

## Abstract

### **Breach of Contract, Conspiracy, Fraud, and Coverups Affecting NSF Programs**

For almost two decades the National Academy of Sciences has provided distorted advice about national research priorities in the social sciences. These breakdowns of integrity have arisen from: 1.) Quiet accommodation to Republican demands for a politically marginalized role of the social sciences; 2.) An aggressive pursuit of self interest that permeated the National Academy of Science panels and lax standards for independent scientific review and disclosure of these conflicts of interest.

This distorted advice has been provided under contract to NSF and seven other government agencies and private foundations who expected "*impartial and unbiased scientific advice, both in fact and appearance.*" This paper discusses the *Harvard* precedent, the federal government's \$120 million lawsuit for similar fraud. It also reviews the issues of breach of contract and a continuing conspiracy/coverup by some scientists to deprive other scientists of their rights to due process and to unbiased and honest *scientific* evaluation; and also to stonewall the legitimate self-corrective processes of the scientific community and the American political system.

The quiet destruction of the civic role of American research universities has been much greater than even Senator Joseph McCarthy achieved by direct attacks in the 1950s. There has been serious damage to the credibility of the government, whose funding gave legitimacy to the work of the National Academy of Sciences.

The damage to progress in evidence-based social, economic, and foreign policy has been difficult to repair. It limits our ability to address some of the most challenging problems that we face.

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**Breach of Contract, Conspiracy, Fraud, and Coverups  
Affecting NSF Programs**

by

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**I. Introduction: The *Harvard* Precedent**

In 2000 the Department of Justice sued Harvard University for \$120 million for breakdowns of integrity and the self-serving behavior of faculty members responsible for administering a USAID program in the former Soviet Union. The Justice Department's standard was: "*The United States paid Harvard for impartial and unbiased economic advice, both in fact and appearance.*"<sup>2</sup>

Ultimately Harvard settled the breach of contract case for \$26.5 million, which included interest charges of one percent per month from the first date of the breach. The settlement agreement made clear that the penalties would have been greater if senior officials at Harvard had been aware of the breach and remained silent about it.

This background paper reviews breakdowns of integrity and law in NSF and other contracts administered by the National Academy of Sciences/National Research Council (NAS/NRC). This case is similar, except that senior officials at the NAS/NRC have been aware of the breaches and compounded the damage to individuals and institutions by deciding not to inform NSF and other contractors.

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<sup>2</sup> "Russian Fallout," *Harvard Magazine*, November-December, 2000 and "Russia Case (and Dust) Settle," *op. cit.*, November-December, 2005. Online at [www.harvardmagazine.com](http://www.harvardmagazine.com).

The following discussion is divided into three parts: 1.) The new “Not Unless Invited to Do So” political rule; 2.) Science politics, insider manipulation to achieve competitive advantages, and related issues; 3.) Additional issues. Because of the legal and policy issues raised by this case I have included additional detail and discussion in footnotes.

## II. Constraining Social Science: “Not Unless Invited to Do So”

In the first Reagan Administration the OMB Director, David Stockman, launched a pre-emptive strike and threatened publicly to zero-out all behavioral science in the federal budget.<sup>3</sup> Stockman’s private demand was a “Not Unless Invited to Do So” rule to prohibit initiatives for policy research, unless the research was based in the physical sciences or was specifically invited by the Executive Branch. A crisis group of about fifteen high-level behavioral scientists flew to Washington to lobby and strategize. Next, the National Academy of Sciences/National Research Council secured a grant for a new “leading edges” agenda-setting project for the social, behavioral, and economic sciences (SBE - I will use the older term, “social sciences”). NSF was the lead contractor and seven organizations (government agencies and private foundations) also became contractors or underwriters.<sup>4</sup> At the time, it appeared to many younger rank-and-file social scientists, including me, that the

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<sup>3</sup> Stockman’s public attack is discussed in Robert Nathan, Social Science in Government: The Role of Policy Researchers (Albany, NY: Rockefeller Institute Press, 2000).

<sup>4</sup> The Report lists NSF as the lead contractor and seven additional public and private contractors who joined later: the National Institute of Aging, National Institute of Child Health and Human Development, National Institute of Mental Health, U. S. Army Research Institute for the Behavioral and Social Sciences, Russell Sage Foundation, System Development Foundation, and the National Research Council Fund (with funds from a larger Who’s Who consortium that included seven (cited) leading private foundations that support the social sciences (and to whom there also may be legal obligations): the Carnegie Corporation of New York, the Charles E. Culpepper Foundation, the Hewlett Foundation, the MacArthur Foundation, the Andrew W. Mellon Foundation, and the Rockefeller and Sloan Foundations; and another composite entity, the Academy Industry Program.) See R. Duncan Luce and Neil J. Smelser, “Preface,” in Dean Gerstein, R. Duncan Luce, Neil J. Smelser and Sonja Sperlich (Eds.), The Behavioral and Social Sciences: Achievement and Opportunities (Washington, DC: National Academy Press, 1988), pp. xi-xv. I refer to the Luce Report because, although Neil Smelser was co-chair, he was not a member of the National Academy of Sciences at the time. Later, as Director of the Center for Advanced Study in the Behavioral Sciences, he told colleagues that he expected federal funding “would begin to give preference to” physically-based research. He did not indicate any specific knowledge of the Stockman accords.

NAS/NRC system was rallying the troops and we would present a firm and united front on behalf of continuing the civic engagement of the social sciences and the honest broker/ “speak truth to power” role of universities that had inspired our career commitments.<sup>5</sup>

- I believe that our expectations were legitimate and well-founded. During this historical period a strong consensus across members of the National Academy of Sciences and our universities supported evidence-based (v. belief-based) social, economic, and foreign policy; and held the associated view that the behavioral theories embodied in the naturally occurring experiments of government policies and programs should be scientifically evaluated. The inspiring work of Donald Campbell (e.g., “Reforms as Experiments”) on behalf of a national evidence-based public policy movement was assigned across the social sciences and especially in the new undergraduate and graduate public policy programs across the nation. (I was part of a faculty group who developed an undergraduate public policy program at MIT; Campbell was one of our heroes and his visionary, rigorous work was at the core of our *raison d’etre*.) Scientific evaluations of Great Society programs had become a powerful, efficient, and (we thought) established method of generating new and unexpected findings and new policy thinking in several key areas.<sup>6</sup> A new

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<sup>5</sup> I received an invitation to submit recommendations for this study. (I wrote to support the Campbell tradition and outlined a project to use new interdisciplinary approaches for rapid learning concerning the truth claims of ideological assumptions, especially new Republican ideas about economic behavior/motivation that were shaping national policy.) Several years later, I also received an invitation, arranged by Dr. Daniel Druckman on the NRC professional staff, to submit an extended draft proposal for an oversight review of the Luce Commission’s Report. It developed the idea for a research program based on the Michelson-Morley experiment in physics.

<sup>6</sup> While it is sometimes alleged that the social sciences failed because Great Society programs failed, the truth is that the honest broker evaluation of Great Society programs corrected and improved many perceptions (including academic/scientific perceptions) about how American society operated and informed later policies by both Parties. See, for example, Daniel P. McMurrer and Isabel V. Sawhill, Getting Ahead: Economic and Social Mobility in America (Washington, DC: Urban Institute Press, 1998).

reality of “ideological” behavioral theories, informing policy experiments of the new Republican Administration (e.g., concerning macroeconomic behavior/motivation), was an exciting opportunity to continue the traditional honest broker role, test important competing theories, and learn lessons of benefit to the country.

