

## Section 2. BIOLOGY LETTERS—attempts to address the issues publicly are thwarted by secret communication from Podos

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## February 2015

2/1/2015

### **Kroodsma to Biology Letters**

Dear Editor of Biology Letters:

What should I, as a reader of *Biology Letters*, do when I discover that a paper published in the journal has no truth whatsoever in it? It is entirely fiction, and I believe it should therefore be retracted. What is the procedure that I should follow to propose this retraction?

Thank you.

Sincerely . . . Donald Kroodsma

## March 2015

3/2/2015

### **Biology Letters to Kroodsma**

Dear Don,

I hope this email finds you well and please accept my apologies for the delay in responding to your message. I have discussed your comments on the article published by Drs Goodwin and Podos the Editor-in-Chief of the journal. I am writing to let you know that we have recently accepted a comment article on the Goodwin and Podos article which makes very similar points to the ones you have made. Our policy on Biology Letters is to have one comment only on any given article and one response from the authors. We will let you know when the accepted comment and authors' response is published and if you still have concerns that are not addressed in the comment you may wish to submit an online eletter. These are published alongside the online article and are more informal than comments. They are moderated in-house, sometimes with advice from the journal editorial board.

Many thanks and best wishes,  
Surayya

## July 2015

7/2/2015

### **Kroodsma to Biology Letters**

Hello Surayya:

I see now that the articles by Ackay and Beecher as well as Goodwin and Podos have been published. I do have very serious concerns about the original Goodwin and Podos paper, in ways that Ackay and Beecher did not address. Those concerns involve what I would call serious scientific and ethical misconduct, and I would very much like to submit an online letter, as you suggest in your email of March 5.

Could you please tell me what my constraints are in writing such a letter? There is undoubtedly a word limit, for example? Is a figure allowed? Or a time frame in which this must be accomplished?

Thank you.

Kind regards . . . Don Kroodsma

7/3/2015

### **Biology Letters to Kroodsma**

Dear Don,

Thank you for your reply. Unfortunately, our eLetter service is not currently working and so this option is not available. May I ask if your concerns are the same as those from your email dated the 5<sup>th</sup> February and if not please do provide a summary of what these are. May I also ask if the authors have contacted you regarding your concerns since your last correspondence with them?

I look forward to your reply.

Many thanks and best wishes,

Surayya

7/7/2015

### **Kroodsma to Biology Letters**

Dear Surayya, for Biology Letters:

Thanks for your recent email, inquiring why I find Goodwin and Podos (2014, and their 2015 response) so disturbing.

In the attached document, I do my best to explain why.

Thank you.

Sincerely . . . Donald Kroodsma

7 July 2015

To: Biology Letters

From: Donald Kroodsma

Re: Goodwin and Podos (2014)

Hello Surayya:

Thank you for writing back, telling me you eLetter service is down. For something this important, I can be patient. If your eLetter service will be working in the near future, I can wait to submit a letter critiquing Goodwin and Podos (2014).

My concerns with their paper are quite simple, but serious. If I forego the nuanced language that I'd use in a published eLetter, I'd simply say the following (and for one simple reason, discussed at the end, I provide you with more detail than you initially need):

***Goodwin and Podos (2014) is entirely fiction.*** The critique of Ackay and Beecher

doesn't address key shortcomings of this paper because they 1) don't know the study animal (chipping sparrow) and the relevant published literature like I do, and 2) they don't live in the same university department as Goodwin and Podos (I am an emeritus professor in the same Department of Biology, University of Massachusetts, Amherst).

The most serious problems result from Goodwin and Podos omitting reference to two key, published facts of chipping sparrow biology that fatally undermine their entire study. These facts are well known, and were published by another graduate student in the same department, working on the same chipping sparrow population that Goodwin and Podos worked on.

The first matter is that Goodwin and Podos assume (and then confirm) that the trill rate of a male's song is an indicator of how well he can perform, i.e., his quality. That simply cannot be true, given how a young male chipping sparrow acquires his song: He settles next to an older adult and learns the song of that older adult. Trill rates in the population vary from roughly 6 to 36, and trill rate (and all other characteristics of a male's song) are thus determined by the adult next to whom he settles, not by any intrinsic quality of the young male himself. I can readily demonstrate this phenomenon with a figure or two, supplemented by reference to published literature, thus falsifying the idea that trill rate reflects male quality and also negating the confirmation by Goodwin and Podos that trill rate is used to indicate a male's quality in forming coalitions. (And the far-fetched, post-hoc explanation that a young male might only settle next to a male whose trill rate he is capable of learning is readily refuted by a published laboratory study showing how chipping sparrows show no difficulty learning whatever trill rate is randomly assigned to them.)

The second problem is that chipping sparrows do not defend the all-purpose territories on which Goodwin and Podos depend. Especially in the pre-sunrise hour, often when it is too dark to see them, males range widely over geographic space, displaying in lek-like arenas often far from their day-time territories. These gatherings are almost certainly competitive, not cooperative, and one would no more label such lek-like gatherings a "coalition" than any gatherings that Goodwin and Podos incite when they play back songs within a daytime territory.

