

November 19<sup>th</sup>, 2007

To: Mr. Gary Friedman  
Cassutt, Hays, and Friedman PA  
530B Harkle Road  
Santa Fe, NM  
87505

Dear,

In June of this year, we contacted Mr. Stuart Ashman, Secretary of the New Mexico Department of Cultural Affairs, regarding concerns of possible unethical behavior and plagiarism by employees of the New Mexico Museum of Natural History and Science (hereafter NMMNHS). We also provided a link to a blog written by a colleague of ours, Dr. Darren Naish, discussing the matter. We have enclosed a copy of our original letter to Mr. Ashman, in which we explained our evidence and concerns in detail regarding the publishing practices of Dr. Lucas, Dr. Hunt, and Mr. Spielmann

Mr. Ashman responded to us promptly with a short letter in which he stated that he had discussed the matter with Dr. Lucas and Dr. Hunt, who had convinced him that no investigation was necessary. He devoted the longest paragraph of his letter to discussing the blog and the possibility of legal reprisal. A copy of Mr. Ashman's original response (dated June 19<sup>th</sup> of this year) is also enclosed. We were not satisfied with this response, which did not address any of the evidence or concerns of our letter, and made a request to the governor's office to ask that Mr. Ashman make a more thorough response.

Mr. Jimenez, the governor's chief of staff, made such a request, and Mr. Ashman wrote a second letter dated October 4<sup>th</sup> of this year. In this letter (also enclosed), Mr. Ashman stated that he met with the Executive Committee of the Board of Trustees on September 28<sup>th</sup> and discussed the matter, and that the Executive Committee "determined that no further action is required." Like Mr. Ashman's first response, this letter did not address any of the points or concerns of our initial letter.

We are left unclear as to why the Executive Committee made this decision, and badly in need of an explanation. In order for us to consider the matter settled, we need to be convinced that we are mistaken about academic theft having occurred, that the matter is not as serious a breach of academic ethics as we believe, or that steps have been taken to ensure that such a breach does not occur again. If we cannot be convinced of one of these points, then we will remain unsatisfied with the situation and must continue to pursue the matter.

We need specific responses to the following:

Did you find the reasoning behind our allegations that academic theft and plagiarism had occurred to be in error? If so, please explain in detail, answering the specific points and evidence that you found to be questionable.

Did you find our concerns about the seriousness and unethical nature of academic theft and plagiarism to be unwarranted? If so, please explain.

As Mr. Ashman indicated to us that Dr. Lucas and Dr. Hunt claimed to have followed NMMNHS "publishing practices and policies", we need a copy of the practices and policies in order to evaluate for ourselves whether this is accurate. Moreover, simply stating that such actions follow official practices and policies does not in itself make such practices and policies ethical or acceptable, in which case there

may still be a problem. Please provide us with copies of the NMMNHS publishing practices and policies.

We gathered from Mr. Ashman's first letter that Dr. Lucas and Dr. Hunt had responded directly to our allegations. Do you know exactly what this response entailed? In the interest of fairness, we would certainly like to know exactly what they told you or Mr. Ashman that convinced you that no action was necessary.

In our original letter to Mr. Ashman, we included copies of the relevant publications. We have assumed that you were provided with copies on which to base your decision. However, if this is incorrect, or if you require additional copies, please notify us and we will be happy to provide new hard copies.

In Mr. Ashman's last letter, he expressed hopes that we could put the matter to rest and continue with our valuable scientific research. We can assure you we would much rather be pursuing research than writing these letters, but as long as the NMMNHS bulletins maintain their current publishing practices, we feel that such research is at risk.. This is why we contacted Mr. Ashman in the first place. Neither of Mr. Ashman's responses have done anything to alleviate these concerns. This is especially true if, as he indicated in his first letter, such behavior follows NMMNHS "publishing practices and policies". Please respond.

Sincerely,

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