



CENTER FOR TOBACCO CONTROL RESEARCH AND EDUCATION

July 25, 2003

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Dear Larry,

This letter is a follow up to our most recent conversation about accepting tobacco industry funding for research conducted on behalf of the University of California Regents, and why we believe that acceptance of such funds may be in violation of current Regents and University policy. We want to address your concerns about the “slippery slope” potential of a policy of allowing individual academic units (or the entire University) to reject such money. As the Regents themselves have recognized, the combination of the deadly nature of the tobacco industry's products and its well-documented and explicit use of funding of academic research (particularly biomedical research) as a way of preventing the spread of public understanding of the dangers of smoking are unique. The tobacco industry's strategy of funding medical research, developed initially in 1953 in a secret meeting at the Plaza Hotel in New York City, has been successful at protecting the industry for decades, at a cost of the deaths of tens of millions of Americans and even more worldwide.

While universities could be excused from participating in this process because they failed to understand it, that is no longer the case. There is a strong and well-documented ongoing pattern of systematic manipulation of the scientific process to serve the tobacco industry's political and economic needs involving a massive worldwide public relations effort. It is not simply that we are talking about an unpopular industry. The issue is this: Knowing what we know now, is it consistent with the University's fundamental academic mission and Regents policy to continue as a supporting player with the tobacco industry?

#### Regents Acknowledge Tobacco Industry as Unique

The Regents have voted not to invest in tobacco stocks. While financial issues were important to them, their formal action explicitly noted “the related health issues,” both in the Finance Committee (January 17, 2001) and before the Board (January 18, 2001). The Regents explicitly affirmed this “no tobacco investments” policy because of “the convergence of a number of factors ... *specific* [emphasis added] to this set of facts.”

Regent Hopkinson addressed the question of the “slippery slope” in the context of the investment decision in comments to the *San Francisco Chronicle* on February 12, 2001:

Hopkinson does not believe the regents' vote would set a precedent for other unpopular companies to be considered for exclusion on ethical grounds.

“This has a combination of factors that is pretty unique,” she said. “It will be hard to

match that combination.”

Why would the Regents want to accept money from an industry that they have singled out as the *only* industry in which they would not invest?

### Congruence of Fiscal Policies

The "slippery slope" argument is one that the tobacco industry has routinely raised to oppose policies against its interests, including smokefree policies, decisions by arts and cultural organizations not to accept tobacco money, advertising restrictions, and other policies. These predicted subsequent problems simply have not materialized.

In the specific case of the University of California, the simplest way to avoid a “slippery slope” with regard to research (and other funding) is to recognize the Regents' investment policy, and state that as a matter of policy, the University will not accept funds from industries in which the Regents decline to invest. This would be consistent with the position taken by Regent Bustamante, reported in the February 12, 2001 *San Francisco Chronicle*:

Lt. Gov. Cruz Bustamante, who has been vocally opposed to any investment in tobacco, said it would be hypocritical of the university to buy tobacco stocks.

The university received \$22 million for research on tobacco-related diseases last year from Proposition 99.

### Funding of Biomedical Research Has Been and Remains a Central Element of the Tobacco Industry's Propaganda Campaign to Keep the Public Confused About the Dangers of Smoking and, More Recently, the Effects of Secondhand Smoke on Nonsmokers

The tobacco industry has a long and explicit policy of using the funding of university research—in particular medical research—to inhibit the spread of public understanding of the dangers of smoking and to prevent meaningful regulation of tobacco and tobacco products. (See attached bibliography.) This situation involves the conscious manipulation—almost always in secret—of the scientific process. These activities are antithetical to the fundamental mission of the university as an institution committed to enlightenment.

### UCSF Faculty Acted Appropriately to Defend the University's Academic Mission

Recognition of this fact was explicitly made in the petition signed by over 220 members of the UCSF faculty submitted to Chancellor Bishop on June 6, 2002:

The mission of the University of California is to improve and promote public health. The tobacco industry manufactures and markets products that are injurious to human health when used as intended and has repeatedly acted to interfere with academic freedom and the University's efforts to meet its educational, research, and public service missions. In recognition of the fact that the goals of UCSF and the tobacco industry are fundamentally opposed, we the faculty encourage the University of California, San Francisco to adopt a policy that our campus will reject any financial support from the tobacco industry [defined in the same way that the Regents use in their policy of not investing in the tobacco industry, plus any agencies that the tobacco industry establishes to fund academic research.]

