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Members of our UCSF Dermatology Community,

As we work to advance health equity and racial justice in our clinical, educational, and research work at UCSF, reckoning openly with our own past is a critical step to make space for healing and transformation among our faculty, trainees, and staff. Truth-telling also is essential to rebuild trust with marginalized and minoritized communities that have been harmed.

That is why UCSF created a Program for Historical Reconciliation (PHR) and asked it to investigate a legacy of experiments on incarcerated individuals in California conducted during the 1960s and 1970s by dermatology faculty members. The PHR's work focused on the research of Dr. Howard Maibach because he remains an active faculty member at UCSF, but former UCSF Dermatology Chair Dr. William Epstein, who died in 2006, was engaged in similar experiments. Both Drs. Maibach and Epstein had earlier trained with Dr. Albert Kligman, who carried out unethical experiments at Holmesburg Prison in Philadelphia.

The PHR team has gathered and analyzed about 7,000 archival documents and issued the attached report summarizing their interim findings. As the report demonstrates, there is a legacy of dozens of experiments performed on thousands of prisoners at the California Medical Facility (CMF) in Vacaville, CA by Dr. Maibach. Much of the research described clearly contradicts our community's ethical values.

It appears that most of these studies lacked complete communication of risks and benefits, or implementation of informed consent protocols – despite the fact that many were invasive and the research subjects didn't personally suffer from any medical conditions that could benefit from the studies. Incarcerated research subjects were dosed topically and intravenously with pesticides and herbicides, given systemic medications with side-effects in the absence of medical need, and subjected to mosquito bites. Dr. Maibach failed to seek or obtain approval from UCSF's Committee on Human Welfare and Experimentation (our first internal review board) for several studies that began after such review was required in 1966. Some of Dr. Maibach's writing also perpetuated the biologization of race.

Even if this research may have been accepted by some in its time, it is essential that we now acknowledge the harms that were done and the inconsistency with our UCSF values. Given an opportunity to comment on the attached report, Dr. Maibach wrote in the attached response

that, *"I regret having participated in research that did not comply with contemporary standards... The work I did with colleagues at CMF was considered by many to be appropriate by the standards of the day, although in retrospect those standards were clearly evolving. I obviously would not work under those circumstances today - as the society in which we live in has unambiguously deemed this inappropriate. Accordingly I have sincere remorse in relationship to these efforts some decades ago."* I appreciate Dr. Maibach's willingness to share his remorse and his current perspective on the past.

The norms of informed consent have certainly changed since this research was performed. But at the time of Dr. Maibach's experiments at CMF, there was already substantial awareness of the need for special protections surrounding informed consent for incarcerated individuals. In the wake of World War II, prisoners had already been recognized as a uniquely vulnerable population that compelled special safeguards in human research endeavors. This was included in the first principle of the *Nuremburg Code* in 1947, which discussed the essential nature of voluntary consent by a human subject who must be able to exercise free power of choice without constraint or coercion. This has particular relevance to the research at CMF, where subjects were not only incarcerated, but were also selected from an institution that housed many under treatment for psychiatric diagnoses.

The World Medical Association's *Declaration of Helsinki* in 1964 elaborated on informed consent and the importance of human subjects not being under duress, drawing specific attention to situations where the subject is in a dependent relationship to the investigator. It also noted additional complexities arising when research is "without therapeutic value to the person subjected to the research" - and these experiments at CMF did not typically address any medical conditions of the incarcerated subjects.

Dr. Maibach also states in his response letter that *"at no time from the 1960s to the present has anybody asked me to speak or write on this subject. My first request was from the Provost during our first meeting [this September]."* To clarify the record, Dr. Maibach was previously urged to reckon with and express remorse for this history in a call with the Executive Vice Chancellor last year, and in a prior meeting with my predecessor, the most recent Chair of Dermatology. In addition, an article in the *Atlantic* magazine in 1973 was highly critical of the experiments at CMF and included a quote from Dr. Maibach. A news article in *UCSF Synapse* from 1977 drew further attention to experiments by Drs. Epstein and Maibach on incarcerated subjects after hearings in the California state Assembly where the California Medical Association and others testified in opposition to the dermatology research at CMF. Dr. Maibach also defended research on incarcerated subjects in an unpublished interview from 2020.

While Dr. Maibach's attached response letter does express remorse, it unfortunately also defends the experiments. The lack of proper informed consent, the use of people who were incarcerated, and the failure to seek required institutional review board approval are not mitigated by claims that an individual ethicist at the time was unopposed, or by Dr. Maibach's practice of first demonstrating interventions upon himself and a research collaborator before experimenting on prisoners. Nor are these experiments justified based upon Dr. Maibach's claimed benefits that accrued to the incarcerated participants, such as free dermatologic care, compensation, or employment.

It is clear that others share blame for the harms described in the report. Additional physicians and research team members, including a former Chair of UCSF Dermatology (Dr. William Epstein), participated in conducting experiments at CMF. Leaders in the Department, and possibly the broader UCSF research enterprise, were aware of some of the work, and the Department may have benefitted or gained prestige from resulting publications. Peer-reviewed journals published the resulting manuscripts despite a lack of documented informed consent. And neither UCSF nor our department reckoned with this history for the last several decades.

While the substantial research into this history is ongoing, we have decided to distribute the PHR's interim report. I am sharing it directly with the department, especially given the knowledge among some of you about this history, and the pain that the lack of prior departmental and institutional action has caused. Concurrently, UCSF Campus leadership is circulating the report more broadly. Dermatology's DEI committee leadership plans to create spaces in the near future for any faculty, trainees, or staff who need to discuss or process reactions to this report.

In addition to open disclosure, reckoning also demands that we align our actions and deeds with our stated values. UCSF and our Department will immediately begin reviewing the PHR's recommendations for next steps. An academic or employment investigation of Dr. Maibach is not expected, however, as the University's statute of limitations related to the actions described in the report has expired.

In addition to acknowledging the unethical nature of these experiments and the harms caused, I would like to unequivocally apologize and express sincere remorse on behalf of UCSF Dermatology for the roles played by the Department and for our failure to investigate and reckon with this history over many, many years that have passed.

Finally, I would like to express my thanks and gratitude to Aimee Medeiros, PhD; Polina Ilieva, PhD; and Brian Dolan, PhD for the enormous effort required to track down and analyze the thousands of archival documents in this case. Their efforts and expertise have been essential to the creation of a historically accurate and thorough interim report. I also would like to thank Dr. Daniel Lowenstein, Executive Vice Chancellor and Provost, for his leadership in creating and supporting the PHR and bringing this report to fruition.

Sincerely,



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