

From: PERVIN, David David.Pervin@oup.com
Subject: RE: Your Book: National Intelligence and Science
Date: April 4, 2017 at 3:23 PM

DP

To: Tyler tylerharris@yahoo.com, Greg Treverton gregtrever@gmail.com, Debra_Schroeder@rand.org, Marquis, Susan L smarquis@rand.org, Mike Rich mrich@rand.org, wilhelm.agrell@svet.lu.se, Thomas_Szayna@rand.org, COHEN, Barbara Barbara.Cohen@oup.com, KAGLE, Abigail Abigail.Kagle@oup.com
Cc: Andy Hoehn hoehn@rand.org, Wilhelm.Agrell@telia.com

Dear Tyler,

I am writing on behalf of Oxford University Press regarding your concerns about your name not appearing in *National Intelligence and Science: Beyond the Great Divide in Analysis and Policy*. I'd also like to affirm that the email exchanges on March 8 and 9 that included me, you, Greg Treverton and Wilhelm Agrell, and a representative of RAND reflected Oxford's response to your February 27 email, which you had written to ensure that Oxford's legal department had visibility on the correspondence about your name being included in the book, and also about the possibility of RAND having a copyright issue with this material. I apologize for not having affirmed this explicitly in my earlier emails to you (January 19, February 24 and March 9, 13, 20, and 30).

With Greg Treverton and Wilhelm Agrell having determined that you would be named as a co-author of Chapter 5 of *National Intelligence*, and with RAND having confirmed that they are satisfied with this outcome, Oxford's remaining role at this point is to move ahead with that resolution. (The matters you flagged for Oxford's attention that are between Oxford and Greg Treverton or between Oxford and RAND would be for us to sort out independently, although you'll have seen from the March 9 email that included you and others that RAND are satisfied with this resolution.) I had followed-up with you several times (March 13, March 20, and March 30) asking how you would like your name to appear; once I receive that information, I will move ahead to arrange for your name to appear both online and in any future paperback version.

In closing, I can assure you that from the time Oxford became aware of the concerns you raised, we have taken them seriously. We are grateful that you brought them to our attention.

Sincerely,

David

David Pervin
Senior Editor
Oxford University Press
198 Madison Ave
New York, New York 10016

Phone: 212-726-6453
Cell: 646 573 1577

From: Tyler [mailto:tylerharris@yahoo.com]
Sent: Thursday, March 30, 2017 6:21 PM
To: Greg Treverton; Debra_Schroeder@rand.org; Marquis, Susan L; Mike Rich; wilhelm.agrell@svet.lu.se; Thomas_Szayna@rand.org; COHEN, Barbara; KAGLE, Abigail
Cc: PERVIN, David; Andy Hoehn; Wilhelm.Agrell@telia.com

Subject: Re: Your Book: National Intelligence and Science

Oxford University Press,

I'm puzzled by the lack of response to this email, and it is making this situation increasingly tenuous. Moreover, I received a very strange correspondence separately authored by Greg entitled "Issue Over Teaching Assistance". I have not responded, obviously, because this situation has nothing to do with teaching assistance. This discussion concerns that Greg copied long passages of my work, of which RAND owned the copyright, [REDACTED] his own in his book "National Intelligence and Science: Beyond the Great Divide in Analysis and Policy" published by Oxford University Press. In so doing, he likely violated critical provisions of his publication contract regarding 1) the originality of his authorship, and 2) whether publication of his book violated the copyright of others.

In this email, Greg offered to include my name as a Co-Author in Chapter 5.

However, this is nevertheless deeply worrying because he described this action as a 'gesture', and mentions there is "absolutly [sp] no consensus on what is appropriate in cases such as this." Meeting one's contractual and professional obligations is not a *gesture*, and suggesting there is *no consensus* overlooks that copying my work without attribution (the copyright of which is owned by RAND) is a violation of professional norms and copyright law. Moreover, in the months since I raised the issue, nobody has offered a coherent explanation as to how this could have been an accident (from the correspondence below, it seems rather clear that Greg did it knowingly). Indeed, if there is a legitimate reason, I can think of no reason why Greg would not provide it.

