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Weaponizing the Peer Review System

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ABSTRACT

The long-revered "peer review" process, as it is currently being applied in the health sciences, is increasingly controlled by commercial interests that are in too many instances using it as a tool forcing technical publications in prestige journals and books toward certain outcomes favorable to those interests. The "peer review" process has in the last two decades especially, increasingly become a process to serve the interests of the manufacturers and promoters of drugs and medicines. Although it was conceived as a way to ensure quality in academic and scientific publications it has increasingly, especially in the health sciences, taken on a commercial aspect with power, momentum, and governmental support that enables it to be used to against unwanted outcomes that threaten the bottom line of those commercial interests. This paper examines the process as it was intended to be used and contrasts its good purposes for uses to which some bad actors are presently perverting it. The practical limits of the problem and remedies to staunch the bleeding, so to speak, are plainly laid out. There is no intention to give legal advice, but merely to examine recent experience looking toward what can be done to preserve the good and valid uses of the imperfect process of peer review.

Keywords: *academic quality*, *commercial interests*, *conflicted commercialization*, *forced retractions*, *historical peer review*, *pejorative retractions*, *prestige journals*, *scientific publications*, *voluntary withdrawal*, *weaponized peer review*

Introduction

In science, studies submitted to a professional journal for publication are commonly first reviewed and critiqued by other scientists from the same field, often even the same subfield. In this process, the editors of journals will, upon receipt of a submitted article, send it for "peer review"— a process aiming to obtain the frank assessments of other qualified persons to judge the proposed article in terms of its strengths and flaws, and, especially, to suggest ways it might be improved. The philosophical basis of peer review is sometimes traced to the 17th Century and credited to Henry Oldenbourg (The Royal Society, 1672; but for a deeper look at the history see Panda, 2019). Typically, at least in the biomedical sciences, editors will seek out multiple reviewers, two usually at a

minimum. In many cases, the process is supposed to be "anonymous" where the reviewers' identities are not revealed to the manuscript's authors, and in the "gold standard, double-blinded" cases, the identity of authors is not revealed to the anonymous reviewers. There are many variations on these themes, and there is plenty of current commentary on the increasing difficulty, and perhaps infeasibility of actually achieving and maintaining "double-blinded" or even "single-blinded" (one-sided anonymity) in the face of current internet tracking capabilities. For that reason, some journals have opted for reviews that are done in the open with full disclosure to all parties and the consuming public. The current effort to get reviewers and authors to make their work more transparent, and possibly more effective, for instance, see https://publons.com/about/home/ and https://www.researchgate.net/ which are trending more and more toward open reviews and public accessibility.

Historical Peer Review

Overall, the process of peer review is intended to be a collegial "friendly amendment" exercise designed to improve the quality and presentation of scientific theory, designs, data accessibility, and findings. Largely, at least for work submitted for publication in professional journals, the role of the peer reviewer is supposed to be voluntary, unpaid, fair, and unbiased. Journal editors typically try to choose reviewers who have demonstrated expertise by themselves publishing in the area of study at issue and who do not have vested interests (monetary or otherwise) that might produce conflicts of interest, either positive or negative, for or against the authors, outcomes, or any other aspect of the work under review for possible publication. This buffering distance is termed "arms length" and typically is based on an honor system. Positive conflicts of interest might arise if the reviewer and author were related, or if they have in the past or might in the future share in some benefit from given outcomes of the proposed publication under review. Negative conflicts of interest would involve existing animosities, or might include extreme differences of viewpoint, theory, or conclusions, between reviewers and authors.

Editors of journals typically have enormous leeway when considering submissions. First, they can decide whether the subject or presentation of the article fits within the scope of the journal. If they choose to do so, they can return the manuscript un-reviewed as being "unsuited to our journal". The editors can also decide if the topic shows sufficient potential interest to the journals' readership, if too many articles on a similar topic have been published in the recent past, or if the presentation of the article as written is judged inadequate. If any of these aspects are answered in the negative, editors can decline to send the article for peer review. Highly regarded journals such as *Nature* and *Science* decline to review most submissions based on such criteria subject to the judgment of the particular editor.

