

THE DAILY CAL FILE

Compiled by Serge Lang

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(World AIDS Day and Peter Duesberg)
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THE DAILY CALIFORNIAN

*Berkeley's Independent Student Press
Since 1971.*

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CALIFORNIAN

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World AIDS Day Event Educates, Resonates

by **Christine Szeto**
Contributing Writer

More than 1,200 students and local residents visited the Berkeley High School Community Theater yesterday to commemorate the 17th annual World AIDS Day.

The all-day event, organized by the high school health center's seven coordinators and 15 peer-educators and youth advisors, invited students and visitors to learn about the worldwide HIV and AIDS epidemic.

Since 1988, World AIDS Day has been celebrated worldwide annually Dec. 1 to teach about the illness.

"It's amazing to see people who are

so respectful, enthusiastic and really engaged with the problem who are our age," said Katie Mendes, 17, a junior from nearby Piedmont High School.

The main attraction at the event was four panels from the AIDS Memorial Quilt on display for silent viewing.

Within each panel are eight 3-foot-by-6-foot pieces—each approximately the size of a grave site. The quilt, begun in 1987, contains about 46,000 panels dedicated to more than 82,000 individuals who have battled AIDS. The panels were on loan from the NAMES Project Foundation, a nonprofit international nongovernmental organization responsible for the quilt's care.

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STAFF/MICHAEL SMITH

Berkeley High students study a piece of the AIDS Memorial Quilt yesterday in the Berkeley High theater as part of World AIDS Day.

AIDS: Event Stirs Emotions, Raises Awareness

FROM FRONT

For 16-year-old peer-educator Anna Darby, working on the project was a rewarding experience.

"Everybody got touched," Darby said. "You can't look at that quilt downstairs and not be touched by the love that went into it."

But for other students, the event stirred different emotions.

"Nobody is safe," said Khristian Johnson, 17, repeating herself to emphasize her point.

While Johnson, an usher at the event, said she felt some people were not taking the event seriously, she said most were respectful of the idea that AIDS is important.

Also on display in a separate room were quilts created by Berkeley High students over the last five years.

Messages supporting safe sex and abstinence were dominant themes on the quilts, and some pieces were tributes to people with AIDS. Many involved creative uses of condoms, spelling out phrases like "use me."

Students migrated from one corner of the room to the other, reading informative posters about HIV, watching a video about the impact of having HIV, and making 100 new cloth pieces for this year's student quilt.

"(World AIDS Day) is a great opportunity to raise awareness, and it's encouraging to see how involved the students are and how much they know already and how eager they are to learn more," said Audrey Sealund, lead coordinator of the event and a Berkeley High Health Center coordinator.

More than 400 red and black hand prints decorated a long piece of butch-

er paper, signifying the number of young people under age 25 who become infected with HIV every week in the United States.

"HIV is especially prominent in young people under 25," Sealund said.

In the United States alone, one person under 22 becomes infected every hour of every day, and half of all HIV cases occur before 25, according to data provided by event organizers.

These facts were complemented by advertisements for the health center's free HIV testing for students, available year round.

Berkeley High teacher Chris Young said he was impressed by the event, noting that everything prepared visitors for seeing the memorial quilt.

"I think it's one of those things that there is a lot to take away from," Young said.

Contact Christine Szeto at
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Opinion

The Daily Californian
Friday, December 3, 2004

**"It's encouraging to see how involved the students
are and how eager they are to learn more"**

—Audrey Sealund, coordinator of Berkeley High's Worlds Aids Day event

Working Under a Cloud

Professor's Controversial AIDS Theory Leaves Him Isolated Professionally and Personally

by **Alicia Wittmeyer**
Daily Cal Staff Writer

There are no graduate students working on their theses in UC Berkeley professor Peter Duesberg's lab. No post-doctorates advancing their mentor's work. No research assistants working round the clock.

Only Duesberg and his part-time assistant, working on a \$100,000 annual budget, out of a single cramped room in Donner Lab that is overflowing with test tubes, petri dishes and incubators.

And sitting above the clutter is a certificate from 1971 that reads "California Scientist of the Year": the mark of a former giant in his field who has been all but banished from the scientific world while his former colleagues work in cutting-edge labs, with multimillion-dollar budgets.

The biology professor was once the campus's golden boy, celebrated for his work on isolating cancer-causing genes and retroviruses: tenured at 36, invited to join the National Academy of Sciences at 49 and swimming in research grants.

Then came his proclamation that AIDS is not caused by HIV—and his subsequent fall from grace.

"Twenty-five years ago, I got all the grants I wanted. I didn't miss even one," Duesberg says. "Until AIDS. I've tried ... like 13 or 14 times now, and in eight or nine years, I have not gotten anything."

Today, Duesberg, 67, works in near-isolation, a discredited figure within his own department and even across campus. He has lost friends over his

theories, been called anti-gay, even been called a mass-murderer for his role in persuading South African President Thabo Mbeki to ban the AIDS treatment

ment drugs AZT and Nevirapine from rape victims and pregnant women. Duesberg believes these drugs are killers worse than the disease they are meant to treat.

Duesberg's AIDS theory rests on the idea that the link between HIV and AIDS was hastily forged by sloppy virologists looking for a significant breakthrough after failing with cancer. What the world calls AIDS, Duesberg says, is actually a group of disparate diseases grouped arbitrarily under the AIDS label that could be

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PHOTO: ERIC WITTES



DUESBERG: Controversial AIDS Theory Haunts Him

FROM FRONT

cared for with standard treatments. The tattered immune system of AIDS patients is a result of unhealthy lifestyles and living conditions—not caused by what Duesberg calls a harmless passenger virus.

But proclaiming this view publicly in the 1980s placed Duesberg firmly on the fringe of virological science.

"Nobody thinks he's crazy, we just mean he's wrong—99.99 percent of anyone who understands epidemiology believes that Dr. Duesberg is wrong," says Art Reingold, an epidemiologist in the School of Public Health. "It's not any sort of substantial minority view."

Today, Duesberg says he is a pariah in his own department: not just professionally isolated, but socially as well. Since his trip to South Africa, Duesberg's critics no longer see him as arguing his side of the debate within the vacuum of academia, but as a real threat.

"I'm not at Christmas parties like I used to be. I'm not at birthday parties. I'm not sitting on any committees, and I'm not with any graduate students," Duesberg says. "The last committee I served on was the picnic committee."

Duesberg has since left the contro-

versy of his AIDS work behind to once again challenge mainstream science—this time on its theory of cancer, a far less polarizing issue.

Duesberg's cancer theory is far more technical than his theory on AIDS, and has somewhat more credibility within the scientific community. His theory is based on the unstable cells—called aneuploid cells—found in almost all malignant tumors. These cells contain an abnormal number of chromosomes, making them a new species of cell, living within the host animals as tumors.

But he is still not getting research grants. The majority of his research is privately funded by a mysterious San Francisco venture-capitalist who read about Duesberg and his work and became interested.

Duesberg also blames the grant approval process, which is based on peer review by "people who have a stake in protecting their own ideas."

"What people don't know is that the system is set up to essentially prevent innovation that is threatening to the mainstream, even when the mainstream fails to deliver," Duesberg says.

Orthodox scientists do not want to see their ideas challenged, or their research rendered irrelevant by improved theories, Duesberg says. He believes a system of grant approval by

people with an investment in orthodox ideas is inherently flawed.

But Duesberg sees himself as the victim of "some sort of scientific cabal," Reingold says, that is seeking to exclude alternative points of view.

"It's not only that he's wrong, but his error has ... done real damage," Reingold said. "If this was simply a sterile academic argument, one could say he's entitled to his opinion, but it does have real-world consequences."

Still, there remain those who want to continue to include Duesberg in the campus dialogue, on the principle that science is about asking questions. Bixby Professor Malcolm Potts, in the School of Public Health, invites Duesberg to give a guest lecture on AIDS to his class every year, despite disagreeing with his theory.

"He's looking exactly at the same data as everyone else and coming to a different conclusion," Potts says. "That's not an evil thing. That's what gets people Nobel Prizes."

And most of the major leaps forward in science have been made by those who choose to think outside the mainstream, Duesberg says.

"Galileo is a classic model," Duesberg says. "But many nuts think they're Galileo. And there are many more nuts than Galileos."

Contact Alicia Wittmeyer at newsdesk@dailyca.org.

MY REJECTED AD

The following 16 pages were submitted as an advertisement in the Daily Californian. After several exchanges with Daily Cal Editors and Managers, the ad was rejected. The ad was in two parts: a short piece which had been rejected for an op-ed, and a long piece which would hold on four Daily Cal pages.

Comments

Last fall (2004) the City Editor of the Daily Californian Adeel Iqbal offered me the opportunity of an op-ed piece of 750 words concerning "HIV/AIDS" and a Daily Cal article which would eventually appear. I was happy to accept, and thank Adeel Iqbal. Following a first rejection by the Opinion Editor, I revised the text and submitted a second version. This version was also rejected, so I am including it below as an extra page of the four page advertisement, which I originally took out to provide documentation for the op-ed piece.

For readers wanting more documentation, see the chapter on HIV/AIDS in my book *Challenges* (pp. 600-714), my *Yale Scientific* articles [Lan 94], [Lan 95], [Lan 99], the Duesberg-Kohnlein-Rasnick article [DueKR 03] and its extensive bibliography, and the multiple references I give throughout the ad.

My Rejected Op-Ed: CHALLENGING THE "HIV/AIDS" ORTHODOXY

by Serge Lang

Most people are unaware that there exists a growing (although still marginalized) dissent against the orthodox position on "HIV/AIDS" that you read about in most newspapers, most of the time. As a Miller Professor in Berkeley last summer and fall (for which I thank the Berkeley Math Department and the Miller Institute), I thought I would take this opportunity to inform the Berkeley academic community of some items concerning the dissent.

Many factors are involved. I have gathered documentation for 12 years, and the bottom line is this.

1. There isn't even a consistent definition of "AIDS" or "HIV/AIDS", nationally or world wide. On the basis of inconsistencies and other defects in such definitions (to the extent any definition is given at all), a challenge already exists against applying the same name to whatever is happening in Africa and the United States, whatever it is, called "HIV/AIDS".

2. The hypothesis that what is called Human Immunodeficiency Virus (HIV) is a harmless passenger virus is compatible with all the documentation I have studied.

3. The hypothesis that HIV is pathogenic (i.e. disease causing) leads to "paradoxes".

4. The so-called statistics issued by official organizations such as UNAIDS, WHO (World Health Organization), CDC (Centers for Disease Control) are inconsistent. They are based on invalid estimates. They confuse actual deaths with deaths predicted by computer modeling, which is itself based on statistically biased improperly interpreted samples as well as on false assumptions.

Aside from the scientific issues of HIV pathogenesis and the validity of the official so-called statistics, there are:

- Issues of Credibility
- Issues of Journalism
- Issues of Education

that are not independent of each other. *How does one challenge a mindset conditioned in the population at large over 20 years?*

The establishment - medical, scientific, journalistic - has functioned in a way which transformed what might have remained a scientific question (is HIV pathogenic?) into a question concerning the credibility of the establishment itself. And "they" know it! On 28 April 1987, after Professor Peter Duesberg published his first paper challenging the HIV pathogenesis hypothesis (*Cancer Research*, 1 March 1987), a "MEDIA ALERT" from HHS (Health and Human Services) Chuck Kline (cc'ed to the HHS Secretary, Under Secretary, Chief of Staff, Assistant Secretary for Health, Surgeon General, Assistant Secretary for Public Affairs, The White House) stated in part:

"Dr. Duesberg has been an NCI grantee doing research in retroviruses and oncogenes for 17 years and is highly regarded. He is the recipient of an "outstanding researcher" award from this Department [NIH]. The article apparently went through the normal pre-publication process and should have been flagged at NIH. Failing that, it should have caused a splash on publication nearly two months ago..."

This obviously has the potential to raise a lot of controversy (If it isn't the virus, how do we know the blood supply is safe? How do we know anything about transmission? How could you all be so stupid and why should we ever believe you again?) and we need to be prepared to respond. I have already asked NIH public affairs to start digging into this."

The full document is in the Duesberg archives of the UCB library.

Subsequently, Duesberg lost his funding. People from inside the establishment who speak publicly against the orthodoxy are ostracized, personally, scientifically, and financially. It's tough and repressive out there.

During my stay in Berkeley (summer and fall 2004), I distributed an inch-high packet of HIV/AIDS documentation to students and faculty. I got to meet various colleagues who trust the establishment, or are part of it. I raised some questions with some faculty members about the validity of some scientific papers and the way they have been interpreted. No answers.

Aside from the validity of the purported science, questions arise about the journalistic treatment of the so-called "HIV/AIDS" question, internationally, nationally, in Berkeley, and at UC. I gave the inch-high documentation to the *Daily Cal* early in the fall term. Peter Duesberg was subsequently interviewed by a *Daily Cal* reporter (I was not). The article appeared on the next to last day of publication for the fall term (9 December). Although the *Daily Cal* article properly described the ostracism to which Duesberg has been subjected, it did not properly describe his scientific claims, and made no mention of the documentation contained in the one-inch packet that I gave to the editors.

How does one make up for defective reporting over two decades?

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DISSENT FROM THE "HIV/AIDS" ORTHODOXY

by Serge Lang

This ad was originally submitted to fulfill my responsibility to provide some documentation for my op-ed piece. As explained on the preceding page, my op-ed piece was rejected. In this ad, I emphasize recent developments, but link them to the past.

§1. The official definition of AIDS in the United States is not scientifically neutral. It is circular. Since 1988-94, the CDC (Centers for Disease Control) has made up an official list of 25-29 diseases. Among these, about 60% have to do with immuno deficiency (for instance tuberculosis) but 40% do not, for instance diseases of cancer type, such as cervical cancer and Kaposi's sarcoma. A low T-cell count is mentioned explicitly as only one of the 29 diseases. A person is then defined to have AIDS for surveillance reporting purposes if and only if this person has at least one of these diseases, and simultaneously tests HIV antibody positive ([CAU 88], [CDC 92], see also the "Fact Sheet" from [NIAID], and *Challenges* pp. 610-612). Thus the definition assumes the correlation.

