

[This email history is with the oldest email first, newest last.]

From: Duane Thresher <dethresher@alaska.edu>
Date: April 24, 2013 4:26:51 PM MDT
To: Eystein.Jansen@uni.no, Kerim@geo.uib.no, Anne.Sando@bjerknes.uib.no,
Tor.Eldevik@gfi.uib.no, Christoph.Heinze@gfi.uib.no, Jon.Grytnes@bio.uib.no,
Vigdis.Vandvik@bio.uib.no, Richard.Telford@bio.uib.no, Cathy.Jenks@bio.uib.no,
Peter.Lemke@awi.de, rektor@uib.no
Subject: John Birks serious academic misconduct

This is to inform you of serious academic misconduct by a University of Bergen researcher, H. John B. Birks. It started with already very serious citation fraud but may have progressed to abusing his editorial powers to cover this up.

This retracted article by Birks, Herzs Schuh and Lohmann

Herzs Schuh, U., Birks, H. J. B., Liu, X., Kubatzki, C. and Lohmann, G. (2010), THIS ARTICLE HAS BEEN RETRACTED: What caused the mid-Holocene forest decline on the eastern Tibet-Qinghai Plateau?. Global Ecology and Biogeography, 19: 278–286. doi: 10.1111/j.1466-8238.2009.00501.x

<http://onlinelibrary.wiley.com/doi/10.1111/j.1466-8238.2009.00501.x/citedby>

was retracted in Dec 2010. But from then until present Birks, Herzs Schuh and Lohmann have been editing out the RETRACTED part from the official title of the retracted article and lying about the article being legitimate in numerous new articles and publications lists.

Most directly for the University of Bergen and just as examples, this citation fraud exists (as of 24 Apr 2013) at the sites

<http://www.bjerknes.uib.no/pages.asp?kat8&lang=2>

<http://www.uib.no/rg/EECRG/publications/publications-by-year/2010-publications>

<http://www.uib.no/rg/EECRG/artikler/2012/05/global-change-research>

<http://www.uib.no/rg/EECRG/artikler/2012/05/palaeoclimatology>

<http://www.uib.no/rg/EECRG/artikler/2012/05/palaeoecology-palaeolimnology-and-vegetational-history-outside-scandinavia>

<http://www.uib.no/rg/EECRG/artikler/2012/05/quantitative-palaeoecology-and-palaeolimnology>

I realize these may all be created on the fly from the same database but this is even more reason they should be up to date with the official RETRACTED title and these many pages are all seen as separate by the world.

This citation fraud can not believably be dismissed as forgetfulness. A

retracted article is extremely career-damaging and any repentant perpetrator would actively seek to remove any mention of it. Moreover, even real such forgetfulness would be extreme negligence.

For new articles with this citation fraud see for example the attached HerzschuhBirksRetractedArticleCitedBy_18Apr13.pdf. These journals have been notified of this citation fraud. I would have suggested just looking at the above link

<http://onlinelibrary.wiley.com/doi/10.1111/j.1466-8238.2009.00501.x/citedby>

but that brings me to the possible abuse of editorial powers to cover up the citation fraud. If you go to that link you will see, as of 24 Apr 2013, that the article

Xian-yong Cao, Jian Ni, Ulrike Herzschuh, Yong-bo Wang, Yan Zhao, A late Quaternary pollen dataset from eastern continental Asia for vegetation and climate reconstructions: Set up and evaluation, Review of Palaeobotany and Palynology, 2013

<http://www.sciencedirect.com/science/article/pii/S0034666713000420>

is missing compared to the earlier attached list. It went missing the day after Herzschuh's and Lohmann's institution (the Alfred Wegener Institute, AWI) was informed of her and Lohmann's citation fraud. John Birks and Ulrike Herzschuh are both editors for Review of Palaeobotany and Palynology and have authored numerous articles together. Jeffrey Blackford, the chief editor who was notified, was away on fieldwork until today. That article has already been through the review process and I can't imagine how it could legitimately have been changed at this point to remove the fraudulent citation.

Among others, all of this is being reported to the relevant funding agencies and the media. Given "Climategate" and global warming skeptics trying to discredit climate research any way they can, including paleoclimate, this is an extremely serious occurrence. The best way to deal with it is to be very public about how it is handled and take real disciplinary action against the perpetrators (realistically, no good researcher is going to want to publish with them again anyway; I am personally warning my colleagues in the climate/paleoclimate field).

