

Mildred Dresselhaus
Chair, Governing Board
American Institute of Physics
One Physics Ellipse
College Park, Maryland 20740

November 8, 2006

Dear Dr. Dresselhaus:

We are writing because the dispute between the American Institute of Physics and physicist Jeff Schmidt remains open. As physicists concerned about freedom of expression within the physics community, we have stood with Jeff for years as a matter of principle. The settlement gave us hope of a resolution and conclusion, but the process seems to have halted in the final stages. Rather than the progressive contraction of the dispute, there has been a new legal action taken, initiated by AIP. This puts pressure on the resolution process that would move it in the wrong direction. We seek to reverse this course and find an avenue leading to final closure. We have no doubt about the mutual benefit of and mutual desire for steps to avoid contention and dispute.

Your familiarity with the matter allows us to omit any review of the history of the interactions between AIP and Jeff and try to isolate the current point of contention so that we may move forward.

Jeff is currently faced with a half-million-dollar legal action initiated by AIP. For the most part, this centers around the content of the disciplinedminds.com web site, associated with his book. The communications with Jeff by the law firm Jackson Lewis on behalf of AIP have been threatening and have not offered avenues for discussion, clarification or resolution other than simply following the directives of Jackson Lewis. This reminds us of the interactions between the parties early in the dispute, where the goal appeared to be criticism rather than resolution.

Jeff has incurred more than \$20,000 in legal fees as a consequence of AIP's legal action. While money is not the primary matter now, as it has not been for the entire unfortunate episode, it is not to be ignored. We could explain the basis of the arguments that we believe trump the claims made through the law firm. We will not belabor this note with such an explanation, but that does not mean that we wish to cut off discussion. Actually, it seems that the absence of discussion between rational parties is the stumbling block. We believe there has been unnecessary harm done and we do want to address the issues, but after we have more of a mutual agreement of the value of quick and clear resolution of what remains.

It is our hope that you will join us in our attempts to convince AIP executive officers that the perceived affronts to AIP are not so dastardly, and that the actions of AIP might well be overreactions that may be interpreted in a negative light by both our professional community and the legal community. Though we are not legally trained, it certainly seems like AIP's current action is what is known as a SLAPP action (strategic lawsuit against public participation), a legal action whose primary goal is to stifle discussion of

matters of public interest. This issue of freedom of speech is what gathered our energies at the beginning, years ago.

It truly does not matter to us what the motives of the AIP executive officers are here. It does matter to us that our principal professional organization foster integrity, respect free speech, value diversity, conduct business in a transparent fashion, and if necessary exhibit tolerance of dissent. We think it a reasonable assumption that you agree with these broad principles and that they are among the principles that guide your actions as chair of the governing board. Indeed, we believe such principles are broadly shared with the scientific community and those you represent.

The conversation around the issues of the Jeff Schmidt case was not particularly uplifting in the years leading up to this juncture. Words like censorship, intimidation, repression and waste were employed. We fully acknowledge that we promulgated such language and offered our view of the “true story” to justify accusations of unfairness, although we made no criticism or representation that we thought dishonest or erroneous. We were as happy as everyone else when we thought the case was over and the caustic environment was a thing of the past. We did our share of compromising, which allowed us to accept most of the terms of the settlement. However, we are sure that it was understood that our core values as physicists, and our concern about the public image of physicists, left us unhappy that AIP made a condition of settlement the removal of text from posted documents including articles published by the American Physical Society and the Canadian Undergraduate Physics Journal.

We ask that you, as the elected representative of our ten physics organizations, work with the management of AIP to determine what progress can be made to put this issue away. The requests that contain all that we want to bring to the table are (1) AIP formally withdraw the legal action, (2) undo the financial damage that it has done, and finally, (3) take this opportunity to reverse the decision to remove text from articles published by the American Physical Society and the Canadian Undergraduate Physics Journal and mend fences with parties that have formally objected to that. We, in turn, will maintain cool heads, participate in a professional dialogue, and keep this current disagreement from growing into a controversy involving our many professional colleagues. We promise quick and clear communication to expedite a conclusion.

If you believe there is a mutual understanding that will allow AIP to reverse its actions, then we seek your cooperation. We would view it as ideal if there were only discussion among us as professionals, or at least the bare minimum of legal participation. We physicists do not advance our profession through harmful controversy, but we can disagree and thereby learn where energies need be put for greater understanding.

Since the beginning of this year, when the settlement with Jeff Schmidt truly seemed imminent, we have been planning to thank the physics community for joining us and supporting principles of free expression and organizational integrity. Our purpose in this is positive -- to report a story that proves the power of organizing, and to recognize the support, encouragement and commitment of the hundreds and thousands who participated

in the petitioning and other communications. We want our message to be free of any demands on AIP, so that it will be our final step in closure.

We look forward to your response. If you can indicate your interest in pursuing closure, you will find us open to almost any starting point and interested in the shortest path to removing all barriers.

We understand that we all have busy schedules, but we would like to hear from you within a week as to whether or not the informal avenue that we have suggested is available to proceed.

Sincerely,

Michael Lee (mlee1@kent.edu) for

Fay Dowker, Physics Department, Imperial College London, UK
Michael Lee, Physics Department, Kent State University
Sanjoy Mahajan, Physics Department, University of Cambridge, UK
Talat Rahman, Physics Department, University of Central Florida
Denis Rancourt, Physics Department, University of Ottawa, Canada
George Reiter, Physics Department, University of Houston