I felt bewilderment and despair when the Luce Commission’s delayed “leading edge” funding Report was finally published (in 1988). The Report suddenly abandoned and killed Donald Campbell’s vision for testing ideological assumptions and rapid national learning.<sup>7 8</sup> Its extraordinary silence about societal problems and topics relevant to evidence-based democratic decision making and public policy conformed to Stockman’s demands for a

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<sup>7</sup> The sharp change can be observed in the full set of working papers from the Report (669 pages) that was published the next year: There are about 1,700 names listed in the index - and no reference to Donald Campbell. See R. Duncan Luce, Neil J. Smelser, and Dean Gerstein (Eds.), Leading Edges in Social and Behavioral Science (NY: Russell Sage Foundation, 1989). This decision also is apparent in reading the Report.

<sup>8</sup> Note (*op. cit.*, p. viii) that the working papers were completed in 1986 and the published versions have been edited to remove the discussion of “needs” and budget recommendations - i.e., readers did not know how much money some of the Commission members and other insiders were using the endorsement of the National Academy of Sciences to obtain. To an unwary reader without additional knowledge, both volumes give the appearance of being high-minded, respectable, and slightly dull academic exercises.

politically neutered restructuring of the social sciences.<sup>9 10 11 12</sup> I became involved with other scientists, using personal contacts and diplomatic/professional approaches, to interpret what

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<sup>9</sup> Concerning my observational viewpoint: I received my first NSF grant (as a member of the MIT junior faculty) to develop the rigorous study of government learning rates (in the interdisciplinary tradition of Lasswell, a pioneer of the evidence-based public policy movement in the earlier generation.) As part of this project I interviewed senior OMB officials about the testing of ideological assumptions and other issues.

<sup>10</sup> Here, this is a *descriptive* and objective claim. Later, I came to the point where I was prepared to make inferences about likely motives of several key players. To avoid misunderstanding: Outside of an inner circle, it is unclear how many were aware of discussions of Stockman's demand for a "politically neutral" role for federally funded social science research in America.

<sup>11</sup> Different scientists likely participated with different motives, different degrees of insider knowledge, and different intentions about seeking competitive advantages.

<sup>12</sup> "Neutered" may be a better term. However Stockman's original demand was "political neutrality" which - in light of his perceptions of strong anti-Republican bias (and suspicions about honest broker claims) within the academic world - left open the question of whether Republicans would agree to a counter-proposal for an honest and fair evaluation of Republican (*and* Democratic) assumptions, in the spirit of the Michelson-Morley experiment in physics. Dr. Frank Press, President of the National Academy of Sciences, over-ruled a recommendation (discussed below) of the NRC professional staff and did not make such a counter-proposal.

- Frank Press's successors as National Academy President also killed similar honest broker initiatives on several occasions, even after they were encouraged to test their possible misperceptions. For example: The New York Times tried to suggest the "theory . . . that Congress and the White House budgeteers and science advisers . . . actually want the academy to 'tell it like it is'" in a signed editorial (Philip M. Boffey, "An Assertive Scientific Advisory Group Challenges Federal Policies," May 5, 2005, p. A22). The editorial also discreetly but harshly criticized the Academy's eroded standards (that the Times recognized) by praising an environmental study chaired by the incoming National Academy President, Ralph Cicerone, as a hopeful "upsurge (*sic*) in forceful, independent reports." The Times editorial also said: "In years past the academy was routinely denounced for being too cozy with its federal patrons - for pulling its punches and muting any criticism in hopes of gaining future contracts for advisory work." [Actually, I am not aware that the Times warned its readers about the "routine denunciations" earlier. And the editorial was incomplete. The Stockman-induced retreat was not a problem of "getting too cozy" or only fear about future consulting contracts: There were some genuine fears that he might zero-out all behavioral science in the federal budget.]

- The Times has made several internal reviews of its coverage of the NAS/NRC problems. It has been respectful of the independence of scientific institutions and it apparently still follows the earlier decision by Max Frankel (personal communication) - i.e., the Times would not address these criticisms as a news story unless the head of a major institution came forward to criticize, in public, the National Academy of Sciences recommendations and the neutering of research universities.

had happened and discover if there were genuine scientific issues, on behalf of Donald Campbell's vision and "leading edge" investigations of Republican ideas, that needed rearguing.<sup>13</sup>

Next, these efforts led to a recommendation for oversight review of the Luce Report by the NRC's own professional staff. I was invited to submit a proposal for a Michelson-Morley rapid-learning project concerning behavioral/ideological theories and economic behavior.<sup>14</sup> This paper elicited initial praise from some members of the senior staff ("Certainly more interesting than most of things that we do"<sup>15</sup>) and also aggressive door-slaming by Dr. Frank Press and his senior appointees, who refused to circulate the proposal to Academy members and other scientists on its Division on Behavioral and Social Sciences and Education panel.<sup>16</sup> His behavior soon produced a flow of correspondence to him documenting the absence of any honest scientific consensus for the neutered "leading edges" that the NAS/NRC had endorsed via the Luce Report.<sup>17</sup> [Ultimately, the oversight

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<sup>13</sup> Several of the early private, diplomatic approaches were Cambridge-based as the President of the National Academy of Sciences was Frank Press, a former MIT faculty member. For example, as a faculty member at MIT I helped to create an undergraduate public policy program with support from the Sloan Foundation. After the NAS/NRC study was published and it became clear that Donald Campbell's vision had been abruptly killed, I contacted Howard Johnson - former President of MIT and then Chairman of the Board of the Sloan Foundation - who wrote to the NAS/NRC to raise concerns about the older honest broker standard and the reasons for this retreat. He sent me a copy of the reply that he received - NAS/NRC lawyers refused to provide any discussion, claiming that the Sloan Foundation's listed contribution to the Luce Report was via the National Research Council Fund whose uses were "at the discretion of the President."

<sup>14</sup> Lloyd S. Etheredge, "A Proposal to Study Leadership, Motivation, and Economic Growth," (Unpublished xerox, Swarthmore College, September 23, 1990.) Online at [www.policyscience.net](http://www.policyscience.net).

<sup>15</sup> Dr. Stoiber.

<sup>16</sup> At the time, I believe that it was called a Commission.

<sup>17</sup> Beginning here, Presidents of the National Academy of Sciences use the coded phrase "Not Usually, Unless Requested to Do So" in three separate ways: 1.) As a simple description of historical truths; 2.) To express a civilized social sensibility and pragmatism - i.e., "we do not intrude an opinion, unless requested to do so and we have an indication that they are prepared to listen . . ." and 3.) As a brutal, behind-the-scenes rule and counseling to the staff to kill social science initiatives unless the Party



discussion of Donald Campbell's vision and rapid learning to test ideological assumptions was permitted at an "informal discussion" meeting (no minutes were kept), with limited attendance, during a snowstorm. Afterward I spoke with two political science members of the National Academy of Sciences who attended: Sidney Verba told me that "if he was a younger man I would jump on this" but he was rotating off the Commission and there was nothing that he had been able to do. Philip Converse spent most of our conversation underscoring the anxieties of social science pioneers, since the early 1950s, that federally-funded social science research on American subjects could be wiped-out by a political attack - and he obviously was concerned that the zone of acceptable research be preserved. Both Verba and Converse assured me that they understood the ideas that I had proposed, including extrapolating new developments in psychology to evaluate several recycling ideological perceptions and arguments involving hierarchical relationships.<sup>18 19</sup>

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controlling the Executive branch wants this research. In this third sense, the phrase means the death of the honest broker and speak-truth-to-power traditions of their earlier years and the Western intellectual tradition. More recently, on the Charlie Rose Show (August 22, 2005), Dr. Ralph Cicerone, the current Academy President, used the phrase for historical revisionism, with a fourth dissembling meaning - i.e., "[this practice] is the historical continuity of our organization. There never has been any fundamental change in our policies."