Based on these two unmentioned facts of natural history, from the very outset Goodwin and Podos (2014) is relegated to fiction, and then the true value of their paper becomes a primer on how the authors are able to confirm a falsehood. Ackay and Beecher (2015) address many (but not all) of these matters, only to have Goodwin and Podos (2015) staunchly defend their original publication (even though I had pointed out to Goodwin and Podos several times the fictitious nature of their study).

You ask if the authors have contacted me. Goodwin and Podos refuse to communicate

(just as I have learned they refused to communicate with Ackay and Beecher). When I pointed out to them the serious problems in their paper, they went to the University of Massachusetts Police, and had an officer call me and threaten me with criminal harassment charges if I tried to talk to them about their work. The same officer told me that I had to tell the ~50 other scientists with whom I was communicating about this subject that none of them were allowed to communicate with Goodwin and Podos either, as all of them would be subject to the same criminal harassment charges (to save Goodwin and Podos the embarrassment, I did not comply with that last police request). As a result of developments, I am not allowed to speak to another faculty member or his graduate students in my own university department.

These issues are about as serious (and also absurd, given involvement of the police) as we encounter in science. About the only worse thing, I suppose, is outright fabrication of data, but when one has so many other methods at one's disposal, fabrication isn't necessary to create fiction. This kind of fiction disguised as science undermines the integrity of all scientists, from those who study birdsong to those who study climate change, and has highly serious ramifications.

At the risk of diluting focus on Goodwin and Podos (2014), I'd like to point out that this paper is only the culmination of a series of papers by Podos and his colleagues on this topic, all of which use many of the same faulty methods to "confirm" the performance hypothesis of Podos (1997). The titles of these papers tell the storyline, much as the title does for Goodwin and Podos, but none of the titles conveys the true nature of the data, as careful analysis shows. Here I offer a sampling, with my comments in italics:

Goodwin, S. E., and J. Podos. 2014. Team of rivals: alliance formation in territorial songbirds is predicted by vocal signal structure. *Biology Letters* 10:Article Number: 20131083. *There is no team of rivals, no alliance formation; this title is outright false, with an interesting hypothesis presented as a conclusion.*

Moseley, D. L., D. C. Lahti, and J. Podos. 2013. Responses to song playback vary with the vocal performance of both signal senders and receivers. *Proceedings of the Royal Society B-Biological Sciences* 280. Issue: 1768 Article Number: 20131401. *Title is true, but only partially so, as two other trivial alternative explanations for the data are not mentioned. Responses also vary with 1) how abnormal the playback songs are and 2) how much song is played to the birds, both of which could readily explain the results without resorting to the nonparsimonious ideas of performance.*

Lahti, D. C., D. L. Moseley, and J. Podos. 2011. A tradeoff between performance and accuracy in bird song learning. *Ethology* 117:802-811. *Again, here is an interesting*

*hypothesis stated as a conclusion. There is no tradeoff between performance and accuracy as the authors intend the meaning; all of the results are simply explained by swamp sparrows innately knowing the characteristics of a normal song, and striving for that target.*

Dubois, A. L., S. Nowicki, and W. A. Searcy. 2009. Swamp sparrows modulate vocal performance in an aggressive context. *Biology Letters* 5:163-165. *The title is true, but highly misleading, because swamp sparrows modulate vocal performance in all contexts, no more in aggressive than in nonaggressive contexts, rendering the partial truth in the title highly deceptive. The apparent support for Podos' performance hypothesis (1997) again disappears upon close inspection.*

Ballentine, B. 2009. The ability to perform physically challenging songs predicts age and size in male swamp sparrows, *Melospiza georgiana*. *Animal Behaviour* 77:973-978. *The title might be true, but only partially so, because other aspects of song also predict age and size, and are more readily apparent to a listener and more likely to be used by a listener than the complex metric of "vocal deviation" required by the performance hypothesis.*

Podos, J., S. Peters, and S. Nowicki. 2004. Calibration of song learning targets during vocal ontogeny in swamp sparrows, *Melospiza georgiana*. *Animal Behaviour* 68:929-940. *Another fascinating hypothesis is presented as a conclusion, but there simply is no calibration; there is no evidence that a young swamp sparrow takes a tutor song and calibrates it to what he as an individual is capable of performing, in the context of the performance hypothesis.*

Ballentine, B., J. Hyman, and S. Nowicki. 2004. Vocal performance influences female response to male bird song: an experimental test. *Behavioral Ecology* 15:163-168. *The hypothesis is again stated as a conclusion in the title, but numerous alternative explanations for the data are ignored.*

Kroodsma, D. October 2004. An intra-departmental review provided by me to Jeff Podos. *I refer to this document, because the friendly relationship I had with Podos stopped here. In this intra-departmental review, I pointed out to Podos the difference between "science" and what I felt he was doing, in the following words:*