Dr. Duane Thresher

[The attachment HerzschuhBirksRetractedArticleCitedBy_18Apr13.pdf has been manually removed]

From: richard telford <richard.telford@bio.uib.no>
Date: April 24, 2013 6:05:16 PM MDT
To: Duane Thresher <dethresher@alaska.edu>
Subject: Re: John Birks serious academic misconduct

Dear Dr Thresher,

I do not know who you are, or what relevance this paper is to you, but your email makes you appear to be a deeply unpleasant character.

Had I been able to find your line-manager at Alaska, they would already have received a complaint about your abusive, libellous and absurd email.

Frankly, when you have sobered-up, I think you ought to apologise to all concerned.

Yours sincerely,

Richard Telford

From: Duane Thresher <dethresher@alaska.edu>
Date: April 24, 2013 7:48:42 PM MDT
To: richard telford <richard.telford@bio.uib.no>
Cc: Eystein.Jansen@uni.no, Kerim@geo.uib.no, Anne.Sando@bjerknes.uib.no, Tor.Eldevik@gfi.uib.no, Christoph.Heinze@gfi.uib.no, Jon.Grytnes@bio.uib.no, Vigdis.Vandvik@bio.uib.no, Cathy.Jenks@bio.uib.no, rektor@uib.no
Subject: Re: John Birks serious academic misconduct

Telford,

I find your aggressiveness in trying to silence reporting of this misconduct to be disgraceful. I hope that your unethical behavior is not representative of the rest of the University of Bergen. Your attempt to libel me with my employer is a crime in the US and there are also whistleblower laws here; probably there too. I will be including your email, as well as any that follow, in my reports to my colleagues and the media.

Dr. Duane Thresher

From: Cathy.Jenks@bio.uib.no
Date: April 25, 2013 12:40:15 AM MDT
To: Duane Thresher <dethresher@alaska.edu>
Cc: Eystein.Jansen@uni.no, Kerim@geo.uib.no, Anne.Sando@bjerknes.uib.no, Tor.Eldevik@gfi.uib.no, Christoph.Heinze@gfi.uib.no, Jon.Grytnes@bio.uib.no, Vigdis.Vandvik@bio.uib.no, Richard.Telford@bio.uib.no, Cathy.Jenks@bio.uib.no, Peter.Lemke@awi.de, rektor@uib.no
Subject: Re: John Birks serious academic misconduct

To Duane Thresher,

As the person responsible for most of the webpages you mention in your email, I shall explain the situation and demonstrate that your allegations of misconduct are incorrect.

The paper you refer to (Herzschuh et al. 2010) is currently retracted, and if you follow the links embedded in the webpage to the article they will go to the Journal's website and show that the paper has been retracted. However, there is some uncertainty over its status. The paper was retracted at the demand of one of the co-authors (Claudia Kubatski) because of an irregularity in the submission process, caused by Claudia having elected to become an absentee author and cutting herself off from any communication with the other authors. This resulted in the paper being submitted without the correct permissions from Claudia. When Claudia became aware of the paper having been published, she alerted the Journal to the irregularity and the Journal and the other co-authors attempted to rectify the problem and get her permission for publication as the scientific content of the paper was (and still is) valid. She refused to give permission and still refused all contact with her co-authors. The paper was thus retracted, but her co-authors felt this was a rather severe response given that no scientific fraud had occurred and so made a complaint to COPE (the Committee on Publication Ethics) to which the Journal belongs.

After a long enquiry, COPE agreed with the co-authors that retraction was unwarranted in this case, which had essentially become an authorship dispute, and recommended the Journal to re-instate the paper. The Journal did not wish to follow this recommendation and so the complaint case was given over to COPE's ombudsman to adjudicate. This has been an even lengthier enquiry and the final ruling has yet to be made.

Given this uncertain situation and the fact that the science is valid, I think it is acceptable for the paper to remain on our lists, so that any interested party can see that the work has been undertaken and can contact contributing authors should they wish for further details.

The paper has been listed on our website in the same format from before 2010 with its title as published. John has not been editing the title as it has not been updated so there has been no misconduct on his behalf.

With regards to your second allegation, I think there could be a much simpler explanation. It is quite likely that the citation was included by mistake at first (perhaps from clicking on the wrong reference whilst using EndNote) and that when the error was noted (perhaps once the reference links had become live) it was subsequently rectified. It does not need to, and has not, involved John in any way.

I hope this open response to your email will help you to see that no fraud or misconduct has been committed.