<sup>18</sup> In the Carter Administration I had interviewed the Director of the Commission, Dr. Sue Woolsey, when she was an Associate Director at OMB (as part of my NSF grant to begin the interdisciplinary study of government learning rates). She was a clinical psychologist and understood the new ideas that permitted an evaluation of competing ideological perceptions, which we discussed at the time. I believe that she also - again, as a clinical psychologist - recognized the potential that emotion-charged issues provide for breakthrough learning. She was on leave, in Europe, with her husband (later, a former CIA Director) at the time of the original door-slamming but returned to chair the non-meeting. Later, she counseled the professional staff about the "Not Unless Asked to Do So" rule, although I do not know that she personally approved of Frank Press's constraints.

<sup>19</sup> In these years, when a small group of door-slamers at the top of the America's science Establishment were wasting enormous time by ruling that the normal range of Republican-Democratic disagreements about human behavior was too unsettling and controversial to be recommended for rapid scientific investigation, Michael Marmot (The Status Syndrome: How Social Standing Affects Our Health and Longevity (NY: Holt Paperback, 2005)) was being supported by the government, in England, to pursue related new ideas about hierarchical psychology and its mechanisms and effects. He was knighted.

The next round involved an off-the-record meeting with senior NAS/NRC officials and some of the most distinguished members of the National Academy of Sciences and post World War II science advisers. It revisited the opportunities to test ideological views and it was arranged by David Hamburg's Carnegie Commission of Science, Technology, and Government.<sup>20</sup> Ultimately, a wide range of discussions and mechanisms established that the leaders of the NAS/NRC system had an intense and firm preference for maintaining the politically neutered future for the social sciences crafted in the Luce Report.<sup>21</sup>

- Under the *Harvard* precedent, the direct intervention of the Carnegie Commission in the early 1990s is a clear point of demarcation after which - whatever the (currently unknown) earlier realities - the full senior leadership of the NAS/NRC can no longer be presumed innocent and after which additional penalties and monthly

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<sup>20</sup> Dr. David Hamburg organized the Commission through the Carnegie Corporation of NY, where he was President from 1982 - 1997. He is a distinguished psychiatrist (Chairman of the Department of Psychiatry and Behavioral Sciences at Stanford, from 1961 - 1972), a member of the Institute of Medicine, and a former President and Chairman of the Board of the AAAS (1984-1986). The Commission was co-chaired by Dr. Joshua Lederberg with whom I worked later in the 1990s, although I did not know him at this time. Its distinguished members and advisers included former Presidents and National Science Advisers from both Democratic and Republican Administrations. The meeting, concerning opportunities for the testing of ideology-linked theories, was off-the-record; a list of attendees was later published at the end of one of the Commission's volumes.

<sup>21</sup> In scientific work, the null hypothesis rules. The Luce Commission was obligated to show a legitimate and compelling scientific logic for its recommendations and the sudden and astonishing pattern of total exclusion.

- In science, and as a society, we have established conflict of interest rules so that, after the fact, there is no need for time-wasting, hand-to-hand combat or for scientists with politically inconvenient lines of investigation, or others who were treated unfairly, to "impugn motives" or otherwise "take on" the *seigniors* of the National Academy of Sciences. Disputes about whether  $x$  topic should have been included rather than  $y$  - or whether Professor  $x$ 's work "would have been included anyway if correct procedures had been followed, and you can't prove that it would not have been! . . ." are not what NSF or other contracting agencies pay for, and they are not what the scientific world expects. When allocation of competitive advantages and other benefits are involved, and conflict of interest rules are violated (and *especially* when the conflicts of interest are not candidly and fully disclosed), the work is unusable. Frank Press and Luce et al. knew the rules. Luce et al. also could readily estimate that Campbell's national leadership to build an evidence-based public policy movement would have been very exciting to many social scientists in a Republican era, and an expensive competitor to what they wanted to do.

interest charges are due. Beginning at this point, the NAS/NRC leadership made informed institutional decisions not to withdraw the Luce Report (as would have been expected in science) and not to notify NSF or any of the other seven government agencies and private foundations, or the public, of known omissions and bias and also - by some of the most distinguished members of the National Academy of Sciences - unresolved and legitimate scientific objections re integrity, undisclosed admixturing of political and scientific issues, and wider damage to science, academic institutions, and the country.<sup>22 23 24</sup>

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<sup>22</sup> Re the *de facto* role of our universities: The national science policy issue is whether the normal range of Republican-Democratic disagreements about human behavior is legitimate to recommend for scientific investigation at our research universities (i.e., and eventually to be evaluated in evidence-based undergraduate textbooks.) And all scientists know the right answer (which is the same today as for the development of the Copernican view of the solar system v. the suppressive efforts of the Catholic Church.)

- [My own guess, which belongs in a different discussion, is that a rapid-learning program based on the model of the Michelson-Morley project will discover that all of the truths of social, economic, and foreign policy do not lie at a single point along the recent US left-right dimension. There also may be statistical distributions in the same domain, with different ideological truths applicable to different people. The most important answers may not lie along this dimension at all.]

- During the Cold War, in my field, it was a source of pride (and fully acceptable) for NSF-supported social scientists to investigate arms races and to raise critical, independent questions about learning and the rationality of the Soviet-American nuclear arms race. With his background at MIT, Frank Press would have known that Stockman's new "Not Unless Requested to Do So" rule was a backward step. In the same era, Surgeon General Koops was successfully resisting the attacks by Republican zealots to curtail research concerning AIDS and the effects of smoking on health.

<sup>23</sup> After Stockman et al. departed the Report's political restrictions and the coverup were retained. This suggests (discussed below) that the insider self-interests are an important and deeper part of the continuing story. A useful model of the NAS/NRC across its three Presidencies may be W. Michael Reisman, Folded Lies: Bribery, Crusades, and Reforms (New York: Free Press, 1979). The diagnostic phrase "folded lies" is from Auden.

<sup>24</sup> "The first social responsibility of the scientist remains the integrity of science itself." - Joshua Lederberg, "Preamble and Highlights of the Commission's Recommendations" pp. 6-11, in Carnegie Corporation of New York, Science, Technology, and Government for a Changing World: The Concluding Report of the Carnegie Commission on Science, Technology, and Government (New York: Carnegie Corporation, April, 1993), p. 7.

### III. Science Politics

“[Luce’s research program] has little to show by way of empirical confirmation of its grand hypotheses . . . [I]ts proponents have engaged in a shell game of efforts to defend their claims of rigorous science, universal applicability, and superiority to all other explanatory theories.”

