

## Third-Party Comment Form

### HOW TO FILE A THIRD-PARTY COMMENT WITH WSCUC

1. Carefully read the ‘Submitting and Processing Third-Party Comments’ section of the WSCUC [Complaints and Third-Party Comments Policy](#) (pages 6-7).
2. Use the attached Third-Party Comment Form to submit a comment. You must complete all applicable sections of the form before the comment will be reviewed.
3. You may attach additional sheets of paper if you need more space. Include with the form any copies of documents and supporting materials that pertain to your comment. (50 page limit).
4. Mail or email your Third-Party Comment Form and any additional documentation or supporting materials to the address below.

### Third-party identification

Please take careful note of the information in the Complaints and Third-Party Comments Policy regarding the declaration of identity on this form.

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1. Third-party comments are reviewed by Commission staff after receiving the Third-Party Comment Form and supporting documents. Normally, no response is made to the commenter. If appropriate, staff may contact the commenter for clarification or additional information.
2. Commission staff will determine the appropriate course of review and action on the comment which may include, but is not limited to: sending the information to the institution, with or without the commenter’s name for its information or follow up; referring the information or a summary of issues to a future review team; holding the information in a file for future reference, or disregarding the information and taking no action.

**If you have further questions, please contact:**

WASC Senior College and University Commission (WSCUC)  
985 Atlantic Avenue, Suite 100  
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Phone: 510-748-9001 x 300  
Web: [www.wscuc.org](http://www.wscuc.org)  
Email: [wscuc@wscuc.org](mailto:wscuc@wscuc.org)

**COMMENTER INFORMATION:**

- I wish to remain anonymous
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Third-Party Commenter Name: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

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**INSTITUTIONAL INFORMATION**

University or college named in the complaint:

\_\_\_\_\_

Complainant's relationship to the university or college named above:

- Student                       Faculty                       Staff
- Other (please state): \_\_\_\_\_

Current status of relationship with university or college:

- Enrolled       Graduated       Withdrawn       On Leave
- Resigned       Terminated       Employed
- Other (please state): \_\_\_\_\_

What is the basis of your comment?

Please provide any comment about the institution's quality or effectiveness.

Date: \_\_\_\_\_

<http://www.thecollegefix.com/post/38139/>

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[Analysis Bias](#)

# The assault on academic freedom at UCLA

[Kathryn Hinderaker - St Olaf College](#) • October 23, 2017



Over the past few years, UCLA has lost four prominent scholars: James Enstrom, Keith Fink, Val Rust and Tim Groseclose.

Each incident is different, whether they left, resigned, or were forced out. But they all have a common thread: each professor took a stance against left-liberal principles at UCLA — and now they are no longer teaching there.

This attack on conservatism is not unique to UCLA, but the school has become the perfect case study for the phenomenon.

The converging timelines of these four professors' experiences show that rejection of intellectual freedom in academia is a pattern of behavior, not an isolated event.

Stifling speech and diverse thought on college campuses takes place nationwide, and UCLA is no exception. Although the four recent examples found at one of California's flagship research institutions are particularly egregious and should cause concern that the problem is pressing and must be addressed.

### *The case of James Enstrom*

Enstrom, a professor at the UCLA School of Public Health since 1976, received a notice from the school of his termination in June 2010. His research, they [say](#), was “not aligned with the academic mission of the Department.”



Enstrom's crime? He had published a well researched, peer-reviewed study that debunked the false scientific theory that fine particulate air pollution kills Californians. This, he argued, was reason to eliminate many unnecessary environmental regulations in place in California, some of which were pioneered by fellow faculty.

Enstrom had been given every reason to believe his position at UCLA was secure, but once his unpopular opinions gained traction, administrators pulled the rug out from under him, and he was fired. With the help of FIRE and the American Center for Law and Justice, Enstrom [sued](#) for "being unconstitutionally retaliated against for his research and writing." In the end, UCLA [settled](#) and Enstrom was allowed to keep his "retired researcher" status, effectively undoing the termination.

### ***The case of Val Rust***

Today Rust is a professor emeritus at UCLA. Before that he was a pioneer in his field of international and comparative education, and [spent](#) more than four decades mentoring students from around the world and assisting in international development efforts.

But after Rust corrected one student's capitalization of the word "indigenous" and questioned modern feminist theory, students grabbed their pitchforks.

On Nov. 14, 2013, a group of students made a sudden entrance into Rust's class, and proceeded to form a circle around him so they could read to him the grievances that "graduate students of color" had about him and his class, [reports](#) *City Journal*.

The school reacted to this "troubling situation" that they were taking "extremely seriously" by placing three other professors in the class with Professor Rust. Rust, presumably, was no longer capable of handling his classroom alone.

In the following weeks, the students circulated a petition for further action to be taken, and convened for a town hall. The situation escalated after Rust approached one of the protest leaders after class to engage him in conversation. The conversation resulted in the student filing a criminal charge of battery against Rust, a then 79-year-old, for at one point reaching out and touching the student's arm. Rust was banned from school premises for the rest of the academic year.

### *The case of Keith Fink*

Fink, an attorney, was a continuing lecturer at UCLA teaching [highly popular](#) classes on free speech, among other subjects. He was also critical of UCLA administration, and in particular their tendency to stifle students' free speech rights.



Fink was subject to a job performance review earlier this year to determine if he will continue lecturing at the school. This is standard practice, and according to Fink, usually a breeze to pass. However, Fink [said](#) he was railroaded by a star-chamber process run by peers biased against him. He failed the performance review.

Despite petitions against the review decision and support from fellow faculty and students, Fink was [terminated](#) in June 2017. But he continues to fight back against UCLA's oppressive administration. He even [plans](#) to establish a nonprofit to provide free legal services for UCLA students and professors whose rights have been violated.

### *The case of Tim Groseclose*

Groseclose had taught at UCLA as a professor of political science since 2003. He's a known conservative, and published the [book](#) "Left Turn: How Liberal Media Bias Distorts the American Mind" in 2011.



He came up for a promotion, but despite extremely favorable letters, and even some support from his far left-wing colleagues, the promotion was denied by an anonymous committee of five people.

In a recent email to *The College Fix*, Groseclose said that the "incident made it clear to me that conservatives were no longer welcome at UCLA."

Groseclose also says it became clear that if he stayed at UCLA, his salary would not keep pace with inflation. And in some of the world's best timing, a peer at George Mason University called to ask him to apply for a position there. Groseclose happily agreed, and [accepted](#) a job offer there in the fall of 2013.

Groseclose said he had seen the writing on the wall at UCLA, citing the Enstrom affair.

“So when the committee voted against my promotion, things were clear to me: Even if your research productivity is the highest in your department, even double that of second place, if you have conservative political views, then you're not welcome at UCLA,” he said.

### ***‘Playing russian roulette’***

Reached for comment, a right-leaning UCLA professor still working there told *The College Fix* that “conservatives, if they are going to be conservatives [at UCLA], they are playing russian roulette. They are taking their lives into their hands.” He asked to remain unnamed.

UCLA did not respond to *The College Fix's* request for comment.

The summaries of each case does not do them justice. All are clear acts of assault on academic freedom, and should not be taken lightly. But as each case is different, it shows there is more than one way for universities to expel intellectual diversity.

The examples at UCLA have borne that out.

To say there is no conclusion to be drawn between these four incidents at UCLA would be willful ignorance of a larger problem facing higher education today.

For every public case, there are perhaps a dozen more professors self-censoring to protect their jobs.

This limiting of speech in the classroom must end, or students suffer. Thinking critically is rather difficult when you have never had anyone be critical of your thoughts.

Yet this trend will likely continue at UCLA and elsewhere, and our country's self-proclaimed bastions of diversity will continue to get more and more homogeneous.

### About the Author

#### [Kathryn Hinderaker](#)

Kathryn Hinderaker is a junior at St. Olaf College in Minnesota. She studies political science, media studies and management studies. Kathryn is president of the St. Olaf College Republicans and founder and president of her campus's Turning Point USA chapter. Her campus efforts have been featured on Fox News, Minnesota Public Radio and Twin-Cities Public Television. In addition to *The College Fix*, her writing has been featured on the *Minnesota Star Tribune*.

<https://calmatters.org/commentary/uc-imposes-political-litmus-test/>

# CalMatters.org July 28, 2019



By [Dan Walters](#) published: July 28, 2019

## UC imposes political litmus test



(The California State Capitol on December 3, 2018 in Sacramento, California. Walters)

If you've never heard of the Levering Act, you're not alone.

Few Californians are old enough to remember that during the years immediately after World War II, a Cold War between the Soviet Union and the United States and its allies generated a wave of popular fear about communist subversion.

Wisconsin Sen. Joseph McCarthy and FBI director J. Edgar Hoover led crusades to root out what they claimed was widespread infiltration by communists.

California had its own version of McCarthyism, as it came to be known. The Legislature created a Committee on Un-American Activities and in 1950 enacted the Levering Act, requiring all state employees to sign "loyalty oaths."

It was specifically aimed at the University of California's faculty, and 31 tenured professors were fired for refusing to sign it.

The state was unconstitutionally imposing "a political test for employment," as the California State Federation of Teachers said at the time. And after much legal wrangling, the state Supreme Court voted 6-1 in 1967 to declare the Levering Act unconstitutional.

Although UC's Board of Regents [officially declares](#) that "No political test shall ever be considered in the appointment and promotion of any faculty member or employee," a new UC policy seems to be doing exactly that.

As part of its "commitment to diversity and excellence," UC's administrators are telling recruiters for faculty positions, as one directive puts it, to take "pro-active steps to seek out candidates committed to diversity, equity and inclusion."

To enforce that dictum, UC also requires applicants for new faculty employment and promotions to submit "diversity statements" that will be scored "with rubrics provided by Academic Affairs and require applicants to achieve a scoring cutoff to be considered."

The academic affairs department at UC-Davis says that [diversity statements](#) from tenure-track faculty applicants should have "an accomplished track record...of teaching, research or service activities addressing the needs of African-American, Latino, Chicano, Hispanic and Native American students or communities." Their statements must "indicate awareness" of those communities and "the negative consequences of underutilization" and "provide a clearly articulated vision" of how their work at UC-Davis would advance diversity policies.

Jeffrey Flier, former director of the Harvard Medical School, is among the respected academics who see the inherent contradictions and perils in UC's one-size-fits-all concept of political correctness.

"As a supporter of the original goals of diversity, equity and inclusion initiatives, my skepticism toward this policy surprised a number of friends and colleagues," Flier [wrote this year](#) in the Chronicle of Higher Education.

"But it is entirely inappropriate to require diversity statements in the process of appointment and promotion. Such requirements risk introducing a political litmus test into faculty hiring and reviews."

While Flier sees the new policy as "far from the loyalty oaths deployed at the University of California during the McCarthy era," he adds: "It's not unreasonable to be concerned that politically influenced attestations might begin to re-emerge in the current hyperpartisan political environment, either in response to politically driven demands for faculty to support populist or nationalist ideas, or from within the increasingly polarized academy itself. Since progressive/left identifications are dominant in the academy, especially in the humanities and social sciences (as well as in administration), politically influenced litmus tests could easily arise in that sphere."

They've already arisen at UC, implicitly denying employment or promotion for anyone who fails to enthusiastically endorse "diversity," however that might be defined.

In the name of "diversity," therefore, the new litmus test would make the overwhelmingly liberal UC faculty even less ideologically diverse.

**We want to hear from you: Dan Walters [dan@calmatters.org](mailto:dan@calmatters.org) (916) 201-6281**

# Bruin Review      May 30, 2019

## The Crisis of Discourse: Solutions from an Educator



Higher education has a problem; it is becoming ideologically homogeneous. Universities have long been established as incubators of progress and the resulting ideological tilt has been accepted as innate. However, recently this progressive tilt has given way to dominance. Whereas speech was previously only stifled by socially enforced censorship, now students face institutional pressure.

Pete Peterson, the dean of Pepperdine University's School of Public Policy, is acutely aware of this problem and he has a diagnosis: "It's just a power dynamic." On college campuses, students, faculty, and professors contribute to a climate in which disagreement with the status quo is discouraged. Although academia is the most clearly afflicted, the greatest cause of concern is the impeded intellectual development of students. Fundamentally, this is not an issue of imbalance in the number of conservative and liberal students, but of the degradation of higher education. In fact, Peterson believes this has nothing to do with partisanship: "you could flip the tables and you would have the same issue." How then do you support a minority when the influence of the majority seems so pervasive?

For Peterson, the answer is twofold: promote humility and encourage conservatism in academia. That first part tends to upset people – it is hard to argue from a position of moral and intellectual superiority while admitting your limitations. But a willingness to hear contrasting ideas, and to dignify them with thoughtful consideration, is exactly what higher education is lacking. Eradicating the dismissiveness on both sides is paramount. For this reason, Peterson encourages conservatives to pursue careers in academia so as to expose students to a broader spectrum of ideas. Students who never have their beliefs challenged will inevitably become entrenched in their ideology as their peers and educators affirm their convictions. The presence of right-leaning professors empowers conservative students to express their ideas inside the classroom, increasing viewpoint diversity and furthering the intellectual development of students.

