

# Congress of the United States

House of Representatives

Washington, DC 20515-1504

AGRICULTURE

JUDICIARY

SMALL BUSINESS

Following the September 27<sup>th</sup>, 2018 House of Representatives Judiciary Committee's Subcommittee on the Constitution and Civil Justice Hearing entitled, "The State of Intellectual Freedom in America", I met with Adriana Cohen to further discuss her testimony and claim that she is being discriminated against on Twitter. Mrs. Cohen explained in detail her firm conviction that Twitter has censored her work as a columnist and radio host for the *Boston Herald*, a commentator on FOX News, and a nationally syndicated columnist with *Creators*.

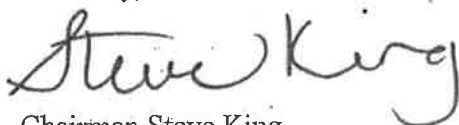
As I investigated her argument, I found a few claims to be most compelling. First, Adriana Cohen's written work has consistently gone viral across all media except Twitter. A recent example can be found in analyzing how the public received her May 22, 2018 column entitled "Russia Truth Coming out". This piece received 62,300 shares on Facebook and was the number one trending piece on the *Boston Herald* website. Yet on Twitter, it received 11 retweets, 26 likes, and 2 comments.

Not only did Mrs. Cohen provide countless similar examples of her column receiving disproportionately low traction on Twitter, but she also asked other verified political columnists and pundits who follow her if they ever saw her tweets. All of them said no and their sentiment can best be summed up in response from Dan Bongino, "I have not been seeing the columns. They're messing with me too. It's a cesspool."

During our meeting I decided to examine whether I appear in Adriana Cohen's News Feed on Twitter, as her and I follow each other and I often speak on her radio show. After careful scrutiny, I realized that we hardly ever appear in each other's News Feed even when we tweet at each other. This is unfair treatment to Adriana Cohen and her followers, as well as to my constituents, colleagues and self as a member of Congress. Twitter's actions lack any transparency and there is little available information to shed light on the problem or inform any potential solutions.

It is with grave concern I submit this written statement for the record, in support of Mrs. Cohen's important testimony as we seek to restore a culture of intellectual freedom and a country where freedom of speech is cherished and celebrated across the public and private sectors.

Sincerely,



Chairman Steve King  
Subcommittee on the Constitution and Civil Justice

US House Judiciary Committee  
Subcommittee on The Constitution and Civil Justice  
"The State of Intellectual Freedom in America"  
June 21, 2018 2 PM ET

**Violation of Academic Freedom at the University of California**

James E. Enstrom, PhD, MPH  
President, Scientific Integrity Institute  
<http://scientificintegrityinstitute.org>  
[jenstrom@ucla.edu](mailto:jenstrom@ucla.edu)

This hearing's theme is "Americans are beginning to see a disturbing trend in our society in which one group or another, through open hostility or subtle bias, attempts to silence beliefs they disagree with. Particularly in spaces that champion open discourse, these acts run counter to notions of free speech and a free and open democracy. On college campuses, it can threaten the credibility of entire bodies of research when professors are excluded from participation because of their political beliefs."

My academic career at UCLA fits perfectly with this theme. With great effort and creativity, I was able to hold an untenured faculty position as a Research Professor/Researcher at the UCLA School of Public Health from 1976 to 2012. However, largely because of my 'politically incorrect' environmental epidemiologic research, I was never able to obtain a tenured faculty position at UCLA. In particular, there was open hostility toward my 2005 peer-reviewed research that showed fine particulate matter (PM2.5) does not cause premature deaths in California. These findings were contrary to the research claims of numerous powerful UCLA and UC professors and did not support the extreme environmental agenda in California. In order to discredit and stop my epidemiologic research, efforts began in February 2010 to wrongfully terminate my faculty position in spite of my long and distinguished academic career.