- Gabriel Almond (1994)<sup>25 26</sup>

#### A. Overview

The sudden political withdrawal of the social sciences crafted by the Luce Report (discussed in part II) did not arise as a byproduct of legitimate scientific analysis. The National Academy of Sciences endorsed its bold, decade-long, restructuring of all of the social sciences without rigorous scientific justification, by a political process permeated by self-interest and aggressive strategies for competitive advantage by scientists who served as judges.<sup>27</sup> There were no independent scientific rankings and reviews. Members of the Luce

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<sup>25</sup> The quotation is from the back cover of Donald P. Green and Ian Shapiro, Pathologies of Rational Choice Theory: A Critique of Applications in Political Science (New Haven: Yale University Press, 1994). This is a book-length and devastating scientific attack on the “leading edge” status that Duncan Luce et al. awarded to themselves. I have forwarded a copy of the book to NSF for the public record and enclose a photocopy of the back cover at Tab 2 to this paper.

<sup>26</sup> A “shell game” appears to be a fair and winnable challenge. However, the swirl of movement of the three cups is deceptive and the game is unwinnable: the skilled profit-oriented practitioners use sleight of hand, confederates, and other tricks.

- Since Almond raises the issue of Luce’s academic/scientific gamesmanship: Luce et al., are brilliant analysts of so-called rational strategies in amoral, self-interested games. For example, the Prisoners Dilemma in which two arrested and guilty bank robbers “cooperate” with each other. They conspire against the public interest and deny the truth to government prosecutors. [This may be a good model of the Luce Commission’s self-interested behavior and later coverup.] A similar model of “rational” (albeit amoral) strategy explains businessmen who pollute the environment when the daily fines that might be levied by the government are less than the profit they can make. Rules and laws are not moral obligations or inherent deterrents and become invitations to calculation and gamesmanship.

<sup>27</sup> Many scientists contributed substantial and valuable work to the Luce Report: If resources were unlimited, all of the recommendations should have been funded. And some (e.g., who were not serving as

Commission did not disclose their conflicts of interest in the Report.

Subsequently, the violations of law and damages began to compound: The National Academy of Sciences did not withdraw its Report or warn its contractors about the lack of an honest scientific consensus or the undisclosed conflicts of interest. It continued to put the reputation of its members behind its Report and the national restructuring for the decade of the 1990s. It has continued to impose its “Not Unless Asked to Do So” political rule on the agenda-setting process of the social sciences in the current decade and to resist advice for disclosure and otherwise to repair the cumulative unfairness and damage.

In sum, across the past fifteen years several secret battles have been fought (and lost) inside the National Academy of Sciences by some of the nation’s most distinguished scientists. They sought to repair the damage and restore the political independence and integrity of science in the NAS/NRC ‘s advisory work (including, for NSF projects in the 21<sup>st</sup> century). This organization has caused serious and cumulative damage to academic disciplines, to our universities, and to the country. (Later, I will briefly describe (in Part IV; and at Tabs 3 and 4) damage which can be partly quantified in the field of macroeconomics where too many omissions and negligent strategic planning in the Luce Report, a changing world, and the newly passive (Not Unless Requested to Do So) leadership style of the NAS/NRC’s work in the social sciences have eroded the power and reliability of scientific models.)

More recently, the National Academy of Sciences has become a threat to the integrity of the democratic process and the self-correction process in science.<sup>28</sup> With renewed attacks on the social sciences (this time, for their lack of contribution to problem-solving and policy)

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judges, members of the Commission, or reviewers) had a right to advocate their own research interests and agendas. My criticisms in this paper address the issues relevant to the *Harvard* precedent and the legal test of “impartial and unbiased scientific advice, both in fact and appearance.”

<sup>28</sup> The self-governance of science can work well or poorly. In this case it has been working poorly.

the leaders of the NAS/NRC have stonewalled requests for accountability and full disclosure of this historical record. Defenders have not been able to use the historical record to detail and explain what happened and dissipate the Academy's facade of consensus. The large number of social scientists whose early dreams and contributions were deemed "less worthy" of funding by the National Academy of Sciences have not been notified of the unfairness and self-interests of the process. Nor can thoughtful people use the full historical record to document and recommend needed changes in national agenda-setting mechanisms for the social sciences.

## B. Historical Narrative and Discussion

More than 600 scientists from all social science disciplines submitted 1,000+ ideas and personal "leading edge" research initiatives to the Luce Commission. Then the National Academy of Sciences allowed the Commission to disregard its own rules and safeguards for due process and independent review.

- As a first step, Luce et al. terminated the proposals that they deemed "idiosyncratic" or "marginal" (i.e., these are not *scientific* justifications) and projects that focused on public policy/problem-oriented lines of investigation.<sup>29</sup>

- Next, Luce et al. selected and invited members of thirty-one small working groups to draft (and submit within six months) 20-page research programs in their areas. They received a model written by John Ferejohn (a member of the Luce Commission) and it used

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<sup>29</sup> "Preface," *op cit.*, p xii *et passim*. The Preface says that "[W]e can imagine that a different group of researchers might have taken a different approach" and "some suggestions found rather little reflection in the ultimate course of the study." The decision to terminate national problem-solving recommendations may not have been discussed by the full Commission and apparently was not discussed or reviewed by others who were asked to play a circumscribed role. The Commission did not test the sensitivity of its conclusions to "different approaches" it imagined and rejected.

Luce's (and his) research tradition as the example.<sup>30</sup> Thus, two of the leaders and judges (Luce and Ferejohn) established the expectation that they were already among the winners. And (while the intention is deniable) Luce et al. also established a relaxed sense of ethics and a quid pro quo expectation that members of the small drafting/working groups could include their own research interests as national priorities.<sup>31</sup> This appears to be what happened.<sup>32</sup> When the Luce Commission wrote assurances (and the National Academy of Sciences certified) that "leading scholars" reached "consensus on the leading edges of research in the behavioral and social sciences" they were reporting political concurrences in small, selected groups rather than independently confirmed scientific bases for the "leading edge" designations that the drafters/participants awarded (with slightly obscured rationales) to one another.<sup>33 34</sup>

- Instead of a political consensus of favored beneficiaries, the National Academy of Sciences could have used better scientific methods to design and/or recognize leading-edge science. Two methods, for example, were: 1.) To design "what's next" intellectual plans for problem-solving/learning investigations re urgent social, economic, and foreign policy

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<sup>30</sup> In the fields in which I am knowledgeable, the Report is weighted toward the personal research priorities of the small group that Luce et al. selected and invited to be the drafters.

<sup>31</sup> The working groups were not given budgets to conduct hearings and we do not know their full set of instructions. (They may not have been asked to include, or to give fair consideration to, research programs of all members of their fields who were known to them.)

<sup>32</sup> Re conflicts of interest: Members of the Commission who served as liaison officers to each of the working groups also apparently participated in developing budgets in their areas of research interest. Their names are included in the Report.

<sup>33</sup> Luce's political method apparently used an "equal share"/*quid pro quo* rule that gave each of the 31 working groups about an equal number of printed pages (about 5, in the 1988 volume) and slots. The National Academy's review process does not appear to have allowed sharp questioning of this method.

