutation of his supported for Dr Wakefield in his approach to single vaccines, and that the two mentions of this support in one letter must have been a double typing error, his secretary having twice mistakenly put monovalent instead of multivalent!

"*you support the continued use of the monovalent vaccines and you write that you have no doubt of their value...".* And in the same letter, "*it is vital in your own interest and that of children that you state clearly your support for monovalent vaccination.*"

Another of Mr Coonan's preliminary points related to coverage of Dr Wakefield's case in the media. He was, he said, concerned that this might have an adverse effect on the Panel. Inevitably for me, this slight warning wasn't anywhere near enough, it was clearly up to the prosecution to keep their informer, Brian Deer, in check and as in

any other venue that vaguely resembles a court, the prosecution should have brought him to heel. He should have been warned that if he indulged in rhetorical abuse through the pages of the GlaxoSmithTimes, there would be repercussions for him and the case.

* * *

When he began his closing speech proper, Mr Coonan was at pains to stress that the core issue around which the whole prosecution was built was the difference between clinical treatment and research. Were the 12 children cited in *The Lancet* case review paper drafted into the Royal Free Hospital specifically for the purposes of research in the 172/96 project, or did the hospital represent a last refuge where the parents were able to obtain their first sympathetic clinical appraisal of their child's condition?

Almost all the other issues in the hearing and consequently Mr Coonan's closing speech revolved around this central issue, raising questions such as whether research project 172/96 had actually been carried out and whether there had been applications for ethical approval and parental consent; whether they arrived at the Royal Free in the first instance to get a clinical examination and hopefully a diagnosis. Such issues as Dr Wakefield's contact with the parents, was he trying to 'recruit' patients to a research project, whether or not the frequently mentioned 'protocol' was developed for the purpose of a research project or as a record that kept track of developing diagnostic circumstances.

One aspect of this conflict between clinical and research activity, that tended to get lost in both the case as a whole and in Mr Coonan's closing speech, was the fact that the 1998 Lancet paper was a case review study and not a research cohort at the centre of a research project. That the prosecution failed to grasp this at the beginning of the hearing and then failed to acknowledge it when it came to light is one of the most disturbing aspects of the whole affair.

In the bright light of Mr Coonan's closing speech, it was tempting to wonder what one had been listening to for 135 days. He brought out the implicit emptiness of the prosecution case; the improbable weakness of its every aspect. He went on to look briefly at Dr Wakefield's contract with the RFH, at the Ethics Committee application that had been made and approved, at Dr Wakefield's contact and relationship with the Legal Aid Board and the money that the hospital had received from them.

Under other headings came *The Lancet* paper, broken down under a number of subheadings that reflected the charges; *The Lancet* paper clinical or research; Dr Wakefield's response to Dr Rouse; the Medical Research Council meeting following the publication of the paper. It wasn't, however, until we came to *The Lancet* 'Disclosable Interests', that I really began to pay attention. It was Mr Coonan's demolition of Dr Richard Horton's evidence that I thought would be one of the high point of his closing speech.

Two matters that I had waited for were not mentioned. Mr Coonan said nothing about the fact that *The Lancet*, one of the most prestigious medical journals in

the world, is owned by Elsevier and the senior manager at Elsevier is also a non-executive Board member of GlaxoSmithKline. Why should Horton's word be accepted on any matter even vaguely connected with conflict of interest when the drug company that manufacturers MMR have a controlling interest in *The Lancet*? The other matter, more seminal to the hearing, which had not been brought up was the question of whether or not a person who might appear as an expert witness in a court case has to declare this as a conflict of interest. In theory, Dr Wakefield was receiving money from the LAB to undertake research that would clarify evidence *for the court*, whatever the results of any research undertaken. Even had it been damaging to the claimants, the doctors involved would have had to tender it to the court.

In the event, these finer points were of no consequence, because Mr Coonan fought these issues from a number of angles that made the prosecution case appear empty and dishonest. No money was received from the Legal Aid Board until Dr Wakefield and his co-authors were well into *The Lancet* paper; the money did not, even in the first instance, go to Dr Wakefield, but to the Royal Free Hospital and then finally to a researcher in the hospital who was examining histology samples for viruses; and, finally, Dr Wakefield had no way of knowing in the early stages, when the children sought clinical treatment, which ones were in fact in touch with lawyers and whose cases had been funded by Legal Aid.

