

# Things are Often Not what they Appear

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Remarks on the Berkeley-British Petroleum proposition prepared by invitation of the chair of the academic senate University of California, Berkeley - and presented on the floor of the Academic Senate on 8 March 2007

..... In eight minutes

## Things are often not what they appear

### This Session

This session, for instance. It will be portrayed as the latest expression of the vibrant democratic system of shared governance for which Berkeley was once known. Far from it, this session is a last-minute hurried afterthought by a leadership caught asleep at the wheel, a session convened only because of the rising outrage and opposition to the presence of British Petroleum on our campus.

May nobody claim that eight minutes of my clumsy words represent any kind of reasonable and legitimizing discussion. May nobody leave this room thinking that there is anything like a legitimate process in place to guarantee that this Faustian deal with the British transnational corporation is not what it portends, the last -and I believe final- coup de grace to the very idea of a university that can represent the best interest of the public.

### The Technical Value of the Premises

I have tried for size the word Prostitution as best describing that for which the Chancellor and his associates would like us to sign.

When faced with this concept, I have heard the proponents of this deal simply shrug and say: "But at least we can agree that it IS a lot of money - and even perhaps some science may come out of it!" So leaving prostitution aside, why not glance at the science?

What would certainly come out of the BP-Berkeley facilities would be a large number of genetically altered, reproducing, LIVING organisms to be released in the public environment.

In Berkeley, in the MidWest and around the world. Genetically-modified (or "GMO") grasses, trees, algae, bacteria, viruses destined for intentional, large-scale release in the public environment.

These organisms do not represent Science. If anything, they may represent our failure as scientists to assume the deep inadequacies of our understanding about living organisms and the ecology of our planet. I do not need to dwell on it: read it in the front pages of your newspapers.

Despite a third of a Century and more than \$350 billion dollars invested in the trinket, a hurricane remains more predictable, and a wildfire remains more controllable than GMO organisms. Meanwhile, they have proven to be a disastrous economic proposition, not to speak of their environmental and social consequences.

Cognizant of this reality, BP-Berkeley proponents would wish to rename everything in their trade to give it a fresh face of novelty: GMOs should now be called "DNA circuits", pieced together from "Biobricks" through a craft not called transgenesis, but "Synthetic Biology"; decomposition, the process which has defeated many better minds in the past may be more tractable -they suggest-- if it can be renamed "depolymerization". And so on...

In the BP-Berkeley spirit I would suggest we rename "science" what used to be called "magic" in my childhood: addressing a question by drawing a cloak of confusion and secrecy over it, only to extract a pre-arranged answer to the pre-arranged question.

We hear that the magic of "DNA-circuits" should also produce some science in the physics departments. BP-Berkeley proponents wish to deny it, but the proposi-

tion that more energy can be extracted from a process than what is invested into it does not follow the phoney rules of the stock market or the wild-eyed predictions of venture capitalists. Biofuels may be convenient because they shove the tragic aspects of our insatiable consumption to the invisible corners of the Third World, but they will not change the laws of thermodynamics, nor -I suspect- will they succeed in the medieval quest for perpetual motion machines.

Do we need a solution to the crazed consumerism binge of the short two centuries we have spent burning our fossil-fuel accounts?

Certainly. If we do not find it soon, the solution itself may come and get us, and we may not like it. But does the BP-Berkeley proposal address any of the questions necessary to find that solution? I believe not. At least there are very legitimate and reasonable concerns, growing by the day in the last few weeks here and abroad, that the idea of Biofuels embodied in the BP-Berkeley proposal is not only short-sighted, but fatally flawed:

For a measure, Indonesia without Biofuels used to be close to 20th in the world as producer of CO<sub>2</sub> in the atmosphere. In a few years with biofuels it is now third, only behind the US and China. Signing the contract with British Petroleum would yoke the university to a flawed and potentially very dangerous route at least for the next decade. Because of the investments and commitments made and because of the roads not taken, most probably much longer. The evidence keeps coming in about the inadequacy and dangerous nature of the proposal, but we cannot afford to even see or acknowledge it, even before signing the contract, for fear of scaring the money away.