As a dean, Pete Peterson can directly implement his educational theory. His goal is straightforward: “As the leader of an institution I want people to know what they think and why they think, but I also want them to understand why another person thinks differently.” Peterson hopes to engender empathy in his students. While a student might not agree with the writings of Marx or Adam Smith, the ability to recognize why people are persuaded by great thinkers is essential to understanding how our society functions.

However, such abstract ideas, although touted by most educators, are difficult to enact. When the entire system feels left-leaning it can be tempting to preserve conservatism in a few universities, pitting echo chamber against echo chamber. But according to Peterson, higher education should not be used to create partisan warriors and force students further to ideological extremes. The curriculum of Pepperdine’s School of Public Policy is partially based in the canon of Western Civilization because Peterson believes that “Western Civilization is actually a collision of major ideas... and you have to put them in argument with each other.” Educators will always control the bias with which they teach, but a curriculum based in the comparison of ideas defers to students the authority to determine truth. Forcing students to make their own evaluations is the only way to encourage free thinking in education.

This is the fundamental reason discourse is necessary; it is the marketplace in which superior ideas can prevail. Hence, Peterson insists that institutions trust in the mechanism of discourse so that such ideas can percolate among students. However, discourse alone is useless if it is not accompanied by humility and empathy. Effective implementation in higher education rests on the ability of students to critically assess differing viewpoints. Allowing a majority to squelch speech – unintentionally or intentionally – is detrimental to the intellectual growth of students. Peterson’s vision will not be realized so long as the validity of an idea is determined by the ideological persuasion of its purveyor. This is why we must listen. This is why we must think.

This is why we seek truth through discourse.

By: Micha Balourdas

UCLA Class of 2021

<https://dailybruin.com/2019/04/18/uclas-skewed-hiring-process-leads-to-lack-of-political-intellectual-diversity/>

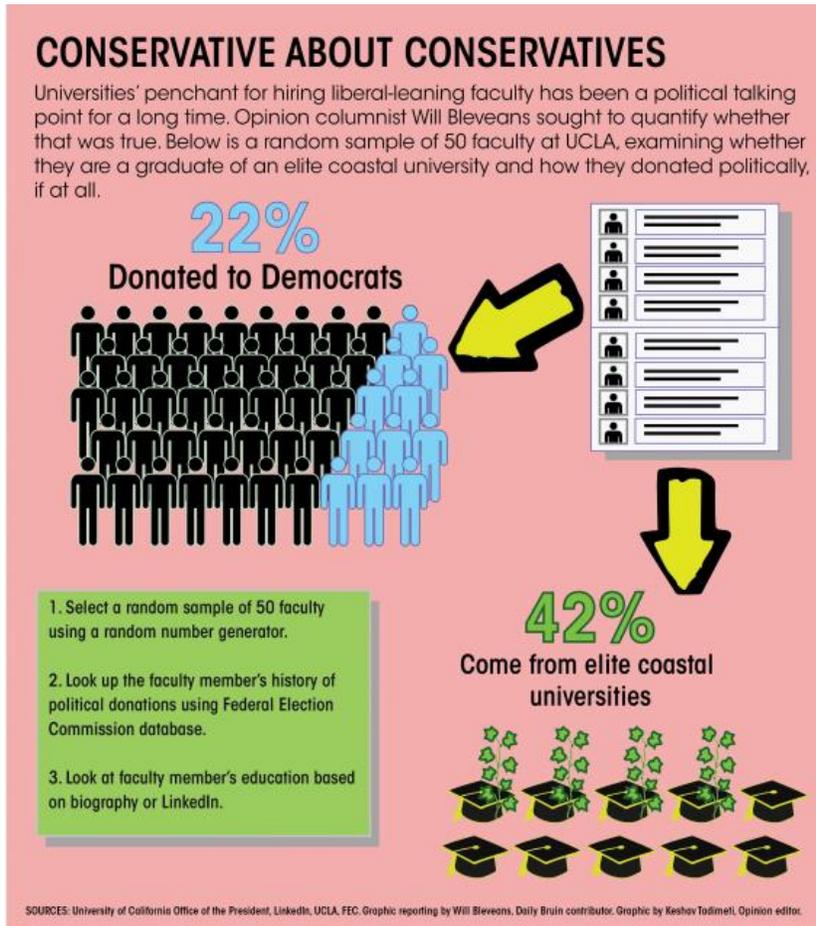
# UCLA Daily Bruin April 18, 2019

## *UCLA's skewed hiring process leads to lack of political, intellectual diversity*

By [William Bleveans](#)

Posted: April 18, 2019 1:36 am

[Opinion](#), [Opinion Columns](#)



A popular talking point in conservative circles is that universities are left-leaning ivory towers.

They might be right – but not for the reasons they think.

Contrary to what fiery conservative pundits would have you believe, it's not because of a vast left-wing conspiracy to brainwash the youth. Instead, it's probably a product of issues with UCLA's hiring practices.

In fact, these practices could be responsible for the seeming lack of ideological and geographical diversity within the ranks of the faculty. The data is unambiguous: UCLA's faculty is composed overwhelmingly of liberal-leaning academics educated at prestigious coastal universities.

This apparent lack of ideological diversity within UCLA's faculty can inhibit students' understanding of academic subjects, especially given that political homogeneity might prevent them from being exposed to a full range of academic perspectives.

It should be concerning that a wide variety of intellectual principles – from economic preconceptions to synthesis of current political issues – are formed in the confines of classrooms increasingly unlikely to be headed by conservative professors. Moreover, a lack of geographic diversity among faculty can give rise to intellectual sameness and narrow the kind of research they conduct. After all, hiring practices that shut out candidates from noncoastal areas also shut out candidates' unique intellectual perspectives.

This shortage of ideological and geographic diversity within UCLA's faculty can be addressed by reassessing the university's internal hiring practices and making a concerted effort to reach out to aspiring conservative academics, especially those educated outside elite coastal universities.

Again, this shortage of conservative and noncoastal academics is more than an empty political talking point. Analysis of a random sample of 50 UCLA faculty members selected from a 2017 [report](#) suggests 22% of professors have overtly liberal ideological leanings and that a little less than half were educated at Ivy Leagues and other prestigious private universities. Political donations made by faculty members were used as proxies for liberal or conservative leanings, and the academic background of each faculty member in the random sample was determined through examination of their LinkedIn profiles or faculty biographies.

Graduates of these elite universities seem to be overrepresented within UCLA's faculty, especially given that only about 20 of the country's [thousands of research universities](#) constitute this cream of the academic crop.

Furthermore, a quarter of a 50-person random sample might not seem to be a large proportion, but it should be noted that only [0.48%](#) of the United States' population regularly donates \$200 or more to political campaigns, as that 22% of UCLA professors had. Clearly, UCLA professors are both more politically active and more liberal than the population at large.

Of course, there are certainly many confounding factors, but one data point stands out: none of the faculty members in the sample had donated to Republicans.

Gary Orfield, professor of education, law, political science and urban planning, said this could be a result of the lack of conservative-leaning professors in certain fields.

“The truth is that in many fields, especially in the social sciences and humanities, a relatively small group of leading scholars are conservatives,” Orfield said.

This marked preponderance of liberal, coastal-educated professors might well stem from unintentionally skewed hiring practices. In turn, when hiring practices are so skewed as to advantage candidates from certain ideological and geographic backgrounds, there is bound to be a degree of intellectual uniformity.

“The field of economics is a great example of this phenomenon,” said Gabriel Rossman, a sociology professor. “Doctoral students in economics are almost always hired from a set group of schools that emphasize (mainstream) economic perspectives.”

Rossman said this tendency to hire aspiring academics from a select group of universities effectively prevents doctoral students specializing in alternative academic doctrines, like the Austrian School in economics, from landing teaching positions.

Ideological diversity, on the other hand, forces students to engage with unfamiliar perspectives and reevaluate their beliefs. It also encompasses the inclusion of a wide variety of approaches to scholarship and intellectual analysis, which in effect shows students there’s more than one way to understand the world around them.

“Nobody seriously disputes that the vast majority of scholars in the social sciences and humanities have liberal political leanings,” Rossman said. “Sometimes, it is true that this situation can produce a sort of intellectual groupthink.”

Any attempt to rectify the lack of intellectual diversity at UCLA must start with a thorough examination of university hiring practices. Students will continue to face the deleterious effects of ideological homogeneity as long as the university advantages certain types of faculty candidates.

And while some might argue the overrepresentation of professors from prestigious coastal universities might merely be a function of the lack of acceptable candidates elsewhere, plenty of academics hail from colleges and universities outside of coastal regions. It seems ridiculous to assume that Ivy Leagues and their brethren are the country’s only repositories of academic talent.

UCLA’s hiring practices are far from the stuff of conspiracy theories. They do, however, have momentous consequences for the quality of Bruin education.

[William Bleveans](#)  
Opinion columnist

William Bleveans is an Opinion columnist and a staff representative on the Daily Bruin Editorial Board.

<https://dailybruin.com/2019/01/16/required-diversity-inclusion-statements-unfairly-bias-ucla-hiring-process/>

# UCLA Daily Bruin     January 17, 2019

## *Required diversity, inclusion statements unfairly bias UCLA hiring process*

By [Nora McNulty](#)

Posted: January 16, 2019 10:30 pm

[Opinion](#), [Opinion Columns](#)



UCLA's requirement that faculty candidates must submit an equity, diversity and inclusion statement changes the hiring process to be about ideological activism rather than merit. (Daily Bruin file photo)

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In an effort to promote diversity, UCLA might just be doing the opposite.

The university enacted a policy in May that requires all faculty candidates to submit an equity, diversity and inclusion statement as part of their application. An EDI statement is a short essay that lays out a candidate's past contributions and future plans to further equity, diversity and inclusion.

A university-provided FAQ document explains that EDI contributions can come in the form of teaching, research, professional activity and service. One example UCLA provides of an applicable contribution is scholarly research that investigates and brings to light institutional inequalities.

Candidates' statements are scored by admissions officers on a rubric – which grades applicants on a scale from “excellent” to “unable to judge” – with the end goal of dissecting their true merit. In layman's terms, the more your past actions or future intentions align with UCLA's administrative ideology, the more likely you are to be hired.

While there's no question of the value of equity, diversity and inclusion on campus, the EDI mandate touches on a different issue altogether: the ethics of ideological vetting in the hiring process. A faculty candidate's fate should be primarily based on educational and professional merit. Setting ideological activism as a prerequisite for acceptance, even as it relates to the most well-intentioned ideology, is wrong.

UCLA is a public, academic setting, an environment meant to support a diverse range of ideas and viewpoints towards all issues – within reason – with the knowledge that they enrich our campus. EDI statements stifle this diversity by limiting qualified new hires to social activists who mirror administrators' agendas. Even if these activists are doing good, exclusively hiring them is a subtraction from the marketplace of ideas and a slippery slope toward further homogenization of dialogue – an unavoidable end incongruent with the diversity goals UCLA claims to be striving for.

Not every candidate is going to be a social activist – and that doesn't mean they're unqualified to be at our university.

Of course, there is no debating the value of equity, diversity and inclusion in academia. In fact, according to Pew Research Center, a nonprofit, nonpartisan and nonadvocacy group which conducts data-driven social science research, eight in 10 adults with postgraduate degrees – a common qualification for faculty applicants – say increasing diversity makes the country a better place.

At UCLA, the actions outlined in the EDI statement examples are often viewed as implicit truths and manifestations of common decency, not as byproducts of ideological paradigms.

But that's exactly what they are.

These are indisputably good things, but a candidate's engagement in furthering them cannot be a deciding factor in their tenure because these are ideological choices – even though, on our campus, they are seldom treated as such.

The “EDI Statement FAQs” document claims the statements are “not about penalizing faculty who do not promote EDI,” but that's difficult to substantiate when they're quite literally metricizing someone's quality based on these standards. What UCLA deems an excellent score, which entails an applicant calling for active efforts to reduce institutionalized inequalities and

adjustment for social sensitivities, could translate differently for a range of candidates. The degree to which faculty applicants can prioritize these ideals may vary across locales.

While there are rules that prevent faculty from being actively discriminatory, non-inclusive or inequitable, there are no rules that say anyone has to be an activist in these arenas.

The EDI statements can thus seem like the university imposing its political or societal views on all applicants, said Keith Fink, a Los Angeles lawyer and former UCLA lecturer.

“(EDI statements) are troubling on many levels,” Fink added. “They violate basic notions of academic freedom and they are contrary to the notions of free speech, as well as open inquiry and debate.”

UCLA is a public university meant to support a marketplace of ideas, freedom of speech and diverse opinions. Though UCLA’s EDI ideology is at face value, indisputably good, it is still not right to mandate related activism as a standard for hire.

Diversity entails people of different backgrounds, races, ethnicities, genders and the like. But it also entails diversity of thought. After all, differing ideologies spark productive debate and instill necessary checks and balances in any institution.