After lengthy discussion and debate, a formal vote of the faculty was conducted by the Academic Senate in December 2002. The proposition: “Should we, the faculty, at UCSF refuse to accept any funding from

the tobacco industry, and the foundations it supports, an agreement that would be binding for all UCSF faculty?" passed with the support of 52% of those voting.\*

### UC Policy Recognizes the Right to Such Defense

Given what we now know about the tobacco industry's careful and decades-long manipulation of biomedical research, implementing the policy, particularly on a health sciences campus, is required by existing Regents' policies, particularly Regents' Regulation 5 (approved on June 15, 1944). That regulation states, "[T]he University assumes the right to prevent exploitation of its prestige by unqualified persons or by those who would use it as a platform for propaganda."

### UCSF Researchers Pioneered Study of Tobacco Industry Manipulation of the Academic Process

The tobacco industry has used universities in exactly the manner proscribed by Regents Regulation 5. A substantial body of scholarly evidence (much of it developed at UCSF and based on the previously secret industry documents now housed at UCSF; see attached bibliography), shows that the tobacco companies have suppressed, manipulated, and distorted scientific research on tobacco and have provided false information on tobacco and health to the public.

The tobacco industry developed this plan for manipulating the scientific community beginning with a secret meeting in New York at the Plaza Hotel in 1953. Tobacco industry executives, their lawyers, and public relations experts met to develop a plan to create controversy about the dangers of smoking as a way of preventing the public from accepting and acting on the evidence that smoking causes cancer. This meeting led directly to the formation of the Tobacco Industry Research Committee (later renamed the Council for Tobacco Research). This meeting and subsequent actions by the tobacco industry have been at the core of litigation against the tobacco industry based on, among other things, the contention that this entire enterprise constituted a fraud on the public.

The Council for Tobacco Research and the Center for Indoor Air Research (a similar organization that sought to generate research to support the industry positions on secondhand smoke) were dissolved as part of the settlement of litigation brought against the tobacco industry by the Attorney General of California, among others. The Philip Morris External Research Program is essentially a reconstituted Center for Indoor Air Research.

While there is no doubt that these organizations did support some high quality peer reviewed research, this work was carefully selected so as not to threaten the tobacco industry's scientific and political position. More important, these operations served as cover for secret "special projects" selected by lawyers and industry executives outside the scientific peer review system to meet specific industry political and propaganda needs. The universities unwittingly allowed their "prestige to be exploited" and allowed the tobacco industry to use them as "platforms for propaganda."

While past acceptance of tobacco industry money by universities could be excused because of a lack of understanding of the tobacco industry's secret procedures, that is no longer the case.

### A Recent Example: The UCLA Study of Secondhand Smoke

The most recent example of how the tobacco industry uses funding of university research as part of its for propaganda campaign is a May 17, 2003 study from UCLA on the health effects of secondhand smoke published in the *British Medical Journal*. This study concluded that secondhand smoke does not increase the risk of lung cancer or heart disease.

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\* The vote included all members of the faculty in all academic series with appointments at 50% or greater (i.e., ladder rank, in residence, clinical X, clinical, adjunct) who would be affected by the policy.

This paper has attracted a storm of scientific criticism, manifest as an unusually large number of criticisms through the *British Medical Journal's* "rapid response" mechanism (available, along with the original paper, at <http://bmj.com/cgi/eletters/326/7398/1057>.) There is little possibility that it will be taken seriously in scientific circles. To this extent, the normal scientific process of open discussion and debate is functioning effectively.

The difficulty is that the discussion of this study is not simply occurring within the academic community. If it were, this paper would go down as one bit of poor research done at a university with a reputation for high quality scholarship that slipped into a good journal because of the foibles of the peer review process. Instead, the paper is already being exploited world-wide in the tobacco industry's public relations and political campaign against effective measures to protect the public from the toxins in secondhand smoke. Public health experts are doing what they can to set the record straight, but the fact remains that the multinational tobacco industry has a much larger megaphone.

Like others reaching similar conclusions, this project was supported by the tobacco industry as a "special reviewed" project selected by industry lawyers and executives. (See the attached bibliography for more examples.) Rather than sharing the University's objective of supporting the best science as part of a larger search for truth, the tobacco industry has a long and well practiced program of using specially reviewed projects to stimulate and support just such studies as part of its propaganda and political activities.

The fact that a poorly conceived study funded by the tobacco industry reaches conclusions that, in contrast to the established literature, support the tobacco industry's agenda is not surprising. It is, however, unseemly and harms the University's reputation.

#### Given What We Now Know, Tobacco Industry Funding Makes Accomplices of Universities

Tobacco companies have deflected attention from the health hazards of tobacco by funding "distracting research." The tobacco industry has used research from industry sponsored meetings and conferences to promote the idea that controversy still exists regarding the adverse health effects of tobacco use and secondhand smoke for decades. Given the strong evidence that the tobacco industry systematically manipulates science, by accepting tobacco industry funds, universities facilitate the tobacco industry's marketing of a lethal product by an industry that has repeatedly undermined the University's core missions.