Thus when two persons have the same symptoms of a sickness on the CDC list, if one tests HIV antibody positive the sickness is called AIDS, and if the other person tests HIV antibody negative, then the sickness is given its ordinary name. In this way, the definition obstructs dealing with the question whether the virus called HIV is a cause of any disease, and biases correlations. Some medical practitioners or scientists follow the CDC definition and some do not. Usually articles (scientific or simply journalistic) do not specify what AIDS-definition they use. I have never seen a newspaper give a definition. The implicit newspaper definition, which can be extracted from the context, is that a person has HIV and will be dead in 10 years.

HHS and NIAID contribute to the incoherent mess by not even following the official CDC definition. For instance the HHS Surveillance Report [HHS 96] has a boxed item:

| |
|--|
| Acquired immunodeficiency syndrome (AIDS) is a specific group of diseases or conditions which are indicative of severe immunosuppression related to infection with the human immunodeficiency virus (HIV). |
|--|

Thus they omit the cancer type diseases in the CDC list, e.g. Kaposi's sarcoma, which may not involve immunodeficiency. I wrote to CDC Director David Satcher to point out the incompatibility. A Dr. Ward answered me that the boxed "statement is not, nor was it meant to be, a proxy or substitute for the CDC definition of AIDS..." I replied by pointing to a [NIAID] "FACT SHEET" which states:

Definition of AIDS. The CDC currently defines AIDS...as the presence of one of 25 conditions indicative of severe immuno suppression associated with HIV infection...

Thus the wheels at HHS, CDC, NIAID give no evidence that they can tell a fact from a hole in the ground.

In Africa, the official definition of "AIDS" is the Bangui definition, arising from a conference held there in 1985, sponsored by the WHO (World Health Organization) [WHO 86], [WHO 99]. It is based on certain clinical symptoms, it does not involve HIV, and it was officially approved by the WHO. Cf. the 12 references given in [DueKR 03], p. 386, about this situation, and the conclusion: "Indeed, all available data are compatible with an old African epidemic of malnutrition and poverty-associated diseases under a new name."

§2. Is HIV harmless? A counter hypothesis and the toxic effects of anti HIV drugs.

The first idea that came to the mind of medical researchers around 1980, when there occurred an increase of certain diseases in certain well-defined risk groups in the United States, is that this increase was due to drugs, of various kinds depending on the risk group, see for instance [Dur 81] and historical comments in [DueKR 03]. Different risk groups come down with different diseases, and are exposed to different drugs. Various drugs can be involved, ranging from sex-enhancing recreational drugs and intravenous drugs to HIV-inhibiting drugs.

One risk group is usually called the homosexual risk group, thereby prejudicing the situation illegitimately. Actually, in a subgroup of male homosexuals, heavy use of drugs, especially "poppers" (whose technical name is amyl nitrite) to reinforce sexual pleasure, has been suggested as the cause of the increase of AIDS defining diseases such as Kaposi's sarcoma in this population. In England, poppers were declared illegal in 1996, because of their link (correlation) with Kaposi's sarcoma.

The time period and cumulative effect of certain drugs may also be factors involved in the causation, see §6 (my second letter to Jewell). The situation may be similar to prolonged use or abuse of alcohol causing cirrhosis of the liver, or smoking causing lung cancer. But correlation does not always imply causality, as we can see from this analogy. The correlation of lung cancer and heavy smoking is essentially the same as lung cancer and yellow fingers, but yellow fingers do not cause lung cancer. One question is whether HIV is a "yellow finger".

The drug hypothesis (that HIV is not pathogenic, and diseases in the West attributed to HIV are caused by drug use) has been taken up by Duesberg and others as in the paper with Kohnlein and Rasnick [DueKR 03] and the publication "Reappraising AIDS" by The Group for the Reappraisal of AIDS.

As to the toxic effect of anti-HIV drugs, I bring up significant references. One of them is John Lauritsen's book *Poison by Prescription: The AZT Story* [Laur 90]. Another consists of articles published in the gay-interest British journal *Continuum* by German and Swiss doctors. I quote from these articles.

AIDS BY PRESCRIPTION

*Protease inhibitors and antiviral drugs with mitochondrial toxicity:
AIDS treatment with consecutive death.*

The advertising drums are beaten hard all over the world today. The same doctors are calling for obedient candidates for their experiments and holding out the same promise of a cure who have poisoned countless AIDS patients by administering the DNA blocker AZT for the past ten years in an attempt to hunt down the phantom HI virus...

The victims and perpetrators have only recently come to realize that AZT (also known as Zidovudine and Retrovir) has, in countless cases, brought about the inevitable and slow asphyxiation of the patient's body cells, which are in particular need of oxygen and hence the equally inevitable death by poisoning of those persons who are stigmatized as HIV positive or diagnosed as suffering from AIDS and who trust their doctors...

A guarantee of success is secured in advance, as with AZT, because any fatal "secondary effects" of the mixture are described as an outcome of the phantom HIV infection.

H. Kremer M.D., Stefan Lanka PhD & Prof. Alfred Hässig M.D.
Continuum, July-August 1996

15 years of AIDS

The continuous failure in the prevention and treatment of AIDS is rooted in the misinterpretation of an inflammatory autoimmune process as a lethal, viral venereal disease.

Prof. A. Hässig M.D., H. Kremer M.D., S. Lanka PhD
 Prof. W-X Liang M.D., K. Stampfli M.D.
Continuum, Spring 1998

Continuum gives the professional background of the above doctors as follows.

Dr. Heinrich Kremer M.D. was medical director of the Specialist Clinic for Juvenile and Young Adult Drug Offenders for five German counties, including Berlin, Bremen, and Hamburg. With the German virologist Dr. Stefan Lanka he initiated the Research Group for Investigative Medicine and Journalism, regimed. Immunologist Prof. Alfred Hässig, Professor Emeritus at the University of Bern, is a former director of the Swiss Red Cross Transfusion Service, and former President of the Board of Trustees of the International Society of Blood transfusion. With colleagues he formed the Study Group for Nutrition and Immunity.

Most of the above issue of *Continuum* is devoted to articles which present analyses from points of view independent of the orthodoxy.

The second reference which I mention concerning the toxicity of anti HIV drugs comes from the *New Scientist* in London [NS 00] p. 7. The article starts:

No more cocktails

Four years of "hit hard, hit early" HIV treatment may be on the way out in the US, as evidence mounts of the drugs' serious side effects.

AIDS experts in the US are about to complete a humiliating U-turn when the Department of Health and Human Services launches its revised HIV treatment guidelines in January...

A caption under a photograph accompanying the article states: "About turn: campaigns urging more funds for antivirals to treat HIV are being overtaken by fears over the drugs' toxicity". Thus the American biomedical establishment was beginning to take note of a position taken long before by Duesberg. Cf. also [DueKR 03].

Despite this evolution, four years later an Associated Press article ([Sol 04], 13 December 2004) started as follows:

AP Exclusive: Top U.S. officials warned of concerns before AIDS drug sent to Africa - John Solomon, Associated Press Writer

Weeks before President Bush announced a plan to protect African babies from AIDS, top U.S. health officials were warned that research on the key drug was flawed and may have underreported severe reactions including deaths, government documents show.

The 2002 warnings about the drug, nevirapine were serious enough to suspend testing for more than a year, let Uganda's government know of the dangers and prompt the drug's maker to pull its request for permission to use the medicine to protect newborns in the United States.

But the National Institutes of Health, the government's premier health research agency, chose not to inform the White House as it scrambled to keep its experts' concerns from scuttling the use of nevirapine in Africa as a cheap solution, according to documents obtained by The Associated Press.

"Everyone recognized the enormity that this decision could have on the worldwide use of nevirapine to interrupt mother-baby transmission," NIH's AIDS research chief, Dr. Edmund C. Tremont, reported March 14, 2002, to his boss, Anthony Fauci, director of the National Institute of Allergy and Infectious Diseases.

The AP article goes on for five pages, and parts of it made it in the press at large, for example the websites of *USA Today*, CBS "Officials Hid AIDS Drug Dangers", ABC News, on 13 December 2004. The bay area's newspaper *San Francisco Chronicle* had a sequence of articles [SFC 04c-g], starting on 14 December on an inside page (the front page was busy with a murder trial): "U.S. officials were warned of risk posed by Aids drug."

Readers can compare the above with the documentation I provide above and below, for instance the African National Congress admonition against ex-President Carter ([ANC 02], see the end of §5), and the ANC protest "Nevirapine, drugs & African guinea pigs" [ANC 04] after the AP-Solomon report. See also "U.S. accused of Aids drug conspiracy" [SFC 04g], [Far 04]; and circling the wagons in *Nature* and the *New York Times* [Ceck 04], [McN 04].

Draw your own conclusions.

§3. "Paradoxes" arising from the hypothesis of HIV pathogenesis. Articles by Ho et al and Wei et al [Ho 95], [Wei 95] are among the most famous purveyors of the orthodox view concerning HIV. Ho was a Man of the Year for TIME magazine. However, the above articles have been severely criticized. That the HIV hypothesis of pathogenesis leads to "paradoxes" (incompatibility with empirical evidence) has been noted several times. One of those pointing out some paradoxes is M. Ascher, who is part of the biomedical establishment, and was the lead author of an article in *Nature* [ASWV 93], purporting to show that "drug use does not cause AIDS", as the *Nature* press release stated. (More about this below in §6.) However, Ascher cosigned a letter to the editors of *Nature* [ASAKB 95] making the point:

The articles by Ho et al.¹ and Wei et al.² have been hailed as providing crucial new information that clarifies the enigma of HIV-mediated pathogenesis...But the central paradox of AIDS pathogenesis remains...there is about 100-1,000 fold more cell death than can be accounted for by the observed rate of virus production.⁵ It is a murder scene with far more bodies than bullets.
...those who would see AIDS as a more-or-less conventional viral infection have consistently refused to recognize the paradoxes that are clearly evident in the experimental data. The problem continues.

Three years later, we have the Roederer article in *Nature Medicine* [Roe 98], addressing especially the Ho et al and Wei et al articles which promoted the orthodox position about the "war" between HIV and T-cells, purporting to show how HIV demolishes the immune system. Roederer writes that the Ho et al and Wei et al articles

received enormous publicity in the popular press, with vivid portrayals of a "massive immunological war" in which billions of CD4⁺ T-cells were produced and destroyed daily.

However, Roederer follows this up with an analysis containing the "nails in the coffin" sentence:

In this issue of *Nature Medicine*, reports by Pakker et al.³ and Gorochov et al.⁴ provide the final nails in the coffin for models of T cell dynamics in which a major reason for changes in T cell numbers is the death of HIV-infected cells.

For completeness, I note that at the end of his article, Roederer maintains HIV pathogenesis, when he asserts:

Finally, the facts (1) that HIV uses CD4 as its primary receptor, and (2) that CD4⁺ T cell numbers decline during AIDS, are only an unfortunate coincidence that have led us astray from understanding the immunopathogenesis of this disease. HIV leads to the progressive destruction of all T-cell subsets, irrespective of CD4 expression. Ultimately, AIDS is a disease of perturbed homeostasis...

No evidence is given for attributing this kind of pathogenesis to HIV. And besides, which definition of AIDS is Roederer using? Is a case of Kaposi's sarcoma "AIDS" according to Roederer, even when no immunodeficiency is present? In Roederer's expression "this disease", what is the justification for the implied claim of a well-defined single disease rather than a collection of diseases which are given the same name "AIDS"?

On the other hand, the *San Francisco Chronicle* (1 July 2004, p. A7) had an article starting:

Daily multivitamins found to cut AIDS risk in half

A study of HIV-infected African women found that daily doses of multivitamins appear to slow down the disease and cut the risk of developing AIDS in half.

The researchers who conducted the study in Tanzania suggested that vitamin supplements could be used in developing countries to delay the need for AIDS drugs, saving them for use at more advanced stages and avoiding their side effects.

"It's a low-cost intervention that could result in major savings and be helpful to many individuals in terms of better quality of life," said Dr. Wafaie Fawzi of Harvard School of Public Health, who led the study reported in today's New England Journal of Medicine...

[And later in the article:] Fawzi said the high-dose multivitamins with vitamins B, C and E used for the study cost about \$15 for a year's supply; AIDS drugs in Tanzania cost about \$300 a year.

The article in the *Chronicle* might be OK if it made more precise what was meant by "HIV" and "AIDS". With these undefined terms, it is partly tendentious and confused. For one thing, what is meant by "AIDS", e.g. in the sentence from the article reading: "The women were followed for about six years. Eighteen of the 271 women who took multivitamins or 7 percent, developed AIDS, compared with 31 of the 267 women, or 12 percent, who took a dummy pill." The Bangui definition does not use HIV presence in its definition of "AIDS", whereas the CDC definition does. What the above study found to be AIDS is compatible with malnutrition as a cause of disease in part of the group studied, the label "AIDS" being added in a way which may be challenged as above. On the other hand, getting Kaposi's sarcoma is compatible with having taken poppers for a decade. What do the two have in common, besides being called "AIDS", illegitimately I claim, in light of the evidence?

§4. UNAIDS and WHO estimates; newspaper reporting. On 22 November 2001, *Rolling Stone* published a long documented article by Rian Malan questioning the validity of figures spread by UNAIDS and the WHO about "HIV/AIDS" in Africa. Towards the end, this article reproduces an exchange with UNAIDS' chief epidemiologist Dr. Bernhard Schwartländer, about the "UNAIDS computer model of Africa's epidemic", said to be "completely dependable". However, Malan writes:

If that's true, I said, then why would we have 457,000 registered deaths here last year [in South Africa] when the UN says 400,000 of them died of AIDS? One of these numbers must be wrong.

"You say there are 457,000 registered deaths in South Africa?" Schwartländer said, momentarily nonplussed. "This is an estimate based on projections."

No, said I, it's the actual number of registered deaths last year.

"We don't really know," he replied. "Things are moving very fast. What is the total number of people who actually die?..."

Malan wrote a similar article for *The Spectator* 27 December 2003, under the heading:

Africa isn't dying of Aids

The headline figures are horrible: almost 30 million Africans have HIV/Aids. But, says Rian Malan, the figures are computer-generated estimates and they appear grotesquely exaggerated when set against population statistics.

Concerning computer generated estimates by UNAIDS and the WHO, Malan wrote:

Aids is the most political disease ever. We have been fighting about it since the day it was identified. The key battleground is public perception, and the most deadly weapon is the estimate...Who were they, these estimators? For the most part, they worked in Geneva for WHO or UNAIDS, using a computer simulator called Epimodel. Every year, all over Africa, blood would be taken from a small sample of pregnant women and screened for signs of HIV infection. The results would be programmed into Epimodel, which transmuted them into estimates. If so many women were infected, it followed that a similar proportion of their husbands and lovers must be infected, too. These numbers would be extrapolated out into the general population, enabling the computer modellers to arrive at seemingly precise tallies of the doomed, the dying and the orphans left behind...

