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LOIS HENRY: UCLA's immense power couldn't squash this 'David'



Californian columnist Lois Henry

By Lois Henry

The reality of our world is that sometimes David slays Goliath and sometimes he has to settle for giving the big Phillistine a black eye.

Such is life when dealing with giants who have all the money and all the power.

In this case, longtime researcher James Enstrom last week agreed to settle his lawsuit against UCLA alleging retaliation for his academic and political views on air pollution. He settled for \$140,000, a reversal of his termination and access to school resources.

It's not the full vindication I believe he was due, but Enstrom was up against a monster and he knew it.

"I feel like I made it through a brutal process that most people would have no way to counter when dealing with an entity this powerful," he said.

The fact that UCLA agreed to rescind his termination so that he is now a "retired researcher" and agreed to allow him to accept another position at the school, if offered, is really the key part of this settlement.

Being fired destroyed Enstrom's credibility among many in the scientific community. Having his standing restored is huge for him to continue working.

The small monetary award, though, will no doubt cause some to think the suit was frivolous.

On cue, the school's media contact, Phil Hampton, sent me an email saying the university did nothing wrong and the settlement was "far less than the legal costs of a trial."

Of course, Hampton fails to mention UCLA's attempts to have the case thrown out in 2013 were slapped down by a federal district judge who wrote that Enstrom's allegations had more than enough significance to move forward.

If you're wondering what all this has to do with you, remember that unless your fireplace is registered with the government, you have to get permission before lighting up on a cold December night. And that's just the tip of the air pollution regulatory iceberg in California.

All those regulations that govern power plants, construction, dairies, trucks, and possibly whether you can continue driving a car with an internal combustion engine, are based on studies that claim air pollution is killing us.

Enstrom's work, however, found air pollution is not killing us.

His work, and similar studies that found no death effect, was routinely ignored or misquoted by the California Air Resources Board, the grand pooh bah of regulation-making in this state.

To make those regulations, CARB needs studies showing the ill effects of air pollution, which it funds through lucrative grants to universities such as UCLA. Convenient, no?

Beginning in 2006, Enstrom began agitating to have his, and others', work properly included in CARB's reports.

Then in 2008 he blew the whistle on a lead CARB researcher who lied about having a PhD from UC Davis and revealed CARB chairwoman Mary Nichols knew about the deception but didn't tell her fellow board members until after a key vote on new trucking regulations.

He also pulled the plug on the 30-year —and illegal, as it turns out — tenure of fellow UCLA professor John Froines as chairman of the Scientific Review Panel, a key group that works with CARB.

Coincidentally, Froines was a member of the UCLA department that voted to let Enstrom go.

Around the time Enstrom was most vocal about problems at CARB, 2010, is when UCLA claimed Enstrom had problems with his funding and began the process of trying to fire him.

As a non-tenured researcher since 1976, Enstrom sought grants and other awards to fund his salary and studies. UCLA administered the money for a fee.

He had about \$280,000 in his accounts in 2008, but most of that money disappeared, said his attorney, David French of the American Center for Law and Justice, a conservative civil rights group that represented Enstrom at no charge.

Since UCLA was in charge of the money, not Enstrom, it had to dig around for other reasons to fire him. Most were easily disputed or withdrawn.

Enstrom played by the university's rules and produced good science that was attacked but never debunked.

To me, it's clear UCLA just wanted to shut him up.

It's galling UCLA was able to drag Enstrom through the mud for the last five years without greater consequences. Something it's still dabbling in, by the way.

In his email to me, Hampton wrote that Enstrom's 30-plus years at UCLA proves the university supports academic freedom.

"Enstrom's presence as a researcher for decades, despite his minority positions defending diesel emissions and tobacco, demonstrates that fact."

See what he did? Enstrom never defended diesel emissions and tobacco. He defended proper science.

"Higher learning," indeed.

Contact Californian columnist Lois Henry at (661) 395-7373 or lhenry@bakersfield.com. Her work appears on Sundays and Wednesdays; the views expressed are her own.