“UCLA should be a place where people are safe to express their views and aren’t afraid of repercussions, and I doubt (EDI statements) are an attempt to stifle that,” said Jim Newton, a communication studies lecturer at UCLA and former editorial page editor for the Los Angeles Times. “But this begins to get into that water, and it’s murky water for sure.”

It is crucial that UCLA remove EDI statements from faculty applications. If they remain, we will continue to use an ideological screening test to bar applicants from our university, which any institution should try its hardest not to do.

It might seem UCLA is merely defending its core values by mandating EDI statements in the hiring process. But even if that’s true, it’s still wrong to filter applicants through the lens of social activism. No matter how noble the ends, these are inappropriate means coming from a public university.

Enforcing university rules is one thing, but discrediting those who do not actively further an agenda is an entirely different story. Because while exclusively hiring staff who make tangible efforts to further equity, diversity and inclusion seems an obvious win for our university, the road to this idyllic utopia is an ethically dubious one.

[Nora McNulty](#) |

McNulty is an Opinion columnist.

<https://www.latimes.com/opinion/op-ed/la-oe-mac-donald-diversity-ucla-20180902-story.html>

**Los Angeles Times September 2, 2018**

**Op-Ed: UCLA's infatuation with diversity is a costly diversion from its true mission**



UCLA students rally to express their concerns about the lack of racial diversity in the student body on November 15, 2006. (Los Angeles Times)

By Heather Mac Donald

Sep. 2, 2018

4:05 AM

If Albert Einstein applied for a professorship at UCLA today, would he be hired? The answer is not clear. Starting this fall, all faculty applicants to UCLA must document their contributions to “equity, diversity and inclusion.” (Next year, existing UCLA faculty will also have to submit an “equity, diversity and inclusion statement” in order to be considered for promotion, following the lead of five other UC campuses.) The mandatory statements will be credited in the same manner as the rest of an applicant’s portfolio, according to UCLA’s equity, diversity and inclusion office.

A contemporary Einstein may not meet the suggested evaluation criteria. Would his “job talk” — a presentation of one’s scholarly accomplishments — reflect his contributions to equity, diversity and inclusion? Unlikely. Would his research show, in the words of the evaluation template, the “potential to understand the barriers facing women and racial/ethnic minorities?” Also unlikely. Would he have participated in “service that applies up-to-date knowledge to problems, issues and concerns of groups historically underrepresented in higher education?” Sadly, he may have been focusing on the theory of general relativity instead. What about “utilizing pedagogies addressing different learning styles” or demonstrating the ability to “effectively teach and attract students from underrepresented communities”? Again, not at all guaranteed.

As the new mandate suggests, UCLA and the rest of the University of California have been engulfed by the diversity obsession. The campuses are infatuated with group identity and difference. Science and the empirical method, however, transcend just those trivialities of identity that UC now deems so crucial: “race, ethnicity, gender, age, religion, language, abilities/disabilities, sexual orientation, gender identity and socioeconomic status,” to quote from the university’s Diversity Statement. The results of that transcendence speak for themselves: an astounding conquest of disease and an ever-increasing understanding of the physical environment. Unlocking the secrets of nature is challenge enough; scientists (and other faculty) should not also be tasked with a “social justice” mission.

It does not do UCLA’s students any favors to teach them to see bias where there is none.

But such a confusion of realms currently pervades American universities, and UC in particular. UCLA’s [Intergroup Relations Office](#) offers credit courses and “co-curricular dialogues” that encourage students to, you guessed it, “explore their own social identities (i.e. gender, race, nationality, religion/spirituality, sexual orientation, social class, etc.) and associated positions within the campus community.” Even if exploring your social identity were the purpose of a college education (which it is not), it would be more fruitful to define that identity around accomplishments and intellectual passions — “budding mathematician,” say, or “history fanatic” — rather than gender and race.

Intergroup Relations is just the tip of the bureaucratic diversity iceberg. In 2015, UCLA created a vice chancellorship for equity, diversity and inclusion, funded at \$4.3 million, according to figures published by the Millennial Review in 2017. (The EDI vice chancellor’s office did not have its current budget “at the ready,” a UCLA spokesman said, nor did Intergroup Relations.) Over the last two years, according to the Sacramento Bee’s state salary database, the diversity vice chancellor’s total pay, including benefits, has averaged \$414,000, more than four times many faculty salaries. Besides his own staff, the vice chancellor for equity, diversity and inclusion [presides over](#) the Discrimination Prevention Office; BruinX, the “research and development arm of EDI”; faculty “equity advisors”; UCLA’s Title IX office; and a student advisory board. Various schools at UCLA, including medicine and dentistry, have their own diversity deans, whose job includes making sure that the faculty avoid “implicit bias in the hiring process,” in the words of the engineering school’s diversity dean.

These bureaucratic sinecures are premised on the idea that UCLA is rife with discrimination, from which an ever-growing number of victim groups need protection. The Intergroup Relations

Office scours the horizon for “emerging social-identity-based intergroup conflicts,” according to its website. It has been hiring undergraduates and graduate students to raise their peers’ self-awareness of their “experiences with privilege and oppression.” These “diversity peer educators,” whose internship [salaries](#) come out of mandatory student fees, will host [workshops](#) on “toxic masculinity” and “intersectional identities” this fall. If UCLA is putting a comparable effort into organizing campus-wide workshops on the evolution of constitutional government or the significance of Renaissance humanism, it is keeping the effort out of sight.

Reality check: UCLA and the University of California are among the most tolerant, welcoming environments in human history for all races, ethnicities and genders. Every classroom, library and scientific laboratory is open to all qualified students on an equal basis. Far from discriminating against underrepresented minorities in admissions, UCLA and UC have sought tirelessly to devise surrogates for the explicit racial preferences banned in 1996 by Proposition 209. UCLA’s proportion of black undergraduates — 5% in 2016 — is less than one percentage point below the black share of California’s public high school graduates.

In 2016, 4% of UCLA’s faculty were black, 6.6% were Latino, 66% were white, and 18.6% were Asian. This distribution reflects the hiring pipeline, not hiring bias.

Blacks made up 4.7% of all doctorate recipients nationwide in 2006, 4.9% in 2010, and 5.2% in 2016, according to the National Science Foundation. But black PhDs have historically been concentrated in education; in the sciences, which make up a large proportion of the UCLA faculty, less so. In 2016, for example, 1% of all PhDs in computer science went to blacks, or 17 out of 1,659 doctorates, according to the Computing Research Assn. Many fields — nuclear physics, geophysics and seismology and neuropsychology, for instance — had no black PhDs at all.

Given such numbers, it is unrealistic to assume that every academic department at UCLA will perfectly mirror the state’s demographic makeup, absent discrimination. And yet the equity, diversity and inclusion office puts every member of a faculty search committee through time-consuming implicit bias training.

The ultimate solution to any absence of proportional representation in higher education is to close the academic skills gap. In 2015, only 14% of black eighth graders in California and 13% of Latino eighth graders scored as proficient or above on the [National Assessment of Educational Progress](#) math test, compared with 57% of Asians and 43% of whites. In reading, 16% of black eighth graders and 18% of Latino eighth graders were proficient or above, compared with 50% of Asians and 44% of whites. Such gaps have been constant over many decades.

It does not do UCLA’s students any favors to teach them to see bias where there is none. UC’s diversity bureaucracy is a costly diversion from the true mission of higher education: passing on to students, with joy and gratitude, the treasures of our cultural inheritance and expanding the boundaries of knowledge.

*Heather Mac Donald is the Thomas W. Smith fellow at the Manhattan Institute. Her latest book, “The Diversity Delusion,” goes on sale Tuesday.*

<http://www.latimes.com/news/opinion/commentary/la-oe-ellis-uc-bias-20120520.0.6773276.story>

# Los Angeles Times

May 20, 2012 [OPINION](#)

## UC problem: When academics are advocates

**University of California campuses are tilting to the left as radical activism overtakes scholarly knowledge. According to a report by the California Assn. of Scholars, the University of California supports overwhelmingly liberal academia that stifles dissent.**

By John M. Ellis and Charles L. Gesheker  
May 20, 2012

Political advocacy corrupts academic institutions. Why? Because the mind-set of a genuine academic teacher is in every important respect the opposite of a political activist's. Academic teachers want to promote independent thought and analytical skills; political activists want conformity. The one fosters intellectual curiosity and encourages opposing viewpoints; the latter seeks to shut it down.

This vital distinction is well understood. In California, the state Constitution [Article IX, Section 9] contains this unambiguous statement: "The university shall be entirely independent of all political or sectarian influence and kept free therefrom." Yet despite that, a bias to the left is now accepted as a routine part of a University of California education. That's the finding of a recent study by our organization, the California Assn. of Scholars.

Perhaps this is not surprising given that the tilt to the left among college faculty members has been growing nationwide for several decades. At [UC Berkeley](#), the ratio of [Democrats](#) to [Republicans](#) even in the hard sciences had grown to 10 to 1 in 2004, many times what it was 30 years ago, according to a study by Daniel Klein and Andrew Western. In the humanities and social sciences the ratios were 17 to 1 and 21 to 1, respectively.

The visible signs of activism at work are shocking. Why should the mission statement of the sociology department at UC Santa Cruz claim that a "just, free and equal society" may require "fundamental social change"? Sociology classes should help students understand how societies work, but at Santa Cruz, the mission seems to be enlisting students in activism.

Or consider the course description for UC Merced's History 131, which proposes that students study "the way in which the U.S. has aggressively expanded its role on the world stage."

It is a fact that the importance of the United States on the world stage has steadily increased since its founding. It's certainly worth investigating how that happened, and the question of aggressive intent would be one factor to consider against others. But that cannot happen when the only important question has been preempted in the course description.

The catalog description of [UC Santa Barbara](#)'s Feminist Studies 230 reads like a parody, offering the "experiences of women of color, both within the U.S. and globally, with interlocking systems of racism, classism, sexism, homophobia/transphobia, ableism and colonialism."

These tendentious descriptions are reflected in what many students say about their UC education. "Ten weeks of anti-capitalist, anti-globalization rhetoric," said one UC Santa Barbara sociology student about his class.

Even in science classes, the political bias seems unavoidable. A student in Berkeley's Computer Science 61AC wrote, "How does a statement like 'Nothing Saddam has done could be any worse than what [George Bush](#) has done' find its way into a computer science lecture?"

UC administrators protest that these are isolated examples, but research shows they are not. A recent study found that at UC Berkeley and [UCLA](#), 49% of students reported that they had had a course on a controversial subject where the readings were completely one-sided. This is a deeply and dangerously politicized system.

Real academics would consider a department of political science, or of sociology, that lacks one-half of the spectrum of ideas as incompetent. Today's campus proselytizers think it's just fine for the objective they have in mind, which is not educational but ideological.

Where are the high-paid UC administrators expected to exercise quality control? At a recent meeting at the Chico Chamber of Commerce, one of us asked UC President Mark Yudof for his views on classroom politicization. Yudof admitted that it aggravated him. "Professors are there to educate," he said, "not to rouse the troops for a cause."

If he felt this way, he was asked, why wouldn't he say so in a memo to his campus chancellors, telling them to take appropriate action? Somewhat shaken, Yudof could only say: "I could do that. I don't know that it would do much good."

But surely what he meant is that he didn't want to kick that hornet's nest. Taxpayers are annoyed by excessive salaries for administrators; they ought to be even more annoyed at how little they do to earn those salaries.

As the cost of a college education skyrockets, quality sinks. Numerous studies show that an alarming proportion of recent college graduates have not learned to reason, to write, or to read complex material, and know little about American history and our political and socioeconomic institutions.

That happens when radical activism replaces academic knowledge in campus classrooms. The politicized university is an intellectually bankrupt one.