Typically, it is only after one or more editors have reached the conclusion that an article might be acceptable, that they send it off for peer review. However, even at this stage the editor retains considerable control of the process. Part of this control lies in deciding which persons will be invited to review the article and what the editor may decide to do with reviews received. An article which only gets positive reviews will normally be published after minor revisions, if any are requested, and after they have been addressed by the authors. An article that gets mixed reviews, however, or one that a particular editor chooses to review in person, allows the editor wide latitude and discretion. If

the editor wants to counter reviews already at hand, which are judged less than satisfactory for any reason, the editor is free to seek still further opinions from additional reviewers, or to reject it outright. By selecting reviewers whose work is known to the editor, it is possible at any stage to turn the process either in a positive or negative direction based on the preference of the editor. Additional reviews are commonly requested when one or more of the initial reviewers declare that they are not able to judge a particular portion of the article, for example with respect to statistical or computational complexities, or some particularly esoteric theory or algorithm. The editor, however, after some or all of the reviews requested are received, is free to accept the recommendations of reviewers, or to effectively weigh in as the final arbiter for or against publication. Usually, editors treat reviews as justifying outright acceptance, needed revisions, or rejection.

Once the foregoing steps are completed, the editor will typically communicate with the authors to notify them of the outcome of the reviews and the recommendations of the reviewers. Common editor responses are: the manuscript is acceptable as is, acceptable with minor revisions, acceptable with major revisions, or rejected.

If the article falls into any but the last category, the authors are usually given a set period of time in which to provide the necessary revisions. Revised manuscripts are generally returned to the editor with notes describing the authors' responses to the reviewers' critiques. In most cases, if these are deemed sufficient, the article is considered "accepted" for publication. Often, however, the back and forth between reviewers and authors may have multiple phases, all adjudicated by the editor.

In either case, an accepted article leads to a letter from the editor and a contract that usually transfers, all of the copyright of the article from the author to the publisher, but grants authors the right (with proper acknowledgement of the prior publication) to reprint part of all of their own work, for example, in an anthology. At this point, after copyright transfer and the payment of any required fees (great or small), the article is considered to be "in press", and the mutual acceptance of the copyright transfer agreement along with the payment by the author of any publication charges is taken to establish a binding contract between the author(s) and publisher. In due course, galley proofs are sent to the author for a final check of contents and to correct any typographical errors. Once completed, the article is printed in the journal, posted to the journal website, or both.

Examining Some Flaws in the Present System

The peer review system is not without flaws. For example, some reviewers may fail to disclose conflicts of interest, or may lack the required expertise to judge a submission, particularly in cases where it presents new techniques, novel theoretical arguments, poorly understood or highly contested subject-matter, findings, or conclusions. Sometimes, reviewers commit significant errors whether by carelessness or negligence. They may occasionally, often according to some sources (Ioannidis, 2005, 2016b, 2019), overlook major flaws in manuscripts they accept for publication. To prevent such errors, Ioannidis (2007, p. 340) made the following suggestion:

> Research efforts should be integrated across teams in an open, sharing environment. Most research in the future may be designed, performed, and integrated in the public cyberspace.

That being said, many journals have procedures in place to deal with real or potential problems that come to light after an article has already been published. If the errors are correctible, the journal may publish a list of errata or, in open-source electronic publications, may publish an entirely new version. In cases of reasonable controversies, contrasting perspectives, and alternative conclusions to be drawn from published research, a common approach is to publish "letters to the editor", or one or more "replies to" the published article and critiques of it. These may sometimes be solicited by the editor of the journal or may be voluntarily submitted by readers of the journal to be considered for publication, or not, at the pleasure of the editor. In such responses, collegial public debate about methods or interpretations is commonplace. Traditionally, the article's authors are invited to reply to critiques. Similarly, it is typical for both the letters to the editor and any authors' replies also to be subject to peer review. In some journals, this back and forth can have various stages, enabling the journal's readership by allowing them to benefit from the academic discussion between opposing scientific theories and inferences.

In cases where reviewers have missed crucial flaws in an article, editors typically retain the right to ask authors to comment on, fix any problems or, if this cannot be done, the editor may seek a joint "retraction" with the consent of the authors of the article. Other errors, usually inadvertent ones, can be noted in subsequent issues of the journal by way of "errata" or "corrigenda" in which possibly significant but easily corrected mistakes are acknowledged by the editors and authors and are corrected subsequently in the journal. In contrast, a retraction basically means that the article is so flawed that it must be removed from the journal with a notice or highly visible stamp saying that it has been retracted and why such an action has been taken. Historically, adequate grounds for retraction include demonstrable plagiarism, duplicate publication of material without attribution or notice to the journal editor, intentional data distortion and falsification, or some combination of such infringements.