Malan goes on documenting the contradictions with empirical data. He concludes:

I think it is time to start questioning some of the claims made by the Aids lobby. Their certainties are so fanatical, the powers they claim so far reaching. Their authority is ultimately derived from computer-generated estimates, which they wield like weapons, overwhelming any resistance with dumbfounding atom bombs of hypothetical human misery.

The *San Francisco Chronicle* published a shorter version of the Malan *Rolling Stone* piece on 6 January 2002. However, some three years later (24 November 2004, p. A3) the *Chronicle* became a conduit for the exaggerated figures of UNAIDS and the WHO, when they published an article headlined:

U.N.AIDS REPORT: 3 MILLION DEAD, \$6.1 BILLION SPENT IN 2004

Thus the headline makes it appear that actually 3 million people have died of HIV/AIDS in 2004. However, the article itself states:

Despite a spurt in international spending against AIDS, the epidemic will claim more than 3 million lives this year...

In its annual statistical assessment of the epidemic, UNAIDS estimates that 39.4 million people are living with HIV, the virus that causes AIDS. That represents a 4 percent increase over revised estimates from 2003.

There we behold the way journalism reinforces the propagandistic character of UNAIDS estimates, because the 3 million figure is not one of actual deaths in 2004, but is only an estimate, similar to those criticized by Malan. Thus the headline is a misrepresentation, passing off a computer-generated estimate for the future as a fact. Thus does the *SF Chronicle* contribute to conditioning people for the orthodoxy. Did the author of this *SF Chronicle* article read the Malan articles, in *Rolling Stone* or in the briefer version published by the *Chronicle* itself? Can the author of the *Chronicle's* current article, or the editors who might have written the headline, tell the difference between a fact, an opinion, a hypothesis, a computer estimate, and a hole in the ground?

More systematically, in [DueKR] p. 385, the authors point out that during the so-called AIDS epidemic (1988-2000), the sub-Saharan African population has grown by 274 million people. Hence the WHO's purportedly statistical figure of about 1 million cases of AIDS over this period "is statistically hard, if not impossible to verify - unless the African AIDS diseases were highly distinctive..."

§5. The case of Africa. One position of dissent from the orthodoxy concerning Africa is that it is illegitimate to give the same name "AIDS" for what's happening there, as for what's happening in the United States, within some well defined risk groups. Roughly speaking, sickness and death in Africa due to malnutrition, sanitation, and arising from poverty, have been occurring for centuries, and whatever increase has occurred has remained approximately the same relative to the total population. Actually, some parts of Africa are experiencing a population explosion. This doesn't mean one should not be concerned with the health problems of Africa, or that one should not help. The question is rather, what is help and what is not. I quote from an ANC website [ANC 02].

**RESPONSE TO FORMER PRESIDENT OF THE UNITED STATES-
JIMMY CARTER'S COMMENTS ON HIV/AIDS STRATEGY**

We are also surprised at the comments made by the delegation about anti-retroviral drugs in general and Nevirapine in particular.

We do not understand why US citizens urge this drug upon us when the health authorities in their own country do not allow its use for mother-to-child transmission. One of the reasons for this is that these health authorities say that there is insufficient data about issues of the safety of the drug.

We find it alarming that President Carter is willing to treat our people as guinea pigs, in the interest of the pharmaceutical companies, which he would not do in his own country.

In §2 we have seen the newly triggered action by the AP (John Solomon) concerning the toxicity of Nevirapine and the compounded African protest [ANC 04]. In §3 we have seen how some African diseases called AIDS might more appropriately have been attributed to malnutrition. More effective

help might have been given than sending \$15 billion worth of toxic drugs to Africa, as President Bush promised in 2004.

It is appropriate here to mention articles by Helen Lauer (a lecturer at the University of Ghana, Legon) on HIV/AIDS, going against the orthodoxy, and published in the African magazine *The Statesman* [Lau 03], [Lau 04a], and the various articles on "HIV/AIDS" in the book *History and Philosophy of Science for African Undergraduates* [Lau 04b].

§6. The universities (that's us). So what are the universities doing from their supposedly independent positions? Answer: In the U.S., going along with the orthodoxy, not to speak of corporate biotechnology. See for instance Richard Strohman's commentary [Str 99] "The University and Corporate Biotechnology", subtitle: "These days, profit margins and epistemology direct university research." In the 70's for a couple of years, Strohman was Director of the Health and Medical Sciences Program at UCB. The *Daily Cal* published his commentary in 1999. Strohman was retired by then.

For a concrete example of the University and Corporate Biotechnology, I refer to my confrontation with the *Yale Scientific* in 2001-2002, about an article of theirs reporting that "...the Yale administration encouraged Bristol-Myers Squibb to make the drug d4T [an anti-HIV drug developed at Yale] widely available to African communities who otherwise would never have seen these drugs." I submitted some comments for publication in the *Yale Scientific*, pointing out among other things that d4T is among those drugs which have life-threatening toxicities, and were the subject of the change in HHS guidelines in 2001 (the "humiliating U-turn" mentioned in §2 above). The *Yale Scientific* refused publication of my comments. The editors also expressed publicly their disagreement with the previous editorial decision to publish my 1999 article [Lan 99], when the editor in chief wrote to Helen Lauer (7-8 March 2002): "The magazine management in 1999 may have had a different opinion, but it is the current management that must act! [sic] in the best interest of YSM as we deal with the issues stemming from Lang's article."

Meeting Nick Jewell. While in Berkeley, I encountered defective responses or no responses to challenges of the HIV/AIDS orthodoxy. I had the opportunity to meet Professor Nick Jewell (Public Health and Biostatistics, also a Miller Professor). I shall now quote extensively from two letters I wrote him in fall 2004. These letters refer to material that I have published, among which: a chapter on HIV/AIDS in my book *Challenges* [Lan 98], and articles in the *Yale Scientific* [Lan 94], [Lan 95], as well as [Lan 99] when the editorial board had quite a different attitude from the one in 2001-2002. At the lunch when I met Prof. Jewell, I mentioned a paper by Ascher et al [ASWV 93] "Does drug use cause AIDS?", which claimed to present evidence why it does not. I mentioned that this article had been severely criticized. Prof. Jewell apparently did not understand what I was referring to, because he also mentioned some article himself, for which I asked a precise reference. He sent this reference more than a week later, and it turned out to be the same paper I mentioned! He wrote:

The reference I had in mind was the article "Does drug use cause AIDS" by Ascher, Sheppard, Winkelstein and Vittinghoff (the last was a PhD student of mine) which appeared in *Nature* Vol. 362, 103-104 in 1993. The data - from a probability sample of single men in SF - shows a death rate of 42% in HIV positive men and 2% among HIV negative men (just looking at homosexual men, the comparison is even more dramatic if one includes heterosexuals) in 8 years of follow-up. There is no association between drug use and AIDS, measures of immune function and death once one accounts for HIV status. The data is, in my mind, conclusive about the role of HIV as compared to drug use.

I sent to Jewell my 1-inch packet of documentation about "HIV/AIDS", and wrote to him.

From my first letter to Jewell, 5 October 04

That article is precisely the paper I mentioned. I also mentioned the severe criticism to which this paper has been subjected, for instance, the "Re-analysis of the San Francisco Men's Health Study" by Duesberg-Ellison-Downey (*Genetica* 95, 1993), but you gave and give no indication of knowing about this. I discuss the Ascher et al paper, published as a "Commentary" in *Nature*, explicitly over 6 pages in my book *Challenges* pp. 642-648. I enclose this book which has a 114 page chapter on "HIV/AIDS".

The Ascher et al paper was not, as you state, a "probability sample of single men in SF". It was a biased sample because, as the paper itself states, it was drawn "from neighborhoods of San Francisco where the AIDS epidemic had been most intense before 1984". This area is the Castro district, where two things occur simultaneously: homosexuality and drug taking (especially poppers). Misrepresenting as you do has occurred before, e.g. in the press release by *Nature* concerning the "Commentary", and in an article by Gina Kolata (*New York Times* 11 March 1993). I report on this matter in my book pp. 642, 643, 644.

Also note Richard Strohman's letter to the editors of the *SF Chronicle* (never published), concerning the defects of the Ascher et al paper, quoted in full in *Challenges*, and the exchange between Strohman and Winkelstein in the *Daily Cal*. I reproduce here a few lines from Strohman's letter to the *Chronicle* (cf. p. 644).

...the article is not a scientific paper that survived any rigorous review process; it was instead part of what is called "scientific correspondence" that gets by with often cursory review by journal editors. Second, there is no detail given on methods used to collect data. Third, without details on methods we can not evaluate the data itself, never mind conclusions drawn from that data. Thus, all standards of real science are violated. What remains is only "scientific correspondence", at best a mechanism for developing opinion or debate...

Under the circumstances, I cannot go along with your statement at the lunch table that the paper is "incontrovertible", nor with your assertion: "The data is, in my mind, conclusive about the role of HIV as compared to drug use."

I did not get an answer to the above letter to Jewell, and I wrote to him again. I mentioned that I had recorded some objections to the Ascher et al paper in *Challenges*. The part specifically on Ascher et al occurs on pp. 642-648. I then wrote further that in this second letter I want to go into another objection directly addressed to his comments about the data and the percentages he mentions, and his "conclusive" conclusion.

From my second letter to Jewell, 3 November 2004

But, as I relate on pp. 624-626 of *Challenges*, on 23 and 24 May 1994 the National Institute on Drug Abuse (NIDA) sponsored a meeting in Rockville MD on the toxic effects of nitrite inhalants. The 12 August 1994 issue of *Biotechnology* reported on this meeting under the headline: "NIH reconsiders nitrites' link to AIDS." The article, by John Lauritsen, stated among other things:

...according to Jay Paul of the University of California at San Francisco, the highest risk for AIDS involves the use of poppers and four other drugs. And Lisa Jacobson of Johns Hopkins University (Baltimore MD) reported that 60-70 percent of the several thousand gay men at risk for AIDS who participate in the Multicenter AIDS Cohort Study (MACS) have used nitrites.

In addition, those favoring a more direct role of nitrites in AIDS pointed to data from the MACS showing that HIV-negatives had, on average, 25 months of nitrite use, HIV-positives had 60 months of nitrite use, and AIDS patients had over 65 months of nitrite use -- an apparent dose-response relation. When asked whether there was even one gay AIDS case in the cohort who had not used drugs, a somewhat-surprised Jacobson replied: "I have never looked at the data in this way."

Thus I raise the questions:

1. Did you analyze the data, which you call "conclusive", to see whether it reflects the same "dose-response" relation between nitrite use (poppers) and HIV? If not, why not? Was it just as in Jacobson's case, that you never looked at the data in this way?
2. What is the correlation between the death rate and years of nitrite use in the data on which you base your "conclusive" evaluation?
3. Did your "mind" take into account the possibility of a dose-response relation between nitrite use and HIV positivity? "Causality" may be too strong a word, or may not be well-defined. Let's say

"dose-response" means HIV is a marker for nitrite use, possibly quantitatively as well as qualitatively.

As mentioned p. 643 of *Challenges*, the re-analysis of the San Francisco Men's Health Study by Ellison, Downey and Duesberg (*Genetica* 95, 1995, [EDD 96]) already raised the objection that the Ascher et al analysis "suffered several fatal flaws", among which "failing to quantify total drug use over time". Lacking such quantification, it is impossible to tell whether the data you invoke (from the Ascher et al article and the SF Men's Health Study) shows a progression (dose-response) similar to that found in the MACS study ten years ago. So I don't see what's "conclusive" about such data.

In addition to these comments to Jewell, note that the re-analysis [EDD 96] mentioned above found that 100% of the sick men in the sample had used nitrites, while 83% were HIV positive. In the present context, I recommend that the reader also look at the Hellerstein et al article [Hel 99] and my comments on it in [Lan 99].

I did not get an answer from Jewell.

I cc'ed my letters to Jewell to the chair and vice chair of the UCB Statistics Department, and brought to their attention the articles by Helen Lauer mentioned above in §5. I also gave them my 1-inch packet of documentation on "HIV/AIDS". No responses.

RESPONSIBILITIES

So what are our responsibilities? There is no universal criterion to determine them. Within the academic and scientific communities we are in different positions with different commitments: undergraduates, graduates, professors, directors of various institutes and programs, administrators, journalists at the *Daily Cal*...

As for educational responsibilities, do the universities teach that in interpreting data, or extrapolating data, there always exists a pitfall that we have overlooked some essential conditions which would affect our interpretation? I have given concrete examples in my letters to Jewell, in the analysis by Malan of UNAIDS and WHO so-called "statistics", and in mentioning the question whether HIV is a "yellow finger".

On the issue of HIV pathogenesis, I confronted various higher ups in the past, for instance the *Lancet* editor Richard Horton. He wrote a long review article for *New York Review of Books* (23 May 1996) about some of Duesberg's publications. On the whole Horton's selectivity did not properly allow readers to evaluate (a) the books under review; (b) the relative merits of hypotheses competing with the orthodoxy; (c) the positions of a number of scientists who have challenged the orthodoxy. Cf. my detailed analysis in *Challenges* pp. 699-713. I wrote a critical analysis of Horton's review, but both NYR and Horton for the *Lancet* refused to publish it. Cf. *Challenges*. In his article, Horton did state without fudging that "the ideological assassination that Duesberg has undergone will remain an embarrassing testament of the reactionary tendencies of modern science...". Still, he spoiled the effect of this sentence in a subsequent exchange with Duesberg in NYR (8 August 1996), where he wrote:

Duesberg accuses me of using "the argument of fear." If there is nothing to fear from HIV, he can easily prove it. If Duesberg seriously believes that HIV is harmless, let him inject himself with a suspension of the virus.

Evaluating this rhetorical thrust is fundamental to scientific standards. The thrust transforms what could remain a legitimate exchange about the evidence into an ad hominem attack, and thereby contravenes fundamental scientific standards. I object to replacing questions about what's the evidence with questions about beliefs. For a longer discussion of this thrust, see *Challenges* pp. 707-708. What will be the ultimate evaluation of such a thrust by the scientific and academic community?