<sup>34</sup> "Preface" to Luce *et al.*, 1989, *op. cit.*, p. vii, included at Tab 2.

problems. (This powerful method is used in biomedical research and engineering);<sup>35</sup> 2.) New measures and data systems to test competing hypotheses about important questions. [This method was used in such astronomy projects as the COBE satellite (which was designed to test 100 theories) and the design of particle accelerators. And in the famous Michelson-Morley experiment in the history of physics, which was the model for testing ideology-linked theories of macroeconomic behavior and other Republican policies that Frank Press and the National Academy of Sciences rejected (although I think that Milton Friedman would have enjoyed a good dustup about the nature of reality.)]<sup>36</sup> Both methods would have given a greater weight to fast-discovery, policy-oriented research across the social sciences.<sup>37</sup>

- The best scientific prediction was that Luce's method would produce boring, centrist ideas and inhibit scientific innovation. Karl Deutsch's (1971) comprehensive study of social science innovation since 1900 showed that major advances typically required 15-20 years between the time that they were proposed and the time of Establishment recognition.<sup>38</sup> The National Academy of Sciences did not warn readers of Deutsch's work and this prediction.

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<sup>35</sup> The political accommodation of Frank Press notwithstanding, bold, problem-solving projects could have been advocated in many areas. I see no reason why the Luce Commission jettisoned the field of educational psychology and research to improve the teaching of science and other subjects in public schools, where (more than a decade and a half later) we still need large N databases and a rigorous plan for a rapid learning system.

<sup>36</sup> In reading the Luce Report, it is not obvious that the theories of *any* social science member of the National Academy of Sciences were to be subjected to critical tests over the next decade.

<sup>37</sup> I use Donald Campbell to refer to a much wider range of leading researchers with similar interests who were not invited to participate in the Luce Commission or to review. Campbell's intellectual tradition extends back to Lasswell and the development of the social sciences; and even further to Plato.

<sup>38</sup> Karl W. Deutsch, John Platt, and Dieter Senghaas, "Conditions Favoring Major Advances in Social Science," Science (1971), 171, pp. 450-459. [Updated in Karl W. Deutsch and A. S. Markovits, Advances in the Social Sciences 1900 - 1980 (NY: University Press of America, 1980).] Thomas Kuhn's The Structure of Scientific Revolutions (Chicago: University of Chicago Press, 1962) was a well-known landmark that had implied a similar warning more broadly.



## 1.) Competitive Advantage and the Chosen Few

Traditionally, in its “decade overview” plans for the physical sciences, NSF also has been open to a third planning method: 3.) Estimates of the opportunities and needs to support all researchers to make rapid progress on their highest priority projects. By comparison, the Luce Commission seems better designed to restructure and limit the social sciences rather than to nurture creativity and progress along many useful lines of investigation. A brief visit to current Websites illustrates how alienating and demoralizing it would be to select a chosen few without strong and legitimate scientific justification: The American Psychological Association’s Website (<http://www.apa.org/about/division.html>) shows 148,000 members and more than 50 divisions, each with its own elected officers and publications. The American Political Science Association ([http://www.apsanet.org/section\\_300.cfm](http://www.apsanet.org/section_300.cfm)) currently has 15,000 members and 38 organized sections with their own officers and publications. The American Economic Association ([www.aea-vanderbilt.edu](http://www.aea-vanderbilt.edu)) has about 18,000 members, recognizes more than 100 fields of specialization (<https://www.lbmchost.com/aea/Membership.asp>), and provides links to more than 60 specialized scholarly societies ([http://www.scholarly-societies.org/economics\\_soc.html](http://www.scholarly-societies.org/economics_soc.html)). The American Sociological Association currently lists 14,000 members and 44 special interest sections. Yet Frank Press and Duncan Luce mashed all of the social sciences together and permitted only a few projects for 31 chosen (non-policy) topics. The Luce Commission excluded the disciplinary societies and their divisions/sections from institutional participation in developing comprehensive lists of leading edge investigations and next-decade budgets.<sup>39</sup> It also excluded them - by necessity, I suspect - from the review and vetting process for the limited focus and constrained next-decade requests that it endorsed.<sup>40</sup>

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<sup>39</sup> Not all of the deficiencies were self-interested priorities. In the field of international relations, for example, serious weaknesses of the Report’s national planning probably also arose from a lack of interest and the failure to appoint any social scientist with a specialty in international relations to the Luce Commission. The social sciences still have relatively few slots in the National Academy of Sciences and only recently (with the election of Robert Keohane) has there been a member with a full-time research interest in world politics.

<sup>40</sup> It is possible to take any important set of challenges and make similar points. For example, in international relations, the severe constraints on studying the world beyond the water’s edge were

In this wider perspective the Luce Report is artfully misleading about conflicts of interest and the deadly competitive advantages that it is awarding (and which Commission members will use) at a time of huge federal deficits and fierce competition for limited social science funds.<sup>41</sup> In the limited number of slots allocated to each field in the Report, it is deeply

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alarming. Also the constraints on economics (discussed later.)

<sup>41</sup> I.e., misleading references to possible budget increases in the Report notwithstanding. The Luce Commission intended its competitive advantages to change annual budgets for a decade (e.g., “Preface”, 1989, *op. cit.*, p. vii).

- The Report’s Preface is rhetorically well-crafted. At first it implies, reassuringly, that almost all of the 1,000+ research programs were included and accommodated in its 31 clusters (“Preface,” 1988, *op. cit.*, pp. xii - xiii). [Although it also says that “a different group of researchers might have taken a different approach” and mentions the exclusion of research programs it deemed “marginal” or “idiosyncratic” and says that “some suggestions found little reflection in the ultimate course of the study” (pp. xii- xiii).] Later, the Report changes its early reassuring language and says that “the national community of behavioral and social scientists is far too large and diverse . . . for there to be complete concordance” and that it has selected “*for explicit mention a limited number*” and “*others might have been singled out.*” [italics added] Ultimately, it changes its original assurance of inclusiveness once again and says that the new national funding priorities for the next decade actually are only a kind of “sample,” *op. cit.*, pp. xiv-xx. [In reality they were never a “sample,” which might be fair in a representative sense.] The amounts of money that specific participants/winners sought, annually, for their own priorities in the 1990s were not included in either volume: only totals appear at the end of the 1988 volume. It is likely that candid disclosures about money would have made people legitimately angry about competitive advantages and led to sharp questions about the selection process. (I do not recall that the wording of the original solicitations of social scientists was completely candid about the Luce Commission’s ultimate plan to award national competitive advantages for funding to selected winners and to obtain the National Academy’s endorsements for specific annual budgets for a decade to these winners. I believe that, if they had been more candid, many more social scientists would have participated and been more vigilant.)

- The artful and changing language of the Preface also is a forewarning of the shifting shell game of assertions and defenses that have been made for the National Academy’s work. For those seeking national competitive advantages, their claim can be based on language near the beginning of the Preface - i.e., a picture of a near-comprehensive process collecting all reasonable candidates, rigorous evaluation of all competitors by the nation’s highest and most respected scientific tribunal, and a “leading edges” award backed by a consensus of the nation’s best scientific minds and leading researchers. However, if the omission of any research program is raised, the response can be based on other language in the Preface: “That certainly deserves study . . . Our Report said that ‘others might have been singled out.’” The defense shifts again if critics demand answers about a much longer list of exclusions: “Actually, you have misinterpreted our Report. We said that this is only a ‘sample.’”