*John M. Ellis and Charles L. Gesheker are president and chairman, respectively, of the California Assn. of Scholars. The report they refer to can be found at [http://www.nas.org/images/documents/A\\_Crisis\\_of\\_Competence.pdf](http://www.nas.org/images/documents/A_Crisis_of_Competence.pdf).*

November 4, 2019

**OpenSecrets.org University of California Political Donations to Presidential and All Candidates**

**Summary 2020 Presidential Election as of November 4, 2019**

<https://www.opensecrets.org/orgs/recips.php?cycle=2020&id=D000000406>

**Fifteen Candidates (D) / Donald Trump (R) = \$904,355 / \$4,530 = 199.64**

**Summary 2016 Presidential Election**

<https://www.opensecrets.org/orgs/recips.php?cycle=2016&id=D000000406>

**Hillary Clinton (D) / Donald Trump (R) = \$1,753,935 / \$17,874 = 98.12**

**Summary 2012 Presidential Election**

<https://www.opensecrets.org/orgs/recips.php?cycle=2012&id=D000000406>

**Barack Obama (D) / Mitt Romney (R) = \$1,777,937 / \$94,427 = 18.83**

**Summary 2008 Presidential Election**

<https://www.opensecrets.org/orgs/recips.php?cycle=2012 &id=D000000406>

**Barack Obama (D) / John McCain (R) = \$1,879,355 / \$69,055 = 27.22**

<https://www.opensecrets.org/orgs/totals.php?id=D000000406>

**University of California**

**Total Contributions by Party of Recipient**

Cycle	Total	Democrats	Republicans	% to Dems	% to Repubs
2020	\$1,810,736	\$1,726,495	\$39,952	95%	2%
2018	\$7,399,988	\$5,451,114	\$182,502	74%	2%
2016	\$7,011,369	\$4,928,383	\$169,235	70%	2%
2014	\$3,332,476	\$1,849,198	\$84,662	56%	3%
2012	\$5,035,534	\$3,817,037	\$294,560	76%	6%
2010	\$1,851,200	\$1,143,292	\$159,428	62%	9%
2008	\$3,713,748	\$3,416,992	\$261,554	92%	7%
2006	\$1,216,601	\$993,352	\$83,560	82%	7%
2004	\$2,640,953	\$2,301,938	\$180,630	87%	7%
2002	\$370,294	\$305,953	\$64,002	83%	17%
2000	\$688,476	\$533,289	\$134,470	78%	20%
1998	\$233,891	\$166,986	\$66,655	71%	29%
1996	\$266,706	\$195,545	\$67,633	73%	25%
1994	\$216,959	\$191,169	\$25,390	88%	12%
1992	\$319,325	\$245,576	\$67,227	77%	21%
1990	\$105,014	\$71,888	\$32,876	69%	31%
<b>TOTAL</b>	<b>\$36,213,270</b>	<b>\$27,338,207</b>	<b>\$1,914,336</b>	<b>75%</b>	<b>5%</b>

**University of California 2018 and 2020 Political Contributions by Campus Showing Strong and Increasing Contributions to Democrats**

<b>UC Campus 2018 Total Contributions*</b>	<b>Total \$</b>	<b>DEM \$</b>	<b>REP \$</b>	<b>DEM %</b>	<b>REP %</b>	<b>DEM/REP Ratio</b>
<a href="https://www.opensecrets.org/orgs/totals.php?id=D000000406&amp;cycle=2018">https://www.opensecrets.org/orgs/totals.php?id=D000000406&amp;cycle=2018</a>						
University of California Regents	\$15,774	\$13,300	\$0	100.00%	0.00%	
University of California/Berkeley	\$840,529	\$740,923	\$7,959	98.94%	1.06%	93.09
University of California/Davis	\$328,877	\$244,708	\$43,444	84.92%	15.08%	5.63
University of California/Irvine	\$237,682	\$210,164	\$13,687	93.89%	6.11%	15.36
University of California/Los Angeles	\$1,113,751	\$988,873	\$47,946	95.38%	4.62%	20.62
University of California/Merced	\$8,165	\$7,628	\$400	95.02%	4.98%	19.07
University of California/Riverside	\$84,559	\$80,719	\$382	99.53%	0.47%	211.31
University of California/San Diego	\$549,781	\$514,978	\$10,782	97.95%	2.05%	47.76
University of California/San Francisco	\$916,408	\$865,317	\$4,509	99.48%	0.52%	191.91
University of California/Santa Barbara	\$73,966	\$65,758	\$5,595	92.16%	7.84%	11.75
University of California/Santa Cruz	\$67,292	\$63,304	\$335	99.47%	0.53%	188.97
<b>University of California 2018 Total</b>	<b>\$4,236,784</b>	<b>\$3,795,672</b>	<b>\$135,039</b>	<b>89.59%</b>	<b>3.19%</b>	<b>28.11</b>

<b>UC Campus 2020 Contributions as of 11-4-19*</b>	<b>Total \$</b>	<b>DEM \$</b>	<b>REP \$</b>	<b>DEM %</b>	<b>REP %</b>	<b>DEM/REP Ratio</b>
<a href="https://www.opensecrets.org/orgs/totals.php?id=D000000406&amp;cycle=2020">https://www.opensecrets.org/orgs/totals.php?id=D000000406&amp;cycle=2020</a>						
University of California Regents	\$4,642	\$4,642	\$0	100.00%	0.00%	
University of California/Berkeley	\$292,460	\$273,129	\$13,765	95.20%	4.80%	19.84
University of California/Davis	\$126,923	\$122,453	\$2,290	98.16%	1.84%	53.47
University of California/Irvine	\$86,768	\$81,228	\$5,165	94.02%	5.98%	15.73
University of California/Los Angeles	\$351,694	\$335,336	\$7,599	97.78%	2.22%	44.13
University of California/Riverside	\$20,107	\$19,467	\$410	97.94%	2.06%	47.48
University of California/San Diego	\$116,914	\$105,634	\$1,613	98.50%	1.50%	65.49
University of California/San Francisco	\$372,963	\$357,684	\$3,239	99.10%	0.90%	110.43
University of California/Santa Barbara	\$41,604	\$39,673	\$200	99.50%	0.50%	198.37
University of California/Santa Cruz	\$47,254	\$46,984	\$0	100.00%	0.00%	
<b>University of California 2020 Total</b>	<b>\$1,461,329</b>	<b>\$1,386,230</b>	<b>\$34,281</b>	<b>94.86%</b>	<b>2.35%</b>	<b>40.44</b>

\* Note: This tabulation includes contributions made to a UC campus, but not to the departments on a UC campus

University of California Contributions to California House of Representative Candidates: Seven Strongly Supported Democrats Replaced Republicans in 2018  
<https://www.opensecrets.org/orgs/recips.php?cycle=2008&id=D000000406>

California House Candidates 2018 Full Cycle

Porter, Katie (D-CA45)	\$128,353	DEM Pickup
Harder, Josh (D-CA10)	\$100,297	DEM Pickup
Rouda, Harley (D-CA48)	\$83,092	DEM Pickup
Janz, Andrew (D-CA)	\$70,079	
Hill, Katie (D-CA25)	\$69,306	DEM Pickup
Bera, Ami (D-CA)	\$66,538	
Levin, Mike (D-CA49)	\$62,347	DEM Pickup
Campa-Najjar, Ammar (D-CA)	\$51,501	
Min, David (D-CA)	\$51,338	
Morse, Jessica (D-CA)	\$34,877	
McNerney, Jerry (D-CA)	\$29,576	
Peters, Scott (D-CA)	\$28,821	
Lee, Barbara (D-CA)	\$22,519	
Schiff, Adam (D-CA)	\$21,948	
Brownley, Julia (D-CA)	\$20,929	
Cisneros, Gil (D-CA39)	\$20,413	DEM Pickup
Keirstead, Hans (D-CA)	\$19,583	
Cox, TJ (D-CA21)	\$17,915	DEM Pickup
Takano, Mark (D-CA)	\$17,794	
Carbajal, Salud (D-CA)	\$17,359	
Ruiz, Raul (D-CA)	\$15,916	
Applegate, Douglas L (D-CA)	\$15,184	
Pelosi, Nancy (D-CA)	\$14,785	
Khanna, Ro (D-CA)	\$14,562	
Speier, Jackie (D-CA)	\$13,650	
Gomez, Jimmy (D-CA)	\$13,255	
Caforio, Bryan (D-CA)	\$9,848	
Bateson, Regina (D-CA)	\$9,361	
Phoenix, Jess (D-CA)	\$8,198	
Matsui, Doris O (D-CA)	\$7,900	
Sherman, Brad (D-CA)	\$7,700	
Barragan, Nanette (D-CA)	\$6,553	
Forde, Brian (D-CA)	\$6,000	
Tran, Mai-Khanh (D-CA)	\$5,407	
Nunes, Devin (R-CA)	\$4,850	
Jacobs, Sara (D-CA)	\$4,600	
Graham, John (I-CA)	\$4,500	
Hartson, Alison (D-CA)	\$4,443	
Lofgren, Zoe (D-CA)	\$4,015	
Cardenas, Tony (D-CA)	\$3,845	
Costa, Jim (D-CA)	\$3,725	
Swalwell, Eric (D-CA)	\$3,561	
Jammal, Sam (D-CA)	\$3,551	
Ahn, Robert Lee (D-CA)	\$3,500	
Butner, Josh (D-CA)	\$3,460	
Panetta, Jimmy (D-CA)	\$3,450	
Lieu, Ted (D-CA)	\$3,232	
Denney, Audrey (D-CA)	\$3,225	
McClintock, Tom (R-CA)	\$2,925	
Aguilar, Pete (D-CA)	\$2,770	
Huff, Bob (R-CA)	\$2,700	
McCarthy, Kevin (R-CA)	\$2,700	
Rab, Raji (D-CA)	\$2,500	
Eggman, Michael (D-CA)	\$2,475	
LaMalfa, Doug (R-CA)	\$2,400	
Carmona, Arturo (D-CA)	\$2,345	
Bass, Karen (D-CA)	\$2,265	
Kim, Young (R-CA)	\$2,100	
Knight, Steve (R-CA)	\$2,000	
Garamendi, John (D-CA)	\$1,970	
Walters, Mimi (R-CA)	\$1,700	
Waters, Maxine (D-CA)	\$1,655	
Peacock, Julia (D-CA)	\$1,600	
Thorburn, Andy (D-CA)	\$1,528	
Janowicz, Phil (D-CA)	\$1,500	
Payne, Rachel (D-CA)	\$1,500	
Hamadanchy, Kia (D-CA)	\$1,450	
Oatman, Laura (D-CA)	\$1,350	
Cabildo, Maria (D-CA)	\$1,300	
Holcombe, Jessica (D-CA)	\$1,250	
Matta, Tatiana (D-CA)	\$1,213	
Sanchez, Linda (D-CA)	\$1,203	
Flores, Yolie (D-CA)	\$1,150	
Davis, Susan (D-CA)	\$1,000	
Doyle, Marge (D-CA)	\$1,000	
Lowenthal, Alan (D-CA)	\$1,000	

California House Candidates 2020 Cycle as of 11-4-19

Porter, Katie (D-CA45)	\$38,266	Reelect DEM Pickup
Harder, Josh (D-CA10)	\$28,035	Reelect DEM Pickup
Rouda, Harley (D-CA48)	\$15,279	Reelect DEM Pickup
Levin, Mike (D-CA49)	\$13,770	Reelect DEM Pickup
Hill, Katie (D-CA25)	\$13,081	Reelect DEM Pickup
Cisneros, Gil (D-CA39)	\$10,204	Reelect DEM Pickup
Schiff, Adam (D-CA)	\$9,747	
Pelosi, Nancy (D-CA)	\$8,354	
Speier, Jackie (D-CA)	\$8,350	
Bera, Ami (D-CA)	\$7,901	
Brownley, Julia (D-CA)	\$6,955	
Cox, TJ (D-CA21)	\$6,811	Reelect DEM Pickup
Campa-Najjar, Ammar (D-CA)	\$5,723	
Lee, Barbara (D-CA)	\$5,604	
Swalwell, Eric (D-CA)	\$5,332	
Peters, Scott (D-CA)	\$4,046	
McNerney, Jerry (D-CA)	\$3,550	
Matsui, Doris O (D-CA)	\$2,950	
Bubser, Chris (D-CA)	\$2,535	
Takano, Mark (D-CA)	\$2,458	
Buttar, Shahid (D-CA)	\$1,809	
Nunes, Devin (R-CA)	\$1,584	
Raths, Greg (R-CA)	\$1,435	
Bliatout, Bobby (D-CA)	\$1,425	
Demaio, Carl (R-CA)	\$1,252	
Kim, Young (R-CA)	\$1,250	
Carbajal, Salud (D-CA)	\$1,200	
Correa, Lou (D-CA)	\$1,200	
Barragan, Nanette (D-CA)	\$1,189	
Denney, Audrey (D-CA)	\$1,043	
Sherman, Brad (D-CA)	\$1,000	
Arballo, Phil (D-CA)	\$999	
Ruiz, Raul (D-CA)	\$989	
Feinstein, Dianne (D-CA)	\$939	
Aguilar, Pete (D-CA)	\$814	
Cardenas, Tony (D-CA)	\$545	
Garamendi, John (D-CA)	\$500	
Bass, Karen (D-CA)	\$400	
Desaulnier, Mark (D-CA)	\$350	
Lieu, Ted (D-CA)	\$315	
Sedgwick, Don (R-CA)	\$300	
Khanna, Ro (D-CA)	\$282	
Chu, Judy (D-CA)	\$250	
Motiwalla, Frances Yasmeen (D-CA)	\$250	
McClintock, Tom (R-CA)	\$250	
Navarro, Omar (R-CA)	\$200	
Peacock, Julia (D-CA)	\$125	
Wahab, Aisha (D-CA)	\$102	
Caballero, Jose Ramon III (D-CA)	\$101	
Gallagher, Tom (D-CA)	\$100	
Davis, Susan (D-CA)	\$100	

2020 Cycle as of 11-4-19

CA DEM House Candidates	\$214,978
CA REP House Candidates	\$6,271
CA House Candidates Total	\$221,249
Ratio CA DEM/CA REP	34.28