Had Greg offered to make this change upon my initial inquiry, I might have considered an informal solution like this more seriously. At this point, however, an informal resolution to this problem is not appropriate. Greg defiance and unwillingness to take responsibility is making this process much more difficult than it ever needed to be ~ and he has created much larger problems for himself through these actions. Given Greg's uncooperativeness throughout this period, I can't go further without documentation clearly accounting and acknowledging the nature of the circumstance on OUP letterhead, and explaining why it is only 2 years after publication that my work is given appropriate attribution.

I believe the situation warrants this measure. Please respond to this email with the document. I will look forward to it.

Regards,

Tyler H. Lippert

On FEB 27, 2017, at 1:20 PM, Tyler [REDACTED] wrote.

Dear Office of Legal / General Counsel (Oxford University Press),

I hate to trouble you, and I know that my concern has probably already been communicated to your office by David Pervin. However, the discussion below has been moving slowly for a number of weeks, and I wanted to ensure that you had visibility on the correspondence. I had written David to alert him that I helped Greg Treverton write a chapter (Ch.5) in the first edition of a book published by Oxford University Press in 2015, entitled National Intelligence and Science: Beyond the Great Divide in Analysis and Policy (<http://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780199360864.001.001/acprof-9780199360864>). My writing appears in that chapter extensively – often word-for-word, paragraph-for-paragraph (my writing, verbatim, is about 40% of the chapter). However, my name doesn't appear in the book—and proposed solutions thus far are inadequate and inappropriate.

Moreover, there are a number of related legal issues because both Greg and I were employees of RAND Corporation during I did the writing (between May/June 2012 and approximately July 2013). In particular, as part of my employment agreement, I signed an agreement that assigned all of the copyright (and other intellectual property rights) for my work to RAND. RAND has recently verified this to me in separate correspondence. (I've also requested a copy of the employment contract, work agreement (including all express or implied assignment of copyright and other intellectual property rights), pursuant to California Labor Code Section 432.)

I'm confident that Debra (Knopman) Schroeder, the General Counsel of RAND (copied on this email), has likely already contacted you on this matter, and informed you that RAND is the owner of the copyright, and that OUP published material in Greg's book that he never wrote or owned (he falsely passed my work off as his own).

Because the funds and the corresponding research were administered through RAND (in addition to the sponsor's money, some funding to pay for my work was provided by the RAND Graduate School), and my only work agreement in this respect is the one I signed with RAND, I expected that RAND's strict standards for professional ethics and the integrity of research would apply (I assume that Oxford University Press has similar standards). As a result, I requested that RAND make any transfer of the copyright conditional a guarantee that everyone from RAND who contributed is given appropriate credit for their work.* This is obviously a question that you will want to verify, and seek an additional guarantee. Moreover, under California labor law, courts consider an employer's employee handbooks and policies to evaluate the existence of an implied contract (in the context of an employment agreement), and RAND's express commitment to the principle of research integrity is indisputable.

Further, I have been informed by other Editors at OUP that it is customary that when signing a publication contract, the author represents and warrants that the manuscript 1) is original, and 2) does not infringe any copyrights or other proprietary rights. To the extent that provisions such as these are included in Greg's contract, he likely

Tyler H. Lippert, PhD

* I've queried RAND as to whether the copyright for my work was ever transferred to OUP, in the context of Greg's book. Despite that the question was posed several weeks ago, I have not received a direction response. However, I believe she would have responded in the affirmative if those rights had been transferred to OUP.

<Analogies Draft 1.docx>

<Analogies - Anthropology and Sociology.docx>

<Exploring Other Domains - Chapter - Published Copy (Highlighted).docx>

On Feb 24, 2017, at 6:48 PM, Tyler <[REDACTED].com> wrote:

Debra, Susan, Mike,

This is really getting to be absurd. Greg doesn't seem to acknowledge any of the relevant facts, 1) RAND/PRGS Money was involved: PTN RG179-5045 was used to pay for my work, 2) RAND is involved because RAND owns the copyright to my work (RAND has verified this), 3) OUP is involved because they published material in Greg's book that he never wrote or owned, and 4) I am the author of 40% of the writing in Chapter 5, which was copied paragraph for paragraph from the papers I wrote for Greg.

Please let me know how you intend to intervene to get this straightened out.

