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Copy to:
Governor Bill Richardson
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25 March 2008

Dear Mr. Ashman,

We thank you for instigating the recent inquiry of February 21, 2008, into allegations of academic theft by Dr. Spencer Lucas and other members of staff at the New Mexico Museum of Natural History and Science. Although you did not provide us with a copy of the report issued by the inquiry panel, we were able to download a copy from a newspaper web-site.

We would like to consider this inquiry as closing the matter, and return to our scientific work, as you suggested back in your letter of October 4, 2007. Unfortunately, we are still not able to do so as this travesty of an inquiry was deficient in so many respects as to render its findings entirely worthless:

- As indicated by the letterhead on which the report was issued, the inquiry was conducted not by the Department of Cultural Affairs, who could at least in theory have been impartial, but by the NMMNHS – the very body accused of wrongdoing – which could not possibly be expected to be impartial. The members of the review panel (Gary Friedman, Dr. Peter Gerity and Dr. Laurence Lattman) are president, vice president and secretary of the board of NMMNHS trustees, and therefore have a vested interest in portraying Lucas and other NMMNHS staff as innocent. One of the panel (Lattman) had written a letter to the Albuquerque Journal, proclaiming Lucas's innocence, which was published in the Journal on February 19, two days before the review was conducted.
- Dr. Lucas was allowed to present his lengthy (23 page) defence unopposed and to give oral evidence. We were not invited to contribute to the proceedings in any way and were therefore unable to contradict any of the false statements made by Dr. Lucas in his report (see attached rebuttal). In fact, we were not even informed that the inquiry would be taking place until we read about it in a newspaper on the very day it was conducted.
- Oral testimony was invited from only two people: Dr. Lucas in his own defence and Dr. Hunt, in defence of Lucas. Since Hunt was accused alongside Dr. Lucas, his appearance in defence of Lucas was bizarre to say the least.
- As in the two previous “inquires” conducted into this matter (see your letters of June 19, 2007 and October 4, 2007), the new inquiry was held behind closed doors, not witnessed by anyone outside of Lucas's circle of colleagues and friends.
- The two “outside reviewers” whose opinions were sought, Dr. Norman Silberling and Orin Anderson, both have long histories of working alongside Lucas and cannot possibly have been expected to render an objective and unbiased account. Silberling has co-authored five publications with Lucas, Anderson 65. Each has been the subject of a fulsome dedication of a Lucas-authored volume. Silberling wrote a three-page letter to the DCA on February 18,

2008 (three days before the review) pronouncing his admiration of Lucas and his opinion that Lucas was innocent.

- Much of the recorded testimony in defence of Lucas is of a laudatory nature, concerning not the matter in hand but his large number of publications and his reputation in the field of vertebrate paleontology. Even if Lucas's reputation were indeed as glowing as portrayed by the remarks of Silberling, Anderson and Hunt, that would be wholly irrelevant to the matter in hand, which is whether or not plagiarism and taxonomic claim-jumping took place. Similarly, Silberling's letter contains ad-hominem attacks on those who raised these issues which must be construed as indicating prejudice against these people from the outset.
- Lucas's response contains many statements of what is standard operating procedure in vertebrate paleontology that are wholly at odds with actual standard practice – statements that would have been immediately recognized as incorrect had the review panel included a vertebrate paleontologist.
- Finally, Lucas's response contains much that is factually inaccurate, including wholly unsubstantiated counter-allegations of Bill Parker, which can be shown to be in error by documentation in the form of emails, photographs and research notes (see attached rebuttal). That these assertions were accepted uncritically by the panel destroys whatever validity the conclusions of such a panel might otherwise have had.

In allowing the NMMNHS to conduct this review, in accepting a panel consisting entirely of Lucas's friends and supporters, in failing to invite the accusers to contribute to the inquiry, in allowing the panel members to reach conclusions before the inquiry was even held, and in uncritically accepting the false statements in Lucas's report, we consider that the DCA has demonstrated utter contempt both for the specific allegations that this inquiry was supposed to investigate and for the whole notion of due process. As a result, we have no confidence in the DCA's ability or willingness to investigate this matter, and must now deal directly with the State Governor's office.

Finally, we note that others have recognized the inadequacy of the recent review. To sample a few of the publicly stated opinions of vertebrate paleontologists, Jerry Harris (who edited the NMMNHS volume containing the papers in question) stated “I am 100% appalled at the supposed 'review' that the state of NM let Orin Anderson and Norm Silberling 'perform' on the matter”; Scott Hartman wrote “This borders on pathetic; the letter from Silberling (defending Lucas prior to the closed-door inquiry) resorts to nothing more than ad hominem attacks on the accusers” and noted that “the actions taken by the NMMNH and their 'independent' reviewers have done far greater damage to my opinion of Dr. Lucas and the NMMNH than the accusations themselves ever could have.” Jonathan Wagner wrote that “the content of this report is an exercise in spin, disingenuity, obfuscation, deliberate misdirection, and bald reciprocal accusation” and noted that “no vertebrate paleontologist could possibly agree with the bulk of the statements made in the report.” In closing, we draw your attention to the Albuquerque Journal's assessment of the recent inquiry as “a waste of oxygen” (editorial of March 6, 2008).

Yours sincerely,

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