My UCLA termination case ran from February 2010 to March 2015. It is described in great detail on the Foundation for Individual Rights in Education (FIRE) website (<http://thefire.org>), the American Center for Law and Justice (ACLU) website (<http://aclj.org>), and my Scientific Integrity Institute website. Because of the tremendous pro bono efforts of FIRE and four ACLU attorneys, my wrongful termination was reversed and I obtained a favorable retirement settlement with UCLA. The essential details of my case, particularly the violations of my academic freedom, are described in the attached May 21, 2012 letter from my lead ACLU Attorney, David French, to the then UC President Mark Yudof.

Consequently, I have been able to continue my epidemiologic research using essential UCLA resources. In particular, because a key source was familiar with my UCLA case, I was able to obtain access in 2016 to an early version of the 1982 American Cancer Society (ACS) Cancer Prevention Study (CPS II) cohort data. The 1997 EPA PM2.5 National Ambient Air Quality Standard (NAAQS) was established largely because 1995 results based on this national cohort found that PM2.5 increased total mortality. ACS has refused to release these data for independent reanalysis, even after an August 1, 2013 House Science Committee subpoena. On March 28, 2017 I published a major peer-reviewed reanalysis that shows no causal relationship between PM2.5 and total mortality in the CPS II cohort. My findings directly challenge the validity of the EPA scientific assessment of PM2.5-related mortality and the 1997 PM2.5 NAAQS. I can make a strong case that many multi-billion-dollar EPA PM2.5 regulations are scientifically



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. Sumnum*, 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

★

188 Front Street, Suite 116-19  
Franklin, TN 37064  
800.296.4529 Office  
615.599.5189 Facsimile  
[www.aclj.org](http://www.aclj.org)

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.

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**

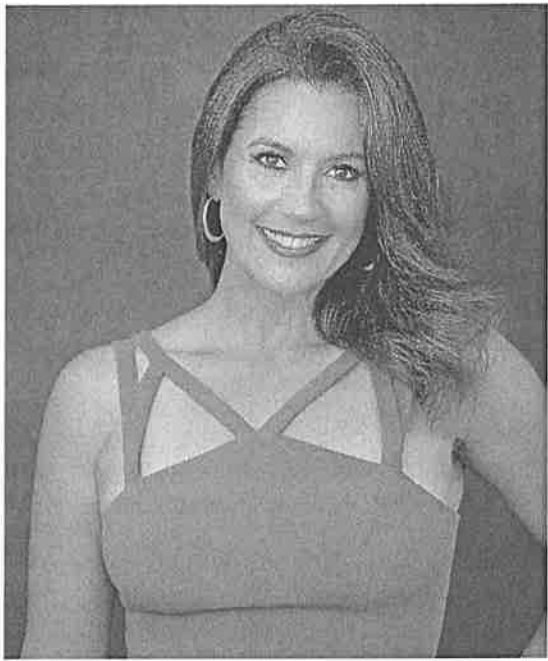
A handwritten signature in black ink, appearing to read "D. French". The signature is written in a cursive style with a large initial "D" and a stylized "F".

David French  
Senior Counsel

cc: Dr. James E. Enstrom

# Columnist to testify before House Judiciary Committee

## Social media must end anti-conservative bias



COURTESY PHOTO

**SILENCED:** Boston Herald Radio host and columnist Adriana Cohen garners many comments on bostonherald.com but few on Twitter.

Like many conservatives, including high-ranking Republican lawmakers, I'm being discriminated against and censored by social media networks.



**Adriana COHEN**

It's no secret Twitter and Facebook — run by left-wing activists who despise President Trump and conservative values — are abusing their power and stifling conservative voices. Not only is that un-American, it's also a gross violation of Americans' constitutional right to free speech.

The silencing of conservatives online, where most voters get their news, rigs our electoral system by giving Democrats an unfair advantage to reach millions of voters and shape public opinion, affecting elections, while scores of conservatives are muted.