But the most important issue in relation to conflict of interest that everyone expected Mr Coonan to make the most of was the matter of Dr Horton's statements that he had no knowledge of Dr Wakefield's involvement with the Legal Aid Board at the time *The Lancet* paper was published. If he had knowledge of this, he was later to claim, he would not have published the paper. More probably, of course, he might have warned Wakefield of the need for a conflict of interest declaration. Dr Horton's position in this matter was completely undermined when, after he had given his evidence, Dr Wakefield's lawyers received documents which showed clearly that staff in *The Lancet* offices had known of Dr Wakefield's receipt of Legal Aid at least a year before the paper was published. This news shed a new light on Horton's evidence in which he claimed that at the time of the publication, he had been ignorant of Dr Wakefield's conflict of interest.

During the hearing itself, this matter led the panel and the prosecution, for Horton was one of their witnesses, to ask for him to be recalled to answer to this new evidence and explain the evidence he had already given. The prosecution twisted and turned, determined to get Dr Horton off the hook. When they finally succeeded in securing the safety of their witness, they presented a very loose statement from Horton in which he claimed that every time the information about Dr Wakefield and legal aid had been voiced in the office, or been on anyone's lips, he had been either helping the Palestinians, in *The Lancet's* outside toilet, suffering temporary deafness, had mislaid his glasses or been making the tea, as his station required. In other words, the editor of *The Lancet* was not '…personally aware of the relevant contents of the documents…' circulating in *The Lancet* offices. When Miss Smith originally read this statement to the hearing, she spluttered to a stop for a moment when a huge pig borne on gossamer pink wings flew slowly the outside glass wall of the hearing room.

Dr Wakefield's defence accepted Dr Horton's statement, despite the fact that it skirted one of the most important issues of the 'trial'. For fear of getting into a mud

slinging contest during a re-examination of Horton, nothing was said by the defence to challenge Dr Horton or suggest that he was 'credit crunching' the truth. Horton, anyway, was always a two-edged sword, and in some ways even an intemperate aging radical like myself can see the defence reason for not pressing to recall Horton. He was, after all, the only authoritative voice that did not climb down at all from the science of the case review paper, telling the hearing that it was of the highest order.

Oddly enough, Miss Smith, despite getting her way, couldn't help but manufacture a little edifice of untruth around the issue. In her closing speech she insisted against all the evidence that Wakefield's defence counsel had called '..into question Dr Horton's integrity and honesty'. Yet another example of Miss Smith's ignorance of the aphorism, 'When you're in a hole stop digging', which she should undoubtedly have emblazoned on her sling or tattooed somewhere where she can draw strength from it every day.

* * *

In this account I have chosen to deal only with the central issues and not even mention the massive number of subsidiary charges that arise under the main heads. Mostly these smaller matters are without any foundation at all and even if they are apparently evidenced, they are not things that come near to constituting real offences.

A good example of these smaller and insignificant matters that have been blown up out of all proportion is what the prosecution present as Dr Wakefield's plan to entice children into the Royal Free, so that he and his colleagues could then 'cause' dangerous procedures to be carried out on them. The GMC was forced to introduce this new concept of 'cause' into the English language, as in '…he caused the operation to take place…', so that they could blame the colonoscopies on Dr Wakefield. Those who can be blamed for 'causing', covers anyone who worked in the Royal Free Hospital and includes the building's architect and the company that owned the land on which the hospital is built. This bizarre prosecution scenario, like something out of Edgar Allan Poe, of tricking stricken children into the Royal Free, was founded on the fact that Dr Wakefield had been in correspondence with GPs, or crime of crimes, that he had spoken to parents. So far has Miss Smith's idea of medical professionalism sunk into the cold bureaucratic pit, that the idea that a doctor, research or otherwise, should *speak* to a patient appalled both her and the GMC.