*In my view, science is the search for truth regardless of how good the story is, whereas "marketing or advertising" is the search for a good story regardless of the truth, or regardless of how good the data are (8 October 2004)*

*During the following ten years, from 2004 to 2014, the marketing continued unabated, culminating in Goodwin and Podos (2014), in which I cannot find one iota of truth.*

*The primary reason I refer to my ten-year-old document is to counter any claim by Podos that I should be dismissed because I have a personal vendetta against him. On the contrary, my disagreements with Podos are 100% science-related (see also Appendix).*

Podos, J. 1997. A performance constraint of the evolution of trilled vocalizations in a songbird family (Passeriformes: Emberizidae) *Evolution* 51:537-551. *A fascinating hypothesis, worthy of testing, but over the years it has only been confirmed, never tested; with some simple descriptive graphs, this hypothesis is readily falsified, but the rush to experiment and confirm over the years has led to a literature of mistruths.*

I would hope that neither Ackay and Beecher's published critique nor a temporary electronic problem with eLetters will prevent these serious issues from being addressed. This literature has been accumulating for more than a decade now, and Goodwin and Podos offer a most transparent view into how this literature has flourished.

And here's the reason I have supplied more detail than you might think necessary. Anyone reading this document will inevitably do so in disbelief, and might want to ask Podos himself about all this. You are welcome to do that, sending this document directly to him (I would, but can't, under threat of criminal charges), but I would also ask that no response from Podos be taken at face value, just as none of the publications I have referenced can be taken at face value. If the situation is appropriate, please give me a chance to address whatever defense Podos offers.

Thank you.

Sincerely . . . Donald Kroodsma

**Appendix.** Excerpts from the eight emails to Podos and his students that earned me the threat of criminal harassment charges. I can supply the entire emails, but these excerpts show a sincere attempt to engage Podos on the nature of his work, with no trace of a personal vendetta.

1) 9 July 2014 "I wondered if you could help me understand why in the paper you focused only on trill rate."

2) 1 October 2014 ". . . if you'd like to talk some of these things through, let me know, and I'll come over to UMass"



- 3) 8 October 2014 “I have no idea what is in your head . . . I’m still available to talk”
- 4) 15 October 2014 “JEFF, HERE’S ONE LAST ATTEMPT TO ENGAGE YOU”
- 5) 16 October 2014 “something well worth reading, from half a century ago” (Feynman 1985, Cargo Cult Science; on the “utter honesty and scientific integrity” needed to do science)
- 6) 9 November 2014 “I’d welcome any dialogue with you”
- 7) 1 December 2014 (early in day) “If you want to talk about any of this . . . , I can be reached at 413-247-3367, just across the river from you. Or email me”
- 8) 1 December 2014 (late night) “I thought it appropriate to seek any feedback that cited authors or others might like to provide. A dialogue would be welcomed”

7/13/2015

### **Biology Letters to Kroodsma**

Dear Don,

Thanks for sending your letter through. We will be in touch again once we have considered your new comments.

Before contacting us have you been in touch with the authors about these new concerns?

Best wishes,

Raminder

7/13/2015

### **Kroodsma to Biology Letters**

Hello Raminder:

Thank you for acknowledging receipt of my letter.

You ask if I've contacted the authors Goodwin and Podos. I would like to talk to the authors about this, and have made repeated attempts (8, to be exact) to do so, but they will never communicate with me. Using the University of Massachusetts police, the authors have threatened me with criminal harassment charges if I try to communicate with them about their work. The situation is beyond bizarre, but it is clear that they will not talk about their science, which to me is only one of many unpardonable, unethical offenses they are committing.

You, on the other hand, are free to send to them what I have sent to you, as I spell out in my letter.

Thank you.

Kind regards . . . Don

7/16/2015

### **Kroodsma to Biology Letters, Dean Goodwin at UMass**

Hello Raminder:

Thank you for acknowledging my email. Please note that Goodwin and Podos have not seen my letter to you because they threaten me with criminal harassment; I would gladly copy to them anything I have written about them, including this email to you.

Perhaps I need to be rather blunt in my assessment of this situation: In my opinion, there is serious ethical and scientific misconduct in Goodwin and Podos (2014, 2015), and the paper should simply be retracted. It is not science, and Biology Letters should rise above these kinds of pseudoscientific publications.

1) For starters, the authors knowingly and intentionally omit reference to two key biological facts that would fatally undermine their story. And those facts were published by another graduate student in the same graduate program, in the same university department, on the same study populations, so these are not obscure, unknown facts.

2) Second, the authors discard 2/3 of their data and don't mention that in the publication; they got no statistically significant relationships with those data (data discarded were on 1) "performance" as measured by "vocal deviation" and 2) frequency bandwidth), so the authors reported only on the 1/3 of the data where they got a statistically significant result. To quote a recent paper on this topic: ""The omission of nonsignificant results from publications is undesirable for both scientific and ethical reasons."

