

August 22, 2004

Dr. Warren Washington, Chair
National Science Board
4201 Wilson Blvd., Ste 1225
Arlington, VA 22230

Dear Dr. Washington:

In a letter of August 14, 2004 I discussed a pattern of behavior by Dr. Bruce Alberts and his appointees that inhibited the integrity and scientific independence of professional staffs at the NRC in projects of the social, behavioral, and economic sciences for which they served as NSF contractors.

As a supplement to this discussion, I enclosed copies of two stories from The Washington Post concerning the background and supervisory style of Mrs. Barbara Boyle Torrey, whom Dr. Alberts, Dr. Woolsey, Dr. Neil Smelser, and the NRC hired to serve as Executive Director of the professional staffs of their Division of Behavioral and Social Sciences and Education after Dr. Woolsey's promotion. The stories, "Census Worker Who Calculated '91 Iraqi Death Toll is Told That She Will Be Fired" (March 6, 1992) and "Census Bureau Retracts Firing of Researcher: Flap Over Release of Iraqi Toll Ends" (April 12, 1992), record Mrs. Barbara Boyle Torrey's attempt to fire a young, 29-year-old, GS-11 researcher who (legitimately and honestly) answered a reporter's question. Mrs. Torrey apparently wanted public silence (and no political disruption) from social science researchers, and was willing to override the First Amendment and federal employment law. The stories imply that Mrs. Torrey signed defamatory, false, and unsupported statements that would have ended the woman's career.

Mrs. Torrey's conduct had no legitimate justification. Her case was shredded by a defense team of Covington & Burling, the American Civil Liberties Union, the American Statistical Association's Committee on Scientific Freedom and Human Rights, and others.

Mrs. Torrey's supervisory style and loyalty would have been well-known when she was hired to oversee the professional research staffs at the NRC: she had worked for Dr. Sue Woolsey in the past. More to the point, Mrs. Torrey's past conduct had been featured in two Washington Post stories and had been widely

observed in the professional analyst community of Washington: it is rare for the professional civil service to observe a government supervisor who will so blatantly lie, disregard federal law and civil service protections, and seek to undermine whistleblower protections of researchers. It was an “in your face” message.

More to the point: If you were Dr. Bruce Alberts, Dr. Woolsey, Dr. Smelser, and their associates and wanted to appoint a supervisor who would accept limitations of important research from political calculations and send inhibiting messages, implicitly and explicitly, to the professional staff, you probably would select Mrs. Torrey as the ideal candidate. (So far as I know, she did not have a doctorate.)

- As you know, the NSF Inspector General’s Office conducted at least one investigation of the NRC’s inhibitory practices and culture, as an NSF contractor. Since the NSB has not held public hearings, I do not know the full record on which this NSF/IG investigation was based. However, I think it is unlikely that Dr. Catherine Ball, the NSF/IG investigating officer, knew about the Washington Post stories or Mrs. Torrey’s background and past abuse of whistleblower protections for researchers. The professional staffs supervised by Mrs. Torrey (i.e., and Dr. Smelser, Dr. Woolsey, Dr. Alberts, and the NRC Council who appointed her) may not have taken the initiative to tell Dr. Ball.

Sincerely,

(Dr.) Lloyd S. Etheredge

cc: Dr. Arden L. Bement, NSF Acting Director
Dr. Michael Crosby, NSB Executive Director
Dr. Christine Boesz, NSF Inspector-General
Dr. John Marburger, OSTP Director

Census Worker Who Calculated ‘91 Iraqi Death Toll is Told She Will Be Fired
{Final Edition}

Barton Gellman. The Washington Post, Mar 6, 1992. pg. a.06

Late last fall, the Census Bureau assigned a 29-year-old demographer to update the government's population estimate for Iraq. Beth Osborne Daponte quickly found herself drawn into one of the most sensitive political questions of the Persian Gulf War.