Regards,

Tyler

On Feb 24, 2017, at 2:38 PM, Greg Treverton <gregtrever@gmail.com> wrote:

Thanks a million, David. Cheers, Greg

On Feb 24, 2017 2:05 PM, "PERVIN, David" <David.Pervin@oup.com> wrote:
Dear Greg:

Thank you for your guidance. I will discuss with my colleagues and seek to do as you indicate both for Chapter 5, based on my reading of Tyler's email, and in the Preface.

Sincerely,

David

David Pervin
Senior Editor
Oxford University Press
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Cell: [646 573 1577](tel:646-573-1577)

From: Greg Treverton [mailto:gregtrever@gmail.com]
Sent: Friday, February 24, 2017 1:24 PM
To: PERVIN, David
Cc: Andy Hoehn; Tyler Lippert; Wilhelm.Agrell@
Subject: Re: FW: Your Book: National Intelligence and Science

David, forgive my delay in responding. I was leaving the chair of the National Intelligence Council and moving, and it got lost in the shuffle. I understand and appreciate that Oxford is not really involved in this issue, but I appreciate your willingness to work out a resolution. I've also copied RAND on this because RAND was drawn in. However, it is not really involved either. The work-for-hire I paid Tyler for was NOT for a RAND project, nor was it RAND money. It was from a contribution I made to RAND and earmarked for research assistance for me, in this case for a project being done, with the awareness and approval of RAND, for the Swedish National Defence College.

In any case, I want to bend over backward to be fair. I also understand that you are not a technical person and so will have to ask what can be done. What I'd ask is the following: on the online version of the book and any reprints, would you add a note at the bottom of the first page of the chapter in question: "The authors acknowledge the assistance of Tyler Lippert in preparing this chapter." I don't have the book in front of me, and so can't remember whether we thank Tyler in the acknowledgements or preface. If we did, great. If not, would you also add a line where appropriate: "The authors acknowledge the assistance of Tyler Lippert in preparing chapter xx."

Thanks very much. Sorry to have to trouble you with this. And I'll stay in touch as I move forward with the next book. With thanks and all best wishes,
Greg

On Feb 24, 2017 11:51 AM, "PERVIN, David" <David.Pervin@oup.com> wrote:

[Here is the email I sent on the 19th](#)

From: PERVIN, David
Sent: Thursday, January 19, 2017 1:22 PM

To: 'Tyler'; Greg Treverton
Cc: [wilhelm.agrell@\[REDACTED\]](mailto:wilhelm.agrell@[REDACTED]) Susan L Marquis; Ryan, Gery; mrich@rand.org;
Debra_Schroeder@rand.org
Subject: RE: Your Book: National Intelligence and Science

Dear Tyler:

Thank you for your email.

The question of any credit is an issue between you and Greg Treverton in the first instance. OUP is flexible as to whether to make changes that Greg may indicate, whether in terms of the online version or if there is a future reprint of the book.

Sincerely,

David

David Pervin
Senior Editor
Oxford University Press
198 Madison Ave
New York, New York 10016

Phone: [212-726-6453](tel:212-726-6453)
Cell: [646 573 1577](tel:646-573-1577)

From: Tyler [mailto:[\[REDACTED\]@com](mailto:[REDACTED]@com)]
Sent: Wednesday, January 18, 2017 10:26 AM
To: Greg Treverton; PERVIN, David
Cc: [wilhelm.agrell@\[REDACTED\]](mailto:wilhelm.agrell@[REDACTED]) Susan L Marquis; Ryan, Gery; mrich@rand.org;
Debra_Schroeder@rand.org
Subject: Re: Your Book: National Intelligence and Science

Dear David,

Greetings. I write to inform you of a matter that has recently come to a point. I helped Greg Treverton write a chapter in the first edition of a book published by Oxford University Press in 2015, entitled National Intelligence and Science: Beyond the Great Divide in Analysis and Policy (<http://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780199360864.001.0001/acprof-9780199360864>). My writing appears in that chapter extensively – often word-for-word, paragraph-for-paragraph. However, my name doesn't appear

anywhere in the book. I'm told that you were the Editor, and have been directed to contact you in this respect.