If we signed that contract, Can anyone seriously imagine that Berkeley would be in a position to undertake significant research to show the problems with the BP strategy? Can anyone believe that after signing the contract we could be working on alternatives that do not involve patents, immoral profit margins, economies of scale and command-and-control governance? Look at the subservient motions of this very Senate, and answer these questions truthfully, at least to yourselves (at night, in the bathroom?).

After signing the contract with BP, will anyone ever

believe our objectivity and advice as we move into the most difficult part out of the social and environmental decomposition that we live in?

Chancellor Berdahl, while signing with one hand the predecessor of the BP-Berkeley agreement, the Novartis-Berkeley deal, was writing with the other hand:

"The issue is not that Novartis may direct the research exclusively to topics that may yield profits for the company; it is, rather, that the perception of the objectivity of our faculty may be compromised and with it the confidence that their research is dedicated to the public good. Few would put a great deal of confidence, I suspect, in the objectivity of lung cancer research funded by tobacco companies."

### **The evidence is in, and we cannot afford to see it?**

We already missed the opportunity of listening to the best advice of our faculty. In addition to Berdahl's, the following names, and what they could have contributed are but a sampler of the many important campus voices that are clearly not represented here:

Clark Kerr - the dangers of the university-industrial complex. Nancy Peluso - probable consequences of the BP deal in Indonesia. Miguel Altieri - ditto for the Amazon basin, plus the many non-patent alternatives to global disaster. Michael Watts - ditto for Asa Claudia Carr - ditto for Africa Gordon Rausser - the difference between first right of refusal and first right of negotiation. Basics of negotiation strategies. Bob Buchanan - the limits of microbial transgenesis Bob Berdahl - the possible limits to privatization Laura Nader - the impossibility of unlimited power through knowledge David Hollinger - the unsustainability of using the university as a political workhorse Tad Patzek Urs Cipolat Gray Brechin Bob Brentano Jennifer Miller Iain Boal Louise Fortmann... the list goes on

Can we call this a "Berkeley" agreement when these and many other voices are not here?

### **Things are often not what they appear: there are other names.**

This agreement, which many fear as an unacceptable private-public partnership, is very much a private-private partnership. Attention faculty in English, Music or

Rhetoric: do not hold your breath for the financial crumbs to fall from the party table for your programs, because the chickens are all counted, and they carry name-tags around their necks.

I mean to say: the reason why you have not heard mention of even the concept of Conflict of Interest is precisely because nobody in the partnership seems to recognize the idea.

To my knowledge the last time Conflict of Interest was considered worth visiting, again involved the Novartis-Berkeley deal. One of the overseers of that Deal, Prof Jasper Rine, stated in his legal declaration on conflict of interest caused by his simultaneous involvement in private and public science-making:

"...the possibility of conflict of interest is non-existent, since the science happening in my lab at Berkeley is exactly the same as the science happening in [my outside company]" A curious but clearly faulted definition of the concept, I should point out.

It is not surprising then to see that conflict of interest levels that would have been considered unthinkable even a decade ago would not deserve even a note in the BP-Berkeley designs. The conflicts and mutual-self-serving dealings are many, large and very complex, but once again in eight minutes we are reduced to a mention of a few examples.

BP-boosters propose to focus on grasses and other "DNA circuits" controlled by a company in Walnut Creek called Mendel Biotechnology. Mendel is thus a major, little-mentioned partner in this deal. Mendel has an alliance with Monsanto, the world's monopoly of transgenic seeds, for more than \$40 million dollars. This long-term relationship includes a VicePresident of Monsanto on Mendel's board; in their words, their reciprocal interests are "highly aligned". So it stands to legal reason --by some standard I suppose-- that there would be no conflict of interest between BP, Berkeley, Mendel, Monsanto, and the deployment of their products for profit over more than 200 million acres of transgenic (excuse me, "Synthetic Biology") crops? In this proposal, Berkeley is nothing but a business partner with these corporations, professors entrepreneurs and students simply cheap labor, paying high fees for the privilege of giving their work to the right corporation.