Another example was the receipt of money from the Legal Aid Board. Miss Smith seemed adamant that this was a crime in itself. That a doctor should receive money from the Legal Aid Board in order to prepare research to inform the court was an abomination to Miss Smith. No charge throughout the whole hearing has been more tellingly associated with the pharmaceutical corporations, which had exerted such pressure on the government that all legal aid was finally withdrawn in 2003 from MMR damaged claimants.

Miss Smith herself called three expert witnesses, a consultant gastroenterologist, a psychiatrist and a physicist, one of whom had been scheduled to give evidence for the vaccine manufacturers, another of whom could be linked to

quackbusters and a third who was a founding participant in Sense About Science. None of these 'experts' were asked by Miss Smith about funding or affiliations.

If we pass to the real minutiae of the case, we come upon the most peculiar charges which might better be called insinuations; the strange case of Dr Wakefield's clinic is one of these. According to the prosecution, Dr Wakefield saw patients in his own clinic. What he did during that 'clinic' was not defined, but suffice to say for this prosecution, that if it was done in a clinic, it must have involved 'clinical' work; this was in complete conflict with his contractual role as a research worker. It turned out that Dr Wakefield didn't hold a clinic anyway, but it didn't seem to occur to Miss Smith that even if Dr Wakefield did hold a clinic, a process entity used by a research worker who hopefully needed to talk to the parents and the children whose illnesses he was researching, this would not be a crime, an ethical lapse or a breach of contract. Dr Wakefield's role as a clinical research worker has always been presented to the Panel as if he was an ambulance mechanic or a gardener at the Royal Free and therefore not allowed on the premises or sanctioned to speak with any trained medical personnel.

Two of the most spectacular, false charges out of the many against Dr Wakefield, charges that show clearly that the GMC has concocted a corrupted prosecution, are firstly the claim the Dr Wakefield gained £55,000 from the Legal Aid Board and then spent it on something other than research. This charge of dishonesty was made in the absence of any kind of evidence and without even a guess at the nefarious purpose for which Dr Wakefield might have used the money.

The other charge is one that Miss Smith could have been tutored in by Deer Brian as they sat drinking coffee during a break at their local 'Bent Prosecutions College'. Perhaps they were both studying for NVQs on one of New Labour's ‘access to work’ schemes. Is it possible that Brian told Miss Smith that Dr Wakefield had patented a vaccine to compete with MMR? Of course this simply wasn't true on any level, but had they only that morning attended a session entitled ‘*The most outrageous lies are the easiest believed* Miss Smith may, so easily, have picked up Brian's nonsense and run with it.

I feel sorry that I can't do justice to Mr Coonan's closing speech in more detail than I have. On the other hand, it did occur to me during the speech, which must have run to 400 or so double lined-spaced pages, that when trying to rebut the most exaggerated deceit it might be better just to pare down to the basic points and set these against the background of the case. Somehow, rebutting even the most absurd charges lends them a horrible credibility.

* * *

Those who have attended over the whole two years of the hearing have known from the first day that the prosecution case is nothing but a colander through which the truth has long been washed away. When Brian O'Deer presented his

famous informer’s letter to the GMC, offering to hawk the details of his 'investigation', the narrative was already a mishmash of broken English, in which Deer's imagination ran riot in the spaces where he lacked documents.

When I first met Dr Wakefield around four years ago, he was still stung by the bizarre case presented to him in outline by the GMC, which copied almost exactly Brian Deer's expose in the GlaxoSmithTimes. Dr Wakefield moved documents about on the long pine table in the kitchen. 'Look' he said, 'he's got this, but then there is a gap, then he's got this and because of the missing information, inevitably his story doesn't make sense or even coincide with the truth'. Over four years after that first meeting, I sat in the GMC hearing, listening to Kieran Coonan QC saying exactly the same thing, but because Brian Deer had long been airbrushed out of the picture, it was Miss Smith, and the GMC prosecution, that were now being accused of having deliberately withheld documents and presented broken English as the truth.

Nothing could have shown more vividly than Mr Coonan's closing remarks, the terrible violence done to any judicial process when it fails to employ a higher tier of prosecution review. Let’s face it, this case has been a charade from beginning to end, simply because it was organised by people lacking in ability, doing a lack-lustre job who either understood or failed to understand that they were working for the pharmaceutical corporations and a corporate government.