It should be noted that a published notice of a retraction carries a much heavier pejorative weight than almost any number of published errata or corrigenda. Any such scholar, or any group of them, of course, may commit and subsequently correct one or more unintentional errors in any publication with a minimum of public embarrassment. Although, no scholar wants to make errors, much less to publish them, such unintentional mistakes can never reach the level of condemnation implied by a forced retraction.

Forced Retraction Is Public and Pejorative

Retractions forcefully imposed are an entirely different matter than the voluntary withdrawal of a paper by authors who acknowledge unintentional errors. Forceful retraction suggests deliberate malfeasance of some sort infringing on near universal ethical standards. In contrast to such drastic action, the reasons for rejection of manuscripts prior to publication are usually made known only to the journal's editor, to one or more reviewers, and to the authors themselves: the public is not privy to the reviews and correspondence leading to the rejection. A retraction, however, is a pubic event that inevitably shames all those involved, especially the author(s) and is likely to have far-reaching negative effects that may be difficult to mitigate and that are impossible to undo. One or more forced retractions can end a promising career. Other scientists will note the published notice of retraction and the implication that it was grounded in malfeasance follows authors for years and can

negatively impact their ability to obtain grants or publish other professional work. In addition, a retraction usually leads to fairly intensive scrutiny by both the authors' home institution and whatever granting agency or agencies may have funded the work prior to any published reasons for the forced retraction.

Some journals are now moving to alternatives to retraction. As cited in an article by (Enserink, 2017), there are now options besides outright retraction. These include "retraction and replacement" and "retraction and republication" for articles that may have serious errors but whose core concepts are still considered worthy of publication . The Stanford University's Meta-Research Innovation Center (METRICS) has devised a more nuanced system to deal with various circumstances and has suggested 14 options. Some of these include, 'withdrawal', 'retired', 'cancelled', 'self retraction', and 'removal', indicating increasing levels of severity based on the perceived or acknowledged errors in an article and they have also included three amendment categories, 'insubstantial', 'substantial', and 'wholesale' (also see Dwan et al., 2008; Heckers et al., 2015; Barbour et al., 2017; Fanelli et al., 2018; Ferragut et al., 2019; Ioannidis, 2016a, 2016b, 2019; and COPE, 2020).

All of the foregoing discussion shows that editors, reviewers, and authors are actively seeking to devise a system acknowledging that publication errors range in severity from innocent mistakes to deliberate fraud, and that most errors do not merit a forced retraction and the stigma associated with the public notice of any such event.

Given reasonable estimates that as much as two thirds of the published biomedical literature is factually incorrect, wrong and misleading (Ioannidis, 2005, 2012, 2016b, 2019), if retraction were necessary for most errors in the published literature, especially in the medical sciences, a large portion of that literature would need to be forcibly retracted. The bulk of the papers at issue, however, owe their flaws to errors in study design, statistics, interpretation, undetected biases, and so forth. Only a small fraction of the flaws arise from intentional deception or actually fraudulent acts. If there were a general rule that every biomedical article that was flawed or incorrect should be retracted, most biomedical articles should have long ago been stamped with the word "retracted".

"Conflicted Commercialization"

The reality, unfortunately, is that most biomedical articles are not retracted for any of the foregoing reasons. This requires the question why some articles with errors are not being retracted while others with the same level, or perhaps no known errors at all, are being forcibly retracted. While the peer review process has supposedly been evolving in the sciences to work ever more effectively and more fairly, and though it often does work in the desirable ways, this is not always the case. It appears according to some authorities and prolific often cited researchers such as Ioannidis (2019) that the root problem is what he refers to as "the conflicted commercialization of medicine" (p. 2). It seemed to Ioannidis, that it was just that very fact, the commercialization of the industry, that led to the dismissal of Peter Gøtzsche from the Rigshospitalet and University of Copenhagen, and his expulsion from the formerly prestigious Cochrane Collaboration — an academic charity and, until recently, an independent source of unbiased reviews, often critical of medicines and medical practices since its founding in 1993. Until 2018, at least, it was widely regarded as an important unbiased contributor of reviews examining theory, research findings, and practices in medicine.