I've been asked to testify on Capitol Hill this week before the House Judiciary Committee to share my personal experience with social media bias

against conservatives. I will inform the bipartisan panel that many of my 16,000 Twitter followers have told me they can't see my conservative opinion columns in their feeds. That could explain why every week, my column gets heavy traction on the Herald's site but hardly gets any engagement when I post it on Twitter.

For example, my Boston Herald column titled "Russia Truth Coming Out" on May 22 was the No. 1 trending piece on the Herald's site. It got 62.3k Facebook shares on the Herald's site and hundreds of comments. But the same column on Twitter got virtually no traction. To be exact, it got only 11 retweets, 26 "likes" and two comments. On April 5, my column titled "Trump Exactly Who We Need vs. China," was the No. 1 trending column on the Herald's website, but on Twitter it got only nine "likes" and five retweets. Last week, my column titled "No Holds Barred in Demo-

crats' Attacks" was again the Herald's No. 1 trending piece, but on Twitter it only got 15 "likes," six retweets and five comments.

I'm not the only one. Numerous conservatives have reported similar shadow-banning, and others' accounts have been suspended for expressing their views without violating any code of conduct, while liberals have been allowed to voice threats and slurs without consequences.

When I asked my Twitter followers if they're seeing my columns in their feeds, here's what they reported: "I haven't seen your columns in my feed lately" ... "I don't see them very often" ... "Nope. Not unless I put your name in the search and look then I see your great column" ... "I scrolled a bit and didn't see anything" ... "I follow you but never see your columns. This also happens with other conservatives I follow" ... "Wow! I check my feed every day and scroll wayyyy down. I can't remember the last time I've seen a tweet from you. This is the first (on my feed) in quite awhile."

Enough is enough. It's time for conservatives to stand up to this blatant discrimination. I look forward to doing my part to combat this injustice tomorrow on Capitol Hill.

Adriana Cohen is a nationally syndicated columnist, radio host and TV commentator.

www.bostonherald.com

BOSTON HERALD WEDNESDAY, SEPTEMBER 26, 2018

**ROCKLAND TRUST BANK**

Where Each Relationship Matters<sup>®</sup>

**NOW ONLINE**

**TOP GALLERIES**



Celtics practice



Seaport's Echelon Building topped off

**BOSTON HERALD RADIO**

TALK IT UPI

**MassHousing costs in the crosshairs, on Morning Meeting.**

**Connect with us**

**BostonHerald.com bostonherald**

**bostonherald.com**

**NEWS TIPS:** If you have a story to share, email us at [newstips@bostonherald.com](mailto:newstips@bostonherald.com) or call the tip line at 617-619-6493.

**INDEX**

Business	18-19
Classified	29-31
Comics	26-27
Editorials	16-17
Food	24-25
Horoscope	28
Inside Track	14
Lotteries	34
Obituaries	20
Television	28
The Edge	22-23
Weather	28

**NEWSTIPS@ BOSTONHERALD.COM**

Completely confidential

**BOSTON Herald**

2018 Boston Herald, Inc. (ISSN073545-4) 70 Fargo Street, Boston, MA 02110. Published daily by Boston Herald, Inc. (037) 619-6500. Wednesday, September 26, 2018. Vol. 36 No. 253. Periodical class postage paid at Boston, MA. This newspaper's masthead, Herald, Travler, Record, American, Advertiser, whether used singly or in combination and whether preceded by the words Boston, Daily or Sunday for newspapers of general or local circulation in the New England area, are the property of Boston Herald, Inc. Postmaster: Send address changes to the Boston Herald, Seaport Center, 70 Fargo Street, Suite 600, Boston, MA 02110.

**CONTACT US: 617-426-3000**

Retail Advertising 617-619-6185; Classified 617-423-4545; Home Delivery, Customer Service 800-882-1211; City Desk 617-619-6515; Sports 617-619-6410; Arts & Lifestyle 617-619-6503; Business News 617-619-6496; Photo 617-619-6499; COMMENTS 617-619-6455