Kieran Coonan's preliminary issues that prefaced his closing speech were evidence of the fact that a rank amateur body like the GMC should never be entrusted with full-blown legal powers, any more than police officers should. In the real world, the final judgements on the strength of prosecution cases is overseen by lawyers in the Department of Public Prosecutions (DPP). The DPP is the last public judicial tier that ensures public prosecutions are honest and only proceed if they have a good chance of succeeding.

There is an incredible arrogance abroad in the GMC considering they feel they have the right to prosecute charges of 'dishonesty' without their evidence being overseen by a higher body. Mr Coonan's list of prosecutorial failings and process abuses was actually frightening, like the suddenly disclosed innards of the Star Chamber. While, of course, we knew from the beginning that the prosecution was 'bent' it didn't quite sink in, as when the misdemeanours are strung together as accusations by a lawyer.

But how are panel members to process these remarks? The holding back of relevant documents not included in the bundle, for instance, constitutes an exceptionally serious offence by the prosecution, serious enough to wipe out whole swathes of their case, but will the panel be objectively instructed on such matters?

* * *

I don't generally like contemporary or fashionable slang, however, when someone made an allusion to Miss Smith having a *hissy fit* it appeared to be such a perfect description of her temperamental style that I just had to use it. Looking it up I found that it was North American in origin and its first recorded use had been around 1935.

What occasioned the use of this expression was one of Miss Smith's quite bizarre off-road incidents that have occurred throughout the hearing. As is always the case whenever the hearing is reaching the end of a session, housekeeping takes place. One of the most incredible things about this hearing, is that it seems to limp awkwardly along, being given too many days on one occasion and too few on another. There was, you might remember, the one Sunday sitting created for no apparent reason and the endless half days when the hearing seems to proceed as if God had made the world in fourteen days and rested on every morning. I have been in the hearing now for something like 135 days and trying to find rhyme or reason in its plan is like breaking the ENIGMA code that has been written in fountain pen on a piece of paper left floating in the sea for fifty years.

On Friday the 17th of April, Mr Coonan was happily wending his way to the end of his closing speech with an understanding that another ubiquitous half day at least would be needed before he could sink back into his chair and dream about a stiff drink and a piece of carrot cake. At the end of that afternoon, there was a serious housekeeping discussion, its principle focus being when Mr Miller might begin his closing speech on behalf of Professor Walker-Smith. As the hearing was due to resume in one week and two days time and it was then that Mr Coonan would end his closing speech, Miss Smith began arguing vociferously that Mr Miller should begin immediately after Mr Coonan had finished. If this were a few days after Mr Coonan had finished and after the panel had had the opportunity to reacquaint themselves with Walker-Smith’s evidence, it would inevitably mean that Mr Miller's closing speech would be broken up, with a five week interruption between beginning and end; Miss Smith failed to see anything even vaguely unfair in this.

While the defense counsel all laughed into their cuffs, Miss Smith began her 'hissy fit'. She was adamant and quite determined no more time should be wasted. Miss Smith is always at her worst when everyone is against her. The opinion of the room was taken and amongst much glee and muttering, everyone agreed not only that Mr Miller and the panel should have some time to read back over all the evidence and Mr Coonan's closing speech, and time to prepare his own, but that his closing speech should be unbroken. It seemed for a moment as if Miss Smith was not about to give in and it occurred to me that we might have the second Sunday sitting in two years, taken up entirely with Miss Smith arguing for the first time that the proceedings should be speeded up

rather than slowed down.

However, when the hearing finished on Friday afternoon it had been decided that Mr Coonan would finish using a couple of hours on Tuesday 28th April and following that the hearing would go into recess until June 8th, when Mr Miller would begin his closing speech, that he could make uninterrupted to its conclusion on behalf of Professor Walker-Smith.