- Luce (personal communication) sometimes also has framed the Report as a response to “an invitation to give our opinion” - suggesting it was a *noblesse oblige* courtesy (and also suggesting another line of legal

unsettling to recognize how many of their own intellectual/scientific competitors and economic rivals some members of the Luce Commission quietly and skillfully cast into oblivion.<sup>42</sup>

- The (usually rigorous) independent review process of the National Academy of Sciences was suspended in favor of the concurrence of this new group of selected beneficiaries. There were no rigorous, independent reviews to challenge the rankings of the ingroup winners or defend the scientists whose work and dreams were absent from the drafts. The social science members of the National Academy of Sciences who were known or likely critics of the scientific or political choices (e.g., Donald Campbell, Milton Friedman, Noam Chomsky) were excluded.<sup>43</sup> (In fact, most social science members of the National Academy of Sciences

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defense - i.e., that “our opinion” is not strictly the same as a “professional scientific judgment” - and thus it would reflect a misinterpretation to judge the Report solely by standards for professional scientific judgment by less distinguished scientists who are not members of the Academy. However I do not believe that Luce misunderstood the rules.

<sup>42</sup> Since Luce and his fellow travelers used his Commission to secure competitive advantages for his own research program, I think blunt scientific comparisons with his rivals and competitors, whose work he cast into oblivion, are justified. To give two examples - both, scientists with an equivalent rigor and greater creativity, depth, range, and refinement in understanding behavior: a.) I believe that David McClelland’s brilliant lifetime research program concerning economic growth, entrepreneurship, and achievement motivation would have been awarded a Nobel Prize in Economics (e.g., The Achieving Society (New York: Free Press, 1967); David McClelland and David G. Winter, Motivating Economic Achievement, (New York: Free Press, 1971) if it had not been killed: The research program was poised to be included in national time series and macroeconomic models. And also his brilliant and pioneering multidimensional work to study the effectiveness of liberal arts education would have answered both basic and applied questions and deserved support: David G. Winter, David McClelland, and Abigail Stewart, A New Case for the Liberal Arts (New York: Jossey Bass, 1981). In addition to b.) Donald Campbell’s domestic policy leadership, his comprehensive cross-cultural research program to test many competing theories of ethnic conflict (Robert A. LeVine and Donald T. Campbell, Ethnocentrism: Theories of Conflict, Ethnic Attitudes, and Group Behavior (New York: Wiley, 1971) might have produced a safer world by now, with wiser American foreign policy, and (depending upon the findings and other factors) possibly merited a Nobel Peace Prize for both men. (Campbell’s research program also had the merits, absent from much of the Luce Report, of testing many competing theories.) Once you begin to recognize and inventory the dead bodies, the limited list of research programs awarded competitive advantages by the National Academy of Sciences becomes outrageous.

<sup>43</sup> Personal communications. Only the Boards of three Establishment organizations - Center for Advanced Study in the Behavioral Sciences, Social Science Research Council, and the (sponsoring)

were not asked to review the Report and they did not vote on it.)<sup>44</sup>

## 2.) Empire-Building

The Luce Report, transmitted with the full prestige of the National Academy of Sciences behind it, produced abrupt changes in some fields. Dr. Steven Goldman, in his lectures on the history of 20<sup>th</sup> century science, records that the behavioral tradition in political science ended suddenly. It was replaced by a “neo-institutionalism” representing funding for the priorities of Luce and Ferejohn (another member of the Commission) et al. (e.g., Prisoners Dilemma models).<sup>45</sup> Goldman seems slightly mystified by the scientific rationale for the abrupt change.<sup>46</sup>

More broadly, by its procedures and endorsement the National Academy of Sciences also created a new status and power hierarchy in the social sciences.<sup>47</sup> Luce and his followers

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Commission/Division on Behavioral and Social Sciences and Education of the NRC received drafts. However, they were among those actively solicited for the original nominations and, in a politically oriented process, would have included undisclosed beneficiaries. They do not appear to have been given a longer “Kill List” for review and probably did not concur in the ideas being rejected.

- The use of a few Establishment Boards to certify “leading edge” research is odd (and part of what I refer to as a “political” method), since they are not selected for this expertise and tend to be centrist. If this was a scientific effort to achieve or cross-check the best list of “leading edge” investments, an alternative would have been to ask the Presidents of the organized divisions and sections of the leading (albeit excluded, by Luce et al.) disciplinary societies, and the Presidents and Editorial Boards of the numerous specialized scientific societies and journals in the social sciences. Many of the organized divisions and sections of leading disciplinary societies have policy-oriented/problem-solving interests, which may be why they were excluded.

<sup>44</sup> I believe that only a few members of the Luce Commission (except for Luce’s proteges) were National Academy members at the time. He was the highest status member.

<sup>45</sup> Steven L. Goldman, “Lecture 31 - Society and Political Science,” Science in the 20<sup>th</sup> Century: A Social-Intellectual Survey (Chantilly, VA: The Teaching Company, 2004).

<sup>46</sup> These effects in political science also reflect all of the competing research ideas and programs to those of Luce, Ferejohn, et al. that were cast into oblivion.

<sup>47</sup> This change also eroded the credibility and participation in NSF agenda-setting exercises: the new forecast was that participation only would legitimate what Luce and a small, well-connected, group of

positioned themselves as the new alpha-males. Luce was the new “go to” man in the social sciences - now, wielding extraordinary power and insider access to NSF, the National Academy of Sciences, and all of the leading funders of social science. He ran national agenda-setting processes without *de facto* conflict of interest rules and was able to deliver resources and career benefits to his coalition and allies without the fiercely-contested peer review battles faced by other traditions. He could cast economic competitors and intellectual rivals into competitive oblivion, even those whose national influence (e.g., Campbell) had been greater than his own. And the probability of successful protest was very low.

### 3.) Misuse of Government Funds?

The National Academy of Sciences also may have misused government funds to pay directly for self-interested behavior. The National Academy of Sciences allowed members of the Luce Commission to go beyond scientific advice and draft detailed budgets for NSF and other funders. Thus, while being helpful, the Commission implemented an aggressive strategy to effect national (and self-interested) changes. The self-interested details were hidden in the published Report (only totals were discussed at the end) and its volume of working papers. Most of the budgets were completed in 1986 and some apparently were circulated to funders of the National Academy project (e.g., the Russell Sage Foundation) with the “leading edge” endorsement of the National Academy of Sciences, 2-3 years before the Report volumes were published and any critics could be alerted and dissent. In the long term, Commission insiders (apparently including Luce and his associates) who wanted to do so could act strategically, achieve a *fait accompli* of benefits for money, status, and power, and use the endorsement and credibility of the National Academy of Sciences as a shield to dissuade criticism.<sup>48 49</sup>

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National Academy insiders wanted to do anyway. And there would be no appeal. Earlier, more than 600 social scientists participated in the next-decade planning; by the 21<sup>st</sup> century I am unaware of any enthusiasm for any new NAS/NRC Commission.