2018 Full Cycle

CA DEM House Candidates	\$1,161,535
CA REP House Candidates	\$21,375
CA House Candidates Total	\$1,182,910
Ratio CA DEM/CA REP	54.34

*Los Angeles Times*  
November 3, 2008

## 2008 Presidential Campaign Contributions

# Top employers of California contributors

### Barack Obama

University of California Berkeley (#5)	\$ 281,348
University of California Davis (#21)	110,790
University of California Irvine	56,567
University of California Los Angeles (#3)	342,461
University of California Merced	2,530
University of California Riverside	14,348
University of California San Diego (#16)	130,402
University of California San Francisco (#6)	265,231
University of California Santa Barbara	31,407
University of California Santa Cruz	23,781
University of California TOTAL	1,258,865
<hr/>	
Stanford University (#2)	475,309
University of Southern California (#8)	193,173

### John McCain

University of California Berkeley	\$ 350
University of California Davis	531
University of California Irvine	5,401
University of California Los Angeles (#38)	14,671
University of California Merced	0
University of California Riverside	176
University of California San Diego	650
University of California San Francisco	3,050
University of California Santa Barbara	0
University of California Santa Cruz	0
University of California TOTAL	24,829
<hr/>	
Stanford University (#35)	15,100
University of Southern California (#30)	16,320

# A CRISIS OF COMPETENCE

The Corrupting Effect of Political Activism  
in the University of California

April 2012



A Report Prepared for the Regents of the University of California  
By the California Association of Scholars,  
A Division of the National Association of Scholars

JOHN M. ELLIS, PRESIDENT, CAS  
CHARLES L. GESHEKTER, CHAIRMAN, CAS  
PETER W. WOOD, PRESIDENT, NAS  
STEPHEN H. BALCH, CHAIRMAN, NAS

With special thanks to the Arthur N. Rupe Foundation and the Barnes Family Foundation for their generous support

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# TABLE OF CONTENTS

<b>Introduction</b>	1
<b>1. Why Is It Wrong to Use the University for Political Purposes?</b>	4
1.1 Moral and Legal Objections	4
1.2 The Effect of Politicization on the Quality of Education and Research	5
<b>2. University of California Rules That Prohibit Use of Its Facilities to Advance a Political Ideology</b>	9
<b>3. Common Defenses of Political Activism in Higher Education</b>	12
<b>4. The Evidence from the University of California's Campuses</b>	18
4.1 The Political Orientation of the Faculty	18
4.2 What Is Happening in the Classroom?	30
4.3 Impoverished Education Through Politicized Curricular Choices and Omissions	45
4.4 Required Programs, Core Courses, and General Reading Lists	49
4.5 Campus Events	52
4.6 Disrupted Lectures: Campus Hostility to the Free Expression of Ideas	55
4.7 Administrative Passivity and Complicity	56
<b>5. Educational and Social Consequences of a Corrupted Academy</b>	60
5.1 Evidence of a Sharply Inferior Higher Education	60
5.2 Damage to High School Education	65
5.3 Cancelling the Leveling Effect of Higher Education	67
5.4 The Decline of Respect for Academic Research	69
5.5 Decreasing Respect for Academia in American Society	71
5.6 Damage to the Nation's Cohesion and Sense of Itself	74
<b>6. The Responsibility of the Regents</b>	76

## INTRODUCTION

In recent years, study after study has found that a college education no longer does what it should do and once did.<sup>1</sup> Whether these studies look directly at the capabilities of graduates, or instead at what employers find their capabilities to be, the result is the same: far too many college graduates have not learned to write effectively, they can not read and comprehend any reasonably complex book, they have not learned to reason, and their basic knowledge of the history and institutions of the society in which they live is lamentably poor. “An astounding proportion of students are progressing through higher education today without measurable gains in general skills” is the anguished conclusion of a respected national study, entitled appropriately *Academically Adrift*.<sup>2</sup> Further, students now spend on average little time studying outside the classroom, and the demands made of them by their faculty teachers have been correspondingly reduced.

Is it possible that the University of California is an exception to these national trends? Unfortunately, we can be certain that it is not. First, these national studies all include California, and none of them note any fundamental differences across states. Second, local studies of these issues always confirm the findings of the national studies. For example, the national finding that students now spend relatively little time studying outside the classroom has been confirmed by a study specific to UC that reached identical conclusions. A recent study of higher education in California concludes: “The California that many like to think of as a leader in higher education is average at best and trending in the wrong direction.”<sup>3</sup>

Public confidence in academia is dropping as the general public begins to understand that a college education is now much less likely to improve reading, writing, and reasoning skills, as well as general knowledge, than it used to. And this is happening just as the cost of a college education has been rising much faster than inflation. Students are being asked to pay considerably more and get considerably less. We are now seeing much increased concern with student debt and rising tuition costs. As this concern about cost joins with the growing concern about quality, the University must soon face a major crisis of public confidence.

The findings of these studies match all too well the specific complaints that are now commonly heard about the manifestations of a politicized higher education: that requirements for coursework in American history and institutions have been dropped, that writing courses often stress writing far less than tendentious political topics; that prescribed books are frequently no more than journalistic presentations of a simple political message instead of the more complex writings appropriate to an

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1 Details of these studies together with a fuller treatment of their conclusions can be found in the main body of this report, below.

2 Richard Arum and Josipa Roksa, *Academically Adrift: Limited Learning on College Campuses*. Chicago: University of Chicago Press, 2011

3 “Consequences of Neglect: Performance Trends in California Higher Education,” Institute for Higher Education Leadership and Policy, CSU Sacramento, July 2011.

academic context; and that faculty teach *what* to think rather than *how* to think: that is, they demand correct attitudes and beliefs of students more than they require independent reading and thought.

This report is concerned with the corruption of the University of California by activist politics, a condition which, as we shall show, sharply lowers the quality of academic teaching, analysis, and research, and results in exactly the troubling deficiencies that are being found in the studies to which we have referred.<sup>4</sup> We shall show that this is an inevitable consequence of any substantial influence of radical politics in academia, because its characteristic interests and modes of thought are the very antithesis of those that should prevail in academic life.

***“The Regents are responsible to the people, to the faculty, and to the students to see that...the value of the diploma is not diluted, that it maintain its meaning to graduates and to future employers.”***

***– Regents’ Policy on Course Content***

The condition we investigate is now a well-documented pathology of the modern university, but the fact that this problem is not confined to the University of California does not lessen the need to deal with it forthrightly here. If it is a problem everywhere, it is certainly a problem here. If it is something that needs to be dealt with everywhere, it surely needs to be dealt with in the nation’s foremost system of public higher education. According to a recent (2007) Zogby poll, a majority (58%) of the public now believes that the problem of faculty political bias is a very serious one.<sup>5</sup> Yet our concern is not with political opinions or bias *per se*, but rather with the associated question of competence and quality of education.

When individual faculty members and sometimes even whole departments decide that their aim is to advance social justice as they understand it rather than to teach the subject that they were hired to teach with all the analytical skill that they can muster, the quality of teaching and research is compromised. This is an inevitable result because, as we shall show, these two aims are incompatible with each other, so that the one must undermine the other.

The loss of public confidence is especially significant for an institution which relies on taxpayer funding for its support. Nobody who cares about higher education can be indifferent to a serious decline in the

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4 The California Association of Scholars (CAS) is the California state affiliate of the National Association of Scholars. The Board of Directors of the CAS includes: Leila Beckwith, Pediatrics, UCLA; Glynn Custred, Anthropology, CSU East Bay; John Ellis, German Literature, UC Santa Cruz (President); Charles Gesheker, History, CSU Chico (Chairman of the Board); Gerald Gillespie, Comparative Literature, Stanford University (Treasurer); Gail Heriot, Law, University of San Diego; Charles Kesler, Government, Claremont McKenna College; Matthew Malkan, Astronomy, UCLA (Secretary); Harold Pashler, Psychology, UC San Diego; Sylvia Wasson, German, Santa Rosa Community College.

5 See, for example, “Skepticism of Faculty and Tenure” by Scott Jaschik, at [www.insidehighered.com/news/2007/07/12/poll](http://www.insidehighered.com/news/2007/07/12/poll), July 12, 2007.

University's reputation, but the Board of Regents has a specific and unique reason to be concerned. Both the Regents' Standing Orders and the constitution of the State of California assign to the Regents (*not* the University's administration) the ultimate responsibility for maintaining the quality and reputation of the University, and that is as it should be: a university that has allowed itself to become politicized to any significant degree is unlikely to be able to reform itself. An especially clear statement of the responsibility of the Regents can be found in their own Policy on Course Content: "The Regents are responsible to the people, to the faculty, and to the students to see that...the value of the diploma is not diluted, that it maintain its meaning to graduates and to future employers. They are responsible to ensure that public confidence in the University is justified." This is why we address our report to the members of the Board of Regents. Our report proceeds as follows:

1. **Rationale:** We set out and explain the reasons why the university must never be used for political purposes, or as an instrument of social change or social justice as defined by particular social and political philosophies. These reasons are of two kinds. The first are akin to moral objections, an example being that the very idea of a democracy is injured when public funds are used for partisan political purposes. The second set of considerations concern the quality of teaching and research. Political purposes are so radically different from academic ones that the former will always corrupt the latter.
2. **Rules:** We review and explain the rationale of the many rules, regulations, and policy statements of the University of California and of the State of California which prohibit the use of the University for political purposes.
3. **Rebuttal:** We set out and rebut some common defenses of the current politicized state of the university. In particular, we deal with the mistaken notion that academic freedom is injured if we object to politicized education, and the equally mistaken notion (which both contradicts and is contradicted by the first) that if most teachers are not abusing their classroom, the problem cannot be serious.
4. **Evidence:** We set out evidence of many different kinds from the campuses which shows both that politicization is a serious problem that now compromises the quality of education and research, and that university regulations which ought to prevent this abuse are no longer being enforced by campus administrations.
5. **Consequences:** We discuss the many serious consequences of the University's failure to maintain itself free of politicization. These include, for example: a college-educated generation poorly prepared for citizenship with respect to writing and reasoning skills, and to knowledge of the history and institutions of its own society; a sharp decline in the quality of high school teaching; and seriously compromised upward mobility for minorities.
6. **Responsibility:** We discuss the origin of the problem, and the responsibility of the Regents to take corrective action. We also make some practical suggestions for Regental action.

## **1. WHY IS IT WRONG TO USE THE UNIVERSITY FOR POLITICAL PURPOSES?**

### **1.1 Moral and Legal Objections**

There are at least three important moral and legal objections to using the University to advance a political purpose.

#### **Injury to Democracy**

First, when governments use the resources of the state to help keep themselves in power, they are not in the fullest sense freely elected, and democracy is injured. When we see countries in which governments use their control of the media or of what is taught in their educational systems to maintain themselves in power, we easily recognize an undemocratic system of government. But the same principle applies equally to political parties that are not currently in power. In a genuine democracy elections are conducted on a level playing field, and both the government of the day and its opposition have the same access to the media that everyone else does. It follows that when state-funded institutions are used for political advantage the concept of democracy is injured, whether they are used by the incumbent party to retain power, or by an out-of-power party to promote its return to power. It is for this reason that both federal and state laws prohibit the use of public money or the paid time of public employees for partisan activity. The federal Hatch Act provides that federal employees “May not use their official authority or influence to interfere with an election...[or] engage in political activity while on duty.” In the state of California, the Government Code provides that “It is unlawful for any elected state or local officer, including any state or local appointee, employee, or consultant, to use or permit others to use public resources for a campaign activity, or personal or other purposes which are not authorized by law.” What is prohibited here clearly goes beyond electioneering for a specific candidate for office and includes any kind of promotion of a political candidate, party, or cause. An individual’s political stance is his or her own private matter, and state funds may not be used for private purposes. Another section of the Code makes this even clearer by proscribing any use of “state time, facilities, equipment, or supplies for private gain or advantage.”

#### **Misuse of State Funds**

The second legal/moral objection to use of the University for partisan political activity is that state funds are misused when those funds are appropriated by the legislature for one purpose but used by state employees for a quite different one. It is safe to say that the legislature could never be asked to appropriate funds to promote one political party or philosophy at the expense of another without an immediate public outcry. The same result would surely occur were the University to ask for an appropriation of funds so that it could pursue progressive social change. Legislatures do not give money to universities so that they can pursue political goals. That kind of political change is sought at the ballot box, to which students and faculty have the same access as any other members of the public.

Accordingly, when state funds are used either by or in universities to pursue political aims, those funds are used for a purpose for which they were not appropriated, and could never have been appropriated. And that puts at risk the University's relationship with both the legislature and the general public, and raises the question: how long can the University expect the public to stand by and acquiesce in this misuse of public money?