3) Third, the binomial statistical test that was reported on the retained data was done wrong, and was not at all significant. Even when tutored by Ackey and Beecher about how to do the test properly, Goodwin and Podos did the test wrong again in their 2015 rebuttal, again squeezing out another seemingly statistically significant result. One can perhaps attribute this inability to do a test properly to incompetence, but an explanation of intention seems just as likely, given items 1 and 2 above.

4) and a multitude of other problems plague this study as well, some addressed in the

critique by Ackay and Beecher, but I'll stop (for now) at the above 3 issues.

I look forward to resolving these issues with Biology Letters.

Kind regards . . . Donald Kroodsma

7/16/2015

### **Biology Letters to Kroodsma**

Hi Don,

I just wanted to acknowledge this email.

Thanks for letting us know about the situation and that the authors have not seen these comments from you. We'll be in touch.

Best,

Raminder

### **September 2015**

9/2/2015

### **Kroodsma to Biology Letters**

Hello Raminder:

I last communicated with you on July 16 about Goodwin and Podos (2014), but I have not heard back.

Could you please update me as to where these matters stand?

Thank you.

Kind regards . . . Don Kroodsma

9/18/2015

**Biology Letters to Kroodsma—A farcical dismissal of my claims, based on confidential letter Podos himself provided.**

Dear Donald,

Thank you for your detailed correspondence on this matter. We take all complaints seriously and have investigated your concerns. We note that the authors' institution have conducted a thorough independent investigation into this matter and deemed this to be a difference of scientific opinion, of the kind that is very common in this field and across all scientific research. We are satisfied with the rigour and findings of this institutional investigation and therefore will not be taking any further action on this occasion.

Many thanks and best wishes,

Surayya

9/18/2015

**Kroodsma to Biology letters**

Hello Surayya:

Could I ask you to please share with me this investigation, so that I can see what the findings were?

Thank you.

Regards . . . Don Kroodsma

9/22/2015

**Biology Letters to Kroodsma**

Dear Donald,

Thank you for your reply. Dean McCarthy should be able to provide these findings accordingly.

Many thanks and best wishes,

Surayya

9/23/2015

**Kroodsma to Dean McCarthy, Biology Letters**

Dear Dean McCarthy:

As you perhaps know, I am an emeritus professor in your Organismal and

Evolutionary Biology graduate program.

Biology Letters has informed me that you supplied them with information that led them to dismiss my concerns about the research of Jeff Podos. I asked them for a copy of your report, but they have referred me to you (see copy of email below).

Could you please forward to me a copy of what you sent to Biology Letters?

Thank you.

Kind regards . . . Don Kroodsma

9/24/2015

**Dean McCarthy to Kroodsma and Biology Letters**

Dear Dr. Kroodsma,

I did not send anything to any journals, nor could I have done so legally. My communications with students, when I act in my capacity as Dean of the Graduate School, are student records covered by the Family Educational Rights and Privacy Act (FERPA).

John McCarthy

Senior Vice Provost for Academic Affairs and Dean of the Graduate School

Distinguished University Professor

[http://works.bepress.com/john\\_j\\_mccarthy/](http://works.bepress.com/john_j_mccarthy/)

[413-545-5271](tel:413-545-5271)

9/24/2015

**Kroodsma to Dean McCarthy, UMass Graduate School; and Biology Letters**

To John McCarthy, Dean of the Graduate School at UMass:

Thank you for your reply. I am clearly confused about a communication that Biology Letters received from a "Dean McCarthy" at UMass. I think there's only one Dean McCarthy at UMass, but perhaps not. I'm sorry to have taken your time on this. I hope Biology Letters can help clarify the confusion.

Kind regards. . . Don Kroodsma

To Surayya, at Biology Letters:

I am confused, and a little embarrassed that I bothered Dean McCarthy. I somehow misunderstood your email to me, about your statement that "Dean McCarthy should be able to provide these findings accordingly." He apparently knows nothing about this situation, and did not communicate with Biology Letters.

Please clarify how I can get a copy of the correspondence that you received.

Thank you.

Kind regards . . . Don Kroodsma

9/30/2015

**Kroodsma to Biology Letters**

Hello Surayya:

I am of course eager to obtain a copy of the University of Massachusetts institutional report regarding Goodwin and Podos (2014). To learn that Dean McCarthy knew nothing about this report, when you seemed to think that it came from him, is more than a little intriguing. Could I ask you to please clarify from whom this report came, or perhaps send me the report yourself?

Thank you.

Kind regards . . . Don Kroodsma

9/30/2015

**Biology Letters to Kroodsma**

Dear Donald,

Thank you for your email, and apologies for the delay in responding and any confusion

caused. The report findings were sent to me by the authors and this was signed off by the university review panel who investigated the case.

