

Science & Government Report

Independent Bulletin of Science Policy

Volume XXXI, Number 8 / May 1, 2001
ISSN 0048-9581

HIGHLIGHTS IN THIS REPORT...

- Bush Fleshes Out His Budget; There's Little Cheer for Science* 5
- Job Changes & Appointments* 6
- In Print: NRC Report Says Gov't Can't Justify Cost of Nation's War on Drugs; IOM Prepares "Annual Report" on National Trends in Quality of Health Care; DOE Admits Majority of Russia's Nuclear Material Vulnerable to Theft* 6
- In Brief: NASA's Goldin Defends \$4 Billion in New Cost Overruns for Int'l Space Station; Bubba (Finally) Gets Back to Magazine Editor on Cold Fusion* 8

EX-PHYSICS TODAY EDITOR CLAIMS HIDDEN MOTIVES WERE BEHIND FIRING

A former staffer at *Physics Today* magazine, fired nearly a year ago after announcing to the world that he had written a book partly on company time, has taken his campaign against his former employer to the National Labor Relations Board.

Jeff Schmidt alleges in papers filed with the NLRB that his employers seized on the opening sentence of his book, *Disciplined Minds*, as a pretext for firing him after 19 years on the PT staff. The book asserts, teasingly in his view, that he had written it on "stolen" time. PT management was not amused. According to the NLRB filing, he was summarily fired, with the only explanation offered by his boss, PT Editor Stephen Benka, being his admission.

The real reason for his dismissal, Schmidt maintains, was his continual griping about a repressive workplace environment. His complaints, he argues, were made on behalf of his colleagues and were therefore protected by labor statutes.

Schmidt's unfair labor practice charge against the American Institute of Physics, which owns PT, was dismissed by NLRB's Region Five in February for lack of evidence. But his case has since been taken up *pro bono* by a Washington law firm. While the magazine staff isn't unionized, Schmidt attorney Joseph Kolick maintains that labor law bars retaliation against employees

(Continued on p.2)

Q&A: RESEARCH!AMERICA PRESIDENT MARY WOOLLEY

Mary Woolley has headed the oddly punctuated assemblage of 400 universities, pharmaceutical companies, foundations, disease advocacy groups, and other beneficiaries of federal biomedical research funding for 10 of Research!America's 12 years. She spoke with *SGR* last month. The following is the text of the interview, transcribed and edited by *SGR*:

SGR. Your organization has been most credited with getting the budget-doubling movement at the National Institutes of Health going and keeping it going. Now that that seems assured of success, what do you do next?

Woolley. First of all, our mission has never been doubling the budget of the NIH. Right from the beginning, our mission has been to make medical and health research a much higher national priority. One of the ways that mission has been operationalized was to initiate and sustain the drive to double the NIH budget. That's just one piece. We see that the president—

(Continued on p.3)



TECHNICAL
INSIGHTS
FROST & SULLIVAN

EX-PHYSICS TODAY EDITOR

(Continued from p.1)

who attempt to improve workplace conditions on behalf of a group, whether formally organized or not. In his appeal of the regional office's dismissal, filed March 16, Schmidt demands his job back with back pay. Should his appeal be accepted, says Kolick, the NLRB general counsel would issue a civil complaint against AIP and a trial would be set before an administrative law judge.

"We think it's obvious that they used his book as a pretext for his firing," Kolick said. "We think we can show that most magazines are perfectly happy to let their employees engage in freelance writing, as long as they get their work done."

To bolster his case, Schmidt included in the appeal sworn affidavits from two former magazine staffers, attesting to the magazine's acceptance, if not encouragement, of freelance activities. In one affidavit, William Sweet, now managing editor of *IEEE Spectrum*, says he was told by the then-editor-in-chief of PT that he was free to pursue freelance projects while at his job. Sweet says he was also assured by AIP's human resources director, Theresa Braun, that he had unlimited long-distance telephone privileges.

"*Physics Today* had an exact way of defining people's jobs," Sweet's affidavit says. "If you did your job, then you were left alone." Sweet said he regularly contributed to *The Bulletin of the Atomic Scientists* while at PT, working on the freelance jobs openly and often discussing them with coworkers. No one from management warned, reprimanded, or disciplined him in any way for his outside work, he adds.

Repeated efforts to obtain comment from PT and AIP officials were unavailing. Benka didn't return a call. Publisher Randolph Nanna referred *SGR* to Braun, who didn't call back either.

In his appeal documents, Schmidt alleges that his unofficial role as spokesman for the staff got him in hot water with PT management on numerous occasions, making them eager to fire him. Over the years, he says, he sought additional staff to help ease workloads, lobbied for employee involvement in workplace dispute resolution, and urged changes in hiring practices to increase the racial makeup of the staff. The magazine's 16 editors and reporters are white, although some of the support staff are non-white.

In October 1997, the documents state, a half-dozen or so staff presented a written grievance to the magazine's advisory committee, complaining of "an increasingly repressive work environment at the magazine." Staff had endured increasing incidences of "verbal abuse, direct threats of dismissal and warnings about speaking out in front of both *Physics Today* managers and others outside *Physics Today*."

One of the signers of that petition, Jean Kumagai, confirmed Schmidt's contention that she and other staff were discouraged from talking among themselves while at the office. Kumagai, who's now also at *IEEE Spectrum*, said that on numerous occasions managers would show up uninvited during conversations and demand to sit in. One manager once referred to Schmidt as a "ringleader," she said.

While he "expressed some strong-minded views," Schmidt wouldn't have been fired by a company with a more progressive work environment, Kumagai said. The content of Schmidt's book, which deals with the angst of professionals trapped in intellectually unchallenging jobs, might have had something to do with his termination, she speculated, though news accounts quoted Braun asserting that was not the case. The book is something of a manifesto, urging those who populate the middle rungs of institutional ladders to form a union and "fight management's information advantage."

Schmidt says he can't remember how many times he's been asked why he'd want the job back. It's a matter of principle, he says, adding that demanding an offer to return isn't the same as accepting it. But he would take it, he says, at least for awhile, partly because he needs the money.

"People ask me how I could tolerate working in such a repressive environment," he says. "The answer is that I'm used to it, and I can tolerate a repressive environment so long as there's some resistance to it. It's naive to expect managers to be nice guys."

He won a victory of sorts when Maryland's office of unemployment insurance last summer dismissed AIP's attempt to deny the benefits. The state agency ruled that AIP hadn't shown enough evidence to show he'd been fired for misconduct is proof enough of injustice. Those benefits have run out, and Schmidt says he hasn't found other work.

Apart from the legal battle, Schmidt has been working the "public pressure" angle. He provided *SGR* with a sheaf of letters that have been written on his behalf to PT's and AIP's management since the firing. One of the most recent, dated April 9, was signed by 136 individuals, mostly academics from a wide variety of fields, with a few union officials sprinkled in. Helping solicit its signatures, Schmidt says, was Noam Chomsky, the renowned MIT linguist.

"Your repressive actions harm the reputation of physicists," the letter to AIP Executive Director Marc Brodsky reads. "Worse, your repressive actions discourage free expression and organizing, and thereby work against democracy and social progress."

AIP's affiliation with the University of Maryland has even allowed Schmidt to portray himself a champion of academic freedom. In an April 19 letter to university President Clayton Mote Jr., Schmidt requests that the library privileges he lost with his firing be reinstated, arguing "the speech and action that led to my dismissal is consistent with university principles."