### **Publicly Funded Resources Used for a Private Purpose**

Classroom time at a public university presupposes the expenditure of a good deal of public money. There is the construction, equipping, and maintaining of the building; the salary and benefits of the instructor; and the costs involved in multiple layers of campus administration. Though intangible, classroom time thus represents valuable public property created for a specific public use. An individual's political beliefs, on the other hand, are a private matter, and his or her wish to promote them is a private, not a public concern. When even five minutes of class time is used to promote an instructor's political beliefs, public property has essentially been converted to a private use. We have no difficulty in recognizing that this has happened when, say, a piece of university equipment is stolen—that too is the conversion of property paid for with public funds to a private use, which is part of the definition of theft. But when we compare these two cases, it is hard to distinguish them from a moral standpoint. In both, something that belongs to the public is taken by an individual for his or her own use.

### **1.2 The Effect of Politicization on the Quality of Education and Research**

Moral and legal considerations show how the politicization of the classroom damages democratic government and the integrity of public life, but what is most important for the purposes of this report is that politicization has devastating effects on the quality of teaching and research. Put simply, a college education influenced to any significant degree by political activism will inevitably be a greatly inferior education, and the same holds for academic research. Political activism will tend to promote shallow, superficial thinking that falls short of the analytical depth that we expect of the college-educated mind. The habits of thought that it promotes are in every respect the exact opposite of those we expect a college education to develop. There are many reasons why this must be so.

### **Results Over Process**

First, political activism values politically desirable results more than the process by which conclusions are reached. In education, those priorities must be reversed. The core of a college education is disciplined thinking – thinking that responds to evidence and argument while resisting the lure of what we might wish were the conclusion. Disciplined thinking draws conclusions only after it has weighed the facts against all the plausible explanations of those facts. Strong political beliefs will always threaten to break down that discipline and bend the analysis in a direction that political considerations urgently want it to go.

### **Stunted Intellectual Curiosity**

Second, the fixed quality of a political belief system will stifle intellectual curiosity and freedom of thought when it dominates a classroom. In any worthwhile college education, a student's mind must have the freedom to think afresh and to follow wherever facts or arguments lead. But this freedom of movement is constrained when the end process of thought has already been fixed in advance by a political agenda. Students will never learn to think for themselves if their thought processes must always conclude by fitting into a particular set of beliefs. Intellectual curiosity is the indispensable prerequisite for analytical power and depth: you cannot reach the latter unless you have the former. Strong political commitments that dominate the classroom will stunt intellectual curiosity, and that can only mean that they will also stunt the analytical power that is a crucial goal of college education.

### **Action Over Analysis**

Third, unlike educational goals, political goals involve specific actions. The need to act in the real world – to choose this course rather than that – makes us simplify a complex of many different factors so that we can decide among a few practical choices. Action is accordingly a blunt instrument compared to analysis. And so while academic teaching and research aim for intellectual depth, political action must tend toward simplification. If action is allowed to rule over analysis, it will always cripple it. To put this point in a different way: political activism tends toward brief slogans ("stop the war!"), while academic thought is likely to produce much more hedged and uncertain statements that weigh pros and cons, neither of which can be wished away. Academic thought will always try to keep in view a variety of factors, not all of which point in the same direction. Analytical knowledge is more complicated than political rallying cries. The latter are the language of the political street, not of the academy.

### **Lack of Openness to Competing Ideas**

Fourth, political activism and academic thought are polar opposites in the way they deal with alternative explanations. When an academic scholar is becoming persuaded that a difficult research problem can be solved in a particular way, he or she knows that the next step must be a careful look at all the plausible alternative explanations, to see if any of them works as well. But this cannot be a perfunctory process: each of those other possibilities must be given the very best shot, and the most sympathetic hearing. Academics know that they must do this if they are to develop new knowledge that will withstand the scrutiny of other experts in the field, and the test of time. This is the essence of the disciplined thinking that they seek to instill in their students.

But political activists tend to have a very different attitude to alternatives to their own convictions: they must be defeated. They do not deserve sympathetic consideration, for they are at best wrong, at worst evil. A genuinely academic thinker must be able to believe for a moment that his own preferred explanation is wrong, so that he can look very hard at the case for other explanations, but that is almost a psychological impossibility for the political or social activist. A recent statement by the Association

of American Colleges and Universities correctly stressed the importance in higher education of “new knowledge, different perspectives, competing ideas, and alternative claims to truth.”<sup>6</sup>

The importance of this point would be entirely missed if we saw it simply as requiring a fair-minded tolerance of other views. The point goes much deeper. It is precisely by such means that genuinely academic thought proceeds – this must always be one of its core attributes. Academics live by competing ideas and explanations. When activists try to suppress all views but their own, their intolerance is certainly on display, but that is not the point. What really matters is that they are showing us that they are unable to function as academic thinkers, and that they are un-academic in the most fundamental way.

*“Academics live by competing ideas and explanations.”*

### **Unwillingness to Rethink**

Fifth, when fundamentally new evidence comes to light with respect to any social or political question, another crucial difference emerges. There are two diametrically opposed ways of responding to new evidence. The approach of a disciplined thinker is to set the new evidence in the context of previous explanations of the issue in question to see how the new evidence might change the relative standing of those explanations. Which are advanced, and which are undermined by the new facts? But a person whose mindset is that of a political activist will want to assimilate the new evidence to his or her pre-existing belief system as quickly as possible, and in a way that does not change that system. Unexpected new evidence is a challenge to rethink, and it presents a most valuable opportunity to do so, but the political activist will be too much the captive of an existing mental framework to take advantage of so welcome an opportunity.

### **Inconsistency**

Sixth, political advocacy and academic inquiry differ markedly with respect to intellectual consistency. In political contexts arguments are routinely deployed according to the needs of the moment, so that, for example, Democratic politicians are for congressional hearings and special prosecutors when Republicans sins are involved, but not when a Democratic administration will be placed at risk; and vice versa. In academic contexts, on the other hand, consistency is indispensable. Arguments must always be principled, never opportunistic, because academic teaching and research aim for results that will stand the test of time, not short-term fixes that serve the immediate political needs of the present situation.

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<sup>6</sup> “Academic Freedom and Educational Responsibility,” a 2006 statement from the Board of Directors of the AAC&U.

## Rejection of the University's Real Mission

We have left until last the most profound of all differences between academic scholars and political activists. It is one that concerns the very idea of the university, and the reason for its existence. Academia is a kind of repository of the accumulated knowledge, wisdom, and cultural achievements of our society; it preserves, studies, and builds upon that knowledge and those achievements. Academics are therefore naturally animated by a profound respect for the legacy of our past, and for the storehouse of knowledge and wisdom that it offers us. Their job is in part to pass it on to the next generation, while building on and modifying it.

But all the instincts of radical activists go in the opposite direction. Their natural tendency is to denigrate the past in order to make the case for the sweeping social change that they seek. Accordingly, they don't look at the past and see accumulated knowledge and wisdom, but instead a story of bigotry, inequality, and racial and sexual prejudice that needs to be swept aside. Political radicals are interested in the utopian future and their never-ending attempts to achieve it, not in the cultural past that must be overcome to get them there.

This is a fundamental difference of temperament, and it will quickly show up in a difference of curricular choices. In studying literature, academic scholars are interested in the great writers who exemplify the imagination and understanding of previous generations at their most powerful, but radical activists ignore these and instead gravitate to those who illustrate the failures of the past. In the study of U.S. history, radical activists focus on those episodes that show the nation's shortcomings rather than its lasting achievements, avoiding the more realistic and balanced approach of academic scholars. Whenever political activism achieves any substantial presence on campus, the study of our civilization's great legacy of wisdom and knowledge will be in the hands of people who are in principle hostile to it; they are the last people to whom this task should be entrusted. They will be far too concerned with fighting the battles of the present to think realistically about what can be learned from the past.

***"Political activism is the antithesis of academic teaching and research."***

When studies show that recent college graduates are alarmingly ignorant of the history and institutions of this country and of the civilization that produced it, we must understand why this has happened. One very important reason is that from the standpoint of political radicals, that

knowledge would keep old ideas alive, ideas that they wish to replace, but not by competition in which the stronger ideas prevail. Instead, to force the outcome that they want, they ignore or systematically slight those older ideas by removing material that embodies them from the curriculum. But ignorance of our civilization's development cannot be considered a choice among different kinds of knowledge; it is simply ignorance. The radical's choice rests on the assumption that there is no positive storehouse of knowledge that we need to know and build upon, and that assumption amounts to a rejection of the idea of a university.

For all of these reasons, it is beyond any doubt that where radical political activism has substantial influence on college campuses, education will be compromised. Political activism is the antithesis of academic teaching and research. Its habits of thought and behavior are un-academic, even anti-academic. This nation's universities have been the envy of the world precisely because, unlike those of some other countries, they have been free of politicization. We cannot afford to let them proceed further down a path whose disastrous effects are already well known.

## **2. UNIVERSITY OF CALIFORNIA RULES THAT PROHIBIT USE OF ITS FACILITIES TO ADVANCE A POLITICAL IDEOLOGY**

It has long been understood that politics in the classroom is a hazard to the quality of a college education. Awareness of this has led to many institutional regulations and to relevant statements of policy by professional associations. In general, these regulations and statements have had two major thrusts. On the one hand, they have protected the instructor's right to form and express opinions on controversial subjects, both outside the classroom and in it, whenever they are germane to the subject of the course. On the other hand, they have also sought to protect against the classroom being used for political rather than educational purposes.

### **1915 AAUP: How to Teach Controversial Subjects**

A justly celebrated statement issued in 1915 by the American Association of University Professors (AAUP) sets out both principles and the relationship between them in a way that has made it a bedrock for all discussion since that time:

The university teacher, in giving instruction upon controversial matters, while he is under no obligation to hide his own opinion under a mountain of equivocal verbiage, should, if he is fit for his position, be a person of a fair and judicial mind; he should, in dealing with such subjects, set forth justly, without suppression or innuendo, the divergent opinions of other investigators; he should cause his students to become familiar with the best published expressions of the great historic types of doctrine upon the questions at issue; and he should, above all, remember that his business is not to provide his students with ready-made conclusions, but to train them to think for themselves, and to provide them access to those materials which they need if they are to think intelligently....The teacher ought also to be especially on his guard against taking unfair advantage of the student's immaturity by indoctrinating him with the teacher's own opinions before the student has had an opportunity fairly to examine other opinions upon the matters in question, and before he has sufficient knowledge and ripeness of judgment to be entitled to form any definitive opinion of his own. It is not the least service which a

college or university may render to those under its instruction, to habituate them to looking not only patiently but methodically on both sides, before adopting any conclusion upon controverted issues.

It would be hard to improve on this exemplary statement, yet its sensible and necessary recommendations are now frequently flouted. We should note that in the statement “indoctrination” includes not just overt persuasion, but also one-sided presentations of controversial issues that either fail to set out the “great historic types of doctrine upon the question at issue” or present them only in weak form and/or with undisguised scorn (“without suppression or innuendo”).

### **Policy Statements at the University of California**

The 1915 AAUP statement has been incorporated verbatim into the regulations of many academic institutions nationwide. The recently (2005) amended Policy on Course Content of the Regents still uses language consistent with that statement:

Students who enroll on the campuses of the University of California are parties to a moral and contractual relationship in which the University, on its side, is obligated to provide quality education, to recognize student achievement with grades and degrees which have an accepted meaning for transfer to other institutions, for graduate work, and for careers. The Regents are responsible to the people, to the faculty, and to the students to see that the University is faithful to this contract. They have the responsibility to see that the value of the diploma is not diluted, that it maintain its meaning to graduates and to future employers. They are responsible to ensure that public confidence in the University is justified. And they are responsible to see that the University remain aloof from politics and never function as an instrument for the advance of partisan interest. Misuse of the classroom by, for example, allowing it to be used for political indoctrination, for purposes other than those for which the course was constituted, or for providing grades without commensurate and appropriate student achievement, constitutes misuse of the University as an institution.

We should note the categorical sweep of the last sentence: use of the classroom for political indoctrination violates the fundamental institutional character of a university.

### **University of California Presidents’ Directives**

Essentially this same position can be found in the California state constitution and in the still binding policy directives of a series of UC presidents over the years. For example, Article IX, Section 9 of the constitution of the state of California provides that “The university shall be entirely independent of all political or sectarian influence and kept free therefrom.” A directive by President Clark Kerr in 1961



# University of California at Los Angeles: Non-Reappointment of Controversial Professor

Category: **Free Speech**

Schools: **University of California, Los Angeles**

University of California, Los Angeles (UCLA) refused to reappoint an environmental health sciences professor, stating that his controversial research failed to accord with the department's "mission." Dr. James Enstrom engaged in successful whistleblowing against a prominent member of the department, and there had been many years of debate between Enstrom and some of his colleagues over research on air pollution. After FIRE intervened, Enstrom was given a reprieve while his appeals continued. Enstrom filed a lawsuit against UCLA in June 2012, assisted by the American Center for Law and Justice. The case is currently before a federal district court.