The unsettling dismissal and expulsion of one of Cochrane's former stars, Peter Gøtzsche, took place after he published a number of articles and books critical of various practices in mainstream medicine (Gøtzsche, 2013, 2014, 2015; Jørgensen et al., 2018). The final piece of work, evidently, was his paper with Jørgensen and Jefferson in 2018 making a case for biased reporting by the Cochrane organization concerning an administration of HPV vaccine in Denmark. Before his expulsion from the Cochrane organization, he served as a Board Member, and, in protest against the administration of that organization, four other Board Members in good standing, resigned in opposition to his expulsion. The outcry against the Rigshospitalet and University of Copenhagen was intense with 9,000 people signing a petition of protest against Gøtzsche's firing. Ioannidis (2019, p. 3) suggested that "slander, administrative incompetence, and character assassination" seemed to himself, also a well-known and often cited reviewer for Cochrane, to have been used behind veils of "secrecy", "intolerance", and "vague excuses". Meanwhile, according to Ioannidis (2019, p. 1) the Cochrane Collaboration issued several "not about" claims — that Gøtzsche's expulsion was "not about freedom of speech", "not about scientific debate", "not about tolerance of dissent:, "not about someone being unable to criticize a Cochrane Review" but was entirely about "integrity, accountability, and leadership" (p. 1). The Cochrane website today, referring to the termination of Gøtzsche on September 25, 2018 as "a Member of the Governing Board and Director of the Nordic Cochrane Centre" does not use any of the "not about" phrases (*Statement from Cochrane's Governing Board – Wednesday 26th September 2018*, visited May 1, 2020).

Other Examples of Misuse of the Peer Review Process

Increasingly, in recent years, there has been a trend for the process of peer review to be violated, not by authors, but by those who have a grudge against the authors, or some reported theory or finding of the article, in many instances, after it has been reviewed and has appeared in print. Hence, the increasing use of the odious red letter word "RETRACTED" being stamped across the pages. In some cases, to be described below, inexperienced journal editors may fail to understand the overall process. In other cases, journal editors may be subject to extreme external pressures to change the basic peer review process by repeated reviewing, or by retracting of articles that are already published for reasons that would not objectively merit a repeated review process, much less a retraction. The following examples discuss these failures of the peer review process and the implications of this failure for fair, unbiased, peer review, as well as the broader implications for independence in scientific inquiry.

Evidence of the misuse of the peer review process has been growing for years and more recently seems to have accelerated. In the first decade of the present millenium. What follows are some examples of accepted, published articles suddenly being removed from journals with official retractions following a little later on. In many instances, the retracted articles involved contentious subject-matter such as alleged safety versus risk associated with genetically modified organisms (GMOs) in food production. One clear example on this particular topic was the post-publication retraction of an article on the effects of GMO corn in laboratory rats (Seralini et al., 2012) in the Elsevier journal, *Food and Chemical Toxicity*. The article described negative health effects of such a diet on the experimental animals employed. Two months after its publication, the article was retracted. *Food and Chemical Toxicology* has ties to the agricultural industry, including the former Monsanto, a key developer of GMO crops and of the Roundup herbicide. The reasons offered to justify the

retraction included inadequate statistical analyses, small numbers of animals per group, and so forth. According to Seralini, none of these reasons for retraction were valid. While the article may well have had flaws, it was the business of the journal's peer reviewers and editors to notice them before publication. It is not the responsibility of some volunteer critics after the fact, ones who may have vested interests in suppressing certain findings, to be able to force retraction by the journal.

The authors in this case later republished the same article in *Environmental Sciences Europe* and successfully sued the European magazine, *Marianne* and its editor for defamation. Seralini won and the High Court of Paris upheld his win in 2015. The journalist who wrote the defamatory article in the first place was fined 3,500 euros, and the editor, Jean-Claude Jaillet, had to pay 7,000 euros because it was not his first offense according to the court (Ferret, 2015; Noisette, 2016).