I also confronted Donald Green, Director of the Institute for Policy Studies at Yale. The Yale AIDS program is under the aegis of this Institute. I gave him my packet of "HIV/AIDS" documentation. He used the same ad hominem thrust as Horton. He said: "If you are so sure about HIV being harmless, why don't you inject yourself with HIV?" After such a thrust, it becomes difficult if not impossible to go

further in discussing the validity of the orthodox position, or of my documentation concerning HIV pathogenesis. I regard this thrust as a major failure of intellectual, scientific, and professional responsibility.

David Baltimore, currently President of Caltech, is quoted in the article "AAAS criticized over AIDS skeptics' meeting" (*Nature* 369, 1994, p. 265): "There is no question at all that HIV is the cause of AIDS. Anyone who gets up publicly and says the opposite is encouraging people to risk their lives." Thus Baltimore has a quite different notion of responsibilities from Duesberg or me. There is indeed a question whether HIV is pathogenic. Is it responsible to withhold evidence on this question, and to stake the credibility of the scientific-academic establishment in the opposite direction? Besides, by covering up the toxicity of anti-HIV drugs for many years, and promoting the dogma of HIV pathogenesis, while not warning certain social groups that poppers are dangerous to their health and lives, scientists-academics such as Baltimore make a prejudicial choice which does not properly allow people to exercise judgment about what does constitute risks to their lives.

There is also the question whether some relevant or significant facts have been disregarded in the laboratory, in the classroom, on the public platform, and in the media. So we come to:

The Daily Californian.

(a) **World Aids Day article.** On 2 December 2004, the *Daily Cal* published a front page article headlined: **WORLD AIDS DAY EVENT EDUCATES, RESONATES**. Among other things, a bunch of students from Berkeley High School were passing out leaflets pushing the "HIV/AIDS" orthodoxy on the UC campus. The continuation of the article on an inside page was headlined: **AIDS: EVENT STIRS EMOTIONS, RAISES AWARENESS**. However, there is another way of looking at the event, namely that these students accepted unquestioningly the orthodoxy concerning "HIV/AIDS", and served as propagators for this orthodoxy like choir children. Such students had not been told (by their teachers, by the *Daily Cal*, by the Media at large) of the dissent I have described, based on substantial documentation. (I talked to a couple of them.) They got social approval, from *Daily Cal* headlines and the article, which quoted the lead coordinator of the event:

"(World AIDS Day) is a great opportunity to raise awareness, and it's encouraging to see how involved the students are and how much they know already and how eager they are to learn more."

"Encouraging" to whom? How much do they know of what? Was the author of this *Daily Cal* article aware of the documentation in the packet I gave to the editor at the beginning of the fall term? Did the editors process the information in the packet? Did they ask the "lead coordinator of the event" to comment on this documentation? In any case, the *Daily Cal* article on World AIDS Day Event just reinforced the conditioning stemming from the orthodoxy in giving social and journalistic approval to those students following this orthodoxy.

(b) **Duesberg article.** After I gave to the editors of the *Daily Cal* my 1-inch packet of documentation on "HIV/AIDS" at the beginning of the fall term, the editors assigned a reporter Alicia Wittmeyer, who interviewed Duesberg several times. (She did not interview me.) On 9 December 2004 (one day before the *Daily Cal* stopped publication at the end of the fall term) there appeared her front page article:

WORKING UNDER A CLOUD

Professor's Controversial AIDS Theory Leaves Him Isolated
Professionally and Personally

The article gives a correct picture of the way Duesberg has been ostracized (personally, scientifically, financially). However, the article biases the issues by reporting beliefs rather than documentation and facts, for instance: "[Duesberg] has been called anti-gay, even been called a mass-murderer for his role in persuading South African President Thabo Mbeki to ban the AIDS treatment drugs AZT and Nevirapine from rape victims and pregnant women. Duesberg believes these drugs are killers worse than the disease they are meant to treat." But once more, it's not a matter of what Duesberg believes! In §2 we have seen that many people knew of this toxicity, including the German-Swiss doctors publishing in *Continuum* last decade, and the *New Scientist* describing the "humiliating

U-turn" of the U.S. biomedical establishment in 2000-2001. We have also seen that the NIH top establishment covered up the toxicity of drugs such as Nevirapine while sending it to Africa. It's ironic that the AP-Solomon article on this matter occurred four days after the appearance of Wittmeyer's *Daily Cal* article.

Wittmeyer goes on to quote Art Reingold, an epidemiologist in the UC School of Public Health:

Nobody thinks he's crazy, we just mean he's wrong - 99.99 percent of anyone who understands epidemiology believes that Dr. Duesberg is wrong. It's not any sort of substantial minority view...It's not only that he's wrong, but his error has...done real damage. If this was simply a sterile academic argument, one could say he's entitled to his opinion, but it does have real-world consequences.

At this point, Duesberg told me that the *Daily Cal* did not report properly what he actually told the reporter, and what he and others actually published concerning what they find to be the causes of what is called "AIDS". Among other things, Duesberg warns against the toxicity of drugs, from poppers to AZT and Nevirapine. But the reporter uses her own tendentious expressions: "The tattered immune system of AIDS patients is a result of unhealthy lifestyles and living conditions..." to describe Duesberg's position. Duesberg told me that these expressions do not properly represent what he told Alicia Wittmeyer, although they are common in publications about him. Indeed, what does "unhealthy lifestyles" mean? Many articles about Duesberg have falsely created a context when he is represented as anti-gay. "Unhealthy lifestyles" can be interpreted as homosexuality and sexual transmission of a harmful virus, or it can be interpreted as taking certain recreational drugs such as poppers, for instance. Duesberg's warning about drugs is not anti-gay or homophobic, any more than the warning of the German-Swiss doctors, or that of *Continuum*. With its tendentious selectivity and ambiguous wording "unhealthy lifestyles", the *Daily Cal* does not make Duesberg's position clear, and also reinforces impressions that Duesberg does not have a credible scientific explanation for the various epidemics of what has been called "AIDS", which is false; see [DueKR 03], for instance.

Furthermore, the way Reingold is quoted gives no explanation whatsoever on what grounds Reingold charges Duesberg of being scientifically "wrong", what his "error" is, and what's the "damage" he has done. The reporter gives no further explanation of what these words mean. As Duesberg told me:

In view of this, it seems particularly disingenuous not even to mention the "real damage" and "real world consequences" of prescribing to 450,000 Americans inevitably toxic DNA chain terminators such as AZT as anti-HIV drugs. AZT, for example, has been developed over 40 years as chemotherapy to kill human cells. However, the prescription of AZT to people with antibodies against HIV is the sole responsibility of the HIV/AIDS establishment to which Reingold belongs.

Of course, it's not just what Duesberg told me - as the documentation in §2 shows, including the "humiliating U-turn" reported by the *New Scientist*. In the present article I have brought to your attention not only the toxicity of anti-HIV drugs, and the evaluation of this toxicity from several quarters, but also concrete defects in purportedly scientific articles; cf. Strohmman's evaluation of the Ascher et al paper [ASWV 93], my questions about the Jewell endorsement of the incomplete and inadequate data from this paper, the lack of answers to specific questions, the paradoxes (incompatibility with empirical evidence), among other items which I have mentioned. I have been concrete. The *Daily Cal*-Wittmeyer article does not mention the existence of any such concrete documentation, although I gave it to the editors early in the term, and it triggered the process leading to the article on Duesberg.

Nor does that article mention any other scientist who has also questioned the "HIV/AIDS" orthodoxy besides Duesberg. It lets Reingold's figure of "99.99 percent" stand without comment. However, a number of such scientists contributed articles to the Kluwer collection *Aids: Virus- or Drug Induced* [Due 96a], such as Harry Haverkos (National Institute on Drug Abuse) and Peter Drotman (CDC), Kary Mullis (Chemistry Nobel Prize for PCR test), Gordon Stewart (Emeritus Professor of Public Health, University of Glasgow), the Perth group in Australia from the Royal Perth Hospital and the University of Western Australia (Papadopoulos, Turner, Papadimitriou, Causer, Hedland-Thomas, Page). There are variations in the ways these express their dissent from the HIV/AIDS orthodoxy.

Walter Gilbert (Harvard, Nobel Prize in Chemistry) has been quoted in the press in favor of debating the HIV pathogenesis issue [Due 96b] pp. 236-238. Arthur Gottlieb M.D., Chair of the Department of Microbiology/Immunology at Tulane, provided a statement at the end of the chapter on HIV/AIDS in *Challenges*, p. 714, stating in part:

Within the medical-scientific community, HIV is widely accepted as the causative agent of AIDS. Notwithstanding this consensus, a group of knowledgeable scientists have raised a number of meaningful questions about this thesis, while some remain unconvinced of its validity.

In this chapter, Prof. Serge Lang has well documented the basis of this controversy and has provided a sobering picture for the reader of the polity of thinking that has characterized this field...

As well, Lang asks to what extent are readers of scientific journals correctly informed of various points of view and do editors assert unreasonable control over the terms of disclosure in their journals? These are important and disturbing questions. A review of the scenarios which Lang has painted should give the thoughtful reader pause as well as some insight into how doctrinaire thinking can develop and be perpetuated.

See also the list of professionals, hundreds from all over the world, compiled over the years as part of *Rethinking Aids* [Crowe], as well as articles by A. Liversidge and D. Rasnick on [Mam 04]. Thus the *Daily Cal* made Duesberg seem even more isolated than he actually is.

I object.

ENVOI

At the moment, we are at an impasse. The dissent is growing. For an example coming from a source quite different from the sources that I have already mentioned, see "Closing Ranks: AIDS Heresy In The Viricentric Universe" by the well-known science fiction writer James P. Hogan [Hog 04]. Other mass appeal publications of AIDS heresy are in the works presently. However, it's not clear if or when the dissent will reach a critical mass sufficient to unravel the orthodoxy. I hope the present advertisement helps to inform, as distinguished from conditioning or manipulating people about the issues concerning "HIV/AIDS".

Given the present psychological, social, political conditions surrounding "HIV/AIDS", I see no way for people to arrive at independent evaluations without doing individual homework. I regard it as a sad state of affairs when universities (including Yale and UC) do not provide natural academic forums which would make advertisements in the *Daily Cal* unnecessary for an issue of global interest. It is also sad to see the high schools transformed into conditioning centers for the orthodoxy on "HIV/AIDS".

In §6, we have seen examples of the way universities fail in their educational responsibility in significant cases. I have met my responsibility in publicizing information about where to look to get evidence against the orthodox position on "HIV/AIDS". It's your responsibility to decide if and when to do homework to develop your own independent evaluation of this evidence.

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- [Lau 04b] HELEN LAUER editor, *History and Philosophy of Science for African Undergraduates*, Hope Publications, Ibadan, Nigeria. This book is a collection of essays and articles. Several of Lang's articles on "HIV/AIDS" are reproduced pp. 47-74, including [Lan 95], [Lan 99], and a letter to the editors of *Scientific American*, which was not previously published.
- [Laur 90] J. LAURITSEN, *Poison by Prescription : The AZT Story*, Asklepios Pub. 1990
- [Mal 01] R. MALAN, Aids in Africa, *Rolling Stone* (22 November 2001) pp. 70-102
- [Mal 02] R. MALAN, Megadeath and Megahype, *San Francisco Chronicle INSIGHT* (Ideas, Opinions and Commentary) pp. D1, D6, 6 January 2002

- [Mal 03] R. MALAN, Africa isn't dying of Aids, *The Spectator* (27 December 2003), cover story
- [Mam 04] M. MAMONE-CAPRIA, "Science and Democracy" website: www.dipmat.unipg.it/~mamone/sci-dem
- [McN 04] D. McNEIL Jr, Furor in Africa over drug for women with H.I.V., *New York Times* 23 Dec 2004 p. A12
- [NIAID] "FACT SHEET" from National Institute of Allergy and Infectious Diseases, Office of Communications, "The evidence that HIV causes AIDS", <http://www.niaid.nih.gov/factsheets/evidhiv.htm>
- [NS 00] NO MORE COCKTAILS, *New Scientist* (16 Dec 2000) p. 7
- [Roe 98] M. ROEDERER, Getting to the HAART of T cell dynamics, *Nature Medicine* (4 No. 2) February 1998 pp. 145-146; see also his article in [Lau 04]
- [SFC] *San Francisco Chronicle*:
- [SFC 04a] Daily multivitamins found to cut AIDS risk in half, 1 July 2004, p. A7
- [SFC 04b] U.N. Aids Report: 3 million dead, \$6.1 billion Spent in 2004, 24 November 2004, p. A3
- [SFC 04c] U.S. officials were warned of risk posed by Aids drug, 14 December 2004 p. A4
- [SFC 04d] Aids Chief removed critical data on key drug, 15 December 2004 p. A9
- [SFC 04e] AIDS drugs probably killed woman - health officials knew of risks - Experimental medicines given despite signs of liver failure, 16 December 2004 p. A8
- [SFC 04f] AIDS drug debate creates fear of restrictions in Africa - Activists, doctors think governments may prohibit use, 17 December 2004, p. A23
- [SFC 04g] U.S. accused of AIDS drug conspiracy, 18 December 2004, p. A7
- [Sol 04] J. SOLOMON, Top U.S. officials warned of concerns before AIDS drug sent to Africa, AP Exclusive, <http://www.sfgate.com/cgi-bin/article.cgi?file=/news/archive/2004/12/13/financial1428EST0168.DTL&type=printable>
- [Str 99] R. STROHMAN, The University and Corporate Biotechnology, *Daily Cal* (1 April 1999) p. 5. Subtitle: These days profit margins and epistemology direct university research
- [Wei 95] WEI et al., Viral dynamics in human immunodeficiency virus type 1 infection, *Nature* 373 (1995) pp. 117-122
- [WHO 86] WORLD HEALTH ORGANIZATION, Provisional WHO clinical case definition for AIDS, *Weekly Epidemiological Records* 36 (7 March 1986) pp. 72-73
- [WHO 99] WORLD HEALTH ORGANIZATION, Global AIDS surveillance Part II: *Weekly Epidemiological records* 74 (3 December 1999) pp. 409-411

Update On the HIV/AIDS Orthodoxy

15 February 2005

After I submitted my ad, I learned of several developments concerning "HIV/AIDS" issues raised in this ad. I told Daily Cal editors about them, and suggested that the Daily Cal itself might write articles about them. I list these developments for the reader's information.