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## Foundation for Individual Rights in Education

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August 26, 2010

Chancellor Gene D. Block  
Chancellor's Office  
University of California, Los Angeles  
Box 951405, 2147 Murphy Hall  
Los Angeles, California 90095-1405

### URGENT

Sent by U.S. Mail and Facsimile (310-206-6030)

Dear Chancellor Block:

As you know from our August 14, 2009, letter concerning a separate matter, the Foundation for Individual Rights in Education (FIRE; www.thefire.org) unites civil rights and civil liberties leaders, scholars, journalists, and public intellectuals across the political and ideological spectrum on behalf of liberty, legal equality, due process, freedom of association, religious liberty and, as in this case, freedom of speech on America's college campuses. I appreciate Senior Campus Counsel Patricia M. Jasper's prompt and satisfactory resolution of the previous matter involving First Amendment rights.

FIRE is disappointed to be writing to you again about the violation of First Amendment rights on your campus. FIRE is very concerned about the threats to freedom of speech, academic freedom, and due process posed by University of California, Los Angeles' (UCLA's) decision not to rehire Dr. James E. Enstrom, a faculty member in the UCLA School of Public Health (SPH). Non-rehire decisions made because of a faculty member's protected expression, of which Enstrom's case appears to be an example, violate the First Amendment.

This is our understanding of the facts; please inform us if you believe we are in error. Dr. Enstrom has continuously held a non-tenured faculty position in SPH since 1976. He has consistently been rehired by UCLA. Since 2004, he has been rehired into UCLA's Department of Environmental Health Sciences (EHS). His research on environmental health issues falls squarely within EHS' research mission. Over the years, he and a few of his SPH colleagues have sometimes disagreed strongly about research on environmental health issues—for example, on the extent of the threat to public health posed by certain air pollutants, a topic of Enstrom's research which has been the subject of intense debate in California.

Enstrom also was a successful whistleblower regarding members of the Scientific Review Panel on Toxic Air Contaminants for the California Air Resources Board who, according to a lawsuit filed by the Pacific Legal Foundation (PLF) in June 2009, had been serving beyond the three-year legal limit on their terms of office without being properly re-nominated. One such member was EHS faculty member John Froines. As a direct result of Enstrom's advocacy on this issue, Froines was replaced on the panel effective July 22, 2010. According to Enstrom, at least six of the nine panel members were replaced in 2010 as a direct result of Enstrom's advocacy and the PLF lawsuit.

Enstrom has faced retaliation as a result of his whistleblowing and as a result of his research. According to a February 9, 2010, e-mail from Enstrom to EHS Chair Richard J. Jackson, he first learned about the retaliation on December 14, 2009, when he learned that, without his knowledge or permission, his salary had been charged to various funds in place of Fund 59605, which had been "an active source of ongoing support that paid my entire UCLA salary." Enstrom also learned in January 2010 that this fund had been cut off without Enstrom's knowledge, causing the other funds to be depleted.

Then, according to a June 15, 2010, letter from Enstrom to SPH Dean Linda Rosenstock, Enstrom faced further retaliation in February 2010, when Jackson informed Enstrom that Enstrom was being "indefinitely ... laid off" as of April 21, 2010, due to lack of funding for his position. Ever since his February 9 e-mail, Enstrom has been asking for a full accounting of his research funds dating back to 2007, but he has not received a response of any substance. In his June 15 letter, Enstrom calculated that there was sufficient funding (including unused vacation and sick leave) to employ him at least through December 2011. UCLA officials appear to have subsequently abandoned this particular justification for severing Enstrom's employment.

On June 9, 2010, however, Enstrom learned of still another instance of retaliation from his department. He received an e-mail from Jackson stating that the EHS faculty (including Froines) had voted not to rehire Enstrom. Jackson also wrote Enstrom a letter on June 9 stating that Enstrom would be "indefinitely laid off" effective June 30, 2010. Jackson wrote that the decision was made for "programmatic and financial reasons," adding:

Programmatically, your research is not aligned with the academic mission of the Department, and your research output and ability to secure continued funding does not meet the minimum requirements for the Department. In reviewing financial resources, the Department is unable to continue your current appointment.

Such a layoff timeline violates UCLA's "Procedures for Non-Reappointment of an Appointee Who Has Served Eight or More Consecutive Years," of which section 137-32 requires that "The University shall provide a written Notice of Intent not to reappoint at least sixty (60) days prior to the appointment's specified ending date." (Incidentally, the American Association of University Professors recommends 12 months in such cases.)

On June 30, 2010, SPH Associate Dean for Academic Programs Hilary Godwin wrote Enstrom extending his appointment for an additional 60 days, ending August 30. Godwin wrote:

The basis for non-reappointment is that the faculty of Environmental Health Sciences have determined that your research is not aligned with the academic mission of the Department, and that your research output and other contributions do not meet the department minimums.

Enstrom appealed this decision, following UCLA's "Procedures for Non-Reappointment of an Appointee Who Has Served Eight or More Consecutive Years," via a July 14 letter to Vice Chancellor for Academic Personnel Thomas Rice. Rice deferred to Godwin, who rejected the appeal. Godwin sent Enstrom a letter on July 29, stating:

As previously notified, the reason for non-reappointment is [that] the faculty of the Department of Environmental Health Sciences has determined that your research is not aligned with the academic mission of the Department, and your research output and other contributions do not meet the department requirements.

In both Enstrom's June 15 and July 14 letters, Enstrom challenged the decisions against him. In particular, he demonstrated that his research on environmental health is fully aligned with the "mission" of EHS and that his research output has been robust. He also argued that this and the other grounds given by Jackson and Godwin for non-rehire are merely pretextual, hiding the faculty's dislike for his research findings and his advocacy against such a prominent EHS faculty member as Froines.

In the absence of any evidence that Enstrom has failed to meet "department minimums" or "department requirements" or even that such standards exist, we agree with Enstrom's characterization of the non-rehire decision as pretextual. According to Enstrom, his research output has changed little over time. Furthermore, he has never been told what the "department requirements" or "department minimums" are, and he has never seen any statement of what these requirements are, if they exist at all. He also is unaware that the so-called requirements have been used to assess anyone else in the department, let alone to justify a decision not to rehire.

On August 12, Enstrom filed a timely grievance challenging his non-reappointment. According to Enstrom, a Grievance Liaison has found merit in the grievance and has referred it to Rice so that he can select a Step II Reviewer of the grievance, following UCLA procedure.

Again, all signs are that UCLA would not have made its non-rehire decision but for the apparent animus felt by many of his peers as a result of Enstrom's research and his whistleblowing—all instances of protected speech. As a public university, UCLA is both legally and morally bound by the First Amendment's guarantees of freedom of expression and academic freedom. The Supreme Court has held that academic freedom is a "special concern of the First Amendment" and that "[o]ur nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to teachers concerned." *Keyishian v. Board of Regents*, 385 U.S. 589, 603 (1967) (internal citations omitted). As the Supreme Court wrote in *Sweezy v. New Hampshire*, 354 U.S. 234, 250 (1957):

The essentiality of freedom in the community of American universities is almost self-evident. No one should underestimate the vital role in a democracy that is played by those

who guide and train our youth. To impose any strait jacket upon the intellectual leaders in our colleges and universities would imperil the future of our Nation. ... Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die.

This principle holds whether the subject is communism, Catholicism, climate change, or the effects of air pollution. We trust that you understand that the First Amendment's protections (as well as the free speech protections of the California Constitution) fully extend to public universities like UCLA. See, e.g., *Keyishian*, 605-06 (“[W]e have recognized that the university is a traditional sphere of free expression so fundamental to the functioning of our society that the Government's ability to control speech within that sphere by means of conditions attached to the expenditure of Government funds is restricted by the vagueness and overbreadth doctrines of the First Amendment”); *Healy v. James*, 408 U.S. 169, 180 (1972) (citation omitted) (“[T]he precedents of this Court leave no room for the view that, because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses than in the community at large. Quite to the contrary, ‘the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools’”).

Non-tenured faculty members do not have diminished First Amendment rights because of their employment status. Adverse employment action against a non-tenured faculty member, when that action is due to the faculty member's protected expression, violates the faculty member's First Amendment rights. This includes decisions not to rehire adjunct faculty members who have a reasonable expectation of being rehired. See *Mt. Healthy City Sch. Dist. Bd. of Educ. v. Doyle*, 429 U.S. 274, 283 (“[A teacher's] claims under the First and Fourteenth Amendments are not defeated by the fact that he [does] not have tenure.”); *Mabey v. Reagan*, 537 F.2d 1036, 1045 (9th Cir. 1976) (“Withal, it is our duty to protect First Amendment values. Initially, our concern is to guard the rights of the terminated instructor. But, more importantly, we examine alleged First Amendment violations because of their potential chill on others, especially those situated like the complainant. **Although a person's tenure status is irrelevant to the First Amendment inquiry** (*Perry v. Sindermann* (1972) 408 U.S. 593, 597–98, 33 L. Ed. 2d 570, 92 S. Ct. 2694), our close examination is particularly appropriate where, as here, a complex of reasons may as well mask an unlawful motive as legitimately motivate a refusal to rehire ...”) (emphasis added).

While a public university is often allowed to choose not to rehire a non-tenured faculty member for a very wide variety of reasons, or for no reason at all (unless contractual agreements state otherwise), it is not permitted to make such a decision for a constitutionally impermissible reason, such as whistleblowing retaliation or as punishment for protected speech. Yet all signs are that this is just what has happened here. UCLA appears to have used hitherto unknown, ambiguous, or unenforced funding and research output “minimums” as mere pretexts for accomplishing what it could not otherwise accomplish lawfully. But for retaliation for Enstrom's protected expression, he would still be employed by UCLA. This is impermissible.

### **Enstrom's Case Requires Immediate Resolution**

Because Enstrom's case involves the violation of a faculty member's rights, you have not only the authority but also the moral and legal responsibility to work to resolve the situation as quickly as possible. Every day that the case continues is a deeper violation of academic freedom

and freedom of speech and a more thorough chilling of faculty speech at UCLA. Merely waiting for the process of the grievance to run its course does not absolve you or UCLA of the moral and legal responsibility to immediately reverse the decision not to rehire Enstrom.

FIRE urges you to immediately reverse the decision not to rehire Enstrom. We also request that you ensure that he receives the full financial accounting he has requested. Furthermore, if any written evidence of "department minimums" does exist, Enstrom must receive a copy of it in order to properly defend himself.

In the alternative, if you choose not to recognize Enstrom's rights in this matter, FIRE requests that you preserve the status quo while Enstrom has a pending grievance at UCLA, and keep Enstrom employed as a faculty member at UCLA until his grievance is resolved. This status will permit Enstrom to seek additional research funding in order to demonstrate the possibility of funding for employment beyond December 2011.

We urge UCLA to show the courage necessary to admit its error. Please spare the university the deep embarrassment of fighting against the Bill of Rights, by which it is legally and morally bound. While we hope this situation can be resolved amicably and swiftly, we are committed to using all of our resources to see this situation through to a just and moral conclusion.

We have enclosed a waiver that permits UCLA to fully discuss Enstrom's case with us. Because Enstrom's last day at UCLA is scheduled for August 30, we ask for a response in writing by 5:00 p.m. PT on August 30, 2010.

Sincerely,



Adam Kissel

Director, Individual Rights Defense Program

Encl.

cc:

Patricia M. Jasper, Senior Campus Counsel

Kevin S. Reed, Vice Chancellor-Legal Affairs and Associate General Counsel

Charles F. Robinson, General Counsel and Vice President for Legal Affairs

William Cormier, Director, Administrative Policies & Compliance

Richard Jackson, Chair, Department of Environmental Health Sciences

Linda Rosenstock, Dean, School of Public Health

Hilary Godwin, Associate Dean for Academic Programs, School of Public Health

Susan Fisher, Manager, Human Resources, School of Public Health

Esther Hamil, Assistant Director, Academic Personnel Office

Thomas Rice, Vice Chancellor, Academic Personnel



May 21, 2012

VIA FACSIMILE AND FEDERAL EXPRESS

President Mark G. Yudof  
University of California  
President's Executive Office  
1111 Franklin Street  
Oakland, CA 94607  
Fax: 510.987.9086

***Re: University of California's Discriminatory and Retaliatory Treatment of  
Dr. James E. Enstrom***

Dear President Yudof:

The American Center for Law and Justice (ACLJ) represents Dr. James E. Enstrom, research professor at UCLA, regarding UCLA's unlawful retaliation against Dr. Enstrom after Dr. Enstrom exercised his constitutional right to free speech by exposing "junk science," scientific misconduct, and improper political activities on the part of UCLA professors and significant California state agencies. Unless stopped, UCLA's retaliatory activities will culminate in Dr. Enstrom's termination on June 30, 2012.