Our first experience with the same sort of misuse of the process of peer review followed the acceptance of an article entitled, "Behavioral abnormalities in young female mice following administration of aluminum adjuvants and the human papillomavirus (HPV) vaccine Gardasil" by Inbar et al., (2016) published in the journal *Vaccine*. One of us (CAS), though a co-author, had not been involved in the decision to submit the manuscript to this journal which is known to be hostile to articles questioning any aspect of vaccine safety. Regardless, the article on the impacts of the Gardasil vaccine in colony mice was submitted and sent for review by an associate editor. In due course, the reviews came back. These were largely positive, but did require some revisions which the lead and senior authors provided. On receipt of the revisions, the associate editor accepted the article which was then posted to the *Vaccine* website. It remained there for some days in 2016 after its final acceptance on December 31, 2015 before it was suspended by the chief editor, Gregory Poland, who sent the article to three reviewers for a repeated review process. These came back within days and were uniformly negative. On this basis Poland retracted the article. The authors were not allowed any chance to defend the article and the retraction status stood fast. Subsequent investigation by the authors revealed that Poland's institution and laboratory had accepted funding from Merck, the pharmaceutical company that was the maker of the Gardasil vaccine. As in the Seralini case, the article was later republished in *Immunlogic Research* (Inbar et al., 2017). However, the damage to the reputations of the various authors had been accomplished.

A more recent example concerned an article that our colleagues had submitted to the *Indiana Law Review*. The article dealt with the variation in the assignment of severity of adverse reactions following administration of the human papilloma vaccine (HPV) Gardasil. The comparison was between doctors assigned by the Centers for Disease Control and Prevention (CDC) versus independent doctors chosen by the authors. The article simply compared the responses to test cases of the two sets of evaluators and provided a statistical analysis of the difference. The article was duly accepted for publication to the journal, copyright transfer agreements were signed, and the article was posted to the website of the journal. Several days after this, the article was removed from the website and the authors were informed that the article was being sent for re-review. Inquiries to the journal about the reasons for this decision were not answered by the editor. After waiting for several weeks for clarity on the issue, the authors jointly withdrew the article and now seek to publish it elsewhere. A Freedom of Information request was filed by the lead author, Mary Holland. It later established that the journal editor, Nicholas Paul Terry at the Indiana University Robert H. McKinney School of Law, had been contacted by a non-scientist, Dorit Rubinstein Reiss from the

University of California Hastings College of the Law, who focuses her attention on articles critical of any aspect of vaccination.

The correspondence between editor Terry who consulted Reiss about reviewers known to be biased against us, see the Appendix that follows my **Reference**s below, was evidently the reason for rescinding the commitment of the journal to publish our paper. The targeting of the top three authors, Holland, Shaw, and Tomljenovic, is spelled out for the latter two of them and implied for the first author in the email dated January 12, 2019 at 9:18 AM from Reiss to Terry. In that email, Reiss refers to "Shaw and Tomljenovic" by name and mentions factoids about possible reviewers to call on who are known to disagree with those two co-authors, strongly suggesting that she could hardly approve of Mary Holland, JD, whom Reiss would know as a co-author of the widely read *Vaccine Epidemic: How Corporate Greed, Biased Science, and Coercive Government Threaten Our Human Rights, Our Health, and Our Children* (Habakus, Holland, & Rosenberg, 2011). The correspondence between Reiss and Terry (as seen in the Appendix) reveals a deliberate plan to find "editors" to re-review the paper, one that had already been accepted by the *Indiana Law Review*, who would be virtually certain to reject it after the fact. What happened to that article appears indicative of an emerging threat for a form of calculated "academic cleansing."

While the above examples concern controversial research on GMOs and vaccines, a similar trend leading to attacks on scientific articles from other disciplines has been well documented in the book, *Trust Us, We're Experts*, by Rampton and Stauber (2001). In the cases documented in their book, scientific critiques of various products can lead to attempts to discredit the scientists involved, attempts to cause retractions of their work, and media assaults on their characters. Rampton and Stauber highlight examples from critiques of the consequences of tobacco use, pesticides, the use of lead, biosludge, and climate change. The newer controversies involving GMOs and vaccines merely show that the program described in their book generalizes into other areas that threaten corporate interests. It also shows that the response to any such threat takes a standard form that is largely predictable.

Then and Now: What to Do Next?

The key difference then versus now is that while in the past retractions of articles viewed as hostile to industry were infrequent, now efforts to force retraction are more or less codified and commonly deployed to silence independent scientists and their unbiased works. Trolls and bloggers, some of whom may be employed by the relevant industry for forcing retractions by intimidating editors and authors alike, now actively seek out articles in so-called "controversial" areas and almost immediately mobilize attacks through complaints to the publishing journals and to the authors' home universities, hospitals, or other institutions.