I. Experiments with anti-HIV drugs on orphans and children. I mention in my ad the AP-John Solomon articles exposing the way "AIDS research chief rewrote safety report, ordered clinic opened over objections." Subsequently James P. Hogan informed me of a particularly horrendous event. I quote from his letter to me dated January 11, 2005:

Even beyond the scandal of information on drug toxicity being suppressed to boost sales in Africa, have you come across the situation reported by the Boston journalist Liam Scheff, of orphans and children taken from their mothers being used as laboratory rats and force-fed experimental AIDS drugs in New York City -- with ghastly and sometimes fatal consequences? To the point of having delivery tubes connected to surgically implanted devices in their abdomens when they try to refuse! I have posted a reference on my web site at <http://www.jamesphogan.com/bb/content/12183.shtml>, which contains a pointer to Liam's full account of the whole gruesome business, "The House That AIDS Built." The following articles also refer:

Crux Magazine - HIV Negative:

http://www.cruxmag.com/asset/crux_hivnegative.pdf

NY Press- Orphans On Trial:

<http://www.altheal.org/toxicity/orphans.htm>

AHRP letter to the NIH/FDA:

<http://www.ahrp.org/ahrpspeaks/HIVkids0304.php>

A&U Magazine:

<http://www.aumag.org/viewfinder/leftMay04.html>

UK Guardian/Observer:

<http://observer.guardian.co.uk/international/story/0,6903,1185305,00.html>

Independent:

<http://news.independent.co.uk/business/news/story.jsp?story=587418>

BBC TV Listing:

http://www.bbc.co.uk/pressoffice/proginfo/pdfs/tv/week48/bbctv48_tues.pdf

Hogan added: "If the mainstream media in the US were fulfilling their obligations, I would imagine we'd be seeing the perpetrators lynched in the streets."

I take this occasion to recommend Hogan's latest book: "Kicking the Sacred Cow". This book provides great stimulation toward clear and independent thinking.

II. The Double U-Turn. As explained in my ad, the NIH, CDC in January 2001 made a "humiliating U-turn" (quote from the New Scientist) with respect to previous policy about anti-HIV drugs, when they recognized officially the toxicity of these drugs and issued new guidelines about restricting their use. Four years later, about a month after the AP-Solomon articles of December 2004 and some mention of their content in the press, the AP reported what I call a "double U-Turn", going back even further than their policy before 2001! I quote from the AP, January 21, 2005:

...The seismic shift in policy, announced Thursday by the Centers for Disease Control and Prevention in Atlanta, says a preventative regimen of drugs should be given to anyone exposed to HIV from rapes, accidents or isolated episodes of drug use or unsafe sex. The previous recommendation, made in 1996, had been only for health care workers accidentally exposed on the job.

No mention is made of the previous "U-turn" of 2001. Articles in a number of newspapers reported accordingly, for instance:

- Atlanta Journal-Constitution: CDC Recommends HIV Drugs for All Exposed to Virus
- Boston Herald: CDC expands use of AIDS drug cocktails

The CDC itself issued a press release January 20:

CDC Issues Updated Guidelines on Use of Antiretroviral Drugs to Prevent HIV Infection After Sexual, Drug Use, and Accidental Exposure
<http://www.cdc.gov/od/oc/media/pressrel/r050120.htm>

III. The Whistle-Blower. A person from NIH who contacted AP-Solomon was Jonathan Fishbein. He was fired by NIH. Then his whistleblower status was reinstated by a judge. See the *Washington Post*, February 2, 2005 p. A21:

HHS Backs Protection for Special Consultant
"Whistle-Blower law should apply, it says"
 by Christopher Lee, Washington Post Staff Writer

Fishbein has a website with lots of material, and can be contacted through www.honestdoctor.org, or:

Jonathan Fishbein
 Honest Doctor.org
 PO Box 15701
 Potomac MD 20859

Rand H. Fishbein PhD (Tel 301-767-1691)
 Executive Director
 PO Box 59701
 Potomac Maryland 20859

IV. Drug money. Money and Social Forces are two of the main forces acting on people. Frequently, the social forces are underestimated. For example, I don't see a money force in the foreground causing the Nannyism of the Daily Cal. Actually, in a choice between cashing my check and "protecting the readership", they tried to fudge it, but upon my refusing to go along, they didn't cash the check (yet). This doesn't mean money is not sometimes in the forefront. The AP on 11 January 2005 had an article titled:

Feds Failed to Disclose Financial Interest
Federal Researchers haven't Told Patients About
Financial Interest in Experiments

Two of the government's premier infectious disease researchers are collecting royalties on an AIDS treatment they're testing on patients using taxpayer money. But patients weren't told on their consent forms about the financial connection. Drs. Anthony Fauci and H. Clifford Lane, who helped invent the experimental interleukin-2 treatment being tested around the globe, even tried to alert patients about their royalties but were rebuffed by their own agency.

They're hardly alone.

More than 900 current and former scientists at the National Institutes of Health legally collected \$8.9 million in such royalties last year for drugs and inventions they discovered while working for the government, according to information obtained by The Associated Press...

THE DAILY CALIFORNIAN

Independent Student Press. Established 1871.

CIRCULATION: 23,000

WWW.DAILYCAL.ORG

BERKELEY, CALIFORNIA

The University and Corporate Biotechnology

■ These days profit margins and epistemology direct university research

By Richard C. Strohman

The recent Biotechnology Celebration hosted under the auspices of the Bancroft Library has provided the campus community another opportunity for open discussion on the problems attending new initiatives for university-corporate alliances. Such alliances have a negative impact on traditional university missions of research, teaching, and serving the public interest.

In what has been described as the ideal alliance, the biotech-corporate contribution is money, expensive equipment, and the skills to market products emerging from university labs. The university contributes ideas and traditions of open and shared information, of unimpeded science, but also science coupled to public service as mandated, for example, in the formulation of Land Grant Colleges. It is now suggested to augment this science with the assumption that universities working through corporate structures will automatically serve the public interest quicker and better than it otherwise might on its own. The phrase is, "Helping to transform the ideas of the laboratory to the ideas and realities of the marketplace." Unexamined, who could be against such a catalytic relationship?

But examination of the historical relationship between fundamental science and technology reveals a good deal more than the ability to hasten a transformation of science-

to a marketable product. First, the recent misappropriation of the word "biotechnology" as in biotech-corporations is confusing. An academic research process, at best, is represented by an internal balanced relationship between inquiry (how the world works), and technology (methods of measuring) necessary for getting answers. But the technology of the corporate-world, in addition, contains an external component that has to do with generating marketable stuff. In both cases the technology can take over the inquiry. The corporate need for technology dedicated to specific products will ... must ... subvert the scientific need for unimpeded research. In academic biology the technological need to define complex behavior in terms of simple causality subverts the need for a wider, more complex research context.

Here then is the real danger of the university-corporate "merger"; that the traditional balance of the science-technology relation be tilted in favor of corporate technology need under the guise of a scientific need; a corporate need that must repress new ways of seeing nature. For example, it is already clear that the linear genetic view (the gene of the week syndrome) has for years already repressed the non linear views of life as a complex adaptive system in which genes are made responsive to the epigenetic regulation mentioned above. This situation is only made worse by a corporate technology heavily invested in gene-based diagnostics and drugs for diseases, and genetic

engineering tools for redesign of plants and animals all demanding short term rewards. You may isolate, sequence, clone, purify, bottle and sell these "products", but where is the short term profit of a vision of life born of an unexpected (and unwanted) experimental result.

There is no short term in science — only long term. Genetics is only one part of life. Understanding the other part in the form of the complex epigenetic regulation of the genome is going to take many years. Meanwhile, we rush ahead under the corporate imperative to sow millions of acres of cropland with genetically altered seeds; to "engineer" human embryos with genetically altered eggs and sperm; and to diagnose and cure disease with genetic "magic bullets", without taking note that we are doing so with a science only half complete. That is bad and even dangerous science chasing laudable goals of feeding the hungry and curing infant and adult diseases. But in the opinion of many these goals cannot be achieved through linear genetic thinking alone.

The speakers at the biotech celebration often mentioned that the "real" scientists were mostly concerned with getting on with the "clearly possible" while critics of their particular scientific projects were mere modern Luddites. Nothing wrong with getting on with things. The problem here is that what is too often seen as clearly possible is defined in the first place by an internal scientific consensus and/or a corporate imperative rather than by

the evolving scientific realities. In short, the historical mission of university-based research — to generate new ideas irrespective of their immediately perceived value to society or the corporation — is being severely compromised. When the values of the corporate structure (profits, market share, stockholder satisfaction, image, and hype) conflict with the traditional needs of university research, then we begin to see an undermining of the university because the true relationship between science and technology — the give and take, the interplay, is unbalanced in favor of the corporation.

This shift in emphasis from the question, "What is life?" to "How do we control life to produce useful things?" has already taken place in too many centers of university bioresearch that have been influenced by a need to provide quick fixes to human problems. And no one stands against producing useful things; it's just that we now have to deal with the underlying questions of "Who is in charge of asking the questions and setting the research agenda?"; "Who is defining 'the public interest' as served by university research?"; and "What values are we defining for our students doing the research and living in its midst?"

Richard C. Strohman is a professor emeritus of molecular and cell biology at UC Berkeley. Respond to him at opinion@dailycal.org

Editorial Restrictions and the Rejection Process

18 January 05

To: Adeel Iqbal (Editorial)
Gene Nubla (Advertisements)
Daily Californian

1. The material I mentioned before I left Berkeley is being sent, for publication in the Friday January 28 issue. There are two parts:

- **The advertisement, to occupy 4 Daily Cal pages.** A PDF file of this ad is being sent by a friend of mine:

Peter Doshi (pdoshi@fas.harvard.edu). Phone 617-868-6041.

He laid out the ad in the way I want it printed. I am computer illiterate, so I expect you'll be in touch with him if any questions arise about technicalities involved in the setting of the ad.

- **A short piece which I am using as an introduction to the ad,** to take advantage of Iqbal's offer of a 750-word editorial commentary. This piece accompanies the present cover letter.

My office phone is 203-432-4188. I'll pay for any phone calls. If you call me, I'll call you back at once. You can fax to me at 203-432-7316. I'll call shortly after sending this letter.

Since the ad will appear in the same issue as the editorial comment-introduction, there has to be a minimum of communication between Iqbal, Nubla and me. That's why I address this letter to both of you.

2. I am asking that the ad and the editorial comment be placed together as the same item on the website of the Daily Cal, like other ordinary material in the Daily Cal.

I understand that the Daily Cal does not usually place advertisements on its web site, but the circumstances here are unique. First, the ad has an introduction which will occur as part of the editorial material of your publication. Second, the ad documents the criticisms I have of the article on Duesberg which you published on December 9, partly triggered by the documentation I gave to the editors early in the fall term. Third, the ad attempts to make up for defective media reporting in general over two decades, concerning the "HIV/AIDS" issues.

Many thanks for your attention. It was a pleasure to talk with both of you while I was in Berkeley.

Serge Lang

cc: Peter Doshi

Message-ID: <3784.63.205.184.150.1106641222.squirrel@63.205.184.150>
Date: Tue, 25 Jan 2005 00:20:22 -0800 (PST)
Subject: Op-Ed on Jan. 28 denied
From: "Amina Khan" <opinion@dailyca.org>
To: pdoshi@fas.harvard.edu

Dear Mr. Doshi,

I am sorry to have to inform you that we cannot run your op-ed submission on January 28th. I understand that op-ed and advertisement were crucially linked; however, that is the reason we cannot do both at the same time, as it would be too much like "buying" the op-ed and thus unethical.

If you need to make changes to your ad, please contact advertising as I have no further information on the subject. I apologize for any inconvenience this may cause.

Best,
Amina

25 January 05

Dear Gene,

Amina Kahn wrote that my op-ed is refused. Actually she wrote to Doshi, which is improper. I have amended the op-ed enclosed below and I resubmitted it for publication. I talked to Adeel, who said he would contact me this morning (his morning or mine, not clear). I have classes from 1pm to 4pm my time. If Kahn turns the op-ed down, then I plan to submit an addition to the add on a fifth page, containing the op-ed with additional comments which I'll send you this afternoon. You can write me back via "Mel", the secretary sending this out for me. Mel is here from 9 to 4:30 or 5:00 our time. The time change makes things more difficult.

Thanks for continuing discussion with Peter about the space available on the ad.

Serge

25 January 05

Dear Adeel Iqbal,

Amina Kahn wrote that my op-ed is refused. Actually she wrote to Doshi, which is improper. I have amended the op-ed enclosed below and I am resubmitting it for publication on Friday 28 January. Please let me know right away if that is accepted. Thanks. You can write me back via "Mel", the secretary sending this out for me.

Serge Lang

Re: from S.Lang

Subject: Re: from S.Lang

From: "Adeel R. Iqbal" <aiqbal@dailyca.org>

Date: Tue, 25 Jan 2005 12:13:22 -0800 (PST)

To: mary.delvecchio@yale.edu

For Mr. Serge Lang

Dear Mr. Lang,

I received your updated op-ed and have forwarded it to the Opinion Editor, letting her know that you have deleted the sections pertaining to the paid advertisement. When I speak to her, I will find out what she thinks and let you know what her decision is. I believe she is in class at the moment.

Hopefully all is well with you. I do have one request, however. I received three angry phone calls from my roommates this morning saying they were woken up by a phone call from you at 7 a.m. today. It is best for you to reach me at work because I am hardly at home. So if you could kindly stop calling my home line I would much appreciate it, as would my roommates. If you leave a message at work, I will definitely get back to you. Also, e-mail is a good and speedy system. If it takes a few hours for me to respond, it probably means I am in class or hung up with something else at work, but, regardless, even if a bit delayed, I will certainly return your call or e-mail message.

Thank you very much.

Best,

Adeel

--

Adeel Iqbal
City Editor
The Daily Californian
600 Eshleman Hall
Berkeley, CA 94720
aiqbal@dailyca.org
(510)-548-8300 ext. 415

Subject: Attn Serge Lang: Daily Cal
From: "Adeel R. Iqbal" <aiqbal@dailycal.org>
Date: Wed, 26 Jan 2005 13:59:05 -0800 (PST)
To: mel@math.yale.edu

Dear Mr. Lang,

Your phone line is busy. Thus I am sending you this response by e-mail.

I unfortunately have some bad news. It has been decided that the op-ed cannot run alongside the advertisement.