<sup>48</sup> In isolation, many questionable details in the conduct of the Commission could be overlooked, interpreted as innocent or in a gray zone, or be excused as non-fatal flaws. However the historical record shows a wider pattern of behavior (within the purview of federal conspiracy statutes). I suspect that a jury

### C. Summary: Silence, Fraud, and Conspiracy

The Luce Commission was permeated by conflicts of interest (and used judges who also were beneficiaries in a quid pro quo process) that were not candidly and fully disclosed in the Report or to NSF and the other (seven) government and private contracting agencies and other affected parties (e.g., university Presidents and Trustees, and the public). In America, we have established legal and ethical expectations for prompt disclosure and due notice concerning unreliable or risky products or undisclosed risks in professional (e.g., medical) advice. Thus - after receiving vigorous and accurate written complaints about the undisclosed conflicts of interest (in addition to criticism of the uninterpretable omissions and admixture of political restrictions, discussed in Part II) - the irresponsible coverups and stonewalling of the NAS/NRC officers and governance bodies have made them complicit in fraud; in conspiracy to deny due process rights (to unbiased *scientific* evaluations) to other scientists; and violations of the common law and norms of the scientific community. And also liable for cumulative damages, penalties, and interest due to the government, private institutions and to many social scientists (as groups and individuals).

Under the Harvard precedent, this is an open-and-shut case - and without the need to

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would decide that Luce and his friends (and perhaps other insiders) were planning and acting (from the beginning) to use their positions of trust to manipulate a process that appeared to be impartial and unbiased to achieve competitive advantages and material benefits - i.e., without being found legally guilty of doing so. The abuses of power and trust were especially egregious and public as the prestige of National Academy of Sciences, NSF and the seven other foundation and government funders gave the power and status that Luce et al. wielded and that (along with the endorsement by the National Academy of Sciences) helped to inhibit critics.

<sup>49</sup> Any critic would have wanted to read the working papers for the 1988 report before “taking on” the National Academy of Sciences. The working papers were published after another year, in 1989. By then, the prestigious endorsement of the National Academy already had been obtained, the next-decade restructuring already was underway, and it would have appeared to most social scientists to be too late to complain. Since none of the 600+ applicants had received written reviews, they also had nothing on which to base an appeal from the (apparently) scientific judgment of the National Academy of Sciences that their research was comparatively less worthy. The National Academy’s operating style also conveyed an elitist message about Luce’s position and the new dominance hierarchy - i.e., the plans were not published for serious discussion by the scientific community, but as rituals merely notifying the masses of decisions that had been made and changes that were underway with prestigious endorsements.

make retroactive arguments about who should, or should not, have been included:

*No government agency or foundation, receiving information about undisclosed conflicts of interest in the preparation of the Luce Report, would have been able to interpret it or be willing to pay for it.*<sup>50</sup>

#### IV. Additional Issues

##### A. National Damage, Including Macroeconomics

The National Academy of Sciences may still be able to produce standard literature reviews but its capacity for scientific innovation has continued to erode, as one might expect from an organization and culture with “Not Unless Requested to Do So” leaders. The national damage has been compounded because the National Academy of Sciences decided to stonewall and misuse its prestige to sustain deeply flawed and incomplete recommendations for national funding priorities, despite several internal battles.<sup>51 52</sup>

Tabs 3 and 4 provide a more detailed discussion of the serious national damage that this decision has done for the field of macroeconomics. For example, beginning in the 1980s, it was scientifically essential to develop new and direct measures for the new kinds of variables (e.g., changing motivation by changing a welfare state psychology) that the government was using to affect economic growth. It is widely known that missing variables can be damaging

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<sup>50</sup> In criminal law, there is a presumption of innocence. However, in science, the burden of proof is imposed upon the National Academy of Sciences to show that its work was unbiased and impartial.

<sup>51</sup> The internal politics is mysterious. The internal battles suggest that a vast majority of the members of the National Academy of Sciences probably would recommend a vigorous, evidence-based policy movement if they were fully informed and allowed to vote. (The Carnegie Commission also sent a warning that the National Academy’s leaders were making a highly controversial accommodation that did not have the support of scientists or American society.) The National Academy of Sciences publishes Issues in Science and Technology, officially for discussion of such important policy issues of interest to its members, but it has been as silent as Science (e.g. discussed at Tab 5.)

<sup>52</sup> Several of the rounds can be inferred from [www.policyscience.net](http://www.policyscience.net). Observing this process I came to the view that the self-interested benefits conferred by (and to) Luce et al. had been understated in my earlier published discussions of these government learning problems.

to the interpretation of other coefficients and produce mistaken policy conclusions. Because economic forecasting is based upon the historical record, the National Academy's coverups and prolonged scientific negligence caused irreparable harm and an element of risk that may increase the error rates of government economic forecasts and policy assessments for many years.

- Our national agenda-setting system for social science depends upon self-starting leadership via the National Academy of Science (which also has the core grant for a Committee on National Statistics). But Luce's deficient (and unrevised) plan for non-support of better models and policy making in the 1990s also was bypassed by poorly anticipated changes (e.g., from a steel plant to a knowledge economy; globalization of trade and finance; a new speed of market adjustments). Next, in the current decade, the increasingly dysfunctional leadership of the National Academy of Sciences has damaged macroeconomics and the other social sciences further by token participation in NSF's new cycle of infrastructure investment (ten year) planning and the five-year budget exercises. It appointed a liaison officer who transmitted few new ideas and the National Academy conveyed the impression that the social sciences are brain dead.

- The science has been on the side of the critics of the National Academy of Sciences: The background documents (Tabs 3 and 4) concerning cumulative negligence and macroeconomics already have been brought to the attention of the National Science Board. They include supporting statements from the former head of the Congressional Budget Office, two recent Nobel Prize winners in economics, and two former heads of the Council of Economic Advisers (Republican and Democrat) who collectively make a broad indictment of egregiously missing social science initiative and negligent planning within the purview of the National Academy of Sciences. If this was the National Institutes of Health, the Director would be fired.

- It is useful to compare the recent lack of national progress in evidence-based



social, economic, and foreign policy (within the purview of the National Academy of Sciences and its consulting contracts) with the rapid national progress in evidence-based health care (within the purview of its sister institution, the Institute of Medicine.) The IOM has provided splendid and steady leadership for the emerging evidence-based health care movement: it has handled the tasks of honest criticism of the behavior of powerful institutions (e.g., establishing and beginning to remedy 100,000 unnecessary patient deaths in American hospitals/year due to medical error) with forthrightness, scientific integrity, and diplomacy. It has taken the lead for new rapid-learning data systems (e.g., with 100 million electronic health records, in interoperable formats, by the end of 2007) that will vastly accelerate the evaluation of new drugs and procedures and a physician's ability to match them to patients who will benefit, and improve current theories and many health care practices.

#### B. NSF's Inspector General

NSF's Website declares that its Inspector General "may not be prevented from carrying out" any investigation. This is sociologically inaccurate. The Inspector General's investigations have been impeded in every direction - for example, by the Mafia-like code of silence that has excluded outsiders from knowledge of the extraordinary breakdowns of integrity and lost battles within the NAS/NRC system.<sup>53</sup> (I have forwarded to NSF a letter from Donald Kennedy (Tab 5) that helps to shed light on these earlier coverups.) However, so long as the National Academy of Sciences has a higher status (in its own mind), I am skeptical that any NSF investigators can be effective. NSF may not be able to meet its obligation to assure equal rights and protections to all scientists if the current National Academy system is used for tasks involving agenda-setting, the rate of innovation, power, status, and money.