Principals in Mendel's Board of Directors and Scientific Advisory Board are Prof. Brian Staskawicz, of Berkeley, and Prof. Stephen Long of the University of Illinois (the other business partner in this Proposal). Both entrepreneurs' interests inside campus and out are probably so identical that they do not need to worry about conflict of interest. Whether their students can maintain such clear alignment in their allegiance between finding out what is true and publically desirable and finding out what is profitable might be a different question.

Chris Sommerville, CEO of Mendel, has been apparently rushed in to Berkeley through a secretive and highly irregular flash-hire process to be safely on the UC side as a professor for the signing of the agreement. His campus interviews, behind closed doors, apparently happened last Tuesday, although the Chancellor had already announced more than a month ago that he would unilaterally appoint him. Not surprisingly, there is no outward sign that the Academic Senate even knew about all this. Oh, I nearly forgot: Mr Sommerville's wife is reportedly also getting another professorial position at Berkeley through the same process - I am not sure what she does professionally.

Of course, no contract will be official without the signature of the Regents but here again, the Chair of the Regents, Richard Blum, stands in multi-million-dollar conflict of interest over his financial engagement with "development" corporations that are already signed on to begin the digging and concrete-pouring in Strawberry Canyon, as has been well documented by investigative journalist Peter Byrne.

Prof. Dan Kammen's description of the goals here is appropriate, and seems to describe the real environmental interest in the BP-Berkeley proposal: He said that the goal of the BP-Berkeley deal was "to generate an ecosystem of companies". We now have an inkling of the "biodiversity" making up this "innovation environment"; now we know that what is really meant here is a trophic web of favoritism that would have shamed the Soviet system, in an environment of profit-driven conflict of interest.

### **BP's Benefit**

As the smell of depolymerization (British Petroleum-word for decomposition) continues to emerge from the

extraordinary proposition, few stop to ask what else would BP get out of all this.

Time is short, so we are back to citing samplers from a much larger collection.

I will leave a marker here for what I think is the most important benefit to BP apart from the obvious green-washing and the very large public subsidization of its faulty science, research development, distribution and marketing: the liability haven provided by Berkeley.

If the production of Synthetic Biology "DNA circuits" entails with it very clear risks, Berkeley is providing an unrivalled degree of protection against public scrutiny, through the abuse of the public privilege assigned to us in the Constitution of the State of California to conduct our affairs in privacy, for academic freedom's sake. This privilege can also be used, as if it were a private right to secrecy, to deflect public inquiry and to protect BP, Dow, Monsanto, Mendel, Savia, Amyris and the rest of the "ecosystem of companies" from the evident and imminent liability in Moral, Fiduciary and Legal terms associated with the release of herbicide resistant weeds, algae, all kinds of microbes, crops and the rest of it.

It is not all bad. I want to thank the many students and faculty who are awakening to the situation of their university, the public of California and the world who understand what is at stake and will hold us accountable for it, as they are doing here tonight.

But I also want to thank British Petroleum, not for the \$500,000,000.00 -which, at \$600 of after-tax profit per second for last year does not represent much-- but for the arrogant and reckless style with which they have come to our Campus. With this they have already helped uncover the depth and breadth of the problems with/for our university that this proposal entails. These problems were really in need of public attention, and they will get it.

**I Believe** that I stand here for a majority within this campus, throughout the State and in the world who also believe that the time has come to re-take control of our institutions as the only possible way forward from the enormous environmental and social catastrophe that we are already living through.

**I Trust** that this Academic Senate, the only legitimate

body of representation for our faculty, will stand up against this last push to declare us irrelevant in the worst moment of social and environmental need.

**I Know** that the people of California will demand a better university for themselves, because without it, their options for a survivable future, let alone a future they might desire, are dim.

**Let there be light.**