During the time the book was written, both Greg and I were employees of RAND Corporation. In my capacity as an Assistant Policy Analyst at RAND, I was 'hired' to assist Greg's research for the book (I was concurrently a PhD candidate at the Pardee RAND Graduate School). The interaction between Greg and I—concerning the actual research—is extensively documented in email correspondence conducted through RAND email. RAND leadership is aware of this incident. I've copied them on this message, including the General Counsel.

Because the funds and the corresponding research were administered through RAND (in addition to the sponsor's money, some funding to pay for my work was provided by the graduate school), and my only work agreement in this respect is the one I signed with RAND, I believe that I had an expectation that RAND's strict standards for professional ethics and the integrity of research would apply. I assume that Oxford University Press has similar standards.

Greg indicated that he would inform you that I have recently approached him regarding this issue. As a convenience to you, and to ensure you have visibility on the relevant details, in this email I've included the relevant documents (the papers that I wrote for Greg), as well as the previous correspondence I've had with Greg. Please note that in addition to the most recent correspondence, I attempted to gently raise Greg's attention to this problem previously, to give him a chance to take responsibility for the omission. For several months in early 2016, Greg demurred and [REDACTED] after I suggested it would be appropriate to indicate that I was a "significant contributor to his most recent book".

I apologize about bringing this matter to your attention, though I believe that transparency from this point forward is necessary. I am available to

RAND definitely has an interest in this problem, and their involvement in this conversation is entirely and thoroughly appropriate. Moreover, OUP will need to be in touch with RAND, anyhow ... because RAND was the original owner of the copyright for my work (because it was conducted in the context of my role as an Assistant Policy Analyst at RAND). However, if they weren't the original owner, then I am the owner of the copyright ~ and I never authorized that it could be transferred to you or OUP. Please note that you and I don't have a work agreement, and I have never agreed that

you could use my work without attribution.

To suggest that it matters that the funds came from the Swedish Defense Ministry seems awfully strange. Just as with funds from the DoD, a state or sovereign government, or a foundation, if the money and the resulting project are administered through RAND, it seems only natural that RAND standards would be in force.

Regards,

Tyler H. Lippert

On Jan 16, 2017, at 12:48 PM, Greg Treverton
<gregtrever@gmail.com> wrote:

Tyler,

I find this email not worth answering. Of course anything I did was inadvertent. What I was getting from you was raw material, mostly quotes from other people. I used and massaged. If you think, and others agree, that you deserve some credit, as I said, that's fine with me. I do not think so, but I'm prepared to let those closer to this gotcha age judge. I want to do what's fair. And RAND had absolutely nothing to do with this. I received money for an RA from the Swedish Defence College, which I used to hire you as an RA, not a co-author. So I resent your involving RAND. I have sent the materials to my editor at OUP, and have said I'll do whatever he and Wilhem think appropriate. Why you should want to escalate with reckless, and as you know, false, accusations about my intent is, frankly, beyond me.

For those RAND colleagues copied, apologies from bothering you with this.

Let this be the last I hear from you. I'll notify you, or OUP will, when they decide what, if anything, is appropriate. GFT

On Mon, Jan 16, 2017 at 12:00 PM, Tyler <[REDACTED][com](mailto:[REDACTED]@com)>
wrote:

Greg,

I was very sorry to read your last email, I understand from your response that your use of my work without attribution was done deliberately. No matter how you characterize it, taking someone else's work or ideas and falsely passing them off as your own is plagiarism

and falsely passing them off as your own is plagiarism. This is a different situation than what I believed at the outset of this correspondence, and one that calls for a different conversation than what we have conducted thus far.

Neither is copying my work, word-for-word, paragraph-for-paragraph—in the extensive and purposeful manner that you have—without giving credit (knowingly), deserving of my previously generous perspective. In light of the fact that you seem to have chosen this path intentionally, the solution I offered in my email of 8 Jan. 2017 (included below) will need to be reconsidered.

Moreover, this situation opens the scope of concerned parties to a wider audience. I believe you mentioned that you received money from RAND to support this project. My efforts, too, were funded by RAND (although, I worked the same number of days, if not more, on my own time ... as a favor to you). Because my work for you occurred in the context of my role as an Assistant Policy Analyst at RAND, I feel it is appropriate to include RAND leadership in this conversation. On this email I have included Mike Rich, Susan Marquis, the RAND General Counsel, and Gery Ryan.