The increasing frequency of attempts to force retraction, in our view, is an abuse of the peer review process, and designed to eliminate inconvenient articles and authors. In this view, such attacks are less about the accuracy of the literature that the peer review process was designed to protect than about the commercial interests associated with medicines and pharmaceutical products and the entities that profit from them through manufacture, distribution, promotion, and advertising. Some of those institutions are governmental and are so involved with the production and promotion of

the profit making products that they have become virtually indistinguishable from the manufacturers and promoters.

As a collateral side effect, the controlled management of the peer review process — more and more commonly turning it into a weapon with which to attack authors and publishers releasing findings that threaten the vested interests of the medical, pharmaceutical, governmental industry — is undermining the very basis of scientific review itself. It has always been an imperfect, flawed system, that is cumbersome at best and prone to errors at worst, but it is still the best system available to evaluate scientific studies. In order to assure the integrity of this system, it appears that authors should consider taking certain precautions to avoid the possibility that anyone in the peer review process may weaponize it against them. Doing so will not only help protect the individual authors but the entire system of peer review which has been an important part of advancing human knowledge in all areas, including the biomedical field.

The first step the author should take is to determine whether the journal has a clear policy with regard to (i) when it will re-review an article after it has already been accepted for publication and (ii) the precise grounds upon which the journal may issue a retraction. The policy with regard to these points should leave as little ambiguity as possible and to the extent they provide standards that are too broad or uncertain, an author should seek clarification in writing. If not satisfied the author should either go to a different journal or seek satisfactory clarification from the one at hand before proceeding with the submission.

Once the author has a clear understanding of the policies governing peer review and the extreme remedy of retraction, the author should make sure that the policy is either directly included in the author's contract with the journal or is incorporated by reference into the contract with the journal and that these terms cannot be unilaterally changed by the journal. Certainly such policies should never be changed retroactively while any review process is still underway or after it has already been completed.

If the contract does not include clear terms as to when a re-review or retraction can occur, or if these policies are ambiguous, it would be prudent for an author to insist that the contract clearly provide that (i) a retraction may only occur for data fabrication, plagiarism, or publishing of the article in more than one journal/outlet without prior approval, and (ii) that prior to any re-review the author shall be provided the opportunity to withdraw the article and that if the author chooses to withdraw the article, no retraction notice, nor any other announcement of that sort can be issued by the publisher.

By having clear terms on when a re-review can occur and on what grounds a paper can be retracted, if either of these are violated, an author may potentially have a breach of contract claim against the journal. The threat of such a lawsuit alone could help avoid use of post-publication re-review or retraction as weapons to attack and possibly silence unwanted theories or findings or to capriciously launch an attack against an author whose work may threaten the profits of commercially vested parties.

Conclusion and Disclaimer

None of the foregoing remarks are intended as legal advice but rather as practical matters of common concern for authors considering when and where to publish their work. It is an unfortunate new reality but the responsability and power to end weaponization of the peer review process seems ultimately to fall to the authors. If they demand clear terms for when a retraction or re-review may occur, and if they require that these alternatives shall be limited to serious infractions, those seeking to turn the peer review process into a tool for academic warfare will be forced to find a different avenue to attack. Bad actors may continue to engage in bad conduct, but at least the knowledge and experience shared here, and the steps recommended to prevent further abuses of the long established peer review process can help prevent those bad actors from eroding it further. The fact is that as flawed as it may be, peer review system that has served the sciences and those who benefit from the advance of knowledge for several centuries at least (Panda, 2019), and perhaps for much longer dating back to the quality control measures that remain to be discovered in the archaeology of ancient cultures.