I know that this is disappointing to you, but as you had requested in our phone conversation, you are still able to purchase another page. That request can be made to Mr. Nubla. You should call him directly about submitting another page and the deadline for that.

If you have questions about the reasons for the decision, you can speak to our General Manager, Diane Rames.

I hope things work out, and again, I apologize for all the going back-and-forth.

Sincerely,
Adeel

Adeel Iqbal
City Editor
The Daily Californian
600 Eshleman Hall
Berkeley, CA 94720
aiqbal@dailycal.org
(510)-548-8300 ext. 415

27 January 05

Dear Adeel,

Thanks for the communication that the revision of my op-ed is also rejected. Contrary to what you suggest, it's not for me to call your General Manager. It is for whoever has responsibility for the rejection to inform me directly of the reasons, on the record (not just verbally) if the reasons are different from those given by Amina Kahn in her letter. Especially since you had offered me the op-ed possibility last fall!

Furthermore, you tell me that I am "still able to purchase another page" and you tell me to make the request to Nubla. In fact, I had done so, but it was the Advertising Manager Magnus Yang yesterday who called me on the phone, and raised some objections. After discussion and some disagreement he told me they could not publish my ad on the 28th. It is left open whether we can arrive at some understanding by next week. I am sending him today a couple of comments to go with the rejected op-ed on the new page, together with one change of wording in the 4-page ad, referring to my "rejected op-ed" rather than the "op-ed".

I do appreciate my dealings with you and Nubla, but apparently neither of you had the power to make decisions in the present case. It's a strain.

All the best,

Serge Lang

27 January 05

To Magnus Yang, Advertising Editor
Daily Cal

Dear Magnus,

I enclose two PDF files: One is the new page, which in addition to "Challenging the "HIV/AIDS" Orthodoxy" contains a comment about the rejection of the op-ed. The other is the revised four pages where I changed the reference to my "rejected op-ed" in the ad, to take into account the concern you expressed.

Less than a full page is used. As I told you on the phone, I offer to you (and whoever else is involved in the decision-making) the opportunity to have whatever disclaimer you want on the remaining space of the page (I'll pay for the space). But as I told you, I don't see why I should substitute for you in this disclaimer. I make factual statements, and I document them. Nobody has pointed out any misrepresentations or false statements, which I would be glad to correct if somebody did find them.

Please write me (Subject Serge, email via our secretary: mel@math.yale.edu) what the decision is concerning publication, in addition to phoning me to discuss the matter once more if necessary. If there is again a rejection, I would like to be informed of the reasons.

Thanks for everything,

Serge

Yale University *New Haven, Connecticut 06520-8283*

31 January 05

Telephone: (203) 432-4172

Fax: (203) 432-7316

DEPARTMENT OF MATHEMATICS

10 Hillhouse Avenue

P.O. Box 208283

Amina Khan, Opinion Editor
Daily Cal
600 Eshleman Hall
U of C, Berkeley Calif 94720

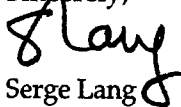
Dear Amina Khan,

Your letter to Peter Doshi rejecting my op-ed was wrongly addressed: my name (Serge Lang) is exhibited in large letters on the op-ed that was submitted. Doshi is a friend of mine who set the PDF file because I am computer illiterate. Furthermore, I had sent to Iqbal and Nubla (Advertising) my own typed up piece, again with my name clearly displayed in large letters. Neither of them ever suggested as you did, that there was something "unethical" about the simultaneous appearance of the ad and the op-ed piece.

I revised the original version of my op-ed by taking out all references to the ad in the op-ed, to take your concerns into account. Iqbal wrote me that this was also rejected, and wrote me: "If you have questions about the reasons for the decision, you can speak to our general manager, Diane Rames." However, in light of your being the Opinion Editor who had the authority to reject the first version, I don't want to deal with an intermediary. I would appreciate hearing directly from you, in writing, on the record, what the reasons are for the second rejection.

Many thanks for the attention. I don't have email, but you can write me at my regular address (Math Dept Yale, Box 20-8283, 10 Hillhouse Ave, New Haven CT 06520-8283).

Sincerely,



Serge Lang

cc: Iqbal, Nubla

31 January 05

To Magnus Yang, Advertising Manager
Daily Cal

Dear Magnus,

Last Thursday I enclosed two PDF files: One was the new page, which in addition to "Challenging the "HIV/AIDS" Orthodoxy" contains a comment about the rejection of the op-ed. The other is the revised four pages where I changed the reference to my "rejected op-ed" in the ad, to take into account the concern you expressed. I hurried because I thought we could discuss these on Friday. However, when I called the Daily Cal office, it was closed, so I suppose we will talk today Monday. I am teaching two classes between 1 and 4pm my time, you are three hours earlier. I'll call right after my classes.

Because I thought we could talk on Friday, I asked my friend in Cambridge to send you revised updated PDF files. He informs me these were sent Thursday, 5:04pm EST to ads@dailycal.org, addressed to Magnus. I attach them to the present letter. They supersede previous versions.

You asked me to make other changes, which I refused. This resulted in your pulling the ad for its scheduled date (Friday 28 January), and holding things up till we talk again. For instance you asked that I write some explicit statement that the ad reflects my "opinions" or "beliefs". Please note especially in my ad how I speak against substituting "beliefs" for "evidence". I mostly make factual statements, and I document them. Cf. my sentence "the [Daily Cal Wittmeyer] article biases the issues by reporting beliefs rather than documentation and facts", as when the article states "Duesberg believes these drugs are killers...". I comment further: "But once more, it's not a matter of what Duesberg believes!" and I provide documented evidence. So of course I wouldn't do what I have criticized others for doing. Nobody has pointed out any misrepresentations, or quotes out of context, or false statements, which I would be glad to correct if somebody did find them. The rejection of my op-ed piece is a fact which I don't want to omit from my ad. Sometimes I object to something, but the word "I" is at the beginning of the objecting sentence, making clear my responsibility for the objection. The Daily Cal Wittmeyer article's omission of the existence of numerous people dissenting from the HIV/AIDS orthodoxy, is a fact, documented at the end of the part on "Responsibilities" in §6. My sentence "I object" leaves unambiguous who is taking responsibility for the objection, and is factual. I also point to a factual consequence of the article's selectivity: "Thus the Daily Cal made Duesberg seem even more isolated than he actually is." There are a few sentences of mixed type, such as: "I regard it is a sad state of affairs when universities...do not provide natural academic forums which would make advertisements in the Daily Cal unnecessary for an issue of global interest."

It is a fact that some people with power at the Daily Cal (who, besides the Opinion Editor?) have constrained the forum of debate by (a) rejecting my submitted op-ed, and (b) seeing the linking between the generalities of an op-ed and the providing of documentation in an ad as "unethical". We are in the process of discussing other attempted constraints. I hope things go smoothly from now on.

I again offer to you (and whoever else is involved in the decision-making) the opportunity to have whatever disclaimer you want on the remaining space of the new page (see, you get free advertising space!). But I repeat: I don't see why I should substitute for Daily Cal editors or managers in such a disclaimer.

Please write me (via the address: mel@math.yale.edu) what is the decision concerning publication of my ad, now up to 5 pages. We can still discuss on the phone if necessary. If there is again a rejection (and I sincerely hope there won't be), I would like to be informed of the reasons in writing, on the record.

Thanks again for everything,


Serge

Enclosure: PDF

Phone conversation with Magnus Yang.

He asked me to write a disclaimer for the ad: "This ad represents only my views."
I refused, saying that I give many quotes, which represent other people's views,
i.e. the German and Swiss Doctors, the NIH-CDC "humiliating U turn" of 2001-2002,
etc. I said such a disclaimer would be a false statement.

I asked why he wanted such a disclaimer. He said:

"There are things we have to do to protect our readership."

I said that this attitude toward the readership would be more suitable for
six year olds. Protect them from what?

[The conversation lasted about half an hour, 4:45-5:15pm, 2 February 05. S.L.]

2 February 05

To Magnus Yang, Advertising Manager
Daily Cal

Dear Magnus,

Thanks for calling back today. You proposed that I write a one page piece, which would then be placed as an advertisement five days in a row. In this piece, I would refer readers to the present version of the ad, which would be put on a web site. I asked you if you would put it on the Daily Cal web site. You said no. After discussion, I declined your offer. I don't want to separate documentation from a summary. Furthermore, I consider a 4 or 5 page ad in the Daily Cal as having an impact for which there is no substitute. As I told you, I stand by the 5-page presentation as an ad in the Daily Cal. Of course, there remains the possibility of putting the material on web sites, but this comes after a decision is reached whether the Daily Cal publishes the ad or not. You said you were not responsible for the decisions.

You said you would talk to whoever is making the decisions. It's still not clear to me who has the power in these matters, and what is the role of the General Manager Diane Rames. Iqbal's letter to me of 26 January did not make the matter clear. The only editor to have written unambiguously has been Amina Khan.

In my letter to you of 31 January, I wrote that I would like to be informed of the reasons in writing, on the record. I repeated this in our conversation today. You said you would go back and talk to whoever is responsible for the decisions (Diane Rames? Several people?), and you would write me email, as well as call me again on the phone to discuss matters. Thanks in advance.

I shall send regular mail tomorrow another letter dealing with other points of our conversation.

With best regards,


Serge Lang

Sent email 3 February.

3 February 05

To Magnus Yang, Advertising Manager
Daily Cal

Dear Magnus,

Thanks for calling back yesterday. This letter is a follow up to the one I wrote last night after our phone conversation, concerning further positions you expressed.

1. A "scientific" article? I do not agree with the position you expressed, that my article is "scientific" in a sense which makes it difficult to read or understand by the Daily Cal's primary constituency, undergraduates, graduates and faculty. I reminded you that this constituency is that of one of the top universities in the country. I was flabbergasted that anyone in a position of authority at the Daily Cal could find this a reason to reject the ad.

2. A disclaimer? You asked me once more whether I would write a disclaimer, for example: "This ad represents only my views." I refused, essentially for the same reasons that I gave you in my letter of 31 January, two days ago (emailed, printed out copy sent regular mail later that day). I told you on the phone that (among other things) such a disclaimer would be a false statement, because in the ad I reproduce "views" from others as well as official policies. For example: I quote from the German-Swiss doctors in *Continuum*, where they represented their views. I quote from *The New Scientist* about what they call the "humiliating U-turn", which both expresses a view ("humiliating"), and gives a factual account of the change in NIH-CDC policy concerning the prescription of anti-HIV drugs (AZT, Nevirapine et al) to take place in January 2001. And on and on. I repeat: if anyone can document my quoting out of context or misrepresenting the position of others, I'd appreciate being informed so that I can correct the matter.

3. "Protect our readership"? I asked you why you wanted the above disclaimer. You said: "There are things we have to do to protect our readership." I found this answer astounding and very distressing. Protect your readership from what? From being informed of the position of the German-Swiss doctors in *Continuum*? From knowing the NIH-CDC change of policy in 2001? From other information contained in my ad? Protect your readership from whom? Me?

As I said on the phone, your position that your readership needs protection is a position which I find more fitting in referring to six year old children, rather than the members of a university, let alone a top university in the country. I find your position presumptuous. I regard your readers, members of the UC community, as able to decide for themselves what they want to read, when, and how much they want to process information without being manipulated by journalistic nannies. This "protecting the readership" provides documentation about a journalistic attitude. The question arises whether this protective attitude was also explicitly a factor in the tendentious selectivity of Alicia Wittmeyer's article, substituting "beliefs" for facts, and omitting documentation.

The situation distresses me, all the more since so far we have had frank discussions. But from what you say, you are not the one making decisions. So what I wrote to Iqbal email on 27 January (and told you on the phone today) stands: It's not for me to call your General Manager. It is for whoever has responsibility for the rejections to inform me directly of the reasons, in writing on the record (not just verbally) if the reasons are different from those given by Amina Khan in her letter, and those you told me on the phone about the need for a disclaimer and the need to "protect" your readership.

I appreciate that it has been possible to talk frankly with you on the phone.

With best regards,


Serge Lang

To Serge Lang; re: The Daily Californian

Subject: To Serge Lang; re: The Daily Californian

From: Magnus Yang <ads@dailycal.org>

Date: Thu, 03 Feb 2005 17:54:52 -0700

To: <mary.delvecchio@yale.edu>

Hi Serge,

I just wanted to let you know that all further correspondence with the Daily Californian will have to be through our General Manager, Diane Rames. She can be reached at: ramesconsulting@aol.com or on her cell phone at: 650.759.1587. She can answer any questions you have and make a decision about your ad. Thanks!

Magnus Yang
Advertising Manager
The Daily Californian
UC Berkeley
510.548.8300 x216
m.yang@dailycal.org

4 February 05

Diane Rames
General Manager
Daily Cal

Dear Ms. Rames,

I just received an email from Magnus Yang stating:

Hi Serge. I just wanted to let you know that all further correspondence with the Daily Californian will have to be through our General Manager, Diana Rames. She can be reached at: ramesconsulting@aol.com or on her cell phone at: 650.759.1587. She can answer any questions you have and make a decision about your ad. Thanks!

The submission of my 5-page ad stands. I await an answer which Yang was not able to give me. Many thanks.

Sincerely yours,


Serge Lang

Yale University *New Haven, Connecticut 06520-8283*

Telephone: (203) 432-4172

Fax: (203) 432-7316

DEPARTMENT OF MATHEMATICS

10 Hillhouse Avenue

P.O. Box 208283

9 February 05

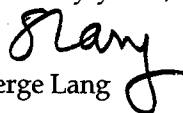
Diane Rames
General Manager
Daily Cal

Dear Ms Rames,

On 4 February I sent you an email concerning the 5-page ad which I submitted. I would appreciate getting an answer. The Daily Cal Advertising Manager Magnus Yang pulled the ad a few days before it was due to appear on 28 January. After the op-ed's refusal by the Opinion Editor Amina Khan, I made a couple of brief clarifications concerning both the introductory sentence on the previously submitted four pages, and the comments concerning the rejected op-ed to appear on a new page. This final version was sent Thursday 27 January, 5:04pm from Cambridge, where a friend of mine set the PDF file because I am computer illiterate.

Not having an answer from you to my 4 February letter, I am now faxing to you at the Daily Cal's fax address both that letter of 4 February and the present follow up. I would appreciate being told on the record whether my ad is accepted or rejected. If the ad is rejected, I would appreciate being told the reason(s). Thanks in advance.