Following on from the email below and reading over the Dean's reasons for not sending on this information, I cannot send a copy of the findings on to you. I understand that this may be frustrating but I am conscious of the rules as laid out by the university. We have scrutinised the situation very carefully and are satisfied with the results of the investigation, and hope you understand our position on this matter.

Many thanks and best wishes,

Surayya

9/30/2015

**Kroodsma to Dean McCarthy, Biology Letters, Dean Goodwin**

Dear Dean McCarthy (copy to Biology Letters, and Dean Goodwin):

I am confronted with a most confusing, not to mention frustrating, set of circumstances.

Here is a small bit of the history:

With Biology Letters, I have exchanged emails over the past half year or so, pointing out that one of their published papers, that by Goodwin and Podos (2014), simply cannot be true, for a variety of reasons.

I told Biology Letters that they could forward any of my correspondence directly to Jeff Podos, with the understanding that Biology Letters would then share with me any response that they received. (I could not send anything directly to Podos because he has threatened me with criminal harassment charges if I try to communicate with him—a most bizarre circumstance in itself.)

Podos in turn supplied Biology Letters with the results of an “*institutional investigation*,” which Biology Letters summarized as follows: “*the authors’ institution have conducted a thorough independent investigation into this matter and deemed this to be a difference of scientific opinion, of the kind that is very common in this field and across all scientific research. We are satisfied with the rigour and findings of this institutional investigation . . .*”

When I asked Biology Letters for a copy of this letter, they referred me to a “Dean McCarthy”: “*Dean McCarthy should be able to provide these findings accordingly.*”

When I asked you for a copy of the findings, you wrote the following: “*I did not send*

*anything to any journals, nor could I have done so legally . . . ”*

So I returned to Biology Letters and asked them to help me understand what is going on. Their response: *“The report findings were sent to me by the authors and this was signed off by the university review panel who investigated the case . . . Following on from the email below and reading over the Dean’s reasons for not sending on this information, I cannot send a copy of the findings on to you . . . [as] . . . I am conscious of the rules as laid out by the university.”*

There are a host of comments I could and should make about the above, but I’m going to simply ask if you can get to the bottom of this and send to me a copy of this secret investigation, or authorize Biology Letters to do so.

Thank you.

Kind regards . . . Don Kroodsma

## **October 2015**

10/17/2015

**Kroodsma to Biology Letters, Dean Steve Goodwin, Dean John McCarthy, Rolf Karlstrom (Chair of Biology Department), Elizabeth Jakob (ABS, OEB)**

Dear Surayya, for Biology Letters (copies to University of Massachusetts, Amherst: Dean Steve Goodwin, Dean John McCarthy, Rolf Karlstrom as Chair of Biology Department, and Elizabeth Jakob as officer of Animal Behavior Society and faculty member in Organismic and Evolutionary Biology Graduate Program):

When I describe to my friends, both scientists and nonscientists, the circumstances surrounding Goodwin and Podos (2014, 2015), they are dumbfounded. For everyone, it is inconceivable that 1) the authors refuse to communicate with me or others about their work; that 2) instead they use the university police to threaten me with criminal harassment charges for trying to talk to them about their research; and that 3) they had a special university review panel submit a secret report to Biology Letters in their support. Secret! I am not allowed to see it, according to “university rules.” Everyone is incredulous, because everyone knows that’s not the way science is supposed to be done.



As for the University of Massachusetts special review panel that exonerated Goodwin and Podos, it does remain top secret. Dean Goodwin and Dean McCarthy at the University are unresponsive, and there's no way for me to know what has transpired. Let me briefly address that review and the panel here:

In addressing Goodwin and Podos (2014), my claims are quite simple:

Goodwin and Podos 1) knowingly 2) omitted reference to two, known biological facts about chipping sparrows 3) that would have fatally undermined 4) their story. (There are many other problems with that publication, but I will keep this simple.)

To exonerate Goodwin and Podos, the review panel would have to address the following issues:

1) *knowingly*: The university panel would have to claim that Goodwin and Podos did not know about the Ph. D. thesis and the research published in mainstream journals by another graduate student in their own Biology Department who worked on the same population of chipping sparrows that they did.

2) *omitted reference to two, known biological facts about chipping sparrows*: It is a fact, not easily refuted by any review panel, that there is no reference in Goodwin and Podos to the two known facts, on a) how chipping sparrows actually learn their songs from an adult tutor (trill rate cannot reflect male quality as assumed in Goodwin and Podos), and on b) how the birds use those songs competitively (not cooperatively as assumed by Goodwin and Podos) outside their daytime territories. References to these known facts are supplied in my attached document (“No team of rivals or coalitions in territorial sparrows”).

3) *would have fatally undermined*: All claims of Goodwin and Podos are false, because they are entirely at odds with what chipping sparrows actually do. For one of the known facts (on song learning), I explain fully in the attached document (“No team of rivals or coalitions in territorial sparrows”).

