



January 7, 2022

Susan R. Wessler  
Home Secretary  
National Academy of Sciences  
2101 Constitution Avenue, NW  
Washington DC  
VIA EMAIL: [NASHomeSecretary@nas.edu](mailto:NASHomeSecretary@nas.edu)

**RE: Request for Disciplinary Proceeding for Code of Conduct Violations, Dr. Jane Lubchenco, Deputy Director for Climate and Environment, Office of Science and Technology Policy, Executive Office of the President**

Dear Dr. Wessler:

The American Accountability Foundation is writing today to request that you immediately open an investigation of Dr. Jane Lubchenco's recent conflict of interest violations and impose the appropriate punishment, up to and including, expulsion from the Academy.

Your guidance on the Academy's Code of Conduct states, "As noted in the review process, the NAS cannot undertake investigations of alleged violations except those that deal with internal matters, e.g., confidentiality with respect to NAS elections, the deliberations of NAS and NRC committees, or matters involving PNAS."

Dr. Lubchenco's behavior falls squarely within the jurisdiction of the Code of Conduct for NAS Members and is appropriate for its discipline because it relates to her role as an editor of PNAS. The Code of Conduct requires, "3. NAS members shall avoid those detrimental research practices that are clear violations of the fundamental tenets of research. **Members should be fair and objective peer reviewers.**"<sup>1</sup> In reviewing a paper for the Proceedings of the National Academies of Science, Dr. Lubchenco engaged in a stunning failure to be a fair and objective peer reviewer and violated the NAS Code of Conduct.

As you may know, the editors of the PNAS were recently forced to take the extreme step of retracting an article for conflict of interest. While PNAS has had to retract articles in the past for more pedestrian reasons like errors, according to the extensive database compiled by the website *Retraction Watch* the retraction of the article Dr. Lubchenco reviewed was the first time in the history of the database that the editors have had to retract an article for conflict of interest.<sup>2</sup>

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<sup>1</sup> <http://www.nasonline.org/about-nas/code-of-conduct/nas-code-of-conduct.pdf>

<sup>2</sup> <http://retractiondatabase.org/RetractionSearch.aspx?AspxAutoDetectCookieSupport=1#?AspxAutoDetectCookieSupport%3d1%26jou%3dPNAS%253a%2bProceedings%2bof%2bthe%2bNational%2bAcademy%2bof%2bSciences%2bof%2bthe%2bUnited%2bStates%2bof%2bAmerica>





In retracting the article, “A global network of marine protected areas for food,” the editors of the PNAS noted, “The editors also note that the article’s editor, [Jane Lubchenco], recently published a related paper with the article’s authors and has a personal relationship with one of the authors, both of which are disallowed by PNAS editorial policies.” In commenting on the retraction, the editor noted, “each potential COI [conflict of interest] is considered on a case-by-case basis, and, yes, in this specific instance, given the nature of the conflicts in Cabral et al.; i.e., recent close collaborations and family relationship, they would have been sufficient cause for retraction absent the data error...”<sup>3</sup>

The “personal relationship” referenced in the article was not a casual relationship that Dr. Lubchenco might not have been unaware of, but rather the author was Dr. Lubchenco’s sister’s husband, Dr. Lubchenco’s graduate student, and a frequent co-author who she has collaborated with dozens of times. Dr. Lubchenco and Dr. Gaines have had a decades long personal and professional relationship. There is no reasonable way to construe that agreeing to review Dr. Gaines’ article was an oversight and Dr. Lubchenco was not aware of their relationship.

Further there is no reasonable way to construe that Dr. Lubchenco was not aware of the strictures the Code of Conduct or of ethical research guidelines. Dr. Lubchenco has been a member of the Academy for nearly three decades. She has been the head of a multi-billion dollar federal government research agency. She has been a tenured professor for over three decades. Dr. Lubchenco either knew it was wrong to review Dr. Gaines’ paper or she was willfully ignorant. Either way she has failed to meet the expectations of a member of the Academy.

The paper in question was also riddled with errors that also would have forced its retraction.<sup>4</sup> The serious flaws in the paper raise the serious question that if the paper had received independent, impartial, and rigorous scrutiny during the peer review process would the serious flaws been detected before publication. While one will never know, the lack of objective scrutiny of a flawed paper calls into question the integrity of the peer review process.

Lastly, Dr. Lubchenco should be held to an even higher standard than the average Member of the Academy. As I am sure you are aware, she currently serves as a Deputy Director for Climate and the Environment of the Office of Science and Technology in the Executive Office of the President. If the American people are to believe that their leaders take the strictures of scientific integrity seriously, violations of the Code of Conduct must include swift and stern punishment when violations are noted, lest the American people conclude that there are a separate set of rules for the important and powerful.

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<sup>3</sup> Author Ivan Oransky, “Leading Marine Ecologist, Now White House Official, Violated Prominent Journal’s Policies in Handling Now-Retracted Paper,” Retraction Watch, October 12, 2021, <https://retractionwatch.com/2021/10/08/leading-marine-ecologist-now-white-house-official-violated-prominent-journals-policies-in-handling-now-retracted-paper/>.

<sup>4</sup> Although the editors have noted that Dr. Lubchenco’s conflict was a sufficient independent reason to retract the paper.





Thank you for your attention to this matter and we look forward to your announcement of the outcome of your investigation and disciplinary proceedings.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Jones".

Thomas Jones  
Founder  
American Accountability Foundation