As you may be aware, the ACLJ is an organization dedicated to the defense of constitutional liberties secured by law. ACLJ attorneys have argued before the Supreme Court of the United States in a number of significant cases involving the freedoms of speech and religion. *See, e.g., Pleasant Grove City v. Summum*, 129 S. Ct. 1523 (2009) (unanimously holding that the Free Speech Clause does not require the government to accept counter-monuments when it has a war memorial or Ten Commandments monument on its property); *McConnell v. FEC*, 540 U.S. 93 (2003) (unanimously holding that minors enjoy the protection of the First Amendment); *Lamb's Chapel v. Center Moriches Sch. Dist.*, 508 U.S. 384 (1993) (unanimously holding that denying a church access to public school premises to show a film series on parenting violated the First Amendment); *Bd. of Educ. v. Mergens*, 496 U.S. 226 (1990) (holding by an 8-1 vote that allowing a student Bible club to meet on a public school's campus did not violate the Establishment Clause); *Bd. of Airport Comm'rs v. Jews for Jesus*, 482 U.S. 569 (1987) (unanimously striking down a public airport's ban on First Amendment activities).

The purpose of this letter is to inform you of the applicable facts relevant to Dr. Enstrom's situation at UCLA, encourage you to remedy the clear constitutional violations that have taken place to date, and request that you restore Dr. Enstrom's position at UCLA

★

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without further delay. The facts to be presented herein, taken together, present a picture of a university casting about for reasons to justify, in a highly selective manner, its termination of an accomplished and productive researcher who has held his faculty position at the UCLA School of Public Health since 1976 – a researcher whose effective public advocacy and respect for scientific integrity had made him vulnerable to, and eventually resulted in, retaliation in the form of termination.

## **FACTUAL BACKGROUND**

For much of the last four years, Dr. Enstrom has aggressively and effectively exposed comprehensive wrongdoing, flawed science, and procedural irregularities within the University of California (UC), the California Air Resources Board (CARB), and the Scientific Review Panel on Toxic Air Contaminants (SRP). Dr. Enstrom has published major peer-reviewed epidemiologic findings showing that there is no relationship between fine particulate air pollution and total mortality in California; developed strong evidence that this relationship has been systematically misrepresented by prominent UC scientists and CARB since 2000; exposed the fraudulent credentials of a key CARB “scientist” whose 2008 report on this relationship was the prime justification for a new and draconian (multi-billion dollar) regulatory scheme in California; and exposed the lengthy and illegal tenure of UCLA Environmental Health Sciences (EHS) Professor John R. Froines and other members of the SRP. Dr. Enstrom’s efforts clearly influenced the revision of both the 2008 CARB report and the new CARB regulations.

In addition, Dr. Enstrom met with you in Oakland on November 12, 2009, to discuss these serious matters, particularly regarding Dr. Froines and the need to make new SRP nominations. Your early 2010 nominations resulted in the replacement of five of the nine SRP members, including Dr. Froines. However, you renominated Dr. Froines to serve on the SRP on November 2, 2010, and again on February 7, 2012, and he continues to serve as SRP Chair to date.

Again and again, Dr. Enstrom’s scientific and policy critiques regarding the relationship between fine particulate matter and mortality in California have been vindicated. Dr. Enstrom’s research and critiques have had significant scientific and regulatory impact in California and the United States, as was amply documented by numerous scientific, business, and legal witnesses at his April 2011 APM 140 Step III-B Hearing. For example, Dr. Enstrom’s research was cited in a detailed November 15, 2011 critique of US EPA’s particulate matter science and regulations by Drs. Andy Harris and Paul Broun, two Congressmen who oversee the EPA.

## **RETALIATION**

Unfortunately, however, just as Dr. Enstrom’s public criticisms were beginning to have a significant impact in early 2010, he abruptly received the first of *several* inconsistent notices that he was being terminated – that his 34 year research faculty career at UCLA was over.

First, in February 2010, the University attempted to terminate Dr. Enstrom by claiming his research funds were exhausted. However, after Dr. Enstrom documented that he had research funds, along with accrued vacation and sick leave, sufficient to pay his salary through 2011, the funding issue was withdrawn as justification for termination. What is more, EHS has refused to

provide Dr. Enstrom with an explanation for serious irregularities in the accounting of his funds at UCLA, including failure to provide monthly fund summaries, unauthorized use of his unrestricted research funds, and overcharging of indirect costs. In addition, Dr. Enstrom has not been able to submit applications for new funding through the University since early 2010. Finally, the University has failed to pay Dr. Enstrom any salary since June 2010, even though substantial salary funds would be available if Dr. Enstrom were allowed access to his accrued sick leave and the research funds that were incorrectly used by the University to pay indirect costs.

Next, in June 2010, the University sent a notice saying that Dr. Enstrom was being terminated because his research was “not aligned with the academic mission of the Department,” and his research and other contributions “did not meet the department requirements.” In the October 20, 2010 APM 140 Step II Review by Dr. Richard H. Gold, however, the University rejected its own assertion that Dr. Enstrom’s research wasn’t aligned with the department’s mission.

Regarding Dr. Enstrom’s research, the April 4-8, 2011 APM 140 Step III-B Hearing revealed a series of undeniable truths:

- Dr. Enstrom was given *no notice* of expected “department minimums” in research and productivity;
- Dr. Enstrom received no warning that his pace of research was allegedly inadequate;
- Dr. Enstrom’s productivity and research during 1976-2010 had actually increased in the last five years (2005 to 2010) compared to his average five-year research production in the twenty-nine (29) years prior. In other words, his productivity was *increasing*;
- Dr. Enstrom had been successfully reappointed based on direct evaluation by four Deans and two EHS Chairs prior to Dr. Jackson who suddenly and inappropriately changed the method of evaluation to a self-described “unusual” Departmental review that EHS “hadn’t done for another researcher;”
- While supposedly evaluating Dr. Enstrom’s scholarship, Dr. Jackson and other key professors (including Dr. Froines) *did not even bother to read* Dr. Enstrom’s publications and thus had no basis to objectively evaluate his work;
- Even as he refused to read Dr. Enstrom’s publications, Dr. Froines admitted that at least one of Dr. Enstrom’s influential external critics was so blinded by animosity against Dr. Enstrom that he could not read his work objectively;
- When Dr. Enstrom appealed his termination, Dr. Jackson disingenuously justified his claims about Dr. Enstrom by producing a 1995 document regarding expected publication rates for faculty members that Dr. Jackson *had not seen* and *did not even know existed* when he decided to fire Dr. Enstrom;
- Not only had Dr. Jackson not seen this 1995 document, neither had Dr. Enstrom, who was completely blindsided by its existence; and
- The 1995 document, by its own terms, *does not even apply* to an individual in Dr. Enstrom’s non-Senate research faculty position; it applies to advancement and promotion, not retention, of Senate faculty members.

In addition, during the Hearing, Dr. Jackson put forward yet another justification for firing Dr. Enstrom – one that was entirely omitted from his written non-reappointment notices. According to Dr. Jackson, he fired Dr. Enstrom because Dr. Enstrom allegedly misrepresented his title, calling himself a “Research Professor” rather than a “Researcher.” Yet Dr. Enstrom presented uncontradicted evidence that this was precisely the title that the University itself used to publicly describe him since the 1990s, long before Dr. Jackson arrived at UCLA in 2008.

Ultimately, in April 2011, during Dr. Enstrom’s APM 140 Step III-B Hearing, Hearing Officer Sara Adler failed to address critical evidence, ignored Dr. Enstrom’s First Amendment claims and UCLA’s mismanagement of Dr. Enstrom’s funds, and further set the stage for federal litigation. Despite Dr. Enstrom’s appeal of Hearing Officer Adler’s June 2011 decision to uphold his termination, in August 2011 Vice Chancellor Carole Goldberg also upheld his termination, but postponed the termination date to June 30, 2012.

It is important to note that the UCLA Academic Senate’s Academic Freedom Committee, comprised of professors from various disciplines within the University, has expressed its “unanimous concern” that the School of Public Health’s action “may represent a violation of academic freedom.” The Academic Freedom Committee was right to express its concern. While the Hearing Officer may refuse to consider the University’s financial misdealings, refuse to evaluate Dr. Enstrom’s First Amendment claims, and refuse to investigate Dr. Enstrom’s claims of misconduct and retaliation, federal courts will have no reluctance to examine the totality of the circumstances and no reluctance to refer credibility determinations to a jury.

I will not herein restate the application of governing law to this situation as previous letters to the University have thoroughly and adequately done. Please be advised, however, that it is clear that the University has been plainly looking for pretexts to fire Dr. Enstrom, all while denying him access to a single scrap of paper outlining the alleged requirements of his position or any pre-termination notice that his performance was deficient. While Chancellor Gene Block, Vice Chancellor Goldberg, and Hearing Officer Adler, among others, have chosen to look at the yawning absence of evidence in the University’s favor and believed every word of the University’s multiple and inconsistent denials, a jury may not be so forgiving.

## **CONCLUSION**

Please be advised that this letter serves as a final effort to avoid imminent litigation. Dr. Enstrom has provided considerable evidence that his termination is improper under APM 137 and is retaliation in direct response to his protected speech. This evidence is strong enough to cause the University’s Academic Freedom Committee to express “unanimous concern,” strong enough to reject the Hearing Officer Adler’s incomplete decision, and strong enough to take before a jury in federal court.

Good science requires dissent. A community of scholars cannot exist without debate. By acting to terminate the lone dissenter in EHS, the University cast a “pall of orthodoxy” on campus, violated its own Mission Statement, and defied the First Amendment. Dr. Enstrom requests that his termination be set aside and that he immediately be allowed to continue his research faculty position in an appropriate unit on campus, if not in EHS itself.

I respectfully request a written response to this letter and the requests herein by **June 1, 2012**. If the University ultimately chooses not to adequately protect Dr. Enstrom's academic freedom, then he will pursue all available legal remedies.

Respectfully,

**AMERICAN CENTER FOR LAW & JUSTICE**

A handwritten signature in black ink, appearing to read 'D. French'.

David French  
Senior Counsel

cc: Dr. James E. Enstrom



## NEWS RELEASE

<http://aclj.org/free-speech-2/lawsuit-against-ucla-after-professor-fired-for-blowing-whistle-on-junk-science>

### [ACLJ Files Suit Against UCLA After Professor is Fired for Blowing Whistle on Junk Science](#)

Filed in:

[Free Speech](#) 8:21 AM June 14, 2012

Washington, DC) - The American Center for Law and Justice (ACLJ) has filed [suit](#) on behalf of Dr. James E. Enstrom, a UCLA research professor who was terminated after he blew the whistle on junk environmental science and scientific misconduct at the University of California (UC).

"The facts of this case are astounding," said [David French](#), Senior Counsel of the ACLJ. "UCLA terminated a professor after 35 years of service simply because he exposed the truth about an activist scientific agenda that was not only based in fraud but violated California law for the sake of imposing expensive new environmental regulations on California businesses. UCLA's actions were so extreme that its own Academic Freedom Committee unanimously expressed its concern about the case."

Dr. Enstrom, a research professor in UCLA's Department of Environmental Health Sciences, published important peer-reviewed research demonstrating that fine particulate matter does not kill Californians. Also, Dr. Enstrom assembled detailed evidence that contends powerful UC professors and others have systematically exaggerated the adverse health effects of diesel particulate matter in California, knowing full well that these exaggerations would be used by the California Air Resources Board (CARB) to justify draconian diesel vehicle regulations in California. In addition, the complaint argues that he exposed the fact that the lead author of the key CARB Report used to justify the diesel regulations did not have the UC Davis Ph.D. degree that he claimed. Instead, according to the suit, this "scientist" bought a fake Ph.D. for \$1,000 from a fictional "Thornhill University."

Finally, Dr. Enstrom discovered that several activist members of the CARB Scientific Review Panel on Toxic Air Contaminants have exceeded the legislatively mandated three-year term limits by decades. The suit contends that shortly after Dr. Enstrom revealed this systematic wrongdoing, UCLA not only issued a notice of termination, it denied him any compensation for his work by systematically and wrongfully looting his research fund accounts. Dr. Enstrom worked for more than a year without pay as he in good faith appealed his wrongful termination using UCLA procedures. Ironically enough, the fake "scientist" was only suspended for his misconduct while Dr. Enstrom was terminated for telling the truth.

"If academic freedom means anything, it should permit a professor to challenge bad science and expose scientific misconduct," said French. "Yet UCLA appears more committed to a political agenda than to free and open inquiry." During Dr. Enstrom's internal appeals, UCLA refused to allow him to present his full case and UCLA officials put forward multiple and ever-changing grounds for his dismissal. "How can we have confidence in the findings of environmental health scientists if they allow politics to trump science?" asked French.

The lawsuit, filed yesterday in federal court in the central district of California in Los Angeles, names the Regents of UC as well as a number of top UCLA officials as defendants. The suit contends the school violated Dr. Enstrom's constitutional rights under the First and Fourteenth Amendments.

The complaint requests the court to declare that the actions taken by UCLA violated Dr. Enstrom's right to free speech on matters of public concern, along with his due process rights. Further, the suit requests an injunction requiring UCLA to rehire Dr. Enstrom, as well as monetary damages to be determined by a jury.

The lawsuit and exhibits are posted [here](#).

Led by Chief Counsel [Jay Sekulow](#), the American Center for Law and Justice focuses on constitutional law and is based in Washington, D.C.

*MEDIA CONTACT:*

*Gene Kapp (757) 575-9520*