4) *their story*: Goodwin and Podos (2014) is truly a story, with no truth in it. By definition, it is “fiction” (definition from Merriam-Webster: “written stories . . . that are not real: literature that tells stories which are imagined by the writer”). How the story was generated is another matter, best left to another venue (addressed in part by Akcay and Beecher 2015). Goodwin and Podos (2014) was for me a “last-straw” story, as I had read many others over the years (excerpts from a longer review are in the attached document, “Podos and Performance Studies”), and I finally decided to

commit the effort to debunk it; little did I know the resistance I would face in doing so.

5) Furthermore, the review panel would need to dismiss as irrelevant the extreme efforts the authors have taken to avoid discussing their research (see attached file entitled “Podos and Criminal Harassment”). Using police to threaten criminal charges does not promote the kind of open dialogue that most scientists expect when searching for truths about how the world works. In fact, many scientific societies, such as the Animal Behavior Society (where Podos is, ironically, president-elect), explicitly address these matters in their “Ethics in Publishing” statement to authors:

Animal Behaviour publishes papers by scientists conducting research at locations around the globe . . . Professional integrity in the conduct and reporting of research is an absolute requirement of publication in the journal, as is a willingness to share information with other members of the scientific community. Consequently, as a condition of publication in Animal Behaviour, authors must agree both to honour any reasonable request for materials or methods needed to verify or replicate experiments reported in the journal and to make available, upon request, any data sets upon which published studies are based. Anyone who encounters a persistent refusal to comply with these guidelines, or has reason to suspect some other departure from acceptable standards of scientific conduct, should contact the appropriate Executive Editor (European or American) of the journal. The Executive Editors will act in accordance with the guidelines of the Committee for Publication Ethics (<http://www.publicationethics.org>) and may inform an author's institution of a purported infraction. Statements on scientific integrity by the Association for the Study of Animal Behaviour and Animal Behavior Society can be found at, respectively, <http://www.asab.org> and <http://www.animalbehaviorsociety.org>.

I challenge Dean John McCarthy, Dean Steve Goodwin, or anyone on the secret review panel to address these matters directly and openly, and tell us all that this is the way science is done at the University of Massachusetts. I realize that my message is rather inconvenient, as I address the scientific credibility of the head of one of their graduate programs at the university, one of their stars, and the president-elect of the Animal Behavior Society. But science isn't about convenience; it is about seeking truths about the natural world. The credibility of the review panel, and the University itself, is at stake here, and the word “cover-up” comes to mind; anyone who objects to that characterization is welcome to communicate with me and have a brief conversation about what is at stake here (I'm at 413-247-3367). I have always been open about my concerns, allowing Biology Letters to send any of my communications

directly to Podos himself (he is protected by police from my direct communication), with the understanding that Biology Letters would facilitate a dialogue; instead, however, “university rules” demand a one-way communication, that anything coming back from Podos is secret. The continuing effort to stifle all scientific discourse is extreme. The obvious question one must ask, of course, is “Why?”

Rather than try to answer that simple question, may I please ask you, Surayya, for Biology Letters, and in the interest of science alone, to rise above all that and reconsider your offer of 2 March this year? You wrote the following:

. . . you may wish to submit an online eletter. These are published alongside the online article and are more informal than comments. They are moderated in-house, sometimes with advice from the journal editorial board.

Using a single figure, and minimal text, I can show that the published articles by Goodwin and Podos (2014, 2015) are not true. I ask that you please consider publishing the attached as an online eletter (“No team of rivals or coalitions in territorial sparrows”).

Thank you for your consideration.

And, as I have in the past been completely open about my concerns, you are welcome to send this document directly to Podos and the University of Massachusetts. I will in fact copy the two Deans on this letter, and two other university personnel whom I suspect may have been part of the review panel (chair of the Biology Department, and a fellow officer of the Animal Behavior Society and member of the Organismic and Evolutionary Biology Graduate Program of which Podos is head).

Kind regards . . . Donald Kroodsma

10/22/2015 **Kroodsma to Biology Letters**

Hello Surayya:

Some day we will stop meeting like this; nothing personal, but I hope it's sooner rather

than later.

Thank you for telling me about the continuing problem with eLetter. I can be patient. Regarding Goodwin and Podos (2014), I am determined that science will prevail (understatement), and I would very much like Biology Letters to be part of the solution.

I should add a note here about the critique written by Akcay and Beecher (2015). I first alerted Beecher to the problems in Goodwin and Podos (2014), after which Beecher and his student submitted a critique to Biology Letters, without telling me (or acknowledging me). Hence my surprise in your and my correspondence earlier this year about who could possibly have submitted a critique before I did. Akcay and Beecher, unfortunately, devoted their critique to relatively unimportant matters (e.g., were the birds banded?), and didn't address the issues that unequivocally render Goodwin and Podos untrue. The weak critique allowed Goodwin and Podos to restate their false claims, in the guise of "this is just a small matter of difference in scientific opinion." That then is also the conclusion that you came to after receiving the secret report from the University of Massachusetts.