I'll let RAND speak for themselves, though my assumption is that RAND would not have provided financial support for this project had they believed the final product would fail to meet RAND standards of ethical conduct (and particularly if they had known you would willfully perpetrate a violation vis-a-vis a RAND colleague).

For that reason, I believe I had a legitimate expectation that RAND rules and ethical standards were in force, and could be relied upon. Moreover, to be clear, I have never agreed to work with you outside the context of what was facilitated by RAND.

I've copied Wilhelm Agrell on this correspondence so that he has clear visibility on the precise nature of the circumstance, and the relevant details (documents

attached).

I'm going to give RAND an opportunity to respond to this email before I follow up.

Regards,

Tyler H. Lippert

On Jan 10, 2017, at 4:35 PM, Greg Treverton
<gregtrever@gmail.com> wrote:

I don't like the tone of your letter. From my perspective, I don't owe anyone any contrition. I will take Wilhelm's counsel, and I will look at your papers over the weekend. I thought what I did exactly what you described in your next to last para. I thought you were doing research assistance, not "papers." But If I'm wrong, I'll ask the publisher to do what you desire. GFT

On Tue, Jan 10, 2017 at 9:14 AM, Tyler <tyler@redacted.com>
wrote:
Greg,

I am deeply troubled by your response. I expected something very different from you. I don't believe this is a trivial matter, and the tenor of your response tells me that you don't think so, either. Moreover, this has nothing to do with fastidiousness, and I'm not concerned with Wilhem's opinion. I'm not asking for anything other than what is dictated by professional norms. As I mentioned, if RAND rules had applied, I would be credited as an author on the front cover.

If I had wanted to burn bridges with you, I would have tyler@redacted.com
tyler@redacted.com I have assumed it was an oversight, which is the most generous thing I could possibly do in this instance. That's why I brought this to you one-on-one. I've given you the benefit of the doubt, and offered you an opportunity to take responsibility for the omission.

Neither can I imagine why you would want the bridge burned; in that case, [REDACTED] In reaching out directly, I'm offering you an opportunity to have some control and discretion in the manner in which this gets resolved. I've raised this to you with the respect and courtesy that a colleague should, and provided you a chance to make it right. That's what I would hope for if I were in your position. If there is a better way to have done this, please let me know.

Had you used my papers as background, or simply incorporated a few sentences, etc. ... I would say nothing (this is what I originally expected). As I mentioned, I was surprised to see how extensively you included my writing in the published text ... often word-for-word, paragraph-for-paragraph, as I've demonstrated.

I am mindful that it is in everyone's best interest to get this resolved collegially, and that is my intention. I believe I've done everything I can to broach this issue in a way that is not harmful to you, and to get this resolved amicably. I hope the lack of contrition in your previous missive does not suggest that you prefer the contrary, and that I have not misjudged your willingness to meet your professional responsibilities without prejudice.

Please let me know.

Regards,

Tyler

On Jan 9, 2017, at 5:53 AM, Greg Treverton
<gregtrever@gmail.com> wrote:

I will get back to you but perhaps not soon. I'm pretty swamped: we roll out Global Trends today, I'm leaving on Inauguration Day, and then moving. I will send your note to my co-author, for he's much closer to the post-modern fastidiousness about relations between authors and their research assistants than I am. I'll do whatever he suggests, and if he agrees the way forward you suggest is right, that's fine with me. I just want to get this over. Frankly, I am somewhat surprised that you've decided to burn all bridges to me over what seems, to me at least, a pretty trivial matter. But that is of course your decision. GET

decision. G11

On Sun, Jan 8, 2017 at 9:30 PM, Tyler <[REDACTED].com>
wrote:
Greg,

Thank you for your quick response, and willingness to get this resolved. I don't enjoy this conversation any more than you do, and I am looking forward to getting closure on this matter.

To be clear, I wouldn't approach you in this regard unless I was sure that I am on firm ground. I recognize that you added content and reworked parts of what I provided; however, other parts were not touched. I've done the analysis: there is little question that a great deal of my work appears verbatim or nearly verbatim without attribution in the published text in your book. Chapter 5 is approximately 10,000 words long, of which about 3,800 words were taken directly, or nearly directly, from the papers that I wrote for you while I was at RAND.