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<sup>53</sup> The National Academy's leadership apparently withheld information from the Inspector General about the book-length critique, relevant to the awards to Luce et al., from Yale University Press. I will forward a copy of the Green and Shapiro volume for the public record and enclose (Tab 2) a relevant endorsement by a senior member of the National Academy of Sciences.

### C. Was Luce a Statesman?

One counter-theory of this case is that Luce et al. were statesmen. By this reasoning, the NAS/NRC leadership consulted with about fifteen senior social science statesmen at the time of the Stockman attack and they made the best deal that they could. (Luce agreed to engineer the application of the Stockman Accords to preserve a core of funding; Frank Press loosened the rules for the *en masse* restructuring.) There may be elements of truth to this theory: Certainly the extraordinary Mafia-like code of silence and many years of stonewalling has the feeling of a “We all agreed” elite decision that insiders are honorably supporting.<sup>54</sup>

In rebuttal: In reality, in our system of government, the National Academy of Sciences has high status but no legal authority to become a political actor, engage in realpolitik calculations and reach quiet agreements to alter the civic role of research universities; nor to abrogate the rights to due process and honest *scientific* evaluations of other scientists; nor accommodate to partisan political demands unless these are formally enacted into law by a political process of public attention and concurrence by a system of checks and balances - e.g., designed to block temporary zealotry like Stockman’s. Nobody held a gun to their heads and forced them to redesign the social sciences.<sup>55</sup>

- We will not know what actually occurred until there is testimony under oath. However, whatever truth there might be for the statesmanship theory in the early years of President Reagan’s first term, David Stockman left Washington in 1985 after his operating style had

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<sup>54</sup> My memory is that, after leaving office, Frank Press joined R. Duncan Luce as a Trustee of the Russell Sage Foundation (presumably, a compensated position); earlier, the Russell Sage Foundation had received a copy of the Luce Report and it was one of the funders of Luce’s research program.

<sup>55</sup> In the novel The Lord of the Flies an ambitious male manipulates fear of an imaginary Beast to acquire power, subvert the rights of others, and eliminate his rivals. It will be interesting to learn if Luce et al. also used fears of Republican zealots to acquire control and, later, to maintain the coverup and their competitive advantages and new power at the top.

alienated even members of his own Party.<sup>56</sup> The statesmanship arguments are unpersuasive for the exclusion of politically inconvenient research in later years (the Report was not published until 1988 and 1989). The statesmanship argument also does not explain why Luce and his friends used federal funds and their positions of trust to achieve competitive advantages.<sup>57</sup> Nor does it explain why Frank Press's two successors, Bruce Alberts and Ralph Cicerone, kept the National Academy's reputation behind the Luce Report's national restructuring despite the known lack of a scientific consensus and of honest, unbiased, impartial, and persuasive scientific justifications for its competitive advantages.

#### D. Would Integrity and Straight-Shooting Have Made Any Difference?

Another defense argument is that, if the Luce Report had been unbiased and courageous, Republican zealots would simply have killed the initiatives they disliked at a later point. (This is a rather hateful argument, like justifying judges and juries who are prejudiced in giving death sentences to Blacks on the grounds that the defendants would be lynched anyway.)

- Politically, I also think that the fatalistic argument is untrue. Today, Stockman's success at neutralizing the civic role of our universities may wrongly seem a natural fact of national life. But he was able to secure changes that were even greater than Senator Joseph McCarthy was able to achieve because he spotted a weak link. Otherwise, I do not believe that he could have succeeded.<sup>58</sup>

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<sup>56</sup> His behavior ended his political career and he went to Wall Street, where he is currently under federal indictment for securities fraud and related crimes.

<sup>57</sup> If past or current leaders of the National Academy of Sciences believe their organization was suborned, they are legally obligated to reported this to NSF and perhaps to the Department of Justice.

<sup>58</sup> We are a nation whose major institutions are governed by college graduates. I very much doubt that President Reagan and his inner circle of advisers would have permitted Stockman and the ideological zealots to attack the independence of university-based social science directly. During his term as Governor of California Ronald Reagan was self-assured about his ideas and had a benevolent kindness toward

- Legally, the seven additional contractors for the Luce Report included several private foundations who would not have been parties to the Stockman accords. They deserved honest and straight-shooting advice and could have acted with political independence to reduce the damage.

- Politically, it also is relevant that Stockman et al. threatened the tax exempt status of foundations and other supporters of social science unless they adopted the “political neutrality” rule for their own giving, including support to universities. A forthright, honest Report from the National Academy of Sciences would have been an ironclad defense. It also would have helped to rally support for legitimate political debates that should have taken place. And whatever the short-term outcomes, we would be further along, today, securing the benefits of rapid learning systems and a renewed evidence-based public policy movement.

#### E. Decaying Institutional Integrity and the Choices Ahead

The National Academy of Sciences was not designed to cope with top-down failures of integrity and violations of law. Across the past fifteen years, the cycles of (failed) internal and external attempts at disclosure and reform actually worsened the problem and added to the “folded lies” that have paralyzed the internal politics, ethics, and self-governance of the NAS/NRC as a scientific institution. The problems became vivid in 2006 when Senator Kay Bailey Hutchison (a Republican) led an attack to reduce NSF funding for the social sciences on the grounds that they have become useless to inform our thinking about major challenges in public policy. Dr. Breckler, Executive Director for Science at the American Psychological Association (and a former NSF Program Officer) wrote about the cumulative decline:

“[S]ome lawmakers hold our areas of science in great disdain. Some would like to see the social and behavioral science programs of NSF removed entirely

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misguided liberal academics. And even within Republican ranks, most ideologues cared only about a few causes - e.g., deregulation. Stockman was being juvenile and spirited. He could not have won.

from its portfolio. . . . Let's consider ourselves fairly warned. The effort to drive social and behavioral science out of the federal funding portfolio will continue . . . ”<sup>59</sup>

I enclose (Tab 5) a letter to Dr. Ralph Cicerone (July 22, 2006), current President of the National Academy of Sciences/NRC system, asking him to disclose honorably the full historical record (i.e., of the Luce Commission and the internal correspondence and arguments in the several, later, failed battles) so that the social sciences could defend themselves and regain political and institutional support for their future growth and renewed leadership for rapid learning. The request was fundamental to the integrity of the process of democracy and to the legitimacy of the National Academy of Sciences as a scientific institution - i.e., *accountability* (defined as “the willingness, when challenged, to provide an honest and full disclosure of the bases for a decision or action”) being fundamental to the trust and self-correcting processes in science. The request also was essential to the rights of individuals and disciplines who had been treated unfairly (with resulting cynicism, frustration, anomic powerlessness, and despair) and to Congress (and NSF), which should receive documented testimony of how the institutional mechanisms for setting social science agendas can be improved. I thought it was urgent to settle these issues, as the social sciences are needed to address some of the most challenging problems that we face in a changing (and, in some respects) dangerous world.

The request (with copies to all members of the governance structure) did not work. It was in this context that Dr. Donald Kennedy, Editor-in-Chief of Science, wrote his letter (Tab 5) with an interesting and subtle shift.

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<sup>59</sup> Cited in my letter to Dr. Kennedy, July 11, 2006, included at Tab 5.