Regarding the institutional review, it seems most suspicious that Dean McCarthy at the University knows nothing about this review exonerating Goodwin and Podos (2014), yet you were under the impression that I could get a copy of the report from him. In fact, I wager that Podos himself wrote the institutional review. And why any institutional review would be necessary at all is a puzzle. Why can't Podos just respond directly to my questions about his work?

You and others at Biology Letters must also be more than a little puzzled by the use of university police and criminal harassment charges to protect Goodwin and Podos from inquiry about their work; the police in fact told me that I must tell the ~50 people I was corresponding with that none of them were allowed to contact Goodwin and Podos either. The blatant attempts at intimidation and secrecy are, to me, signs of desperation.

Perhaps you could allow me two questions:

1. Could you give me the name of another person from the University of Massachusetts who might be able to provide me a copy of the institutional investigation, or at least talk to me about it?
2. Would you, given all of the circumstances surrounding Goodwin and Podos, consider publishing my contribution as a regular critique instead of an eLetter? Then

we could be done with all this, and I will go away!

Thank you.

Kind regards . . . Don Kroodsma

10/23/2015 **Biology Letters to Kroodsma**

Dear Donald,

I'm afraid that I don't have another name from the university that could assist you with this. In addition, we have a policy of publishing only one comment on an article in Biology Letters and so cannot consider a critique from you. I do understand this is not ideal but I do hope you understand the journal's position in this matter.

Many thanks and best wishes,

Surayya

10/23/2015 **Kroodsma to Biology Letters**

Hello (again) Surayya:

Thank you for your response. In spite of my persistence on this matter, your replies have always been courteous and considerate and professional, and I thank you for that.

Yes, I know of and understand the policy of only one comment on an article, but given the (rather extraordinary) circumstances, I was hoping that maybe you'd accept a second comment.

My claims are about as serious as they come in science: The authors have fabricated a story by inventing (two) biological traits for their subjects that are well known not to exist. Then, without telling readers, they discard data that don't tell the story, selectively reporting only a few statistically significant tests gleaned from all possible tests, and do the statistics wrong, both initially (2014) and repeatedly after their errors have been pointed out (2015). The consequences for the scientific literature are the

same as if the authors had fabricated data from the outset, i.e., a literature of mistruths.

As I understand your email, the only name on the institutional review is that of Dean McCarthy, who claims to know nothing about any review. And the review was sent to you by the authors, or by Podos alone. The intrigue about this “independent” review deepens.

May I please ask one last question, and then I will go away for a while:

When you write “I don’t have another name from the university that could assist,” I take that to mean that the only name on the institutional review is that of Dean McCarthy. Could you please confirm my interpretation?

Thank you.

Kind regards . . . Don Kroodsma

10/28/2015

**Kroodsma to Biology Letters, and return**

Hello Surayya:

May I please ask you to confirm that Dean McCarthy's name is the only name on the document sent to you by Goodwin and Podos? It would also be helpful to know if his name appears in a letterhead only, or if his signature is on the page.

There seems to be considerable confusion at the University of Massachusetts about the institutional report sent to you by Goodwin and Podos.

Thank you.

Kind regards . . . Don Kroodsma

Dear Donald,

Apologies for the delay in contacting you. As the report was provided to us in confidence we are not able to provide these details, or any details of the contents of the report.

I am sorry that we cannot provide more assistance with this but hope you understand our position. We consider the matter now closed.

Many thanks and best wishes,

Surayya

Hello Surayya:

A most bizarre tale ends with your email, all shrouded in stonewalling and secrecy and charges of criminal harassment and all manner of attempts to stifle science discourse and cover up whatever needs covering. In the end, Science will Win, somehow, some place, and I am sorry that Biology Letters cannot be a part of that--there's nothing to be proud of for Biology Letters in this whole sordid affair.

## September 2016

9/9/2016

### **Kroodsma to Dean McCarthy, asking for clarification one more time**

9 September 2016

Hello Dean McCarthy:

The case on scientific and ethical conduct on the UMass campus is about to go very public, and one of the gaping holes in the record is your role in submitting a secret review to the journal Biology Letters. In an email to me, you said you had no role in sending anything to Biology Letters, yet Biology Letters says that your name is the only one they can give me for this matter.

Below is the letter I sent to you almost a year ago.

If you had nothing to do with this secret review panel, and the findings of this secret review panel were submitted by the authors (Podos and his student Goodwin) with your name on it, such that Biology Letters was swayed by Dean John McCarthy's participation, something is quite wrong here.

If you would like to clarify what has happened here, I would appreciate it. Details of the situation are provided in the September 2015 letter below.

I would appreciate if you could acknowledge receiving this email and, if you can't respond in any kind of detail soon, kindly tell me when you might have an answer.

Thank you.

Regards . . . Don Kroodsma

30 September 2015

Dear Dean McCarthy (copy to Biology Letters):

I am confronted with a most confusing, not to mention frustrating, set of circumstances.