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Appendix:

Correspondence between Nicholas Paul Terry and Dorit Rubenstein Reiss Obtained by Invoking the Freedom of Information Act

What follows in this Appendix is a chronology of emails (most recent to least) revealing the sort of weaponization of the peer review process that is threatening the integrity of academic publishing in general, and that involves the conflicted commercialization of medical, pharmaceutical, government interests in the marketing of vaccines. Nicholas Paul Terry is the editor of the Indiana Law Review *at Indiana University Robert H. McKinney School of Law in Indianaapolis, and Dorit Rubenstein Reiss is a Professor of Law at the University of California Hastings College of the Law. What follows are their own words obtained under the requirements of the federal Freedom of Information Act 1966, 1996, which has also been inacted in some measure by all 50 of the United States* (*Freedom of Information Act, United States — Wikipedia*, 2020).

file:///IU-EITS-Kepler.ads.iu.edu/Data/User/daniel1/2262.txt [5/18/2020 8:35:18 AM]

From: Terry, Nicolas Paul npterry@iupui.edu
Sent: Monday, February 18, 2019 5:07 PM
To: Reiss, Dorit R.
Subject: Re:
Dorit, just a quick note to thank you for all your help—situation resolved with withdrawal of article!
Best, Nic
Nicolas P. Terry
Hall Render Professor of Law
& Executive Director, Hall Center for Law and Health
Indiana University Robert H. McKinney School of Law
530 W. New York St, Indianapolis, IN 46202
Voice: (317) 274-8087
Email: npterry@iupui.edu
SSRN: Author page: http://ssrn.com/author=183691
Blog:
http://blogs.law.harvard.edu/billofhealth/author/npterry/
Podcast: The Week in Health Law, TWIHL.com
Twitter: @nicolasterry

On Jan 12, 2019, at 9:44 AM, Reiss, Dorit R. <reissd@uchastings.edu> wrote:
Wonderful. Good luck!
Dorit.
Dorit Rubinstein Reiss
Professor of Law
UC Hastings College of the Law
415-5654844
reissd@uchastings.edu

From: Nicolas Terry <nicolasterry@icloud.com>
Sent: Saturday, January 12, 2019 2:43 PM
To: Reiss, Dorit R.
Subject: Re:
Thanks so much. Mike Smith has movie from Louisville but I managed to track hime down at Duke and he agreed. I already have a highly critical report back from the biostatistician I told you about
Again, so many thanks
Nic
Nicolas P. Terry
Hall Render Professor of Law
& Executive Director, Hall Center for Law and Health
Indiana University Robert H. McKinney School of Law
530 W. New York St, Indianapolis, IN 46202
Voice: (317) 274-8087
Email: npterry@iupui.edu
SSRN: Author page: http://ssrn.com/author=183691
file:///IU-EITS-Kepler.ads.iu.edu/Data/User/daniel1/2262.txt [5/18/2020 8:35:18 AM]
Blog:
http://blogs.law.harvard.edu/billofhealth/author/npterry/
Podcast: The Week in Health Law, TWIHL.com
Twitter: @nicolasterry

On Jan 12, 2019, at 9:18 AM, Reiss, Dorit R. reissd@uchastings.edu wrote:
Dear Nic,
Here are some more names.
1. Dave Hawkes, from the University of Melbourne.
david.hawkes@unimelb.edu.au
https://www.vcs.org.au/about-us/executive-team/drdavid-hawkes/ Hawkes is an expert in vaccines, however, he has written before criticizing work by Shaw and Tomljenovic and is publicly and highly critical of their work - I'm not sure if that's a conflict of interests here.
2. Nicola Klein from Kaiser, who studies vaccines extensively and has some excellent studies out.
https://divisionofresearch.kaiserpermanente.org/researchers/klein-nicola
3. Kevin Ault, from Kansas University:
http://www.kumc.edu/school-of-medicine/obgyn/faculty/kevin-ault-md-facog.html
(To remind you, my first suggestion was Michael Smith from Louisville, mjsmit22@gwise.louisville.edu, http://php.louisville.edu/advancement/ocm/expertsource/expertdetails.php?fname=Michael&lname=Smith).
Let me know if you need more suggestions.
best,
Dorit.
Dorit Rubinstein Reiss
Professor of Law
UC Hastings College of the Law
415-5654844
reissd@uchastings.edu

From: Nicolas Terry nicolasterry@icloud.com
Sent: Wednesday, January 9, 2019 9:08 PM
To: Reiss, Dorit R.
Subject:
Nicolas P. Terry
Hall Render Professor of Law
& Executive Director, Hall Center for Law and Health
Indiana University Robert H. McKinney School of Law
530 W. New York St, Indianapolis, IN 46202
file:///IU-EITS-Kepler.ads.iu.edu/Data/User/daniel1/2262.txt [5/18/2020 8:35:18 AM]
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Twitter: @nicolasterry

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