

July 21, 2007

Governor Bill Richardson
Office of the Governor
490 Old Santa Fe Trail
Room 400
Santa Fe, NM 87501

Dear Governor Richardson,

We are writing in order to express serious concerns about a lack of in-depth investigation by the New Mexico Department of Cultural Affairs (hereafter the DCA) regarding allegations of ethical misconduct by several employees of the New Mexico Museum of Natural History (hereafter, NMMHHS). Early in June, we addressed a letter to Mr. Stuart Ashman, secretary of the DCA, asking him to investigate a matter concerning three employees of NMMHHS. Two of these individuals, Dr. Adrian Hunt and Dr. Spencer Lucas, are respectively the former and acting executive director of NMMNHS, while the third, Mr. Justin Spielmann, is Geoscience Collection Manager at NMMNHS. We therefore felt that a fair investigation of our concerns required contacting the DCA, which has direct authority over the NMMNHS. Unfortunately, the DCA has not made a satisfactory investigation, and we request your assistance in correcting this situation.

A copy of our letter to Mr. Stuart Ashman, Secretary of the DCA, is attached. In this letter, we attempt to summarize its content as briefly and clearly as possible. Dr. Lucas and Dr. Hunt have been publishing a series of bulletins through the NMMNHS for several years. These bulletins are mostly collections of scientific papers, many of which are authored in part by Dr. Lucas, Dr. Hunt, and Mr. Spielmann. As these bulletins are also usually edited by Dr. Lucas and Mr. Spielmann, they also have final say in whether a paper is published or not. This is an unusual situation in science, in which the usual practice is to send papers to a scientific journal, where they are peer reviewed and edited by third parties who evaluate the papers for quality and accuracy before deciding to publish them. Dr. Lucas and Mr. Spielmann therefore circumvent this procedure and publish as many papers as they want, containing whatever they want, without worrying about independent quality control.

This is a somewhat troubling situation for those interested in maintaining scientific quality, but matters took a more serious turn with the publication of a recent bulletin (no. 37, *The Triassic-Jurassic Terrestrial Transition*). In this bulletin, Dr. Lucas, Dr. Hunt, and Mr. Spielmann were authors on two papers that took credit for work done by other scientists, one of which took credit for naming a new type of fossil animal away from a worker in Arizona (Bill Parker), and the other of which seems to be a case of plagiarism of the master's thesis of a graduate student (Jeffrey Martz) at Texas Tech University (See attached letter). This is not a case of professional disagreement between scientists on scientific issues. This is academic theft and clearly not appropriate behavior for an employee of state funded museum, much less by executive directors who are also adjunct faculty at a New Mexico university.

Early in June, 2007, we asked Mr. Ashman to investigate this matter and to ensure that it was not allowed to happen again. Mr. Ashman's response, also attached, was far from satisfactory. Mr. Ashman claimed that Dr. Lucas and Dr. Hunt had "adhered to the publishing practices and policies of the New Mexico Museum of Natural History and Science." This is an absurd response for several reasons, not least because, as executive directors, Dr. Lucas and Dr. Hunt determine what the publishing practices and policies are. Moreover, simply stating that they adhered to the NMMNHS publishing policies and practices does not mean that these policies and practices are ethical, and therefore does not address the concerns of our letter.

Mr. Ashman also does not seem to understand that this issue is not a squabble between scientists on scientific questions, but one of academic theft. He suggests that this issue relates to "differences of opinion on scientific matters" and that we should "find a scientific publication outlet" to express out "ideas." Disagreement over scientific ideas does, of course, belong in scientific publications. Taking credit for the work of others, particularly in the form of blatant plagiarism, is another matter.

It is as though Dr. Lucas was the editor of a publishing house and published another author's book with his own name on the cover instead of the author. When the author complains to the board of trustees of the publishing house, they reply that "literary criticism is not our problem; if you don't like the story, just publish a bad book review." Such a response does not understand, or affects not to understand, the nature of the problem. To put it another way, the problem is not that Dr. Lucas disagreed with the conclusions of Mr. Parker or Mr. Martz, but that he agreed with them enough to steal them.

Our letter also provided a link to a blog written by Dr. Darren Naish which also discussed this case:

http://scienceblogs.com/tetrapodzoology/2007/04/post_2.php#more

Readers of the blog (including ourselves) posted comments to this blog providing additional comments and anecdotes about Dr. Lucas and his previous behavior. We provided this link to Mr. Ashman as an afterthought, having made our main argument clearly in the body of the letter. However, Mr. Ashman devoted the longest paragraph of his letter to discussing this blog, claiming that "there are many false statements cited there" and that it contained "inflammatory or negligent defamatory communication[s]" leading him to encourage Dr. Lucas and Dr. Hunt to "prepare a letter of complaint to the New Mexico Attorney General." Mr. Ashman's comments have the unpleasant feel of an implied threat, and in any case are a red herring avoiding the central concerns of our letter.

To summarize, we believe that the New Mexico Department of Cultural Affairs has dealt with concerns of unethical conduct of employees of the New Mexico Museum of Natural History and Science with a whitewash and does not seem to have even read (or at least understood) the contents of the letter in which we explained our case. We consider this response to be as unacceptable as the behavior we asked the DCA to investigate. We feel that concerns of ethical misconduct in state employees should be openly investigated rather than threateningly repressed

and respectfully request your assistance in encouraging the DCA to take this matter more seriously. If you have any questions, please contact us at (806) 790-9450, by mail, or by e-mail.

Sincerely,

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