Sincerely yours,


Serge Lang

10 February 05

Telephone: (203) 432-4172
Fax: (203) 432-7316

DEPARTMENT OF MATHEMATICS
10 Hillhouse Avenue
P.O. Box 208283

Kim-Mai Cutler, Editor in Chief and President
Daily Californian
600 Eshleman Hall
PO Box 1949
Berkeley Calif 94701-0949

Dear Mr. Cutler,

I am addressing you because of the impossibility of getting a clear cut decision on the publication of a 5-page ad which I submitted about two weeks ago.

Summary history. I have dealt with several people, including Gene Nubla in the advertisement department, and Adeel Ikbal (City Editor). There were some problems because originally I planned to publish both an op-ed and a 4-page ad documenting the generalities of the op-ed. I had asked for publication on 28 January.

1. On 25 January, the opinion editor Amina Khan rejected the op-ed on the grounds that the op-ed was "crucially linked to the ad". She gave this as "the reason we cannot do both at the same time, as it would be too much like 'buying' the op-ed and thus unethical."

2. I then changed a couple of sentences and titles to eliminate any mention of the ad in the op-ed. On 25 January, Ikbal informed me that he

"received the updated op-ed and forwarded it to the Opinion Editor, letting her know that you have deleted the sections pertaining to the paid advertisement."

3. On 26 January, the next day, Ikbal wrote me:

"I unfortunately have some bad news. It has been decided that the op-ed cannot run alongside the advertisement. I know this is disappointing to you, but as you had requested in our phone conversation, you are still able to purchase another page. That request can be made to Mr. Nubla. You should call him directly about submitting another page and the deadline for that."

4. Actually, I had already asked Nubla for this extra page. However, on that same day 26 January, the Advertising Manager Magnus Yang called me. He raised some further objections. In light of the rejection by Amina Kahn, I updated a couple of sentences, but refused to go along with some other requests. I did not get confirmation of these requests in writing, nor did I get such confirmation of other requests he made in subsequent phone conversations. I explained my position in letters dated 27 January, 31 January, 2 February, and 3 February (sent email).

5. Late on 3 February, Yang wrote me that "all further correspondence with the Daily Californian will have to be through our General Manager, Diane Rames." This sentence was absurd and presumptuous on the face of it, in telling me to whom I can write, because I am now writing to you in your capacity as Editor in Chief and President. To whom I write is not a prerogative of third parties. To answer me or not to answer me, that is the question. I did write to Diane Rames on the 4th and 9th of February, email and fax. I have not received answers.

Thus aside from one clear-cut rejection by Amina Khan, I have been getting the runaround, culminating in stonewalling.

Basic issues. Several issues of journalism have arisen, among which:

- How does one make up for defective reporting over two decades? (This is the last sentence of my rejected op-ed.)
- How does one deal with selective tendentious reporting in specific articles such as the Daily Cal article "World AIDS Day Event Educates, Resonates", and the article on Duesberg "Working Under a Cloud"?

I don't see any short way. I have tried to provide more extensive documentation by paying for an ad, now 5 pages long. This is journalism under my responsibility.

But journalism not under my responsibility, for instance in Daily Cal articles, could go much further. On the Daily Cal masthead, one reads:

The Daily Californian strives for accuracy and fairness in the reporting of news. If a report is wrong or misleading, a request for a correction or clarification may be made.

Indeed, I have made such a request. I suggested in my conversations with Iqbal and Yang that a series of articles on the question of "HIV/AIDS" would be needed, and why doesn't the Daily Cal get into such a series? It could do so without the limitations of short articles it has had in the past, concerned with "opinions" and "beliefs" and promoting the orthodoxy on this subject. (My 4-page ad provides specific criticisms of the two articles mentioned above.) The one-inch packet of documentation which I gave to the editors at the beginning of last term could be among the items used by the Daily Cal to write such a series. There is plenty more once you look for it.

Such a series would reflect an attitude toward journalism quite different from that expressed by your Advertising Manager Magnus Yang. He wanted me to put a disclaimer in my ad. I asked him why he wanted such a disclaimer. He said:

"There are things we have to do to protect our readership."

For details, see my letter to him dated 3 February. As I told him, this attitude toward the readership would be more suitable for six year olds. I regard your readers, members of the UC community, as able to decide for themselves what they want to read, when, and how much they want to process information without being manipulated by journalistic nannies. But as things stand, the Daily Cal is into Nannyism, thus adding another ism to the other isms of the ology. Nannyism "to protect our readership" is a long, long, long way from the FSM and the Daily Cal of the sixties.

The Daily Cal now has to decide just what it wants to do about the above issues.

Furthermore, at the end of January I had sent a check to pay for the advertisement. Nubla told me I owed a bit more. Also after I added the extra page, I would owe for it in addition. So I would appreciate getting a definite answer about my ad, whether it is accepted or rejected, what I owe in addition if accepted, or your returning the check if the ad is rejected.

Sincerely yours,


Serge Lang

Yale University *New Haven, Connecticut 06520-8283*

15 February 05

Telephone: (203) 432-4172
Fax: (203) 432-7316

DEPARTMENT OF MATHEMATICS
10 Hillhouse Avenue
P.O. Box 208283

Orville Schell, Dean
School of Journalism
U of C
Berkeley Calif 94720

Dear Dean Schell,

This letter will deal with some national and international problems, their connection with journalism, and the way journalistic responsibilities are met. I deal with concrete cases.

I was on leave last summer and fall at Berkeley. Aside from my ongoing mathematical research, I pursued my interest in informing people about an issue of national interest, that of "HIV/AIDS". My book *Challenges* has a 114 page chapter on it, and I am sending you additional documentation, which I gave to the editors of the Daily Cal at the beginning of the fall term. One of their reporters Alicia Wittmeyer subsequently interviewed Peter Duesberg, and her article was published December 9, next to the last day of classes. Thus it was too late for me to deal with this article at that time. I submitted both an Op-Ed and a 4-page advertisement documenting the generalities of the Op-Ed for publication in the Daily Californian. There ensued complications, documented in the enclosed Daily Cal File. The Op-Ed was rejected, and I added it as still another page in the advertisement. There were several requests for changes in the ad from various Daily Cal Staff members, and statements about what they would publish or not. I updated a few sentences in the ad in light of the op-ed rejection giving rise to an extra ad page, but refused to go along with other suggestions for various reasons which are made explicit in my letters to these staff members. They have not printed the ad, but they also have not sent me a formal rejection on the record. One of the editors explained one of their attitudes on the phone when he said:

"There are things we have to do to protect our readership."

I wrote this sentence down immediately after he said it because I was astounded at this attitude toward journalism, which I call Nannyism in the File. As far as I am concerned, the sentence would be more appropriate in referring to six-year olds, protected by their nannies.

Thus two major issues are involved:

1. The validity of the position pushed by the HIV/AIDS orthodoxy.
2. The way journalists see their responsibility to support this position, or to obstruct information which would make people question this position, or to expose the contradictions and defects in the orthodoxy.

My (rejected) advertisement deals with both issues. My (rejected) ad and its update which I just composed (see the Daily Cal File) give a summary of information concerning the HIV/AIDS orthodoxy

and their transgressions of academic-scientific standards. For additional material, see the chapter in *Challenges* pp. 600-714, my Yale Scientific articles (especially the one contained in the Jaffe Course Packet), and the Duesberg-Kohnlein-Rasnick article in the *Journal of Bioscience* (Indian Academy).

The journalism issue is especially relevant to a School of Journalism. The documentation provided in the Daily Cal File could very well be used for a concrete case study, in line with a parallel issue: How does the university deal with its responsibility toward education? What priorities are given, depending on the issues and the circumstances? Does education train students to consider evidence on its merits, and to engage in clear, independent thinking? Does it train students to provide documentation for their assertions, or does it reward the expression of "beliefs" instead of factual assertions, possibly accompanied by theoretical constructs, but without requiring that these constructs be compatible with empirical evidence?

Conversely, do the students show initiative or leadership (as they did in the sixties) to counter tendencies in various establishments or orthodoxies to marginalize or suppress challenges? Or do they themselves join these establishments and orthodoxies? When? On what occasions?

- Note especially my letters of February 2 and 3 to Magnus Yang (Advertising Manager), in the Daily Cal File. They give concrete documentation of the way the students at the Daily Cal obstructed a documented critique both of the HIV/AIDS orthodoxy and of their articles on HIV/AIDS.

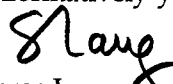
- Note how they said some things on the phone, but did not put them in writing over their signature, thus attempting to have certain effects without taking responsibility for this attempt on the record.

- Note how they tried to shift certain responsibilities on me, in a context when I was paying for an ad. I know what standards I want to uphold in the case I make. At no point did they find a defect in my statements. Had they so found, I would have been happy to correct them.

- Finally, note that I have not received an answer to my letter to Cutler (the editor in chief and President). In particular, they have not returned my check for the ad which they have not printed, as I had requested.

So there we are. I don't know how much journalistic information concerning HIV/AIDS had come to your attention previously, or to the attention of the Journalism School in general. I have not made a systematic study of the way the AP dispatches and articles since December were handled by the press at large. I know only a few examples. As I observed in my ad, *Nature* and the *New York Times* circled the wagons after the first Solomon article of 13 December 2004. I repeat the question I asked in my ad: How does one make up for defective reporting over two decades?

Informatively yours,


Serge Lang

Enclosure: The Daily Cal File, Hogan's letter to me

cc: In Berkeley: Daily Cal Editor in Chief and President Kim-Mai Cutler, Jon Arons and Kathryn Day (Miller Institute), Dean Richards, Al Bowker, Nick Jewell (Biostatistics), Deborah Nolan (Statistics), Ted Slaman (Mathematics), Peter Duesberg, David Rasnick, Richard Strohman. Outside Berkeley: James P. Hogan, Marco Mamone Capria, Gordon Moran, Anthony Liversidge, Celia Farber, Helen Lauer, John Solomon, Jonathan Fishbein, John Crewdson, etc.

**The following letter from Cutler and Rames
to Lang is dated February 7, and postmarked
February 8. Thus it crossed my letter to Cutler
dated and sent February 10.**

THE DAILY CALIFORNIAN
P.O. BOX 1949
BERKELEY, CA 94701-0949

CERTIFIED MAIL™



7003 3110 0001 6742 3011



0000



06520

U.S. POSTAGE
PAID
MILLBRAE, CA
94030
FEB 08 '05
AMOUNT
\$4.05
00044419-07

**RETURN RECEIPT
REQUESTED**

Mr Serge Lang
Department of Mathematics
Yale University
10 Hillhouse Ave.
PO Box 208283
New Haven, Connecticut

0652044223 01

06520-8283

THE DAILY CALIFORNIAN

Independent Student Press. Established 1871

600 Eshleman Hall • University of California • Berkeley, CA 94720
Phone (510) 548-8300 Fax (510) 849-2803

February 7, 2005

Mr. Serge Lang
Department of Mathematics
Yale University
10 Hillhouse Avenue
PO Box 208283
New Haven, Connecticut
06520-8283

Mr. Lang,

We would like to introduce ourselves to you. We are Diane Rames, General Manager and Kim Mai Cutler, Editor in Chief for The Daily Californian.

As you know from your time in Berkeley, we are the student-run newspaper covering news from campus and the greater Berkeley area.

Because you have spoken to so many students over these past few weeks, several of whom are new to their roles, and because you have expressed so much emotion over the phone and through your voice mail messages, e-mail and the references you depict in your letters, we believe it important to clarify a few structural and policy issues for you.

The Managing Editor holds a daily meeting with key editors to determine the editorial content of the paper. The Opinion Page Editor determines the content of the opinion pages, including letters to the editor and op-ed submissions. Any unusual submissions are discussed with the Managing Editor and the Editor in Chief.

The Advertising Manager handles advertising with any unusual situations being brought to the attention of the General Manager and Editor In Chief for acceptance consideration.

The Opinion Page Editor, Managing Editor and newsroom staff work in isolation from the advertising staff, except when there is an unusual situation like the one you raised by submitting a paid advertisement referencing and supporting an op-ed piece you had submitted and requested to be run on the same day as your ad. Your op-ed piece also referenced your paid advertisement that again you had requested to run the same day.

It has never been our policy to run all op-ed pieces submitted for consideration. It is our policy to welcome such submissions as well as letters to the editor. We have not now nor will we make any sort of publication guarantee. As always, we reserve the right to reject, edit or run any news or editorial submission we receive and are not obligated to notify those who do submit such if or when their submission shall appear.

Clearly it would have been a serious ethical error if we had elected to publish all or a portion of any op-ed or letter to the editor that referenced an advertisement specifically designed to clarify or provide back-up data for the op-ed.

Advertising is required to pass an advertising acceptance review prior to publication. The Daily Californian adheres to the Better Business Bureau Code of Advertising. In addition, we reserve publisher's option to reject any advertisement submitted for consideration. The majority of advertising placed in our pages falls under the umbrella of specific products, services or paid political advertising. It is our objective to work directly with any advertiser to help them create the most effective ad possible. We believe that your original four-page text-only ad submission would have been accepted had you worked with us as requested to help clarify areas we felt could have been misleading or confusing to our readers had they remained in the format in which you had provided them to us for consideration.

We are confident that you understand that all newspapers must have the flexibility as a business to reserve the right to refuse any advertisement, letter to the editor, op-ed or press release at the discretion of their publisher.

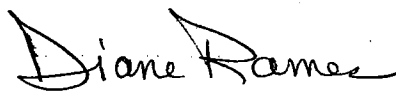
It is our sincere hope that you will reconsider your refusal to work directly with our General Manager, Diane Rames on revising your advertisement so that it may once again be considered for publication.

We understand from some of your correspondence that you also had a concern regarding having responses to some of your inquiries not being routed directly to you. Please understand that with today's e-mail volume it is our practice to respond by hitting the reply button to mail sent to us through that medium. If you prefer to receive responses another way, please provide complete contact information with each communiqué.

Sincerely,



Kim Mai Cutler
Editor In Chief
(510) 548-8300 Ext 410



Diane Rames
General Manager
(510) 548-8300 Ext 210

cc: Khan, Yang, Nubla, Iqbal

Yale University *New Haven, Connecticut 06520-8283*

15 February 05

Telephone: (203) 432-4172
Fax: (203) 432-7316

DEPARTMENT OF MATHEMATICS
10 Hillhouse Avenue
P.O. Box 208283

To:
Kim-Mai, Cutler Editor in Chief and President
Diane Rames, General Manager
Daily Californian
600 Eshleman Hall
U of C Berkeley 94720

I just received today February 15 your letter dated February 7. A mailing of the Daily Cal File is going out today. I shall answer your letter at length within a couple of days. Both your letter and my answer will be communicated to the cc list, as a continuation of this File.

