



Mickey P. Rowe

Neuroscience Research Institute

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

SANTA BARBARA, CALIFORNIA 93106-5060

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Dear Governor Richardson,

After much consideration and with deep regret I have come to the conclusion that it is time for you to seriously consider seeking the resignation of Stuart Ashman, the Secretary of your Department of Cultural Affairs. As you are probably aware, last year through no fault of his own, Mr. Ashman was placed in the unfortunate position of having to investigate the appearance of ethical misconduct by some of his charges at the New Mexico Museum of Natural History and Science. Although blameless with respect to the initial incidents, Mr. Ashman was then in a position to oversee the most positive outcome possible. Instead, Mr. Ashman took a bad set of circumstances and through acts I can only describe as unconscionable political tone-deafness grew the situation into an international outrage. It is commonly said that in any political scandal, the coverup is worse than the crime. Apparently Mr. Ashman has yet to learn this.

I have no direct connection to any of the participants in the case and write to you only as a scientist concerned by improper behavior or the appearance of same by my colleagues. At this point I have still not concluded that ethical misconduct has transpired, although the weight of public evidence indicates that it has. I would like to see a proper investigation. It is Mr. Ashman's abject failure to provide such an investigation that has caused the situation to fester. I hope that you will replace Mr. Ashman with someone who has a better understanding of fairness and how to handle an investigation without providing even the appearance of a whitewash. I was moved to act on the allegations by Mr. Ashman's first letter to the people who sought his help. Mr. Ashman was presented with a carefully worded letter describing a series of events (much of them part of the public record), the reasons why these events implied ethical misconduct by his charges, and a request for either an explanation for the appearance (if it be determined no misconduct had occurred) or assurances that New Mexico Museum of Natural History and Science policies would be amended to prevent recurrence (if it was concluded that misconduct was more than apparent). With no explanation for the appearance, Mr. Ashman responded that no misconduct had occurred and threatened the supplicants with legal action. The phrase utterly inappropriate is probably the most charitable description that accurately characterizes Mr. Ashman's response.

The gentlemen who initially approached Mr. Ashman were not swayed by this attempt to bully them. They repeated their requests and sought assistance from your office and that of your Attorney General. Your office graciously asked Mr. Ashman to revisit the situation. In response, Mr. Ashman convened a meeting of the Museum's Executive Committee. Again, with no explanation whatsoever, Mr. Ashman claimed the committee and the Museum's Board of Trustees agreed that no misconduct had occurred (or that if it had, they didn't need to do anything about it). At least the threats ceased at this point... However, as others -- notably the editorial staffs of the *Albuquerque Journal* and *Nature* -- began to take note of the appearance of impropriety, Mr. Ashman was forced to look into the situation yet again.

The result this time was a committee meeting that produced a report that was made publicly available (although the deliberations transpired in a closed session). Most of the report was apparently written by Spencer Lucas, the acting director of the New Mexico Museum of Natural History and Science, and the primary person accused of wrong-doing. Dr. Lucas contested statements made by his would be accusers. Dr. Lucas's written testimony was provided to the committee before it met. At the time that Mr. Ashman saw Dr. Lucas's written response to the potential allegations -- if not long before -- Mr. Ashman should have recognized that there were discrepancies between the testimony of Lucas and of those who believed he'd acted unethically. Consequently the obvious thing to do would be to convene a group of individuals with no clear stake in the decision and no clear bias. Before the committee met, Mr. Ashman was also presented with written testimony from Norman Silberling, an outside observer brought in to increase the panel's objectivity. It was hard to top the inappropriateness of Mr. Ashman's initial response to the request for investigation. However, Dr. Silberling's letter put Mr. Ashman's letter to shame. To his discredit, Mr. Ashman did not immediately recognize that Silberling's clear bias tainted the committee before it even met.

The conduct of the committee itself was worse, however. Faced with discrepancies between the testimony of Lucas and that of the people who brought the situation to Mr. Ashman's attention, Ashman and the committee unquestioningly accepted Lucas's and his colleagues' versions without even seeking additional input from anyone who could dispute their claims and counterclaims. Echoing Ashman's initial response, the panel report turns the accusation around suggesting that museum policy needs to change only because one of the whistleblowers -- in the opinion of the panel -- may have acted unethically. The story spun by Lucas to support this charge is wildly implausible. But what's even more unbelievable is that anyone could think this committee brought justice when it contained no one willing to critically examine Lucas and his colleagues' defense. They were more than willing to look critically at the accusers, however.

I do not ask that you accept my statements as simple facts. I hope that you will direct your office to investigate Ashman the way that Ashman should have investigated Lucas and his colleagues. If you feel I can be of any assistance in this investigation, I hope you will feel free to contact me. Ashman deserves a fair evaluation just as did Lucas, his colleagues, and those who believe they have behaved unethically. It is clear to me, however, that Mr. Ashman is incapable of leading such an investigation. After his third strike, it is time for him to return to the dugout.

Thank you for your attention to this matter. I look forward to seeing a fair and just resolution to this fiasco.

Sincerely,

A handwritten signature in black ink that reads "Mickey P. Rowe". The signature is written in a cursive, slightly slanted style.

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