To understand what I refer to, and to verify that what I've said is accurate, attached to this email you will find the papers that I wrote, as well as two versions of the published chapter (one with highlights, one without). You can validate my conclusion if you go to the 'Review' tab on MS Word, and select 'compare' and then 'compare documents'; select one of the original documents that I wrote and submitted to you as the 'original document' and the published copy as the 'revised document'. You can see the results: the unchanged text is what remains of what I provided to you.

For your convenience, you can view the combined results of this procedure in the attached document entitled 'Exploring other Domains - Chapter - Published Copy (Highlights)'. In this document, I have highlighted the sections that came from the two documents I wrote: yellow highlights are from the first paper (sent to you on 20 July 2012), green highlights are from the second paper (sent to you on 17 June 2013). The text in bold is verbatim or nearly verbatim what I provided to you in those documents.

For what it's worth, I'm willing to believe that the oversight is inadvertent. I've never known you to be pernicious, and I can't think of any reason why you would have changed. Moreover, the book was written over a long period, and that over the course of time it can be difficult to keep track of what came from where. I was surprised myself to see how extensive my work appeared in the final product; I had not anticipated it.

Nonetheless in light of the facts I think it's reasonable that I should

Nonetheless, in light of the facts, I think it's reasonable that I should be credited as a co-author of that chapter. I think a reasonable way forward is to notify the publisher to make changes to the electronic version—that take effect immediately (or as soon as possible), as well as if the hardcopy version is ever reprinted. I do not/not expect a reprinting or recall of the copies already sold or printed.

If you still believe that my position and request is not justified or supported, or that our thinking on this remains mis-aligned, please let me know.

Regards,

Tyler

On Jan 6, 2017, at 5:14 PM, Greg Treverton
<gregtrever@gmail.com> wrote:

Thanks, Tyler, I'm sorry if there was any confusion, and I apologize for not crediting you in the forward. I have to say, though, that I always thought you overstated your overall contribution to the book, in writing about yourself, for instance; from my perspective, your contribution, while useful, was fairly slight over-all, certainly from my perspective nothing close to a co-author. My memory is taking your notes and working them over very hard. But if you feel that is wrong, I'm happy to do whatever would make you feel you get the credit you deserve. Just let me know. Cheers, Greg

On Fri, Jan 6, 2017 at 3:11 PM, Tyler
<[\[REDACTED\]@stanford.edu](mailto:[REDACTED]@stanford.edu)> wrote:
Greg,

I hope you are well. I just wanted to follow up ... and say congratulations as you successfully conclude your tenure as Chairman of the National Intelligence Council.

Thanks for including me on your recent email announcing your next professional step; the opportunities you mentioned at Stanford and Harvard sound like a great fit for someone

with your experience and background. For my part, I am also looking for my next professional opportunity. I defended my dissertation this past October, and the Pardee RAND Graduate School (PRGS) awarded my PhD.

As a result, I've been updating my CV and want to make sure it accurately reflects everything I achieved while I was at RAND. As you know, in my role as an Assistant Policy Analyst—while I was a PhD candidate—I assisted with background research and submitted papers with the research to you for use in the book published by Oxford University Press that you wrote with Wilhelm Agrell (while you were still at RAND), entitled 'National Intelligence and Science: Beyond the Great Divide in Analysis and Policy'.

It was a privilege to work with you, and I appreciated the opportunity to contribute to this project. However, I purchased a copy of the book shortly after it was released in 2015, and I recognized a great deal of the content in Chapter 5 derived from my papers. Specifically, in comparing what was published to the papers I provided to you (on 20 July 2012 and 17 June 2013), nearly [REDACTED] of the published text in that chapter seemed to have been taken directly (much of it paragraph for paragraph) from the papers that I wrote.

However, my name does not appear in the book. There is no attribution or acknowledgement of my contribution and work in the electronic version of the book. I recognize that we didn't discuss how my efforts would be attributed, but I didn't realize my contributions and papers would be used so directly (in which case I would have expected RAND rules to apply, and I would be credited as an author on the front cover).

I apologize about any confusion, though I'd like to ensure that I receive appropriate credit for my work. I am contacting you now to pursue a resolution to this problem. Please let me know how we can get this remedied.

Thanks for your assistance on this matter. I look forward to hearing from you.

Regards,

Tyler H. Lippert, PhD

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