

February 18, 2008

Mr. Stuart Ashman
Cabinet Secretary, Department of Cultural Affairs
State of New Mexico
407 Galisteo Street
Santa Fe, NM 87501

Dear Mr. Ashman:

As the outside participant in the forthcoming discussion by the Executive Committee of the Board of Trustees of the New Mexico Museum of Natural History & Science (NMMNH&S) regarding allegations of professional misconduct directed at the Museum and its staff, the following are my opinions and recommendations.

At the outset I should provide some “full disclosure.” First, as expressed in my email to you of 2/8/2008, I regard myself as a professional friend and admirer of Spencer Lucas, who is the principal target of these allegations. I am indeed indebted to Spencer, particularly for including me in a most interesting geologic field trip with him and several others to an area in Sonora several years ago, and for dedicating NMMNH&S Bull. 41 (the “Global Triassic” symposium volume) to Tim Tozer and me. Also, earlier this year I aided Spencer in writing up the Nevada field trip log for Bull. 40, so I’ve been one of his coauthors on this as well as an earlier paper regarding the area in Sonora. Other than Spencer, I’m not acquainted with any others associated with the NMMNH&S. Although now largely retired, my career has been as a university professor, sometimes research geologist with the USGS, and lately as a consulting geologist. Although I consider myself primarily a geologist, early in my career I did actually do some taxonomic paleontology concerned with marine invertebrates that were of importance for correlating and interpreting rocks of interest. Because of this I do have some understanding of the rules governing zoological taxonomy and the practice of paleontology (and, I might add, some insight into the peculiar mind set of most paleontologists!).

The charge of plagiarism, as brought against the Museum staff, is a very serious one that strikes to the heart of academic research. However, after reviewing the available materials regarding the present allegations, I conclude that no plagiarism was involved in any of the three instances where plagiarism has been charged or implied to have occurred. In science it is not uncommon for different researchers working within the same world-wide environment of data, information, and personal connections to come to the same conclusion at about the same time. To argue about who might have influenced whom seems pointless. The important fact in the present cases, which involve priority in formal nomenclature and in the interpretation of osteological or phylogenetic relationships, is that Lucas and his NMMNH&S collaborators promulgated ideas that

were derived from long-term study of their own data and specimens. If any wrong has been committed by the Museum staff, it is one of oversight and missed communication, and although regrettable, these kinds of things are inherent in academic research.

As for the specific allegations raised by Martz, et al., and by Parker, the detailed responses by Lucas effectively rebut each of the charges. Enlarging on Lucas's responses, if any unethical behavior took place, it was by Parker who based his 2007 paper on specimens collected and prepared by the Museum and who did this without approval by Lucas, the Museum's collections curator. From the Acknowledgements section of Parker's paper I gather that Heckert (a former staff member at the NMMNH&S) rather than Lucas, Hunt, or Spielmann was the principal contact at the Museum for him and his collaborators, among whom were Martz and Irmis. Once Heckert left the Museum for a teaching job, any information or materials he had about Parker's publication plans apparently went with him. These materials apparently included the copy of Parker's masters thesis that was sent by him to Heckert. Lucas did evidently overlook or ignore Parker's statement about a new generic name for "*D.*" *chamaensis* in the earlier manuscript ("Supporting Document no. 5") that was reviewed by Lucas for publication in the Museum Bulletin. However, the phrase "...*D.*" *chamaensis*...represents a distinct genus (Parker, in prep.)" only implicitly reveals Parker's intentions. Lucas' explanation that neither he nor his coauthors of Lucas et al. (2006), the two technical reviewers for this paper, or the co-editor(s) of the NMMNH&S Bulletin in which this paper appeared, knew of Parker's in-press manuscript seems entirely plausible and has been verified by the Harris (the senior-editor) in his 4/12/07 posting on Naish's "armadillodile" blog site.

Martz' assertion that an interpretation in his masters thesis was "plagiarized" by Spielmann et al. (2006) is adequately explained as an oversight in Lucas' response. Spielmann et al. did indeed come to the same conclusion as that earlier stated by Martz, but as Lucas explains in his response in so doing they did not use Martz' wording or illustrations, and thus this does not constitute plagiarism. Instead, Martz should be pleased that other authorities changed their position to agree with his.

It's difficult to believe that Parker and/or Martz or their associates didn't prime Naish to initiate his accusatory blog site knowing that all sorts of slanderous, unsubstantiated bile would result. From this, it's apparent that an interconnected group of mainly young, un- or under -employed workers (including both Parker and Martz) has for whatever reasons a strong grudge against Lucas and the NMMNH&S. But that's just the way it is. They are not apt to stop, and arguing with them, especially on-line, probably would be a wasted effort and just strengthen their sense of righteousness. Nevertheless, because of the media and on-line publicity about this situation, you and/or the Museum Board needs to somehow make public a detailed rebuttal (based largely on Lucas' responses to the charges). I'm not sure what's the best way to do this, but in any event, from the standpoint of the Department and Museum Board I see no reason not to be proud of the Museum, its staff (past and present), and Spencer Lucas in particular.

The Museum Board also might take some constructive action regarding the editing and review process related to the Museum Bulletin. This strikes me as the real target of the complaints by Parker, Martz, and the other young bucks (and at least one doe) associated with them. The Bulletin's current review process is not really much different from that used by many other research institutions and agencies that produce in-house publications. The complainants assertion, repeated again and again by them, that NMMNH&S Bulletin papers lack adequate technical review is simply not true, as can be demonstrated by reading the acknowledgements included in Bulletin articles. Moreover, using in-house reviewers for articles by qualified in-house staff members, is not necessarily a bad thing, because by and large a reviewer who is an associate and friend of the author(s) will not want to see the author(s) do something dumb. The larger problem regarding the Bulletin is having an exceedingly productive Bulletin author, such as Lucas, serve also as the editor of the Bulletin. This does invite barbs from disgruntled people seeking a target. I'm not really qualified to suggest a different publication system for the Bulletin, but its Editorial Board, which includes informed outside scientists, might be charged by the Museum Board to make a recommendation about this. Whatever the solution to this might be, it certainly shouldn't be anything that would greatly slow down the quick publication service for which the Bulletin is widely praised.

As a final suggestion to the Museum Board, I think it would be useful for you or the Board to send whatever final public report is prompted by this Executive Committee discussion to Parker's supervisor at the Petrified Forest National Park. That person should be interested in how his or her employee is serving the scientific community and the public.

Sincerely

[signed]

Norman J. Silberling