The University's willingness to accept money for this sort of research could be excused on the basis of ignorance of the larger picture in the past. That is no longer possible.

#### The APM Recognizes that the University is not Obligated to Accept All Offers of Extramural Funding

Many University regulations limit the sources from which researchers may accept funds. Academic Personnel Manual (APM) regulation 1-320 "establishes the basic framework of University policy regarding the types of acceptable activities and conditions under which the university will perform services under contract involving the use of University facilities." The regulation imposes several limitations, such as prohibiting the performance of routine tests, tests of a commercial nature, and tests related to (presumably legal) controversies. The University currently declines funding when there are unmanageable conflicts of interest involving research staff and some campuses limit the kind of financial arrangements that can be made surrounding clinical trials.

APM regulation 1-330 states that "[t]he University enters into certain contracts to carry out research projects for outside agencies *when it is convinced that the project is an appropriate University activity* (emphasis added)." The University does not have a blanket policy of accepting *any* research

support. Assisting the tobacco industry in its propaganda campaigns against the dangers of smoking and passive smoking or the "safety" of its new products is not "an appropriate University activity."

Moreover, other academic units have implemented policies forgoing funding from specific sources. For example, the Energy Policy Institute rejects funding from energy companies, thus protecting its reputation for impartiality in policy matters. This decision is consistent with APM 1-330. Why is this policy of the Energy Institute acceptable, while other academic units, such as schools at UCSF, are being precluded from making similar determinations regarding the tobacco industry? The Regents have not in any way restricted their investments in the energy industry.

#### Privilege and Tenure Claims Would Not Be Well-Founded

You have raised the issue of an individual faculty member, precluded from applying for tobacco industry funding, filing a complaint with Privilege and Tenure. We do not believe there would be grounds for such action if preclusion were the result of a *general university policy*, as opposed to discrimination directed against an *individual* member of the faculty.

#### Leading Academic Health Sciences Centers Have Already Acted

In light of the current understanding of the tobacco industry's manipulative behavior, several major health sciences institutions, including the Massachusetts General Hospital, Brigham and Women's Hospital, University of Texas MD Anderson Cancer Center, Johns Hopkins School of Hygiene and Public Health, Harvard School of Public Health, University of Arizona School of Public Health, University of North Carolina School of Public Health, and Roswell Park Cancer Center, and the Schools of Nursing, Medicine, and Public Health at Emory University have institutional policies against accepting tobacco industry money.

In an April 2002 letter to alumni of the Harvard School of Public Health, Dean Barry Bloom wrote:

It is a fundamental tenet of academic freedom that our faculty members be able to pursue research that they deem compelling and important to society, regardless of who initiates or funds it. As I see it, it is the School's public responsibility—and our obligation to Harvard University—to ensure that the research is of the absolute highest standard of scholarship. But is there nowhere that we are prepared to draw the line on funding? We know that the greatest cause of preventable illness and death in the U.S. and globally is tobacco, which is estimated by WHO to be responsible for the premature death of four million people worldwide each year. As a school of public health, we have drawn the line on funding from the tobacco industry. I am proud that our faculty, while cherishing the value of academic freedom of inquiry, has nevertheless voted unanimously to forswear accepting research funding from the tobacco industry.

#### Need, Authority, and Precedent Require Rejecting Tobacco Industry Funding

The Regents have already rejected investments in the tobacco industry, in part for health reasons and a decision to refuse to accept funding for research (and other activities) is consistent with both the APM as well as current practices. Through a policy that ties the refusal of tobacco industry research funding to existing policy regarding tobacco industry investments, the university can limit any "slippery slope" possibilities, while demonstrating both fiscal and ethical consistency and responsibility.

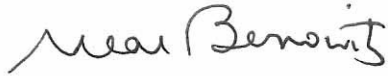
We sincerely hope that this information will convince you that any future acceptance of money from the tobacco industry is inconsistent with existing Regents and University policies. If you believe that we are misunderstanding specific Regents' or University policies or the historical record as it relates

to those policies, we would appreciate a specific response as to how. At the very least, we hope that you will remove your opposition to the implementation of a tobacco free policy at UCSF, a health sciences campus where these issues are particularly cogent.

We look forward to your reply.

Thank you for your consideration.

Sincerely yours,



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Stanton A. Glantz, Ph.D.  
Professor of Medicine

cc: Chancellor Michael Bishop  
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UCSF Senate Vice Chair Len Zegans  
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