Good day,

Cathy

From: Duane Thresher <dethresher@alaska.edu>
Date: April 25, 2013 4:33:05 PM MDT

To: Eystein.Jansen@uni.no, Kerim@geo.uib.no, Anne.Sando@bjerknes.uib.no, Tor.Eldevik@gfi.uib.no, Christoph.Heinze@gfi.uib.no, Jon.Grytnes@bio.uib.no, Vigdis.Vandvik@bio.uib.no, richard telford <Richard.Telford@bio.uib.no>, Cathy.Jenks@bio.uib.no, Peter.Lemke@awi.de, rektor@uib.no, Hans-Wolfgang.Hubberten@awi.de, Karin.Lochte@awi.de, Ralf.Tiedemann@awi.de, Heike.Wolke@awi.de

Subject: Re: John Birks serious academic misconduct

John Birks has apparently lied to you. Carefully read the following email to an AWI lawyer noting that a CTA is a Copyright Transfer Agreement, a binding legal document signed by all authors, and especially the sentence starting "By the admission of the co-authors":

From: Sue Joshua <sjoshua@wiley.com>, a lawyer for Wiley, the publisher of the retracted article.

To: Christoph Ruholl <Christoph.Ruholl@awi.de>, a lawyer for AWI, where Herzs Schuh, Lohmann and Kubatzki worked.

Date: 17 Dec 2010

Dear Herr Ruholl

Thank you for your email of 16 December which was forwarded by John Birks today.

Your clarification of the provisions of German law in relation to joint copyright ownership of employee works is helpful.

One of the reasons we include the warranties at clause G of the CTA is that provisions re copyright ownership vary between jurisdictions. The warranties therefore ensure that all co-authors are aware of the publication of their work and for that reason we also require valid email addresses for all co-authors. At the time of signature of the CTA in January 2010, it should have been clear to Dr Herzs Schuh that she was not in a position to sign the warranties in relation to the work of Dr Kabatzki as she had not been in touch with her since November 2007, four months after Dr Kabatzki had left AWI. The contact email address given at submission for Dr Kabatzki was fabricated, as Dr Kabatzki had left UWI some years earlier and could therefore no longer be contacted at UWI. By the admission of the co-authors no formal attempts were made to contact Dr Kabatzki prior to submission of the article to GEB or at any time thereafter, until a complaint had been made when it did prove possible to obtain a contact email from Martin Claussen, Dr Kabatzki's former supervisor at the Max Planck Institute. Neither were any attempts made to inform the editor of GEB or Blackwell Publishing Ltd of the failure to comply with the warranties in the CTA, to explain the fabricated email address, or to present the co-authors arguments in relation to German copyright law. In all the circumstances of this difficult case, we no longer feel able to rely on the copyright transfer agreement signed by Ulrike Herzs Schuh on 20 January 2010 as a valid legal instrument.

We have not made the decision to retract the article lightly and we understand that the co-authors may wish to ask COPE to investigate the retraction decision. You should be aware however that David Currie followed the COPE guidelines

(which are non-binding) in relation to seeking a correction or notice of concern before turning to the publisher for legal advice in this matter.

Once the article is retracted, the co-authors will of course be able to submit or publish it elsewhere.

Yours sincerely

Sue Joshua

[end email]

COPE's decision is non-binding and paradoxical with the binding final legal decision and thus completely irrelevant. In the very unlikely event Wiley ever unretracted the article they would be easily sued.

When a paper is retracted you cannot pretend it is a legitimate paper. Period. You don't have the authority to decide otherwise or that the science is valid. Under your ludicrous scheme any researcher who got a paper rejected could cite it as accepted because he is sure it will be accepted upon resubmission. You should have known this. Is the rest of your publications database like this? Your incompetence/abetting might have hurt other researchers who truly innocently cited the retracted article and now their citing papers are questioned; this has already happened in this case.

The papers that cited the retracted article are being investigated by the publishers. A remark by one of the chief editors was "I have to confess that in all my long years of editing I have not come across such a situation. I will discuss this matter with our Publisher at Elsevier." With regards to your explanation of my second allegation: your explanation is fantastical, to say the least, completely ignoring the timing and other important points of the events. It seems you are grasping at straws.

I admire the loyalty of you (Jenks) and Telford, Birks's coauthors, but you and he have blundered into serious legal territory of which you both clearly know little. I strongly advise you to turn this whole matter over to any legal department you may have at the University of Bergen.

You may have misunderstood the intent of my original email. It was not a plea for action by the University of Bergen. It was a courtesy warning. Among others, reporting of this whole situation is going to the media, coauthors, the climate/paleoclimate community and funding agencies, who will check for this citation fraud in Birks's proposals.

Dr. Duane Thresher