Here is a small bit of the history:

With Biology Letters, I have exchanged emails over the past half year or so, pointing out that one of their published papers, that by Goodwin and Podos (2014), simply cannot be true, for a variety of reasons.

I told Biology Letters that they could forward any of my correspondence directly to Jeff Podos, with the understanding that Biology Letters would then share with me any response that they received. (I could not send anything directly to Podos because he has threatened me with criminal harassment charges if I try to communicate with him—a most bizarre circumstance in itself.)

Podos in turn supplied Biology Letters with the results of an “*institutional investigation*,” which Biology Letters summarized as follows: “*the authors’ institution have conducted a thorough independent investigation into this matter and deemed this to be a difference of scientific opinion, of the kind that is very common in this field and across all scientific research. We are satisfied with the rigour and findings of this institutional investigation . . .*”

When I asked Biology Letters for a copy of this letter, they referred me to a “Dean McCarthy”: “*Dean McCarthy should be able to provide these findings accordingly.*”

When I asked you for a copy of the findings, you wrote the following: “*I did not send anything to any journals, nor could I have done so legally . . .*”

So I returned to Biology Letters and asked them to help me understand what is going on. Their response: “*The report findings were sent to me by the authors and this was signed off by the university review panel who investigated the case . . . Following on from the email below and reading over the Dean’s reasons for not sending on this information, I cannot send a copy of the findings on to you . . . [as] . . . I am conscious*



*of the rules as laid out by the university.”*

There are a host of comments I could and should make about the above, but I'm going to simply ask if you can get to the bottom of this and send to me a copy of this secret investigation, or authorize Biology Letters to do so.

Thank you.

Kind regards . . . Don Kroodsma

9/12.2016

### **McCarthy explains secrecy**

Dear Dr. Kroodsma,

I consulted University counsel, who affirmed my belief that the federal Family Educational Rights and Privacy Act (20 U.S.C § 1232g) (b) (1) bars release. Under that statute an educational agency or institution may not release student education records (or personally identifiable information contained therein other than directory information) without the consent of the student. Given that you know the names of the students, any records I release would be personally identifiable, and therefore protected.

John McCarthy

9/12/2016

### **Kroodsma asks McCarthy more questions**

Hello Dr. McCarthy:

Thank you for your response.

There was another aspect to my questions that I had hoped you'd address.

Quite simply, can you answer the following questions?

1. Who wrote this secret communication that went to the journal Biology Letters?
2. Who submitted it to Biology Letters? (the journal says Podos did)
3. What role did you have in preparing or submitting this secret communication? At one point you said you "didn't send anything to any journals," but the journal says that you explained to them why the communication had to be secret. I don't understand how it can be both ways.

Thank you.  
Regards . . . Donald Kroodsma

9/13/2016 **McCarthy to Kroodsma—a most puzzling set of circumstances**

#1 and #2 – I have no idea.

#3 – None.

As far as I am concerned, this matter is now closed.

John McCarthy

Senior Vice Provost for Academic Affairs and Dean of the Graduate School

Distinguished University Professor

413-545-5271

9/13/2016 **Kroodsma to McCarthy: More on Secrecy**

Dear Dean McCarthy:

Let me summarize some information for you.

2014. Podos and his student Goodwin publish a paper in Biology Letters; I contend it has no truth in it, i.e., it is false. Further review shows a pattern of falsehoods by Podos and his students in papers over the previous decade.

2014, July to December. I request information from Podos and Goodwin about how they did their study. They refuse to answer, in violation of 1) the "Ethics in Publishing" for the Animal Behavior Society (of which Podos is president elect) and 2) the "Data Sharing" policy of the National Science Foundation, which funded their work.

2014, December. Podos threatens me with criminal harassment charges if I try to communicate with him about his research, thus preventing any dialogue with me about his work.

2015, September. Biology Letters refuses to communicate with me after receiving a secret communication from you, thus further shielding Podos and Goodwin from public inquiry about their work.

2016, September. You defend the secrecy by reference to the Family Educational Rights and Privacy Act (20 U.S.C § 1232g) (b) (1). You apparently chose to classify the document sent to Biology Letters as a "student educational record," thus absolving all responsibility for transparency about the communication, as a

result thwarting all scientific discussion. Because I know the name of the student coauthor with Podos (Goodwin), nothing can be released, because I would know the student to which the communication pertains, and therefore the communication is protected.

Huh? I assume your answer is intended to be serious, but how could anyone not think that you and your counsel are just being evasive, as Podos has been all along. I have studied this "Privacy Act." There is nothing in this Act that protects scientists from answering questions about their work from other scientists. There is nothing in this Act that shields published scientists from public scrutiny and questions about their work. *Nothing*.

I cannot understand why the University is protecting Podos and his student(s). In my opinion, his mockery of science is matched only by the mockery of oversight provided by university administrators.

I assume you have nothing more to say about this matter. There will be more to say, by others, I am sure, but I ask no more from you.

Regards . . . Donald Kroodsma