

April 13, 2012

Mr. Ralph O. Morganweck  
Scientific Integrity Officer  
U.S. Department of Interior  
Office of the Exec. Secretariat and Regulatory Affairs  
1849 C Street, NW  
Washington, DC 20240

RE: Dr. Charles Monnett

Dear Mr. Morganweck:

Per your letter of April 2, 2012, I am providing the following requested information:

**1. Clarification on Specific Allegations**

Our complaint of July 28, 2011 set forth allegations against U.S. Bureau of Ocean Energy Management, Regulation and Enforcement (BOEM) and Interior Office of Inspector General (OIG) officials. On September 19, 2011, we filed amendments to the complaint to reflect new developments. These amendments supplement rather than replace the original complaint.

To recap the amended complaint of misconduct:

- A. BOEM officials have interfered with Dr. Monnett's scientific work and are preventing him from functioning as a scientist in violation of DOI policies specified below.

From July 18, 2011 until On August 26, 2011, BOEM suspended Dr. Monnett during which time the agency forbade him from conducting any scientific work, contacting colleagues or entering BOEM premises under threat of disciplinary action.

When BOEM rescinded the suspension, Dr. Monnett was not allowed to go back to his previous work and was thus barred from continuing the important research in which he was engaged. Instead, he was moved to a different division of BOEM and given a completely unrelated assignment lacking any scientific components. The complexity of the new assignment is much less than the original assignment, thus he has been constructively demoted.

The refusal to restore Dr. Monnett to his previous duties sidelines him during a critical phase of his scientific research projects. This has damaged the research and has

diminished his prestige in the scientific community. This removal of duties also violates core Department of Interior (DOI) policies on Integrity of Scientific and Scholarly Activities (Part 305; Chapter 3 DOI Manual), including:

- BOEM intentionally hindered the scientific and scholarly activities of Dr. Monnett, in violation of § 3.7A (6);
- BOEM decision-makers engaged in “coercive manipulation” and other activities which have negatively affected “ the planning, conduct, reporting, or application” of Dr. Monnett’s extensive scientific activities, in violation of § 3.7 C(1); and
- BOEM facilitated “outside interference” with Dr. Monnett’s scientific work (§ 3.5 L).

In addition, DOI rules provide that the subject will be informed of the allegation and “will be protected” thorough the inquiry (§ 3.8 D). That rule has also been broken with respect to Dr. Monnett.

- B. The OIG has been and is continuing to conduct investigations into allegations of allegation of scientific misconduct as defined by DOI Scientific Integrity policies in violation of the exclusive complaint process specified in those policies.

The initial and continuing focus of the OIG questions and request for documents concerns a scientific observational note authored by Drs. Monnett and Jeffrey Gleason, entitled “Observations of mortality associated with extended open-water swimming by polar bears in the Alaskan Beaufort Sea,” and published following peer review in the 2006 edition of the journal *Polar Biology*.

As detailed in our original complaint and as amply demonstrated by the February 23, 2011 OIG interview transcript, the subject matter of this investigation unquestionably was and remains allegations of scientific misconduct as defined in the DOI Scientific Integrity policies concerning the scientific observations of drowned polar bears.

During a subsequent interview with Dr. Monnett on August 9, 2011, OIG agents again returned to the subject matter of the drowned polar bear observations, the peer review process and other matters relating to scientific integrity.

During that interview, the OIG agents also raised a different topic which included the actions of Dr. Monnett in connection with the development of a research study titled “Populations and Sources of Recruitment in Polar Bears”, conducted by the Canadian University of Alberta. This new phase of the investigation was the subject of our September 19, 2011 amendment to the complaint.

While this new focus was in the context of procurement issues, the heart of this new line of IG inquiry concerned allegations of bias in a scientific review and impropriety in securing peer-reviewed publication. As detailed in our complaint amendment, these new

allegations also concern matters exclusively covered by the DOI policy on Integrity of Scientific and Scholarly Activities.

**2. The OIG activities that are the subject of this complaint are covered by and violate the DOI Scientific Integrity policies.**

The DOI Scientific Integrity policies became effective February 1, 2011 upon their publication in the DOI Manual. These policies apply to “All Department employees” (§3.3) and lay out an exclusive process for investigating allegations of scientific misconduct while limiting OIG jurisdiction to “Cases of fraud, waste, and abuse” (§ 3.8).

A. These rules do not contain a grandfather clause exempting ongoing investigations. Although OIG contends that it began its investigation of Dr. Monnett in March 2010 that does not exempt it from the DOI Scientific Integrity rules. Upon the effective date of these rules (2/1/11) OIG should have referred its investigation to the Office of the Executive Secretariat and Regulatory Affairs, as prescribed by the DOI policies.

B. Dr. Monnett was first interviewed by the OIG on February 23, 2011, weeks after the effective date of the DOI Scientific Integrity policies.

The first interview with Dr. Monnett occurred after the effective date of the DOI Scientific Integrity policies. Clearly, this investigation was still in its very early stages. As the interview transcript makes clear (as detailed in our original complaint) the OIG investigators did not understand the scientific issues over which they were questioning Dr. Monnett. The investigation presumably would have moved much more rapidly and professionally had it been turned over to trained scientists at that time.

C. New phase of the investigation opened in the summer of 2011, months after the effective date of the DOI Scientific Integrity policies.