How many Iraqis died during the war and its aftermath? The answer, officially taboo in the Bush administration, was indispensable to Daponte's calculations. In January, when a reporter asked

for her estimates, she told him: 86,194 men, 39,612 women and 32,195 children died at the hands of the American-led coalition forces, during the domestic rebellions that followed, and from postwar deprivation.

Wednesday evening, after weeks of turmoil during which she was removed from the Iraqi project and her files disappeared from her desk, Daponte was told she is to be fired. Barbara Boyle Torrey, her boss at the bureau's Center for International Research, wrote that Daponte's report included "false information" and demonstrated "untrustworthiness or unreliability." She also accused Daponte of refusing to cooperate with a security clearance investigation.

The White House and Pentagon consistently have sought to suppress discussion of Iraqi casualties, directing analysts and military officers not to provide estimates or professional judgments. Defense Secretary Richard B. Cheney said the day the war ended that "we have no way of knowing precisely how many casualties occurred" during the fighting itself, and predicted that "we may never know."

"I think that Beth is collateral damage in the government's campaign to avoid discussing the question of Iraqi casualties," said William M. Arkin, a former intelligence officer who now does military analysis for Greenpeace. "I think this is an ugly case of retribution."

Frank Hobbs, Daponte's immediate superior, declined to comment. Karen Wheelless, a bureau spokeswoman, said retribution "was not the reason" for Daponte's removal but that she could not discuss the case without violating Daponte's privacy. "Any of us, when we're in trouble, we don't want to look at ourselves as the reason for our trouble," Wheelless said. "That's just human nature."

Daponte, a GS-11 employee, said yesterday she is seeking advice from the American Civil Liberties Union and private lawyers. An aide to Rep. Tom Sawyer (D-Ohio), who chairs a House subcommittee that oversees the census, said Sawyer had been following Daponte's case and planned to investigate her firing.

"Certainly if what she is alleging is true, it would be enormously disturbing," the aide said.

Daponte's firing is based officially almost entirely on a disagreement between the demographer and retired Army colonel Trevor N. Dupuy, a military historian she interviewed as part of her research. Dupuy told census officials, and confirmed in an interview yesterday, that he did not agree with assumptions about civilian deaths that Daponte attributed to him.

Daponte, who showed her handwritten notes of the conversation to a reporter, said that if she misrepresented Dupuy it was an honest mistake. Dupuy said in the interview that he had "no basis" to believe Daponte had "deliberately distorted what I said."

But in the notice of termination, Torrey described Daponte's reliance on "false information" as "a major violation of trust, for which removal is the only effective sanction."

Experts in federal employment law said it was highly unusual for the government to fire an employee in these circumstances without trying to resolve the discrepancy between Daponte and Dupuy. "She's not the first federal employee to make a mistake, if that's what occurred, and not everybody who makes a mistake gets fired," said Joseph Sellers of the Washington Lawyers Committee for Civil Rights. "It smacks of either retaliation or a whistleblower type of phenomenon, where a person discloses something an agency would prefer not to be aired publicly."

Daponte had no access to classified information in preparing her study. She based it instead on a review of literature on casualty modeling and on the gulf war. Her estimates - a total of 158,000 Iraqi dead, including 40,000 direct military deaths, 13,000 immediate civilian deaths, 35,000 postwar deaths in the Shiite and Kurdish rebellions, and 70,000 deaths due to the public health consequences of wartime damage to electricity and sewage treatment plants - fall generally within the middle range of other expert calculations.

The information Daponte gave to Robert Burns, an Associated Press reporter who called her in January, would have been available to anyone who came to her office and asked for the Iraqi folder for the "World Population 1992" handbook. Daponte said the file disappeared from her desk shortly after Burns's story appeared in The Washington Post and is still missing.

Hobbs and another supervisor later rewrote and released Daponte's report, reducing the number of direct, wartime civilian deaths from 13,000 to 5,000 and eliminating a Daponte chart breaking down the figures for men, women and children.

