

**Department of Health
and Human Services
Public Health Division
Tobacco Prevention Program**

December 21, 2006

Provost Rory Hume
Office of the President
University of California
1111 Franklin St., 12th Floor
Oakland, CA 94607

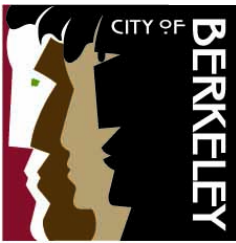
Dear Provost Hume,

Thank you for your letter of November 2, responding on behalf of President Dynes to my letter regarding tobacco industry funding at the University of California. Since then, there have been some new developments with this issue. As I am sure you are aware, Regent John Moores has requested the issue be placed on the January 2007 Regents meeting agenda. I have learned from Acting Secretary Anne Shaw that the agenda item is currently being written and that your office is assisting Secretary Shaw with the writing of the agenda item. In response to the letter you sent in November, I have several concerns I hope you will consider when drafting the agenda item.

In considering this issue, we urge you to consider that money from the tobacco industry, in fact, often comes with the kind of “strings” that you say will lead the University to decline funding, as noted in the third paragraph of your letter. While the tobacco industry does not include formal requirements for prior review or censorship in its contracts and grants with universities – their lawyers and public relations experts are too sophisticated in their management of universities to do that – actual practice shows that it routinely does so, both directly and through careful selection of what projects and who it funds. The Campaign for Academic Integrity is not arguing that every project funded by the tobacco industry fits into its fraudulent schemes. The tobacco industry does support some legitimate research; however, the reasoning to do so is to provide cover for its “special projects.” In addition, the rare industry-funded researchers who come up with results that are counter to the industry’s interests are simply cut off. This method of funding imposes strings, which are implemented in practice and which are just as powerful as formal language in a contract.

Your letter does not address the fact that the Philip Morris External Research Program, the agency currently funding the four grants at the University of California, is specifically identified by Judge Kessler as part of the tobacco industry’s continuing illegal Enterprise, as noted in this excerpt from the Racketeering findings:

**“FINDINGS OF FACT
III. CREATION, NATURE, AND OPERATION OF THE ENTERPRISE⁸**



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The following Section sets forth in enormous detail the intricate, interlocking, and overlapping web of national and international organizations, committees, affiliations, conferences, research laboratories, funding mechanisms, and repositories for smoking and health information which Defendants established, staffed, and funded in order to accomplish the following goals: counter the growing scientific evidence that smoking causes cancer and other illnesses, avoid liability verdicts in the growing number of plaintiffs' personal injury lawsuits against Defendants, and ensure the future economic viability of the industry.”¹

Indeed, both academic research and Judge Kessler have observed that the Philip Morris External Research Program is run by the same people and operating out of the same offices as the now-dismantled Center for Indoor Air Research. This fact needs to be considered relevant in judging whether this Philip Morris funding mechanism can be trusted to behave any differently than the tobacco industry has in the past.

Another important point not addressed in your letter is the fact that the University of California stands alone as the only academic institution in the world that prohibits individual academic units (such as Schools of Public Health, Nursing, or Medicine) from making a decision to decline tobacco industry funding.

Finally, I am aware of the findings of the Academic Assembly as I had the honor of observing the October 11, 2006 meeting, along with another member of the Campaign to Defend Academic Integrity. There was a great deal of confusion and controversy at the meeting regarding the meaning of the statement, which had previously been passed by the Academic Council. This resolution only narrowly passed the Senate vote. However, in the end, there was a strong consensus for both of the shorter resolutions, passed at the end of the meeting, which clearly communicated both the importance of protecting academic freedom at the University of California and also the factual conclusion that “The Assembly asserts its conviction that past funding arrangements involving the tobacco industry have been shown to suppress academic freedom.” This factual conclusion sends a strong message to the Regents and Administration that the Academic Assembly does not accept the tobacco industry as a legitimate partner and funder that will uphold the tenants of academic freedom.

We truly hope you consider the information provided in this letter as well as the materials provided to you by Regent Blum's and Regent Moores' Offices while drafting the January agenda item. If you need any additional information on the issue whether in the form of academic literature or legal documents,

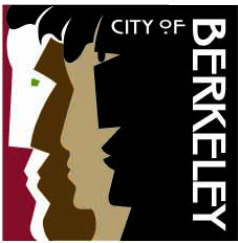
1 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, ::Plaintiff, :

:Civil Action No. 99-2496 (GK) et al.

v. ::

PHILIP MORRIS USA, INC., : (f/k/a Philip Morris, Inc.), et al., :



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please feel free to contact me.

Thank you again for taking the time to respond to this important issue. The massive evidentiary record available both in the academic literature and legal proceedings compels us to encourage the Administration and Regents will take timely, principled action to protect academic freedom and the University's integrity by adopting a policy of declining money from the tobacco industry.

Sincerely,

Marcia Brown-Machen, MPH
As a member of the statewide Campaign to Defend Academic Integrity

And
Tobacco Prevention Program Director
Health and Human Services Department
City of Berkeley

cc: Regents
President Dynes
Academic Council Chair John Oakley
Secretary Shaw
Vice Provost Coleman