* * *

Professor Walker-Smith himself was much on my mind during the last days of Mr Coonan's closing speech. Having arrived early and wasting some time one rainy morning during the session, I walked past Pret a Manger near the GMC and saw the Professor sitting at a window stool, drinking a coffee with a book propped up against the rain spattered glass. He saw me and gave the rather formal nod of polite greeting that in my case, for him, always seems slightly tinged with worry. From the beginning, two years ago, Walker-Smith has appeared aloof from the hearing. While the opposition to the frame-up is signaled by the countenance and body language of both Professor Murch and Dr Wakefield, Professor Walker-Smith despite his sound and stoic defence of himself during cross-examination, seems to silently rue the day he became involved in this ongoing medical brawl; he looks tired of the whole matter, as well he might, and his 75 years lend him a look of quiet unhappiness. Whenever I see him, I am stressed with thoughts that his retirement years with his wife and their family are being trashed by heartless cynics in the GMC, government and pharmaceutical corporations, who if asked would probably suggest that Nazi war criminals - especially those who worked for pharmaceutical companies - should not be tried due to age, humanity or changing standards of guilt.

Professor Walker-Smith's desperately depressing role in this fiasco is part of another tragedy that is being played out somewhere beyond the hearing. And yet for all his old world courtesy and the sense that he should be somewhere else, the GMC's stupid mistake of including him in this prosecution could well rebound on them. Walker-Smith's case is directly linked to the cases of Wakefield and Murch. If the panel find him not guilty it will be very difficult to bring in a converse verdict in the cases of the other two.

For those who imagine that my reports have no effect on the important players at the GMC, let me address the matter of Miss Smith's sling. I said in my report *A Right Palaver*:

... there was the very ordinary linen coloured NHS sling - no attempt to match her barristerial clothes - accompanied by the occasional wince and the abrupt massage of the upper arm.

No sooner had this been written than Miss Smith turned up wearing an exquisitely delicate *off the shoulder* number in black and fiery red that would be the envy of any professional accident-prone barrister. And there for a second was the hint of another Miss Smith, a beguiling and perhaps more feminine woman whose thoughts might encompass such challenging things as feelings.

Afterthought

The two-year GMC hearing has stirred up much discussion in legal circles, mainly centring on the ideal form that such independent tribunals might take in the future.

Searching around for someone who could head-up a more independent and definitely quicker tribunal than this GMC hearing The Law Society recently interviewed General Zuk, the Director of the Zargoan department of celestial bodies [the equivalent of our Department of Health]. As you probably know, Zargo is considered one of the most financially efficient planets in the near planetary system and General Zuk's ideas on how an independent adjudication might be held, without truth being impaired, have often been mentioned.

The Law Society interview with General Zuk is reproduced below.

Law Society: Greetings, General Zuk, we hear that you have been following the GMC hearing in some detail.

It was thought a good idea for readers to see just one answer spoken in Zargoan, so that they could see what kind of language they used.

General Zuk: BPROIZ ASNJDC EAEIRO IXSK APBEEZ AXSMT LOZF IBPEE EZLOZ QEMBZULB. WAEGHZOIL OD IDZRAWEAZKOEP FXIZEY LED ICNOGIRBEEAAT ORLEJSBP ZEXCUTW.

INTERPRETER: The first part of General Zuk's answer is a derogatory remark about Brian Deer and for this reason I shall not interpret it, however, the second part can roughly be translated as: We hold Dr Wakefield in great esteem here on Zargo.

LS: In your opinion how might it be possible to make such a hearing completely fair and independent. For instance, how would you go about it on Zargo.

General Zuk shifted slightly in his chair. Zargoan's have no bodies, but General Zuk had used Zargoan shape shifting technology to assume a vaguely human form. I asked one of his aids before the interview, on whom he had based his persona for the interview and I was shown a photograph of Dr David Salisbury, the Director of the Vaccination and Immunology Department in the Department of Health. Something, however, had gone badly wrong with Zuk's data input because as he sat before me, certain of his elements - especially the short blond hair and the black and red patterned sling - more clearly resembled Miss Smith.

GZ: Well I think that before we start I should say that there might appear to be some serious differences between our much older traditional system and your newer one. For instance, we have been of the opinion for some time now that in the case of any proceedings, the complainant, once they have lodged their complaint, is put to death. All judicial proceedings then continue from there.

LS: That's very interesting, in our country, especially in the present GMC case, we do try to obscure the identity of the complainant and ensure that the complainant's role is taken over by a higher authority; although of course we do not condone killing people.