The portion of the OIG investigation dealing with the University of Alberta study emerged well after the effective date of the DOI Scientific Integrity policies. This portion of the investigation should have been referred out of the OIG when it arose.

D. OIG investigation is continuing to this date.

On April 2, 2012, the OIG interviewed new witnesses in its investigation of Dr. Monnett. It questioned two scientists from the National Marine Mammal Lab within the National Oceanic & Atmospheric Administration concerning the Bowhead Whale Aerial Survey Project (BWASP). It was during such an aerial survey in 2004 that Drs. Monnett and Gleason observed drowned polar bears in open Arctic waters, which led them to author the article in *Polar Biology*.

Per an email from Special Agent Eric May, which PEER obtained under the Freedom of Information Act [see [http://www.peer.org/docs/doi/4\\_5\\_12\\_MML\\_OIG.pdf](http://www.peer.org/docs/doi/4_5_12_MML_OIG.pdf) ], the OIG is looking into the 30-year database of BWASP observations with special focus on the 2007 transition of the survey from DOI to the Marine Mammal Lab. In addition, the OIG wants “to determine if dead polar bears were documented in the BWASP database between 1987- 2003” in an apparent attempt to show that sightings of four drowned polar bears following a storm in 2004 was not remarkable.

Now, we are more than a year past the effective date of the DOI Scientific Integrity policies yet the OIG continues to operate as if they did not exist.

E. The OIG admits that it is investigating scientific misconduct.

In a letter dated August 25, 2011 to U.S. Senator James Inhofe [[http://peer.org/docs/ak/9\\_14\\_11\\_IG\\_ltr\\_Inhofe.pdf](http://peer.org/docs/ak/9_14_11_IG_ltr_Inhofe.pdf) ], Acting Interior Inspector General Mary Kendall addressed the ongoing OIG investigation into unspecified allegations of “scientific misconduct” concerning Dr. Monnett. In describing the role of the OIG, Ms. Kendall stated:

“The OIG investigates allegations of scientific misconduct by following the facts wherever they lead. We will determine what the process is that governs the scientific activities at issue, whether there was any deviation from the process and, if so, how and the extent to which the deviation may have affected the results.”

These words describe what we believe the Departmental Scientific Integrity Officers are supposed to do – not the OIG.

In short, the OIG conduct in the case of Dr. Monnett makes a mockery out of the DOI Scientific Integrity policies.

**3. We are not aware of conflict of interest concerning Dr. Monnett or PEER with the subjects of substance of this complaint.**

Dr. Monnett is a federal employee and has no economic interests in conflict or any other interest in conflict with DOI agencies of which we are aware.

**4. Transcript Annotations.**

We are also attaching annotations of both OIG interviews with Dr. Monnett as well as the transcripts themselves. Our annotations highlight the specifics of OIG misconduct outlined in this complaint.

**5. Issue of Your Recusal.**

In a letter by you to Representative Edward Markey dated August 30, 2011, you stated:

“You also asked in your letter whether my office had been contacted by the OIG or been consulted in the investigation of Dr. Monnett. After I learned of the investigation on July 26, 2011, via the BOEMRE Scientific Integrity Officer, I contacted the OIG. On August 2, I spoke with Mr. John Dupuy of the OIG and was briefed on the outlines of the investigation as it related to scientific integrity matters. I met with Mr. Dupuy on August 16 to discuss the matter further, including the recent allegations raised by Public Employees for Environmental Responsibility. Consistent with our view that our scientific integrity process should be available as a resource when OIG investigations encounter such claims,

I will be assisting the OIG in reviewing the scientific integrity claims that have been raised in this matter.”

Based upon the above, we are compelled to question your continuing role in this matter:

- A. In light of the statement that you are assisting the subjects of our complaint, how can you impartially investigate our complaint? Do you plan to recuse yourself due to your involvement in this matter and, if so, how will this investigation be pursued?
- B. The PEER complaint was hand-delivered to your office on July 28, 2011, prior to the dates of both of your meetings with the OIG. In a letter to PEER dated August 8, 2011, more than a week before your further discussions with the OIG, you wrote to “acknowledge the receipt of your Complaint of Scientific and Scholarly Misconduct filed on behalf of Dr. Charles Monnett” , adding that “An inquiry is being conducted into these allegations.” Were your meetings with the OIG part of this inquiry? If so, why did you not disclose this role to Rep. Markey?
- C. In your letter to Rep. Markey you state “No allegations of loss of scientific integrity against Dr. Monnett have been received through the process established by the DOI policy on Scientific and Scholarly Activities.” Yet you also state you were briefed by the on the scientific integrity aspects of the OIG investigation. Why did you choose to eschew the investigation process that you oversee? Why are these allegations being denied the same professional review prescribed in the DOI Scientific integrity policies?

It is difficult to escape the conclusion that you have pre-judged some of the core issues of this complaint. Moreover, your self-initiated involvement with the OIG appears to have fatally compromised any appearance of objectivity you might have had.

More than six months have passed since your initiation of the investigation. The tenor of your April 2, 2012 letter suggests that your inquiry is not very advanced. It does not appear to be too disruptive at this point if this inquiry was to be referred to another entity. Please advise us as to your continued role relative to this inquiry.

I believe that we have addressed all of the information requests in your letter. Please let me know if there is any other information or material your office needs in order to proceed in this matter.

Cordially,

Jeff Ruch  
Executive Director