"I think it's rather scary that if an employee releases public information to the public, they can get fired for it," Daponte said. "My salary had been paid by tax dollars. I thought the public was entitled to know what we had come up with."

Census Bureau Retracts Firing Of Researcher; Flap Over Release Of Iraqi Toll Ends; [FINAL Edition]

Barton Gellman. The Washington Post (pre-1997 Fulltext). Washington, D.C.: Apr 12, 1992. pg. a.05

Copyright The Washington Post Company Apr 12, 1992

The Census Bureau, which tried to fire a demographer who made public her unclassified estimate of Iraqi deaths in the Persian Gulf War, has backed down and said she could keep her job.

Beth Osborne Daponte, who worked for the bureau's Center for International Research, was

drawn into one of the most sensitive political questions of the gulf war when she received an otherwise routine assignment last fall to update the government's population estimate for Iraq.

To complete her assignment, Daponte, a GS-11 employee, had to estimate how many Iraqis died during the war and its immediate aftermath, a subject the Bush administration has made officially taboo. As recently as Friday, the Pentagon released a three-volume history of the war to oust Iraq from Kuwait that omitted all draft references to Iraqi casualties.

The bureau tried to fire Daponte in March, two months after she responded to an inquiry from the Associated Press about her findings. Daponte's estimates, which the bureau later disputed, were that 86,194 men, 39,612 women and 32,195 children died at the hands of the American-led coalition forces, during the domestic rebellions that followed, or from postwar disease and deprivation.

After weeks of turmoil, during which Daponte was removed from the Iraqi project and warned not to speak again about the war toll, Barbara Boyle Torrey, Daponte's supervisor, gave her notice of termination. Torrey said Daponte included "false information" in her Iraqi report and demonstrated "untrustworthiness and unreliability." She also accused Daponte of refusing to cooperate with a security clearance investigation.

Census officials were apparently unprepared for the intensity of public interest in Daponte's case. After The Washington Post reported the attempt to fire her in early March, Daponte obtained legal assistance from the American Civil Liberties Union and the law firm of Covington & Burling. The American Statistical Association's committee on scientific freedom and human rights took up her cause, and news organizations including NBC News and the Federal Times prepared reports.

On March 26 the Covington & Burling legal team submitted a thick binder of evidence and arguments asserting that the bureau's stated reasons for firing Daponte were "only a pretext" and that "she is being fired for answering media inquiries about Iraqi casualties." Among the 17 colleagues and academics who provided affidavits attesting to her integrity and high professional standards was well-known sociologist William Julius Wilson, who served on Daponte's dissertation committee at the University of Chicago.

Covington & Burling and the ACLU also obtained documents demonstrating that a security clearance is "not applicable" to Daponte's position as a statistician-demographer.

Daponte's firing, her lawyers argued, violated federal employment law and the First Amendment.

On Friday, after an April 1 hearing, Torrey gave Daponte a letter promising "you will not be removed from your position, and all material referencing the proposed notice will be deleted from the {Census} Bureau's files." Torrey wrote that Daponte had persuaded her that a discrepancy between Daponte's findings and one of her research sources was not, as Torrey previously

concluded, "a deliberate falsification."

"It was the usual bureaucratic reaction to bad news, which was to try to squelch it and get rid of the messenger," said Arthur B. Spitzer, legal director of the ACLU's Washington chapter. "They acted in haste, and presumably did not expect Beth to fight as strongly as she did."

Daponte, who said she intends to submit her work on the Iraqi death toll to a demographics journal in which articles are reviewed by peers, said in an interview yesterday that "the bureau needs to be cleaned up and there need to be protections for researchers who come up with information that isn't favorable to the current administration."

Asked whether the Census Bureau would apologize for accusing Daponte of falsifying data, spokeswoman Karen Wheelless said yesterday: "I'm not aware of any apology that's going to be forthcoming. We feel like the issue is one that's behind us now, and that's dropped."