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Victory: Enstrom Earns Favorable Settlement in First Amendment Retaliation Case Against UCLA

By [Susan Kruth](#) March 6, 2015

The [American Center for Law and Justice \(ACLJ\)](#) reported a significant victory for freedom of speech and academic freedom yesterday: The University of California at Los Angeles (UCLA) has finally settled the case brought by Dr. James E. Enstrom, formerly a researcher at UCLA’s Fielding School of Public Health, who alleged in his federal lawsuit that he was unconstitutionally retaliated against for his research and writing on the relationship between diesel particulate matter and mortality.

Longtime *Torch* readers may remember [FIRE’s involvement](#) in Enstrom’s case, including our multiple letters to UCLA dating [as far back as 2010](#). As we detailed in our [coverage of the lawsuit](#) and as he explained in a [video for ReasonTV](#), Enstrom alleged in his [First Amendment claim](#) that UCLA retaliated against him for his research rebutting environmental health arguments that had shaped the regulations adopted by the powerful California Air Resources Board (CARB). As [ACLJ details](#) in its press release, Enstrom also “publicly exposed both the fraudulent credentials of the lead author on CARB’s report on diesel particulate matter and mortality in California and the unlawful tenure of several members on CARB’s Scientific Review Panel (including one of his UCLA colleagues).”

In other words, Enstrom was engaged in precisely what academic freedom should protect: challenging his peers' research, methods, and conclusions in order to help shed light on the truth.

Yet, after decades of work for the School of Public Health, Enstrom's funding was abruptly slashed in 2009 and UCLA elected not to rehire him in 2010, [allegedly because](#) his research was "not aligned with the academic mission of the Department" and because he failed to meet previously unmentioned "minimum requirements."

Now, nearly three years after Enstrom filed suit, his case has come to an end. ACLJ relayed the settlement terms yesterday:

Following multiple unsuccessful attempts to have the lawsuit dismissed and an extensive discovery process, which included the depositions of several key UCLA officials, the UC Regents agreed to a settlement of the case on terms extremely favorable to Dr. Enstrom. Not only did the Regents agree to pay Dr. Enstrom \$140,000, but they also have effectively rescinded the termination, agreeing to Dr. Enstrom's use of the title "Retired Researcher" (as opposed to acknowledgment as a non-titled terminated employee) and his continued access to UCLA resources he previously enjoyed during his appointment. "This is a fantastic result for Dr. Enstrom," said David French, ACLJ Senior Counsel. "Dr. Enstrom has dedicated himself to public advocacy on significant scientific issues, at no small cost to himself because of the controversial nature of his research. It was a privilege assisting Dr. Enstrom in obtaining this terrific settlement."

The settlement is particularly important to Dr. Enstrom because, he says, "it shows that UCLA and the UC Regents have not been able to suppress a politically incorrect scientific dissenter."

FIRE is very pleased to see this outcome. The idea of academic freedom is meaningless if researchers' funding or careers are threatened each time they challenge a commonly-accepted principle. Institutions of higher education should learn that there is, and should be, a high price to pay for interfering with the "marketplace of ideas."

Schools: [University of California, Los Angeles](#) Cases: [University of California at Los Angeles: Non-Reappointment of Controversial Professor](#)