GZ: This in my humble opinion is a serious mistake; such complainants are ultimately a very subversive force. They might be right or wrong and strategically useful, but if for instance they pursue the objectives, even misguidedly, of a multinational corporation or say, a government - we don't actually have these but I note that you still do - they can never be trusted.

LS: So the prosecuting authority takes centre stage?

GZ: Yes, this is right and as it should be. We have to cultivate the prosecution, let them develop their own system, in terms of planning and timing and such things . . . *the virtual reality of General Zuk moved forward, his finger resting on the side of his nose, as if we were co-conspirators* ... even these people have not got to get too big for their slippers, however. We give them all a handicap, like with the VW Golf you have.

LS: This is really fascinating, are you referring to Miss Smith.

General Zuk utilizes a laugh which seems to have come from the Bela Lugosi data bank; it's a creepy sort of laugh emanating from some point way behind him.

GZ: This is your English sense of humour, no? Miss Smith is one of the hardy survivors, but even so prosecutors need handicaps. There is a very tall building in the centre of Zolus, our capital city; all the documents submitted by the erstwhile complainant and the prosecution are thrown from the top of this building. The prosecution team and any friends they have, on the word Zol

(*Interpreter*: this means GO) gather up as many papers as they can. They have exactly two earth minutes before armed forces begin firing laser cluster bombs into the papers. After this ritual is over, the prosecution has four years to put together a case that is then published and broadcast using corporate media. And that is more or less that.

LS: This is fascinating and all so familiar ... yes, very similar to what we do in London, although of course I stress again, we don't kill people. So how does the trial proceed then?

GZ: 'Trial?' I don't understand?

As he says this, General Zuk rears back exaggeratedly, as if he is about to fall in a heap of clothes on the other side of his chair. He seems almost shocked.

LS: The hearing. You have the complaint, the prosecution has been prepared with limited papers … How do you then proceed against the defendants?

GZ: Oh yes, I now understand ... well, there are no procedures followed. All defendants of whatever nature are then 'dispatched'.

LS: Your word that we translate as 'dispatched' sounds an interesting concept. Can you explain it to us?

GZ: Well the concept is very pragmatic ... also extremely simple. On Zargo we like very much simple concepts. As soon as the complaint is broadcast formally all defendants are rarely, sometimes, sent into exile, but most usually shot.

LS: So you have no process similar to a trial, or a hearing. That's very interesting, although I have to say, as I have said before, we don't believe in killing people.

GZ: Yes, Yes, I hear you. But think this way, these trials, what a waste of everything. As you will no doubt have been told in your briefing, Jeremy Bentham, the great utilitarian, is one of our founding philosophers, as he was one of yours, but while you have drifted far from his principles we have developed them – Oh, but you must not get me talking about Jeremy. Another way to look is that trials are very indulgent, a little like philosophical Zhogokins (interpreter: the nearest word to this is 'masturbation' but the Zargoans live in an asexual world so it is not precise). And as well, dissenters are a little like informers and complainants, I think you might say that they are 'an injury in the fleshy behind'.

LS: I find all this so interesting General. I am sure that there are lessons that we might learn from your magnificent regime. After all, our objectives appear to be identical, that is, primarily to support the continuation of the establishment and the mechanism of the prosecution.

GZ: I too have great respect for your system, despite it appearing somewhat overblown. I cannot though comprehend your need for these show trials. (Show is the nearest English word to the Zargoan expression 'Zagazagas' which almost describes 'spectacle' and is used for Cabaret or Circus). Why go through all this p .. a .. l .. a .. v .. a - such a beautiful word that I picked up from your Martin J Walker - very funny these reports. Even the Zargoan elite can comprehend them. We have just had all of Walker's GMC reports translated and published on mini-disquettes - very funny. Watch out, General Zarharinzy, I say to myself, you could well be displaced in funnyness. Do you know him?

LS: Who? General Zarharinzy no, I haven't had the pleasure.

GZ: No, not General Zarharinzy. Martin J Walker?

LS: On earth we try very hard to ignore him!

GZ: If you could get me his autograph, I would reward you ... at least with the 3rd Star of the Zargo's writers collective, it is aluminium and can be worn even on informal dress like velour sweat-suit or with T Shirt and shorts.