Sincerely yours,


Serge Lang

cc: The cc list for the Daily Cal File

17 February 05

Telephone: (203) 432-4172

Fax: (203) 432-7316

DEPARTMENT OF MATHEMATICS

10 Hillhouse Avenue

P.O. Box 208283

To:

Kim-Mai Cutler, Editor in Chief and President

Diane Rames, General Manager

Daily Californian

600 Eshleman Hall

U of C Berkeley 94720

This is an answer to your letter dated February 7, received February 15. I bring to your attention the following background: In connection with several exchanges by phone and letter, I wrote to the Advertising Manager Magnus Yang on January 31 and February 2, 3; to Rames on February 4, 9; and to Cutler on February 10. In my letters to Rames, I stood by the advertisement as revised, in light of previous correspondence with editors and the Advertising Manager. My letter of 10 February to Cutler provides plenty of background which shows how your present letter does not take the record properly into account. Your letter crossed some of mine, but no matter for what reason, your letter does not take properly into account my previous correspondence with editors and Yang. Thus your letter contains distortions and misrepresentations of the history of my dealings with the Daily Cal. Your letter also totally ignores the reasons I have given explicitly for my positions, on the record.

Finally, your letter obscures the Daily Cal's censorship by shifting the responsibility for the rejection on me under the rhetoric that I did not "work with you...to help clarify areas...". I object.

To set the record straight, I now have to repeat some things I have already written before.

1. **"Ethical error"**? In your present letter, you state: "Clearly it would have been a serious ethical error if we had elected to publish all or a portion of any op-ed letter to the editor that referenced an advertisement specifically designed to clarify or provide back-up data for the op-ed." What you find "clear" I do not. In fact, I take an opposite view. You might have stated more accurately "clearly to us" to make your assertion more precise, instead of pretending to fit a universal ethical standard, applicable to others, and implying that I asked you to do something unethical. My submitted op-ed played a dual role: as op-ed backed up by a four-page ad, or as introduction of a five-page ad. In any case, after I incorporated the material completely in my ad, the objection based on what you call unethical fell by the wayside.

2. You write:

"It is our objective to work directly with any advertiser to help them create the most effective ad possible. We believe that your original four-page text-only ad submission would have been accepted had you worked with us as requested to help clarify areas we felt could have been misleading or confusing to our readers had they remained in the format in which you had provided them to us for consideration."

Beliefs. What you wrote in the quote above represents "beliefs", and I am not a mind reader, nor a psychologist, to deal with "beliefs", about hypothetical situations, described in terms of generalities,

without any concrete description of whatever "areas" you have in mind. What are these areas? On what ground did they need clarification?

Requested? Your phrase "if you had worked with us as requested" is a tendentious misrepresentation of the record, in several ways. "Requested" by whom? When? What are you alluding to? You do not take into account my exchanges with City Editor Iqbal and Advertising Manager Yang. You omit mention of my phone conversations with both of them, of their emails to me, and my letters to them giving specific replies to their specific suggestions. For instance, what you wrote does not address my letters of January 31, February 2, 3 to Yang, objecting to his asking me to include certain disclaimers which would misrepresent what I do in my ad, among other things. Indeed, the Daily Cal (via its Advertising Manager Yang) took the position in a phone conversation:

"There are things we have to do to protect our readership."

I call this position Nannyism. For my precise objections, cf. the above mentioned letters.

"We", "us". Furthermore, who is the "we" or "us" of your quoted sentences? The Daily Cal? Specific editors such as Iqbal? The Advertising Manager Yang? The General Manager Rames? The Editor in Chief-President Cutler? I dealt with Iqbal and Yang, under the assumption that they had the authority to speak for the Daily Cal. The record shows that I got the runaround, whether intended or not. I was dealing with Daily Cal editors and managers in good faith. In fact, on January 26, Iqbal wrote me: "...as you had requested in our phone conversation, you are still able to purchase another page. That request can be made to Mr. Nubla. You should call him directly about submitting another page and the deadline for that." But what Iqbal wrote was FALSE. I was NOT "able to purchase another page". The Advertising Manager Yang had called me the day before and made some suggestions. After I explained my reasons for not going along with them, he pulled the ad. After further phone conversations and my emailed letters to him, he wrote me on February 3 "that all further correspondence with the Daily Californian will have to be through our General Manager, Diane Rames."

What is effective? There is also a question about what is "effective". As far as I was concerned, Yang's suggestions weakened my position, and made it less effective. Even though I consider suggestions seriously, I am the sole final judge of what I take responsibility to publish, and on what terms to judge the effectiveness of my ad. "Effective" for what? The Daily Cal's two articles on HIV (World AIDS Day and Duesberg) are quite effective in pushing the orthodoxy on HIV. They are not effective in warning people against the toxicity of anti-HIV drugs (officially recognized but improperly publicized by the press, including the Daily Cal, cf. the references in my ad), or in informing them of the evidence that HIV is not pathogenic. Certainly I did not go along with suggestions which I saw as weakening the publication of evidence I had accumulated, and weakening concrete criticisms of the above articles, as when I cite the German-Swiss doctors and the AP-Solomon articles. See also the addendum to my ad in the Daily Cal File which I have sent to you a few days ago.

Rejecting suggestions - rejecting the ad. I strongly object to the formulation of your sentence, that there was a request "to help clarify areas we felt could have been misleading or confusing to our readers had they remained in the format in which you had provided them to us for consideration." Which areas were not clear? What "could have been misleading or confusing" to your readers? Which format? You do not specify. I find your formulation tendentious. As mentioned above, the advertising editor Yang on the phone had made certain specific suggestions, which I rejected in three letters to him dated January 31 and February 2, 3, giving specific reasons. I rejected suggestions which I found manipulative, and leading to obscuring my overall documented presentation.

It did not occur to me that the Advertising Manager might not have the authority to represent the Daily Cal position in his dealings with me. I had spent time analyzing his suggestions and answering them point by point on the written record. But I object taking such analysis and a rejection of certain suggestions as grounds for rejection of the ad. I don't accept being manipulated according to your notion of what is "effective", which may differ from my notion. If you view my rejecting a suggestion from Daily Cal personnel (Advertising Manager or other) as being grounds for rejecting an ad, then you are engaging in something ranging from Nannyism to censorship. You have the power to do so, but I object to hiding this power under the rhetoric of the quote at the beginning of this section.

My first letter to Cutler. In my letter of February 10 to Cutler, I wrote him: "To answer me or not to answer me, that is the question. I did write to Rames on the 4th and 9th of February, email and fax. I have not received answers." Of course, my quoted statement was sent in a letter which crossed yours, but your phrase that you "believe" that my "original four-page text-only ad submission would have been accepted had you worked with us as requested..." misrepresents and distorts the record in several ways. Who is "us"? "Requested" by whom? When? What are you alluding to? You do not take into account my exchanges with Iqbal, Yang and the fact that Rames did not answer my letters of February 4 and 9.

Your general statement lacks specifics. I know what effects I want to achieve, and what standards I want to meet, including:

- not replacing documentation by "beliefs";
- not making false statements;
- not putting out generalities whose effect is to hide or distort the history of the rejection of my ad, as you do;
- provide documentation simultaneously with summary generalities.

I regard these items as effective. On the basis of Yang's suggestions, Daily Cal articles, and your letter, Daily Cal staff members do not. OK, let's be clear and precise about this divergence. In light of my correspondence with Yang, I already wrote you that if the General Manager wanted some changes other than those already proposed by Yang, it was for her to communicate these changes to me on the record. It was not for me to call her up after I had made one revision, and after I had discussions with the City Editor Iqbal and Advertising Manager Yang, ultimately rejecting Yang's suggestions.

Daily Cal higher ups have the power to interpret Yang's sentence about protecting the readership as they wish at any given moment. But I reject the Daily Cal's Nannyism attempting to manipulate me into making changes in the ad which would become subject to the criticisms I have leveled against the two Daily Cal articles on World AIDS Day and Duesberg, such as making false statements or making tendentious statements hiding the documentation. For specifics, see my letters of January 31 and February 2, 3 to Yang and my concrete, documented comments on these Daily Cal articles in the ad.

3. Standing by my ad. As I wrote to Rames on February 4 and 9, I stand by the last submitted version of the ad on January 17. After the rejection of my op-ed, I incorporated the op-ed as an extra page of the ad. I did make one clarification needed to explain the change in status of what was first submitted as an op-ed to a rejected op-ed. This is historically accurate. I see no reason why the Berkeley community should not be informed of this rejection, so that the community can evaluate it. I offered the editors space on the first page of my ad to make whatever comments they want, pertaining to the rejected op-ed, to explain their position to the Daily Cal Readership. I see no reason to hide the history of my op-ed and advertisement. I find making this history public quite effective. From what you write, I conclude that you do not. You have the power to implement your view, but I object, and I call it censorship.

4. The "Sneaky Practice". Concerning your statement: "We are confident that you understand that all newspapers must have the flexibility as a business to reserve the right to refuse any advertisement, letter to the editor, op-ed or press release at the discretion of their publishers." The words "confident", "you understand" and "must have the flexibility" are presumptuous and questionable. In fact, I know that newspapers have the power (never mind the euphemism "flexibility") to refuse advertisements, letters to the editor, op-ed or press releases, and I've known it for a long time. It's not exactly secret information. Conversely, they also engage in using letters to the editor, kept short, to weaken criticisms of their journalism. I refer you to a Symposium in 1976, reported in the Washington Post (24 April 1976 p A2):


[Ron] Nessen said that the press does not apply the same standards of criticism to itself that it does to other institutions and is reluctant to admit mistakes...He also said that "newspapers, like Doctors, bury their mistakes." Hugh Sidey of Time agreed with this criticism. He singled out the "sneaky practice of news magazines, including his own, in refusing to correct errors except in letters-to-the-editor columns."

The above "sneaky practice" is not unlike the manipulative proposal by the Daily Cal via the Advertising Manager Magnus Yang, that I write a one-page piece, which would then be placed as an advertisement five days in a row. Yang said that in this piece, I could refer readers to the present version of the ad, which would be put on a web site. Except that the Daily Cal (through Yang) did not accept putting the advertisement on THEIR web site, in line with their Nannyism "to protect our readership", as Yang said. Cf. my letter to Yang of February 2.

5. I note that the phrasing of your last paragraph concerning my ad ("so that it may once again be considered for publication") is the first communication on the written record from Daily Cal authorities that my ad has been rejected.

Conclusion. I stand by my past letters to Iqbal, Khan, Yang, Rames and Cutler. No specific criticism of the content of my ad has been put in the written record by staff members of the Daily Cal. My refusal to abide by suggestions in line with the Nannyism expressed by Yang as Daily Cal policy is the only apparent reason for its rejection. These suggestions were only told to me over the phone, and I addressed them one by one in letters I have mentioned above. In my letter of February 9 to Diane Rames, I wrote specifically: "I would appreciate being told on the record whether my ad is accepted or rejected. If the ad is rejected, I would appreciate being told the reason(s)." Now you have confirmed the rejection.

Sincerely yours,



Serge Lang

cc: Orville Schell, Dean Richards, Jon Arons and Kathryn Day (Miller Institute), Peter Duesberg, and the rest of the cc list for the Daily Cal File

Yale University *New Haven, Connecticut 06520-8283*

3 March 05

Telephone: (203) 432-4172
Fax: (203) 432-7316

DEPARTMENT OF MATHEMATICS
P.O. Box 208283

Mischa Leybovich, President ASUC
207 Eshleman Hall
U of C
Berkeley Calif 94720

Dear Mr. Leybovich,

I enclose the Daily Cal File for your information. Both the name of the publication "Daily Cal" and its presence in the ASUC building make it so that the fame and standing of the Berkeley student body extends to the Daily Cal in some fashion. Thus I think it is important for you to have the documentation about what the editors, managers, and staff writers of the Daily have said and done recently on some issues of journalism.

Informatively yours,


Serge Lang

cc: Martha Miller (ASUC Human Resource Manager, 400 Eshleman Hall), Kim Mai Cutler

18 March 05

Telephone: (203) 432-4172
Fax: (203) 432-7316

DEPARTMENT OF MATHEMATICS
P.O. Box 208283

Dear cc list for the Daily Cal File,

This is likely to be a final update on the Daily Cal File.

I have not received answers to the following letters: February 4 and 9 to Diane Rames; February 10 to Kim Mai Cutler; February 15 to Dean Schell; March 3 to Leybovich.

My add was pulled on January 26, two days before my requested date of publication. Discussions were still possible. My letter to Cutler of February 10 ended: "So I would appreciate getting a definite answer about my ad, whether it is accepted or rejected, what I owe in addition if accepted, or your returning the check if the ad is rejected." The letter from Cutler and Rames dated February 7 (which crossed mine) confirmed that my ad was not considered for publication at that time. I took note of this in my reply dated 17 February. My check has not been returned.

I have had no communication from any Daily Cal official since that letter from Cutler and Rames. My answer of 17 February documented item by item the extent to which they created their own reality, incompatible with the documentation. We are here witnessing an example of the First Law of Sociodynamics (cf. *Challenges* p. 797):

The power structure does what they want when they want; then they try to give reasons to justify it. If this doesn't work, they do what they want when they want, and then they stonewall.

The Daily Cal File has dealt with issues of journalism, and education as opposed to conditioning and social pressures to insure conformity with the dominant modes of perception of the society around us. These issues remain.



Serge Lang

cc: About 80 people, including: Alicia Wittmeyer, Gene Nubla, Adeel Ikbal, Magnus Yang, Amina Khan, Kim Mai Cutler, Diane Rames, Mischa Leybovich, Martha Miller, Jon Arons, Kathryn Day, Dean Richards, Nick Jewell, Deborah Nolan, Ted Slaman, Orville Schell, Al Bowker, Peter Duesberg, David Rasnick, Richard Strohman, Audrey Sealund, James P. Hogan, Marco Mamone Capria, Gordon Moran, Anthony Liversidge, Celia Farber, Helen Lauer, John Solomon, Jonathan Fishbein, John Crewdson, etc.